

**AMENDMENT TO H.R.**  
**OFFERED BY MR. GARAMENDI OF CALIFORNIA**

Page 13, after line 6, insert the following:

1 **SEC. 109. MEMORANDUM OF UNDERSTANDING.**

2 (a) IN GENERAL.—Not later than 180 days after the  
3 date of the enactment of this Act, the Federal Maritime  
4 Commission and the Surface Transportation Board shall  
5 enter into a Memorandum of Understanding regarding the  
6 jurisdiction of the Commission for demurrage charges for  
7 rail storage in the United States under service contracts  
8 with ocean common carriers with a through bill of lading.  
9 The memorandum may be updated as necessary pursuant  
10 to the requirements of this section.

11 (b) REQUIREMENTS.—Such memorandum shall en-  
12 sure that every demurrage charge for rail storage is sub-  
13 ject to regulation by either the Federal Maritime Commis-  
14 sion or the Surface Transportation Board, including the  
15 purchase of rail service in the United States pursuant to  
16 49 U.S.C. § 10709 under service contracts with ocean  
17 common carriers with a through bill of lading.

18 (c) PUBLIC NOTICE AND COMMENT.—The Federal  
19 Maritime Commission and the Surface Transportation  
20 Board shall publish the draft Memorandum of Under-

1 standing required under subsection (a) in the Federal  
2 Register for a period of public comment of not less than  
3 60 days before finalizing such Memorandum.

4 (d) CONGRESSIONAL NOTIFICATION.—Not less than  
5 30 days before publishing the draft Memorandum of Un-  
6 derstanding in the Federal Register pursuant to sub-  
7 section (c), the Federal Maritime Commission and the  
8 Surface Transportation Board shall submit such Memo-  
9 randum to the Committee on Transportation and Infra-  
10 structure of the House of Representatives and the Com-  
11 mittee on Commerce, Science, and Transportation of the  
12 Senate.

13 **SEC. 110. INTERMODAL TRANSPORTATION SERVICE CON-**  
14 **TRACTS.**

15 (a) IN GENERAL.—Section 41104 of title 46, United  
16 States Code, is amended by adding at the end the fol-  
17 lowing:

18 “(g) THIRD-PARTY DEMURRAGE OR STORAGE  
19 CHARGES.—

20 “(1) THROUGH BILLS OF LADING.—A common  
21 carrier shall be the billing party for third-party de-  
22 murrage or storage charges assessed by such car-  
23 rier’s contractors for any container transported  
24 under contract with an ocean common carrier with  
25 a through bill of lading.

1           “(2) INVOICING.—All invoices subject to para-  
2           graph (1) shall be issued in accordance with the re-  
3           quirements of Subsections (a)(14) and (15), (d), (e)  
4           and (f) of Section 41104 (of title 46, United States  
5           Code).”.

6           (b) APPLICABLE REGULATION.—Demurrage charges  
7           for rail storage under service contracts with ocean com-  
8           mon carriers with a through bill of lading including the  
9           purchase of rail service in the United States regulated by  
10          the Federal Maritime Commission pursuant to the Memo-  
11          randum of Understanding required under section 2 (of  
12          this Act) shall be subject to the rule finalized by the Fed-  
13          eral Maritime Commission pursuant to Section 7 (b) of  
14          the Ocean Shipping Reform Act of 2022 (Public Law  
15          117–146) or successive regulation.

16 **SEC. 111. PUBLIC AVAILABILITY OF WATER CARRIER TAR-**  
17 **IFFS.**

18          Section 13702(b) of title 49, United States Code, is  
19          amended—

20                 (1) by amending paragraph (1) to read as fol-  
21          lows:

22                 “(1) TARIFF AVAILABILITY.—A carrier pro-  
23          viding transportation or service described in sub-  
24          section (a)(1) shall make its tariffs available elec-  
25          tronically to any person, without time, quantity, or

1 other limitation, through appropriate access from re-  
2 mote locations, and a reasonable charge may be as-  
3 sessed for such access. No charge may be assessed  
4 a Federal agency for such access.”;

5 (2) in paragraph (3), by striking “tariff filings”  
6 and inserting “tariffs”;

7 (3) in paragraph (4), by striking “filed under  
8 this subsection”; and

9 (4) in paragraph (5), by striking “filing com-  
10 plete tariffs under this subsection” and inserting  
11 “changing their complete electronic tariffs”.

12 **SEC. 112. TECHNICAL CORRECTIONS.**

13 (a) **REGISTRATION.**—The analysis for chapter 139 of  
14 title 49, United States Code, is amended in the item relat-  
15 ing to section 13901 by striking “**Requirement**” and  
16 inserting “**Requirements**”.

17 (b) **EFFECTIVE PERIODS OF REGISTRATION.**—Sec-  
18 tion 13905(d)(2)(B)(iii) of title 49, United States Code,  
19 is amended by striking “for failure”.

20 (c) **SECURITY OF MOTOR CARRIERS, MOTOR PRI-**  
21 **VATE CARRIERS, BROKERS, AND FREIGHT FOR-**  
22 **WARDERS.**—Section 13906 of title 49, United States  
23 Code, is amended—

24 (1) in subsection (a)(1) by striking “paragraph  
25 (3)” and inserting “paragraph (4)”;

1           (2) in subsection (b)(7)(C) by striking “pro-  
2           vider” and inserting “provide”; and

3           (3) in subsection (c)(2)(A)(ii) by inserting  
4           “that” after “in the case”.

5           (d) UNIFIED CARRIER REGISTRATION SYSTEM PLAN  
6 AND AGREEMENT.—Section 14504a of title 49, United  
7 States Code, is amended—

8           (1) in subsection (b) by striking “13903(b)”  
9           and inserting “13903(d)”; and

10          (2) in subsection (c)(2) by inserting “for” after  
11          “fee or tax”.

