

## Union Calendar No.

118<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1836

[Report No. 118-]

To amend title 46, United States Code, to make technical corrections with respect to ocean shipping authorities, and for other purposes.

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### IN THE HOUSE OF REPRESENTATIVES

MARCH 28, 2023

Mr. JOHNSON of South Dakota (for himself and Mr. GARAMENDI) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

JUNE --, 2023

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italics]

[For text of introduced bill, see copy of bill as introduced on March 28, 2023]

# **A BILL**

To amend title 46, United States Code, to make technical corrections with respect to ocean shipping authorities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Ocean Shipping Reform*  
5 *Implementation Act of 2023”.*

6 **TITLE I—FEDERAL MARITIME**  
7 **COMMISSION**

8 **SEC. 101. PURPOSES.**

9 *Section 40101 of title 46, United States Code, is*  
10 *amended—*

11 *(1) in paragraph (1) by striking “with” and all*  
12 *that follows through “regulatory costs”;*

13 *(2) in paragraph (2) by striking “in the ocean*  
14 *commerce of the United States” and inserting “for the*  
15 *common carriage of goods by water in the foreign*  
16 *commerce of the United States”;*

17 *(3) in paragraph (3) by striking “and” at the*  
18 *end;*

19 *(4) in paragraph (4)—*

20 *(A) by striking “promote” and inserting*  
21 *“support”; and*

22 *(B) by striking “, and” and all that follows*  
23 *through the period and inserting “; and”; and*

24 *(5) by adding at the end the following:*

1           “(5) *promote reciprocal trade in the common*  
2           *carriage of goods by water in the foreign commerce of*  
3           *the United States.*”.

4 **SEC. 102. DEFINITIONS.**

5           (a) *IN GENERAL.*—Section 40102(9) of title 46, United  
6 *States Code, is amended—*

7           (1) *by redesignating subparagraphs (A) and (B)*  
8           *as clauses (i) and (ii), respectively and by moving the*  
9           *margins of clauses (i) and (ii), as redesignated, ac-*  
10           *cordingly;*

11           (2) *by striking “means an ocean common car-*  
12           *rier” and inserting the following: “means—*

13                   *“(A) an ocean common carrier”;*

14           (3) *in subparagraph (A)(ii), as so redesignated,*  
15           *by striking the period and inserting “; or”; and*

16           (4) *by adding at the end the following:*

17                   *“(B) such a carrier that is owned or con-*  
18                   *trolled by, a subsidiary of, or otherwise related*  
19                   *legally or financially (other than a minority re-*  
20                   *lationship or investment) to a corporation based*  
21                   *in a country—*

22                           *“(i) identified as a nonmarket econ-*  
23                           *omy country (as defined in section 771(18)*  
24                           *of the Tariff Act of 1930 (19 U.S.C.*

1           1677(18))) as of the date of enactment of  
2           this paragraph;

3           “(ii) identified by the United States  
4           Trade Representative in the most recent re-  
5           port required by section 182 of the Trade  
6           Act of 1974 (19 U.S.C. 2242) as a priority  
7           foreign country under subsection (a)(2) of  
8           that section; or

9           “(iii) subject to monitoring by the  
10          United States Trade Representative under  
11          section 306 of the Trade Act of 1974 (19  
12          U.S.C. 2416).”.

13          (b) *CONFORMING AMENDMENT.*—Section 46106(b)(7)  
14          of title 46, United States Code, is amended by striking  
15          “ocean common carriers, particularly such carriers that are  
16          controlled carriers” and all that follows through the period  
17          at the end and inserting “controlled carriers;”.

18          **SEC. 103. COMPLAINTS AGAINST SHIPPING EXCHANGES.**

19          (a) *IN GENERAL.*—Section 40504(c) of title 46, United  
20          States Code, is amended—

21                  (1) in the subsection heading by striking “EX-  
22                  EMPTION” and inserting “EXEMPTION AND INVES-  
23                  TIGATION”;

24                  (2) by striking the period at the end and insert-  
25                  ing “; and”;

1           (3) by striking “may exempt” and inserting the  
2           following: “may—  
3           “(1) exempt”; and  
4           (4) by adding at the end the following:  
5           “(2) investigate complaints submitted under sec-  
6           tion 40505.”.

7           (b) *COMPLAINTS AGAINST SHIPPING EXCHANGES.*—  
8           Chapter 405 of title 46, United States Code, is amended  
9           by adding at the end the following:

10          “**§ 40505. Complaints against shipping exchanges**

11           “(a) *IN GENERAL.*—A person may submit to the Fed-  
12           eral Maritime Commission, and the Commission shall ac-  
13           cept, information concerning alleged incidents of market  
14           manipulation or other anticompetitive practices by ship-  
15           ping exchanges registered under section 40504.

16           “(b) *INVESTIGATION.*—Upon receipt of a submission of  
17           information under subsection (a), the Commission shall  
18           promptly investigate the accuracy of such information.

19           “(c) *REPORT TO CONGRESS.*—The Commission shall  
20           submit to the Committee on Transportation and Infrastruc-  
21           ture of the House of Representatives and the Committee on  
22           Commerce, Science, and Transportation of the Senate the  
23           results of any investigation in which the Commission finds  
24           incidents of market manipulation or anticompetitive prac-

1 *tices by shipping exchanges registered under section*  
2 *40504.”.*

3 *(c) CLERICAL AMENDMENT.—The analysis for chapter*  
4 *405 of title 46, United States Code, is amended by adding*  
5 *at the end the following:*

*“40505. Complaints against shipping exchanges.”.*

6 **SEC. 104. REPEAL.**

7 *(a) IN GENERAL.—Section 40706 of title 46, United*  
8 *States Code, is repealed.*

9 *(b) CLERICAL AMENDMENT.—The analysis for chapter*  
10 *407 of title 46, United States Code, is amended by striking*  
11 *the item relating to section 40706.*

12 **SEC. 105. DATA COLLECTION.**

13 *Section 41110 of title 46, United States Code, is*  
14 *amended—*

15 *(1) by striking “The Federal Maritime Commis-*  
16 *sion” and inserting “(a) QUARTERLY REPORT.—The*  
17 *Federal Maritime Commission”; and*

18 *(2) by adding at the end the following:*

19 *“(b) LIMITATION ON DUPLICATION.—Unless the data*  
20 *described in paragraphs (1) and (2) is not available in a*  
21 *timely manner or in a form that allows the Commission*  
22 *to meet the requirements of subsection (a), data required*  
23 *to be reported under subsection (a) may not duplicate infor-*  
24 *mation—*

1           “(1) submitted to the Corps of Engineers pursu-  
2           ant to section 11 of the Act entitled ‘An Act author-  
3           izing the construction, repair, and preservation of  
4           certain public works on rivers and harbors, and for  
5           other purposes’, approved September 22, 1922 (33  
6           U.S.C. 555), by an ocean common carrier acting as  
7           a vessel operator;

8           “(2) submitted pursuant to section 481 of the  
9           Tariff Act of 1930 (19 U.S.C. 1481) to U.S. Customs  
10          and Border Protection by merchandise importers; or

11          “(3) submitted to the Department of Commerce  
12          pursuant to section 301 of title 13.”.

13   **SEC. 106. NATIONAL ADVISORY COMMITTEES.**

14          (a) NATIONAL SHIPPER ADVISORY COMMITTEE.—Sec-  
15          tion 42502 of title 46, United States Code, is amended—

16                 (1) in subsection (a) by striking “Committee.”  
17                 and inserting “Committee (in this section referred to  
18                 as the ‘Shipper Committee’).”;

19                 (2) by striking subsection (b);

20                 (3) by redesignating subsection (c) as subsection  
21                 (b); and

22                 (4) in subsection (b), as so redesignated, by strik-  
23                 ing “Committee” each place it appears and inserting  
24                 “Shipper Committee”.



1           (b) *NATIONAL PORT ADVISORY COMMITTEE.*—Chapter  
2 *425 of title 46, United States Code, is amended—*

3                 (1) *by redesignating section 42503 as section*  
4 *42506; and*

5                 (2) *by inserting after section 42502 the fol-*  
6 *lowing:*

7 **“§42503. National Port Advisory Committee**

8           “(a) *ESTABLISHMENT.*—*There is established a Na-*  
9 *tional Port Advisory Committee (in this section referred to*  
10 *as the ‘Port Committee’).*

11           “(b) *MEMBERSHIP.*—

12                 “(1) *IN GENERAL.*—*The Port Committee shall*  
13 *consist of 13 members appointed by the Commission*  
14 *in accordance with this section.*

15                 “(2) *EXPERTISE.*—*Each member of the Port*  
16 *Committee shall have particular expertise, knowledge,*  
17 *and experience in matters relating to the function of*  
18 *the Port Committee.*

19                 “(3) *REPRESENTATION.*—*Members of the Port*  
20 *Committee shall be appointed as follows:*

21                         “(A) *5 members shall represent marine ter-*  
22 *minal operators, as defined in section 40102.*

23                         “(B) *5 members shall represent port au-*  
24 *thorities.*

1                   “(C) 3 members shall represent longshore  
2                   and maritime labor.

3 **“§ 42504. National Ocean Carrier Advisory Committee**

4                   “(a) *ESTABLISHMENT.*—There is established a Na-  
5                   tional Ocean Carrier Advisory Committee (in this section  
6                   referred to as the Carrier Committee’).

7                   “(b) *MEMBERSHIP.*—

8                   “(1) *IN GENERAL.*—The Carrier Committee shall  
9                   consist of 9 members appointed by the Commission in  
10                  accordance with this section.

11                  “(2) *EXPERTISE.*—Each member of the Carrier  
12                  Committee shall have particular expertise, knowledge,  
13                  and experience in matters relating to the function of  
14                  the Committee.

15                  “(3) *REPRESENTATION.*—Members of the Carrier  
16                  Committee shall represent ocean carriers serving such  
17                  seaports and terminals, of which at least three shall  
18                  be ocean transportation intermediaries (as such term  
19                  is defined in section 40102)”.

20 **“§ 42505. Function**

21                  “The covered Committees shall advise the Federal Mar-  
22                  itime Commission on policies relating to the competitive-  
23                  ness, reliability, and efficiency of the international ocean  
24                  freight delivery system.”.

25                  (c) *CONFORMING AMENDMENTS.*—

1           (1) *DEFINITIONS.*—Section 42501 of title 46,  
2           *United States Code*, is amended by striking para-  
3           *graph (2) and inserting the following:*

4           “(2) *COVERED COMMITTEE.*—The term ‘covered  
5           *Committee*’ means—

6                   “(A) *the National Shipper Advisory Com-*  
7                   *mittee established under section 42502;*

8                   “(B) *the National Seaport Advisory Com-*  
9                   *mittee established under section 42503; and*

10                   “(C) *the National Ocean Carrier Advisory*  
11                   *Committee established under section 52504.*”.

12           (2) *ADMINISTRATION.*—Section 42506 of title 46,  
13           *United States Code*, as redesignated by subsection  
14           *(b)(1)*, is amended—

15                   (A) *by striking “The Committee” each place*  
16                   *it appears except in subsection (k) and inserting*  
17                   *“Each covered Committee”;*

18                   (B) *in subsection (a) by striking “the Com-*  
19                   *mittee” and inserting “each such Committee”;*

20                   (C) *in subsections (b), (c), (d), (e), (f), and*  
21                   *(j) by striking “the Committee” each place it ap-*  
22                   *pears and inserting “a covered Committee”;*

23                   (D) *in subsection (h)—*

24                           *(i) in paragraph (1)—*

1                   (I) by striking “Chair of the Com-  
2                   mittee” and inserting “Chair of each  
3                   covered Committee”; and

4                   (II) by striking “function of the  
5                   Committee” and inserting “function of  
6                   the applicable Committee”; and

7                   (ii) in paragraph (2) by striking “the  
8                   Committee” and inserting “each covered  
9                   Committee”;

10                  (E) in subsection (i)—

11                   (i) in paragraph (1) by striking “the  
12                   Committee if the function of the Committee”  
13                   and inserting “any relevant covered Com-  
14                   mittee if the function of such Committee”;

15                   (ii) in paragraph (2) by striking “the  
16                   Committee” and inserting “each such Com-  
17                   mittee”;

18                   (iii) in paragraph (3)—

19                   (I) by striking “from the Com-  
20                   mittee” and inserting “from a covered  
21                   Committee”; and

22                   (II) in subparagraph (B) by strik-  
23                   ing “to the Committee” and inserting  
24                   “to the submitting Committee”; and

1                   (iv) in paragraph (4) by striking  
2                   “from the Committee” and inserting “from  
3                   a covered Committee”; and

4                   (F) in subsection (k) by striking “The Com-  
5                   mittee” and inserting “Covered Committees”.

6 **SEC. 107. ANNUAL REPORT AND PUBLIC DISCLOSURES.**

7           (a) *REPORT ON FOREIGN LAWS AND PRACTICES.*—  
8           Section 46106(b) of title 46, United States Code, is amend-  
9           ed—

10           (1) in paragraph (6)—

11                   (A) by striking “and” at the end; and

12                   (B) by striking “under this part” and in-  
13                   serting “under chapter 403”;

14           (2) in paragraph (7)—

15                   (A) by inserting “anticompetitive, nonrecip-  
16                   rocal trade, or” before “otherwise concerning  
17                   practices”;

18                   (B) by inserting “or marine terminal oper-  
19                   ators” after “controlled carriers”; and

20                   (C) by striking the period at the end and  
21                   inserting a semicolon; and

22           (3) by adding at the end the following:

23                   “(8) an analysis of any trade imbalance result-  
24                   ing from the business practices of ocean common car-

1       riers, including an analysis of the data collected  
2       under section 41110; and

3               “(9) the aggregated findings and results of the  
4       Vessel-Operating Common Carrier Audit Program es-  
5       tablished by the Commission on July 18, 2021, pursu-  
6       ant to the Commission rule interpreting section  
7       41102(c).”.

8       (b) *PUBLIC DISCLOSURE.*—Section 46106(d)(2) of title  
9       46, United States Code, is amended by inserting “or marine  
10      terminal operator” after “common carrier”.

11   **SEC. 108. CONTAINERIZED FREIGHT INDEXES.**

12       (a) *IN GENERAL.*—Not later than 1 year after the date  
13      of enactment of this Act, the Federal Maritime Commission  
14      shall promulgate an advance notice of proposed rulemaking  
15      on price indexes for containerized ocean freight for shippers  
16      (as such term is defined in section 40102 of title 46, United  
17      States Code) in the United States published by a shipping  
18      exchange registered under section 40504 of title 46, United  
19      States Code.

20       (b) *FINAL RULE.*— Not later than 3 years after the  
21      date of enactment of this Act, the Commission shall publish  
22      a final rule with respect to the advance notice of proposed  
23      rulemaking under subsection (a).

1           **TITLE II—OTHER AGENCIES**

2   **SEC. 201. DATA STANDARD FOR MARITIME FREIGHT LOGIS-**  
3                   **TICS.**

4           (a) *IN GENERAL.*—Not later than 180 days after the  
5 date of enactment of this Act, the Federal Maritime Com-  
6 mission shall promulgate an advance notice of proposed  
7 rulemaking on a data standard for maritime freight logis-  
8 tics and ocean transportation in the foreign commerce of  
9 the United States.

10          (b) *CONSULTATION.*—During the public comment pe-  
11 riod for the rulemaking under subsection (a), the Commis-  
12 sion shall consult with—

13               (1) the National Shippers Advisory Board estab-  
14 lished under section 42502 of title 46, United States  
15 Code; and

16               (2) the Secretaries of Transportation, Commerce,  
17 and Agriculture.

18          (c) *CONTENTS.*—The rulemaking under subsection (a)  
19 shall—

20               (1) develop a data standard for the voluntary  
21 sharing of appropriate supply chain data with—

22                       (A) a common lexicon of standard terms  
23 and methods of measurements;

24                       (B) a method to exchange data in real time  
25 amongst relevant stakeholders;

1           (C) appropriate data protections to ensure  
2           confidentiality of proprietary business informa-  
3           tion; and

4           (D) appropriate cybersecurity measures to  
5           protect data from unauthorized use;

6           (2) incorporate data from stakeholders to facili-  
7           tate—

8           (A) the arrival, unloading, loading, and de-  
9           parture of vessels;

10          (B) cargo availability and pick up reserva-  
11          tion;

12          (C) chassis availability; and

13          (D) other data elements the Commission  
14          consider prudent; and

15          (3) consider relevant data standards used or  
16          under development within the private sector and  
17          whether to adopt or otherwise incorporate such stand-  
18          ards into the rule finalized under this subsection,  
19          with priority given to standards that—

20          (A) are developed in open, transparent, im-  
21          partial, balanced, consensus-based processes;

22          (B) are performance-based, technology neu-  
23          tral, and vendor neutral;



1           (C) are interoperable, allowing for the ex-  
2           change and use of data between devices and sys-  
3           tems;

4           (D) are market relevant and globally appli-  
5           cable;

6           (E) are nonduplicative of, and coherent  
7           with, other relevant standards, guides, best prac-  
8           tices, and frameworks; and

9           (F) allow information owners to control  
10          what information is shared, when information is  
11          shared, with whom, and for what purpose; and

12          (4) be consistent with section 12(d) of the Na-  
13          tional Technology Transfer and Advancement Act of  
14          1995 (Public Law 104–113; 15 U.S.C. 272 note) in-  
15          cluding any standard for the voluntary sharing of ap-  
16          propriate supply chain data developed thereunder.

17          (d) *THIRD-PARTY AGREEMENT.*—The Commission  
18          may enter into an agreement with 1 or more appropriate  
19          independent entities based in the United States that operate  
20          as voluntary consensus standards setting organizations as  
21          defined for purposes of section 12(d) of the National Tech-  
22          nology Transfer and Advancement Act of 1995 (Public Law  
23          104–113) and Office of Management and Budget Revised  
24          Circular A–119, published in the Federal Register on Janu-  
25          ary 27, 2016 (81 Fed. Reg. 4673), to develop the data stand-

1 *ard for maritime freight logistics and ocean transportation*  
2 *in the foreign commerce of the United States for the rule-*  
3 *making under subsection (a) and for procurement or other*  
4 *relevant programmatic activities, consistent with the re-*  
5 *quirements of this section.*

6 *(e) GRANT CRITERION.—If the rulemaking under sub-*  
7 *section (a) is finalized, the Secretary of Transportation*  
8 *may require a covered port authority to adopt any data*  
9 *standard issued pursuant to this section for relevant oper-*  
10 *ational use cases, as determined by the Secretary.*

11 *(f) DEFINITION OF COVERED PORT AUTHORITY.—In*  
12 *this section, the term “covered port authority” means a port*  
13 *authority that receives funding after the date on which a*  
14 *rule is finalized under this section under—*

15 *(1) the port infrastructure development program*  
16 *under section 54301(a) of title 46, United States*  
17 *Code; or*

18 *(2) the maritime transportation system emer-*  
19 *gency relief program under section 50308 of title 46,*  
20 *United States Code.*

21 *(g) RULE OF CONSTRUCTION.—Nothing in this section*  
22 *shall be construed to require the Commission to develop a*  
23 *data standard that violates the confidentiality and disclo-*  
24 *sure policies established under subchapter III of chapter 35*  
25 *of title 44, United States Code.*

1 **SEC. 202. INDEPENDENT STUDY AND REPORT ON SHANG-**  
2 **HAI SHIPPING EXCHANGE.**

3 (a) *STUDY.*—Not later than 1 year after the date of  
4 the enactment of this Act, the Secretary of Transportation  
5 shall enter into an agreement with an appropriate inde-  
6 pendent entity described in subsection (d) to conduct a  
7 study and assessment of the business practices of the Shang-  
8 hai Shipping Exchange, including—

9 (1) any anticompetitive advantages benefitting  
10 the Shanghai Shipping Exchange; and

11 (2) the ability of the Ministry of Transport of  
12 the People's Republic of China and the Shanghai  
13 Shipping Exchange to manipulate container freight  
14 markets.

15 (b) *ELEMENTS.*—The study and assessment required  
16 under subsection (a) shall address the following:

17 (1) The influence of the government of the Peo-  
18 ple's Republic of China on the Shanghai Shipping  
19 Exchange.

20 (2) The impact of such business practices or in-  
21 fluence on American consumers and businesses.

22 (3) The ability of a shipping exchange registered  
23 under section 40504 of title 46, United States Code,  
24 and based in the United States to identify market  
25 manipulation as described in subsection (a)(2) or any  
26 otherwise concerning practices by the Shanghai Ship-

1        *ping Exchange and report such incidents to the Fed-*  
2        *eral Maritime Commission and other Federal regu-*  
3        *lators.*

4            (4) *Any other matters the Secretary or the ap-*  
5        *propriate independent entity that enters into an*  
6        *agreement under this section determines to be appro-*  
7        *priate for the purposes of the study.*

8        (c) *REPORT.—*

9            (1) *IN GENERAL.—Not later than 1 year after*  
10        *the date on which the Secretary of Transportation en-*  
11        *ters into an agreement under this section, the appro-*  
12        *priate independent entity shall submit to the Sec-*  
13        *retary, the Committee on Commerce, Science, and*  
14        *Transportation of the Senate, and the Committee on*  
15        *Transportation and Infrastructure of the House of*  
16        *Representatives a report setting forth the results of the*  
17        *study conducted under subsection (a).*

18            (2) *PUBLIC AVAILABILITY.—The Secretary shall*  
19        *publish the report required under paragraph (1) on*  
20        *a publicly accessible website of the Department of*  
21        *Transportation.*

22        (d) *APPROPRIATE INDEPENDENT ENTITY DE-*  
23        *SCRIBED.—An appropriate independent entity described in*  
24        *this subsection is—*

1           (1) *a federally funded research and development*  
2           *center sponsored by a Federal agency;*

3           (2) *the Transportation Research Board of the*  
4           *National Academies;*

5           (3) *the Government Accountability Office; or*

6           (4) *an organization described in section 501(c)*  
7           *of the Internal Revenue Code of 1986 and exempt*  
8           *from taxation under section 501(a) of such Code.*

9           (e) *OBTAINING OFFICIAL DATA.—The appropriate*  
10          *independent entity that enters into an agreement under this*  
11          *section may secure directly from any department or agency*  
12          *of the Federal Government information necessary to enable*  
13          *such entity to carry out this section. Upon request of such*  
14          *entity, the head of such department or agency shall furnish*  
15          *such information to the appropriate independent entity,*  
16          *unless doing so would not be in the public interest.*

17          **SEC. 203. POLICY WITH RESPECT TO LOGINK.**

18          (a) *IN GENERAL.—Chapter 503 of title 46, United*  
19          *States Code, is amended by adding at the end the following:*

20          **“§ 50309. Prohibited use**

21          *“(a) IN GENERAL.—A covered entity shall not utilize*  
22          *covered logistics software.*

23          *“(b) GUIDANCE.—The Secretary of Transportation*  
24          *shall publish on the website of the Department of Transpor-*  
25          *tation, and update regularly, a list of prohibited logistics*

1 *information technologies provided by the People’s Republic*  
2 *of China or Chinese state-affiliated entities.*

3 “(c) *CONSULTATION.—The Secretary shall consult*  
4 *with the United States-China Economic and Security Re-*  
5 *view Commission established under section 1238 of the*  
6 *Floyd D. Spence National Defense Authorization Act for*  
7 *Fiscal Year 2001 (Public Law 106–398) in carrying out*  
8 *this section.*

9 “(d) *REVIEW.—In preparing the guidance under sub-*  
10 *section (b), the Secretary shall review the list of Chinese*  
11 *state-affiliated entities included in—*

12 “(1) *the list of Communist Chinese military*  
13 *companies released by the Department of Defense in*  
14 *accordance with section 1260H of the National De-*  
15 *fense Authorization Act for Fiscal Year 2021 (10*  
16 *U.S.C. 113 note); and*

17 “(2) *the most recent ‘Non-SDN Chinese Military-*  
18 *Industrial Complex Companies List’ published by the*  
19 *Secretary of the Treasury pursuant to Executive*  
20 *Order 14032 of June 3, 2021 (86 Fed. Reg. 30145; re-*  
21 *lating to Addressing the Threat From Securities In-*  
22 *vestments That Finance Certain Companies of the*  
23 *People’s Republic of China).*

24 “(e) *DEFINITIONS.—In this section:*

1           “(1) *COVERED LOGISTICS SOFTWARE*.—*The term*  
2           ‘*covered logistics software*’ means—

3                   “(A) *the public, open, shared logistics infor-*  
4                   *mation network known as the ‘National Public*  
5                   *Information Platform for Transportation & Lo-*  
6                   *gistics’ by the Ministry of Transport of China or*  
7                   *any affiliate or successor entity;*

8                   “(B) *any other transportation logistics soft-*  
9                   *ware designed to be used by covered entities sub-*  
10                   *ject to the jurisdiction, ownership, direction, or*  
11                   *control of a foreign adversary; or*

12                   “(C) *any other logistics platform or soft-*  
13                   *ware that shares data with a system described in*  
14                   *paragraphs (a) or (b).*

15           “(2) *COVERED ENTITY*.—*The term ‘covered enti-*  
16           *ty’ means an entity that receives funding after the*  
17           *date of enactment of this section under—*

18                   “(A) *the port infrastructure development*  
19                   *program under subsections (a) and (b) of section*  
20                   *54301; or*

21                   “(B) *the maritime transportation system*  
22                   *emergency relief program under section 50308.”.*

23           (b) *CLERICAL AMENDMENT*.—*The analysis for chapter*  
24           *503 of title 46, United States Code, is amended by adding*  
25           *at the end the following:*

          “50309. *Prohibited use.*”.

1                   **TITLE III—TECHNICAL**  
2                   **AMENDMENTS**

3 **SEC. 301. TECHNICAL AMENDMENTS.**

4           (a) *ADMINISTRATION.*—Section 15109 of title 46,  
5 *United States Code, is amended—*

6               (1) *in subsection (a)(2) by striking “15102,” and*  
7               *inserting “15102”; and*

8               (2) *in subsection (k)(1) by inserting “or to which*  
9               *this chapter applies” after “under this chapter”.*

10          (b) *INVESTIGATIONS.*—Section 41302(a) of title 46,  
11 *United States Code, is amended by striking “conduct agree-*  
12 *ment” and inserting “conduct, agreement”.*

13          (c) *AWARD OF REPARATIONS.*—Section 41305(c) is  
14 *amended by striking “section subsection” and inserting*  
15 *“subsection”.*

16          (d) *NATIONAL SHIPPER ADVISORY COMMITTEE.*—Sec-  
17 *tion 42502(b)(3) of title 46, United States Code, as redesign-*  
18 *ated by the preceding provisions of this Act, is amended*  
19 *by striking “(3) REPRESENTATION” and all that follows*  
20 *through “Twelve members” and inserting the following:*

21               “(3) *REPRESENTATION.*—Members of the Com-  
22               *mittee shall be appointed as follows:*

23                       “(A) *Twelve members*”.

24          (e) *MONETARY PENALTIES OR REFUNDS.*—The anal-  
25 *ysis for chapter 411 of title 46, United States Code, is*



1 *amended by striking the item relating to section 41107 and*  
2 *inserting the following:*

*“41107. Monetary penalties or refunds.”.*

3 (f) *NATIONAL ADVISORY COMMITTEES.—The analysis*  
4 *for subtitle IV of title 46, United States Code, is amended*  
5 *by striking the item relating to chapter 425 and inserting*  
6 *the following:*

*“425. National Advisory Committees ..... 42501”.*

7 (g) *ANALYSIS.—The heading and analysis for chapter*  
8 *425 of title 46, United States Code, is amended to read as*  
9 *follows:*

10 **“CHAPTER 425—NATIONAL PORT**  
11 **ADVISORY COMMITTEE**

- “Sec.*
- “42501. Definitions.*
- “42502. National Shipper Advisory Committee.*
- “42503. National Seaport Advisory Committee.*
- “42504. National Ocean Carrier Advisory Committee.*
- “42505. Function.*
- “42506. Administration.”.*

12 (h) *ANNUAL REPORT AND PUBLIC DISCLOSURE.—*

13 (1) *CONFORMING AMENDMENT.—The heading for*  
14 *section 46106 of title 46, United States Code, is*  
15 *amended by inserting “and public disclosure”*  
16 *after “report”.*

17 (2) *CLERICAL AMENDMENT.—The analysis for*  
18 *chapter 461 of title 46, United States Code, is amend-*  
19 *ed by striking the item relating to section 46106 and*  
20 *inserting the following:*

*“46106. Annual report and public disclosure.”*