

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3395
OFFERED BY MR. AUCHINCLOSS OF
MASSACHUSETTS**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “U.S. Supply Chain
3 Security Review Act of 2023”.

4 SEC. 2. STUDY ON FOREIGN PORTS.

5 (a) IN GENERAL.—Not later than 90 days after the
6 date of enactment of this Act, the Chairman of the Fed-
7 eral Maritime Commission shall seek to enter into an
8 agreement with a federally funded research and develop-
9 ment center to evaluate how foreign ownership of marine
10 terminals at the 15 largest United States container ports
11 affects or could affect United States economic security.

12 (b) CONTENTS.—In carrying out the study under
13 subsection (a), the center selected under such subsection
14 shall—

15 (1) consider—

16 (A) changes in ownership of the 15 largest
17 United States container ports over the past 10

1 years as well as announced ownership changes
2 from 2023 and 2024;

3 (B) instances of ownership in individual
4 marine terminals and cumulative ownership by
5 Chinese or Russian entities or nationals;

6 (C) instances of ownership in individual
7 marine terminals and cumulative ownership by
8 any foreign entity;

9 (D) the amount of—

10 (i) Port Infrastructure Development
11 Grant funds since fiscal year 2018 that
12 have gone to ports and marine terminals
13 that are owned wholly or partially foreign
14 owned; and

15 (ii) Port Security Grant funds since
16 fiscal year 2003 that have gone to ports
17 and marine terminals that are owned whol-
18 ly or partially foreign owned; and

19 (E) where ownership exists, a detailed de-
20 scription of foreign operational control includ-
21 ing both affirmative and negative control; and

22 (2) offer recommendations on—

23 (A) policies by ports and marine terminal
24 operators to prevent excessive foreign ownership

1 that could threaten United States economic se-
2 curity;

3 (B) whether ownership affords the foreign
4 owner access to operational technology and in-
5 formation unique to the United States and oth-
6 erwise unavailable; and

7 (C) whether foreign ownership has or could
8 affect the supply chain and policies related to
9 the prioritization of certain cargoes.

10 (c) REPORT.—Not later than 1 year after the initi-
11 ation of the evaluation under subsection (a), the Chairman
12 of the Federal Maritime Commission shall submit to the
13 Committee on Commerce, Science, and Transportation of
14 the Senate and the Committee on Transportation and In-
15 frastructure of the House of Representatives the results
16 of such evaluation.

