

US Congress keeps distance from ILWU-PMA labor talks

[Mark Szakonyi, Associate Managing Editor](#) | Jan 08, 2015 3:02PM EST

WASHINGTON — Rep. Janice Hahn, the California Democrat who co-founded and co-chairs the Congressional PORTS Caucus, this week told her colleagues that the International Longshore and Warehouse Union and West Coast waterfront employers reaching a labor contract was essential to the U.S. economy.

For shippers and transportation providers frustrated with long delays caused by alleged ILWU slowdowns at U.S. West Coast ports, Hahn's comments on the House floor were hardly surprising. For many on Capitol Hill, however, West Coast port congestion is barely a blip on the radar, reflecting not only Congress's limited ability to assist in the talks, but also how low a priority the issue ranks for the majority of legislators.

"You certainly have shipper groups such as the (National Retail Federation) banging the drum but that is still pretty low-level," said a veteran D.C. executive involved in the maritime industry. "No one is coming into this new Congress thinking, 'I have to deal with this.'"

The dearth of public pressure on the federal government to get both sides to iron out a contract also has helped keep the [Obama administration on the sidelines](#). Granted, neither Congress nor the president could have called in federal mediators to aid negotiations, because the Federal Mediation and Conciliation Service only joins the table at the invitation of both parties. The ILWU did that this week, following an identical request from the PMA in late December.

Still, the limited attention the contentious negotiations and broader port congestion have received within the Beltway speaks somewhat to the disconnect between the freight industry and Washington. Legislators also are staying out of the fray because it's unclear what the obstacles are to reaching a deal, the maritime executive said.

"You can't expect D.C. to get in the middle of it when no one has articulated why there is no agreement," he said.

And, with the ILWU denying it's engaging in slowdown tactics and there being plenty of other factors contributing to port congestion — including rapidly growing volumes and chassis dislocation — few, if any, legislators want to risk taking sides. West Coast legislators, the majority of whom are Democrats with close ties to unions, don't want to risk angering their more liberal base at the expense of scoring points with business interests, or vice versa, Jock O'Connell, a California-based international trade economist, told [JOC.com](#).

It's a delicate balance for legislators. Hahn last weekend attended a rally at an ILWU local in Southern California, where she sympathized with workers' lack of a contract and urged them not to strike. Hahn told [JOC.com](#) that she was concerned that the PMA wasn't putting the "right people at the table."

ILWU President Robert McEllrath in late December challenged ocean carrier executives to be more involved in the negotiations. The PMA countered that "board and coast committee members, who represent carriers and terminal operators, have been intimately involved in these

negotiations.” At the same time, Hahn also expresses sympathy for businesses that depend on moving goods efficiently through the Los Angeles-Long Beach port complex.

The murkiness of contract negotiations and political risk has left legislators with few avenues other than to write letters to the heads of the ILWU and PMA urging them to stay at the table and forge a deal. The Congressional PORTS Caucus, a bipartisan group of 90 members of Congress, on Wednesday sent a letter to the heads of the ILWU and PMA expressing its concern with how long talks have lasted and reminding both sides that the caucus is watching closely.

“We will continue to monitor this situation closely and urge both sides to reach a mutually acceptable resolution,” Hahn and Rep. Ted Poe, R-Texas, her co-chair of the ports caucus, wrote to McEllrath and James McKenna, the PMA’s chairman and CEO. “We stand ready to assist in any way to bring matters to a sustainable resolution and to move talks forward for the good of our ports, workers and businesses across our country.”

Although many individual business owners are feeling pain from port congestion, the impact on the total U.S. economy has been more of a “kick in the shins,” O’Connell said. That’s partly the reason Congress and the Obama administration haven’t given West Coast port congestion as much attention as shippers, carriers and ports would have hoped, he said.

So what would it take for more members of Congress to get more involved, both publicly and through back channels? A supply chain disruption that average Americans would feel, O’Connell said. Before the holidays, retailers warned that American children might not be able to get their favorite toy because of port delays, but that didn’t happen, he said. A Trader Joe’s store in Sacramento that O’Connell visited recently was out of Dijon mustard from France. “But that didn’t motivate me to write my congressional representatives,” he said.

National media has drawn sporadic attention to West Coast port woes, but the likes of MSNBC, CBS and CNN haven’t elevated the issue by covering port congestion and the seemingly stalled ILWU-PMA talks on a daily basis. Aside from a few stories from Politico and CQ Roll Call, well-read D.C. political publications, the Beltway press has largely ignored the issue, as well.

Considering the limited D.C. exposure longshore labor negotiations have received in a time of crisis, there’s little chance Congress will work to put longshore labor agreements under the [purview of the Railway Labor Act](#), a move supporters say would reduce the threats of labor slowdowns and lockouts. Douglas Holtz-Eakin, president of the American Action Forum, a center-right policy institute, told [JOC.com](#) that passing legislation to put ports under the same law governing rail and airline industry would be a “big-lift.” Holtz-Eakin, a former director of the Congressional Budget Office, can’t recall any legislative language calling for such a change introduced in Congress.

That may be disheartening to shippers and transportation providers who don’t want to see another drawn-out longshore negotiation in their lifetime, but at least Congress is more in tune with port issues than in the past. The passage of the Water Resources Reform Development Act, which included measures aimed at reforming port funding, is the best example of legislators’ growing realization of the importance of ports to the U.S. economy, Hahn said.

But for most Americans and the national media, ports are “not that sexy of an issue,” she said. “I don’t go on MSNBC to talk about ports.”

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