

Statement of the Honorable Rebecca F. Dye
Before the
Committee on Commerce, Science and Transportation
February 28, 2024

**Chair Cantwell, Ranking Member Cruz, Members of the
Committee, thank you for the opportunity to testify here today.**

**It is an honor to appear before you as renominated by President
Biden to serve as a Commissioner at the Federal Maritime
Commission. I welcome the opportunity, if confirmed, to
continue the important work of the Commission at this critical
time for the Nation's freight delivery supply chain.**

**I have been fortunate to serve with excellent colleagues at
the Commission during my tenure. Our current Chairman, Dan**

Maffei, is the best partner I could ask for as we carry out the responsibilities of the Federal Maritime Commission.

During the past five years at the Commission, I have been honored that my colleagues placed their trust in me to serve as Fact Finding Officer in two investigations to address major concerns of U.S. exporters and importers.

The first, Fact Finding 28, stemmed from a petition filed at the Commission by the Coalition for Fair Port Practices, a broad coalition of shippers and others concerned with detention and demurrage fees charged by ocean carriers, seaports, and marine terminal operators. I recommended, and the Commission approved, an approach to address detention and demurrage practices based upon a principle, the “incentive principle.” If cargo owners cannot be further incentivized to pick up cargo or

return equipment, no charge may be assessed. This “incentive principle” was embodied in a Commission rule. Though characterized as an interpretive rule, it is enforceable, and the Commission has moved forward with investigations and cases to enforce it. I am pleased to say that this effort is bearing fruit and changing behavior in the marketplace. I am gratified that OSRA 2022 recognized and ratified the interpretive rule and gives the Commission the opportunity to further clarify specific practices that would be unreasonable under the general incentive principle.

The second investigation, Fact Finding 29, “International Ocean Transportation Supply Chain Engagement”, was ordered to address problems in the U.S. supply chain caused by the COVID-19 pandemic. As a result of my investigation, I

recommended statutory and administrative changes to Congress and the Commission. I appreciate your support of the implementation of my statutory recommendations. The Commission is moving forward with the final Fact Finding 29 recommendations to address supply chain problems that occurred during the pandemic.

Most important among these recommendations is a new Commission “International Ocean Shipping Supply Chain Program” with dedicated personnel. Second, is the new FMC “Ocean Carrier Compliance Program”, including a new requirement for ocean common carriers, seaports, and marine terminals to employ an FMC Compliance Officer. Both recommendations have been implemented by the Commission.

If confirmed, I look forward to working with Chairman Maffei and my colleagues to maintain the professionalism of our flagship competition program among ocean carriers, seaports, and marine terminals; increase stakeholder outreach; and work with FMC Supply Chain Innovation Teams to craft clear and predictable commercial solutions to address supply chain bottlenecks.

I also pledge to work closely with the Members of this Committee to make our Nation's supply chain more dependable and responsive to the needs of American importers and exporters.

Thank you.