



U.S. DAIRY  
EXPORT COUNCIL



**NMPF**  
NATIONAL MILK  
PRODUCERS FEDERATION

## **Testimony of Tony Rice**

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*Pier Pressure: Regulation and Competition in Maritime Shipping*

Before the Subcommittee on the Administrative State, Regulatory Reform, and  
Antitrust of the Committee on the Judiciary

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## **Introduction**

Chairman Fitzgerald, Ranking Member Nadler, and members of the subcommittee, thank you for the opportunity to testify before you today on the maritime supply chain challenges faced by the U.S. dairy industry.

My name is Tony Rice, and I serve as the senior director of trade policy for the U.S. Dairy Export Council (USDEC) and the National Milk Producers Federation (NMPF). In this role I work to develop, implement and communicate policies that promote U.S. dairy exports, pursue the repeal of policies that impede those exports and address foreign barriers to U.S. dairy sales. I also lead supply chain policy development for both organizations.

USDEC is a non-profit, independent membership organization representing the global trade interests of U.S. dairy farmers, dairy processors and cooperatives, dairy ingredient suppliers and export trading companies. Our mission is to enhance U.S. global competitiveness and assist the U.S. industry to increase its global dairy ingredient sales and exports of U.S. dairy products. USDEC and its 130 member companies are supported by staff in the United States and overseas in Mexico, Central and South America, Asia and the Middle East and North Africa.<sup>1</sup>

NMPF develops and carries out policies that advance the well-being of dairy producers and the cooperatives they own. The members of NMPF's cooperatives produce two thirds of the U.S. milk supply, making NMPF the voice of dairy producers on Capitol Hill and among government agencies. NMPF provides a forum through which dairy farmers and their cooperatives formulate policy on national issues that affect milk production and marketing. NMPF's contribution to this policy is aimed at improving the economic landscape of dairy farmers, thus assuring the nation's consumers an adequate supply of pure, wholesome, and nutritious milk and dairy products.<sup>2</sup>

America's dairy farmers depend on reliable access to global markets, with roughly 17 percent of production reaching international customers last year.<sup>3</sup> While the North American market is our most important destination, a growing volume of our exports reach customers overseas via oceangoing vessels. Yet that system is dominated by a small number of foreign-owned ocean carriers that control a large share of global container capacity.

Many of these carriers coordinate vessel deployments, sailing schedules, and network capacity through cooperative agreements. While these arrangements may create operational efficiencies, they also raise important questions about competition, transparency, and fair access to transportation for American exporters.

Our members regularly report difficulty securing vessel space, shipments being rolled to later sailings, and containers leaving U.S. ports empty while export cargo remains on the dock. For agricultural exporters, these disruptions can mean missed delivery windows, lost contracts, and damage to long-term relationships with overseas customers.

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<sup>1</sup> U.S. Dairy Export Council, "About Us," U.S. Dairy Export Council, <https://www.usdec.org/about-us>

<sup>2</sup> National Milk Producers Federation, "About Us," National Milk Producers Federation, <https://www.nmpf.org/about/about-nmpf/about-us/>

<sup>3</sup> U.S. Dairy Export Council, "News Release," February 13, 2026, <https://www.usdec.org/newsroom/news-releases/news-releases/news-release-2/24/2026>

The United States is one of the world's leading dairy exporters, yet we rely almost entirely on foreign-owned carriers to move our containerized exports. That makes it especially important that the market functions fairly and exporters have reliable access to global transportation networks.

### **Background on Dairy Exports**

Exports are extremely important to the U.S. dairy industry. Last year the United States exported \$9.6 billion in dairy products worldwide, or three million metric tons of products in the form of cheese, milk powders, whey proteins and a variety of other dairy ingredients.<sup>4</sup> Those sales play an indispensable role in supporting the health of America's dairy farms as well as the manufacturing jobs of dairy processors. Impairing export sales therefore harms not only farmers, but the communities that they support.

U.S. dairy exports are poised to continue their growth trajectory, with rapidly increasing demand in overseas markets like Japan, South Korea, Australia, Southeast Asia and Latin America. The wide range of dairy products we export, from cheese that requires refrigerated or "reefer" containers to whey products and dry ingredients shipped at ambient temperatures, reflects the diversity of the U.S. dairy industry's offerings. Our international customers view U.S. dairy products as reliable sources of quality, consistency, and variety. That reputation is built on the high standards under which the U.S. food system operates, including rigorous food safety, handling, and traceability requirements.

Because of those standards, maintaining product integrity throughout the global supply chain is critical. Many dairy products are sensitive to handling conditions and transit times, and refrigerated products in particular depend on an unbroken cold chain from processing plant to end customer, even if they are on the other side of the globe. When shipping disruptions occur, they do not just create logistical problems and cost, they risk compromising product quality and eroding the confidence that overseas customers place in U.S. dairy products.

With over two thirds of exports shipped overseas via intermodal shipping container versus land transportation, dairy exporters require a maritime industry that provides timely, reliable transport to maintain high food quality and safety standards and to meet delivery commitments. Efficient port operations, container availability and predictable transit times allow shippers to move large volumes competitively and fulfill contracts with international buyers. Disruptions such as shipping delays, rolled bookings, blanked sailings or container shortage increase costs, threaten product quality and undermine the reliability that global dairy markets depend upon. Limited competition within the ocean carrier industry and unexpected fee hikes compound the issues for an industry that already operates on thin margins.

The global dairy market is highly competitive due to these thin margins. American dairy exporters have had to constantly work to earn our global customers, and our members strive to maintain these trade relationships. Shipping delays frustrate these efforts and result in our customers facing delays when receiving the dairy products they order from American dairy producers.

Unfortunately, U.S. dairy exporters understand these challenges all too well. The supply chain crisis just a few years ago cost the dairy industry billions in added costs and lost international customers.

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<sup>4</sup> U.S. Dairy Export Council, "News Release," February 13, 2026, <https://www.usdec.org/newsroom/news-releases/news-releases/news-release-2/24/2026>

The issue was exacerbated by extremely limited shipping options, port congestion and a highly unpredictable ocean shipping market. While the worst of the volatility has abated since the height of the crisis, the underlying challenges and threats remain.

### **Shipping Industry Consolidation**

To reach our global customer base, U.S. dairy manufacturers have virtually no options other than to rely on foreign-flagged vessel operating common carriers (VOCCs). With the U.S. flagged oceangoing fleet representing only 2.3 percent of global shipping capacity by deadweight tonnage,<sup>5</sup> shipments to Asia, Latin America and the Middle East, among other routes, are wholly dependent upon foreign entities to transport U.S. dairy products.

The global container shipping industry has undergone significant consolidation over the past two decades. Today, less than a dozen major global ocean carriers dominate the container shipping sector, and most operate within three large carrier alliances that coordinate vessel capacity and service networks. Alliances coordinate vessel scheduling, port terminal access, and container and chassis availability, all of which impact our exporters' delivery schedules, drayage costs and shipping prices. While these alliances can create operational efficiencies for carriers, this also means that exporters have fewer options when selecting shipping services. Under the Shipping Act, carriers are exempt from American antitrust laws in order to allow them to enter into these alliance agreements, while rate setting and marine terminal operations are not covered by this exemption.<sup>6</sup>

Recent consolidation activity involving two major carriers illustrates the continued concentration within the container shipping industry. As the number of independent carriers declines, exporters face fewer choices when selecting VOCCs and less leverage when negotiating shipping rates and service terms across key trade lanes.

Another factor at play is the effect of significant investments in new vessel capacity made in response to the disruptions of the last global shipping crisis, which has resulted in excess capacity for some carriers. Rather than lowering rates or increasing service frequency, which would be typical market behavior, alliances have at times sought to constrict vessel supply by cancelling or "blanking" sailings to raise vessel utilization, which impacts shipping and vessel schedules and reduces available shipping options and flexibility for exporters.<sup>7</sup> Despite this excess capacity, several major carriers have also proposed General Rate Increases of up to \$1,000 per container to recover investments and improve profitability, creating additional cost pressures for dairy exporters that rely on competitive and reliable ocean transportation.<sup>8</sup>

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<sup>5</sup> U.N. Trade and Development, Review of Maritime Transport 2023 at Tables 2.5 & 2.6.

<sup>6</sup> 46 U.S.C. § 40307

<sup>7</sup> Parisi Grand Smooth Logistics, "The Return of Blank Sailings: How Carrier Alliances Are Managing Overcapacity in 2025", September 17, 2025, <https://pgs-log.com/the-return-of-blank-sailings-how-carrier-alliances-are-managing-overcapacity-in-2025/>

<sup>8</sup> Journal of Commerce, "Carriers try new rate hike on Asia-Latin America, but fresh capacity provides headwind", February 3, 2026, <https://www.joc.com/article/carriers-try-new-rate-hike-on-asia-latin-america-but-fresh-capacity-provides-headwind-6163541>

## **Improving America's Shipbuilding Capacity**

USDEC and NMPF support efforts to strategically invest in the domestic maritime sector, including enhancing capacity for American shipbuilding. Expanding domestic shipbuilding capacity can strengthen the resilience, security, and long-term stability of the United States' supply chains by offering exporters like our members more options.

As we learned during the last ocean shipping crisis, foreign-based carriers have no fealty to American shippers, and it was clear that the plight of our exporting members was generally not their concern. American-flagged ocean carriers, backed by industrial policy and government support, should be more export- and domestic customer-focused. A stronger American maritime industrial base can complement existing global shipping networks and help ensure that dairy exporters have dependable transportation services to serve international markets and increased options when selecting among ocean shipping carriers.

The Administration's plans to revitalize the United States' shipbuilding capacity through investments in upgrading and modernizing shipyards and updating infrastructure is a much-needed step in the right direction.<sup>9</sup> The use of grants, financing and public-private partnerships would incentivize increased domestic production of merchant vessels to grow oceangoing capacity and expand the currently limited set of options available to U.S. dairy exporters. Similarly, proposals to "leverage economic diplomacy and the Agreement on Reciprocal Trade (ART) Framework" to drive foreign direct investment are appropriate methods of bolstering the U.S. shipbuilding industry.

In addition to incentives, Congress should consider how permitting reform can hasten new capacity at shipbuilding yards and build relationships with material providers to ensure that steel and other inputs can be readily supplied. However, it would also be important to assure that American vessel construction can be globally competitive, which may include steps toward encouraging more foreign investment, adopting automation and implementing reasonable labor policies.

NMPF and USDEC also support investment in mariner workforce education and training through recruitment and retention incentives, streamlined credentialing, increased funding for Centers of Excellence for Domestic Maritime Workforce Training and Education and modernization of the Merchant Marine Academy to build America's maritime workforce, just to name a few initiatives to enhance the United States' shipbuilding labor force.

Conversely, U.S. dairy exporters are very concerned that foreign ocean carriers are likely to pass through costs associated with proposed port fees on non-U.S. flagged vessels, a measure intended to penalize the use of foreign owned, operated, or flagged ships. For example, USDEC estimates that penalties proposed as a result of the U.S. Trade Representative's Section 301 investigation into China's maritime dominance could increase shipping costs by as much as \$500 per container transiting on Chinese-owned and -operated vessels and an additional \$120 per container on a Chinese-built vessel after a three year phase-in period. Over one-fifth of international carrier vessels calling on American ports were Chinese-made, and over 50 percent of global vessel orders

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<sup>9</sup> The White House, Restoring America's Maritime Dominance, Maritime Action Plan, February 2026, <https://www.whitehouse.gov/maritimemight/>

in 2025 went to Chinese shipbuilders.<sup>10</sup> Consequently, options to avoid use of Chinese-built vessels is increasingly limited.

Although the Administration has paused implementation of these fees until November 2026, the potential cost impacts remain a significant concern for U.S. dairy exporters operating on thin margins and facing intense global competition. While some carriers have indicated they do not intend to pass these fees directly on to shippers, nothing prevents VOCCs from incorporating such fees into broader rate increases or surcharges. In practice, these additional costs would ultimately be borne by exporters, reducing the competitiveness of U.S. dairy products in international markets as other major dairy suppliers, namely the European Union and New Zealand, would not face similar charges.

In a normal supply environment, additional fees would incentivize dairy and other exporters to select U.S.-flagged VOCCs instead. Unfortunately, these options are unavailable and U.S. dairy exporters have little to no other choice than to contract with carriers belonging to one of three foreign-controlled alliances and likely assume responsibility for any penalty fees. NMPF and USDEC strongly urge the U.S. government to meaningfully invest in U.S. shipbuilding capacity while carefully evaluating the effects of penalties on U.S. agricultural exporters.

Beyond financial incentives and investments, the U.S. dairy industry supports the Administration's efforts to strengthen the nation's maritime sector through regulatory reform and streamlined permitting that can accelerate investment in shipbuilding, port infrastructure, and maritime supply chains. The Administration's maritime strategy recognizes that rebuilding U.S. maritime capacity will require modernizing government processes, improving interagency coordination, and reducing unnecessary regulatory barriers that delay critical projects. Streamlined regulatory processes can help accelerate shipyard modernization, infrastructure development, and private investment while maintaining appropriate oversight.

### **Lessons from the Supply Chain Crisis**

The global ocean freight system experienced significant disruptions beginning in 2020, as the COVID-19 pandemic exposed and intensified structural imbalances in international shipping networks. Surging consumer demand, uneven trade flows, and severe port congestion strained the container shipping system and disrupted normal cargo movements. These conditions created widespread challenges for exporters across the U.S. economy, including the dairy sector, as shippers faced limited container availability, port congestion, unpredictable vessel schedules, cancelled sailings, escalating surcharges, and the inconsistent application of detention and demurrage fees.

For U.S. dairy exporters, these disruptions had substantial economic consequences. In 2021 alone, USDEC estimated that more than \$1.5 billion was lost due to missed sales opportunities, reduced product values, and sharply higher transportation costs associated with unreliable shipping services. Beyond the immediate financial impacts, the instability of ocean transportation networks also threatened long-term commercial relationships with overseas buyers. In some cases,

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<sup>10</sup> Office of the United States Trade Representative. (2025). Report on China's targeting of the maritime, logistics, and shipbuilding sectors for dominance  
<https://ustr.gov/sites/default/files/enforcement/301Investigations/USTRReportChinaTargetingMaritime.pdf>

international customers turned to alternative suppliers in other countries as confidence in the reliability of global supply chains to deliver American products on time declined.

The challenges created by these disruptions also raised significant operational risks for exporters of perishable products. Delayed vessel bookings and cancelled sailings increased the likelihood of spoilage for time sensitive dairy shipments, while extended storage times at ports and warehouses added additional costs. Exporters were often forced to absorb higher drayage expenses and other logistics costs as they attempted to manage these delays and find alternative shipping options.

Illustrating the challenges, one dairy exporter described a shipment that had its booking rolled so many times that it ultimately departed on the same vessel on which it had originally been scheduled to sail—only after that vessel had completed a round trip to Asia. Another member company resorted to air cargo to deliver their cheese products to a long-standing customer, taking on significant costs to maintain this sales relationship, even if it was at a loss, all to overcome the broken international ocean shipping system.

### **Ongoing Challenges**

While the *Ocean Shipping Reform Act of 2022* (OSRA) resolved several issues, including exporters being charged untenable detention and demurrage fees incurred for factors outside of their control, many underlying issues remain. This includes ocean carriers blanking sailings and opting to forego stops at certain ports, which adds costs and inefficiencies for U.S. dairy exporters. Moreover, ever-shifting Earliest Receiving Dates (ERD) are a moving target, with exporters recording up to five ERD changes for a single booking. The changes are frequently not proactively notified to exporters, requiring shippers to log in electronically on a recurring basis to ensure that the receiving window has not moved. This creates compounding issues for U.S. dairy exporters shipping out of the Midwest who are attempting to meet a moving target.

Frequently changing ERDs and cargo cut-off deadlines all compound to make booking logistics an ongoing struggle for exporters. Because these milestones move so often, logistics teams are forced to react at the last minute, making reliable planning nearly impossible. The result is missed vessel sailings, unexpected costs, and dissatisfied consignees who experience delays and uncertainty. It is difficult to reconcile ocean vessels leaving U.S. ports with a large volume of empty containers while U.S. dairy exports are frequently left behind due to a rolled booking.

Another concern is the persistent issue of ocean carrier schedule reliability and the limited accountability for its consequences. Throughout 2024, global on-time performance hovered around roughly 53–59 percent.<sup>11</sup> Conditions improved somewhat in 2025, with reliability reaching 66 percent.<sup>12</sup> Even with this improvement, our members report that only about half to two-thirds of vessels arrive as scheduled, and the strongest carriers achieve reliability rates only in the mid-70 percent range.

While receiving windows move for a variety of reasons, including port congestion or weather delays, the issue is exacerbated by an increasingly consolidated ocean carrier industry that incorporates a

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<sup>11</sup> Sea-Intelligence. (2025, January 28). *2024 schedule reliability largely within 50–55%*.

<https://www.sea-intelligence.com/press-room/307-2024-schedule-reliability-largely-within-50-55>

<sup>12</sup> Magli, D. (2025, July 8). *Global carrier schedule reliability hits 18-month high*. Port Technology International.

<https://www.porttechnology.org/news/global-carrier-schedule-reliability-hits-18-month-high/>

greater number of ports in a rotation. For example, if a vessel servicing six ports in a rotation experiences a delay at a single location, that slowdown can create a cascade of delays across an entire network for weeks. With limited competitors in the ocean shipping market, alternatives are frequently unavailable.

Exporters face significant uncertainty when ocean carriers reject bookings, roll containers to later sailings, or change vessel schedules and receiving windows. In many cases, exporters receive little or no explanation for these decisions. A perishable dairy shipment may be confirmed and prepared for export, only to be rolled shortly before departure or shifted to a different vessel. ERDs may also move with limited notice, forcing exporters to quickly adjust inland transportation, storage, and staging plans. These changes are particularly difficult for exporters moving product from the Midwest by rail, where shipments must be planned days in advance and cannot easily be delayed or rerouted once they are moving through the rail network.

More broadly, the market lacks basic transparency and accountability mechanisms around these operational decisions. Exporters typically have little visibility into how carriers allocate capacity, why certain bookings are rejected, or what drives schedule changes and ERD shifts. Without clearer information, exporters are left to absorb the costs and uncertainty associated with disruptions they cannot anticipate or explain. For rail-served exporters located far from coastal ports, these disruptions can create additional costs and delays as containers arrive too early, miss receiving windows, or must be held or repositioned while waiting for a later sailing.

One solution to alleviating this issue is for exporters to secure land to store containers near a terminal that can be quickly moved when a receiving window opens. Currently local ordinances frequently prohibit drayage trucks and equipment from parking in a given municipality, limiting options, which in turn leads to delays, missed appointments and added costs.<sup>13</sup> Public-private partnerships to designate container yards close to a port could provide dairy and agricultural exporters with adequate space to store shipments while awaiting a receiving window to open. With high port congestion and limited storage options, having additional space to temporarily store containers would provide one means of mitigating ever-changing ERDs and cutoff dates.

Pursuing redress for lost shipping slots is cumbersome and time-consuming with little opportunity for a sufficient restitution. Foreign customers rely on timely shipments, forcing buyers to consider alternative dairy suppliers when shipping disruptions mount. This has ripple effects down to the farm level, as lost sales opportunities have a direct impact on U.S. dairy farmers' milk checks.

While the Federal Maritime Commission (FMC) has enabled an easier and more efficient complaint filing process, it remains a legal process that many shippers are unfamiliar with or express difficulty in navigating the dispute system. Bringing challenges to the ocean carriers, on whom our shippers are dependent, remains a daunting effort. The FMC may consider better outreach to ensure American exporters are familiar with their procedures and process for filing claims, when appropriate. The FMC may also consider broadening methods by which complaints can be brought by a class, which would allow individual shippers to pool their complaints against certain carriers and spread the cost, risk and effort among them.

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<sup>13</sup> American Journal of Transportation, "Port of NY/NJ faces truck parking space shortage", October 27, 2025, <https://www.ajot.com/premium/ajot-port-of-ny-nj-faces-truck-parking-space-shortage>

Further, while the challenges faced during the ocean shipping crisis with respect to access to shipping equipment (including chassis, containers, and reefers in particular), has declined, it has not gone away. Shippers still rely on foreign-owned carriers to make containers and chassis available and to deliver the equipment, which continues to be inconsistent. This is particularly a challenge for exporters located in the Midwest, as export equipment supplies are frequently short and VOCCs are not motivated to move equipment inland far from the coasts.

Ocean carriers maintain control of containers and set limits on the availability and use of chassis, which adds to costs and constrains trucking, drayage and scheduling options for export shippers. The question of chassis control by the carriers has been the subject of litigation by the American Trucking Association, and more recently, the FMC launched an investigation into whether the ocean carriers were unjustly and unreasonably restricting truckers and shippers from their choice of chassis providers.<sup>14</sup> The investigation is indicative of a larger concern of foreign-owned ocean carriers increasingly controlling additional parts of the supply chain, including intermodal containers, chassis and logistics platforms.

While detention and demurrage charges incurred outside of a dairy shippers' control have mostly been limited due to OSRA, dairy shippers still report occasionally facing charges that result from unexpected rolls and/or blanked sailings. This adds additional costs to drayage providers for the planned equipment due to delayed or cancelled vessels. As noted previously, while there is an established FMC process for disputing the charges, exporters note that it takes time and resources to file a claim, which is not always successful.

Compounding the challenges is a jurisdictional gap between the Surface Transportation Board and the FMC regarding storage fees applied to intermodal containers destined for export travelling via rail to ocean ports. While OSRA prohibited carriers from charging exporters for detention and demurrage fees for factors beyond their control, there is ambiguity regarding the fees when accrued at a railyard. Several dairy exporters note that they will occasionally receive a rail storage bill directly from a carrier when a booking is rolled or delayed, despite booking the consignment through a third-party logistics manager. NMPF and USDEC encourage Congress to provide clarity on the jurisdiction under which rail storage fees fall.

While tangential to the focus of the hearing, export supply chain security is an ongoing challenge for several dairy exporters. Dairy processors based in the Midwest shipping intermodal containers via rail to West Coast ports have been experiencing container break-ins at some point in the transit. Organized crime groups will break into a string of railcars in search of high value retail goods, with dairy products becoming collateral damage. Broken container seals require exporters to return the consignment back to the point of origin at their own cost with little to no recourse for insurance coverage. When criminals are apprehended, rail security forces indicate that there is typically insufficient legal recourse to ensure prosecution. NMPF and USDEC strongly encourage Congress to support efforts to ensure (1) law enforcement receives adequate resources to effectively police the issue and (2) offenders are held accountable.

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<sup>14</sup> Federal Maritime Commission, "FMC Launches Investigation of Ocean Common Carriers' Practice and Restrictions on Chassis Usage", January 26, 2026, <https://www.fmc.gov/articles/fmc-launches-investigation-of-ocean-common-carriers-practice-and-restrictions-on-chassis-usage/>

## **Conclusion**

The challenges facing U.S. dairy exporters in the maritime supply chain reflect deeper structural issues in the global container shipping market. Continued consolidation among ocean carriers has reduced the number of independent service options available to exporters and increased the importance of fair, transparent market practices. At the same time, exporters still face operational uncertainty when bookings are rejected, containers are rolled, vessel schedules change, or receiving windows shift without explanation. Greater transparency around booking decisions, capacity allocation, and schedule changes would help restore confidence that the system is functioning fairly and allow exporters to plan shipments with greater certainty. A functioning competitive market should lower costs and improve reliability for exporters.

The FMC must also remain vigilant in its oversight of the international ocean carrier marketplace, and to continue to assess the impact of alliances and consolidation on American exporters and their shipping options. We support its investigation into chassis availability, and we urge the FMC to also assess the need to similarly review container availability. The tendency of alliances and carriers to blank sailings should also be a topic on which the FMC should be collecting data and investigating.

For a dairy farmer in Wisconsin, these supply chain issues are not abstract policy concerns. Export sales play an important role in supporting the price farmers receive for their milk. When export shipments are delayed, cancelled, or become more expensive to move, those disruptions ripple back through the supply chain and ultimately affect farm income. Missed sales opportunities and higher transportation costs can weaken the competitiveness of U.S. dairy products in overseas markets, reducing demand that American farmers depend on to sustain their operations and support rural communities.

We recognize the importance of efficient global shipping networks. Our concern is ensuring that those networks work for American dairy exporters as well as they work for global carriers. At the same time, the United States should pursue policies that strengthen its own maritime capabilities. Strategic investment in domestic shipbuilding capacity, workforce development, and maritime infrastructure can help expand long term transportation options for American exporters. Streamlining permitting and reducing unnecessary regulatory barriers in the shipbuilding industry will also be important to accelerate investment and modernization across the maritime sector. These steps can help build a stronger and more resilient U.S. maritime industrial base while supporting the competitiveness of American exporters.

I appreciate the opportunity to provide comments on these important issues to this subcommittee. Thank you.