

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 1836
OFFERED BY MR. GARAMENDI OF CALIFORNIA**

Strike section 201 and insert the following:

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

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

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

12 (1) the National Shippers Advisory Board es-
13 tablished under section 42502 of title 46, United
14 States Code; and

15 (2) the Secretaries of Transportation, Com-
16 merce, and Agriculture.

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

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

3 (A) a common lexicon of standard terms
4 and methods of measurements;

5 (B) a method to exchange data in real
6 time amongst relevant stakeholders;

7 (C) appropriate data protections to ensure
8 confidentiality of proprietary business informa-
9 tion; and

10 (D) appropriate cybersecurity measures to
11 protect data from unauthorized use;

12 (2) incorporate data from stakeholders to facili-
13 tate—

14 (A) the arrival, unloading, loading, and de-
15 parture of vessels;

16 (B) cargo availability and pick up reserva-
17 tion;

18 (C) chassis availability; and

19 (D) other data elements the Commission
20 consider prudent; and

21 (3) consider relevant data standards used or
22 under development within the private sector and
23 whether to adopt or otherwise incorporate such
24 standards into the rule finalized under this sub-
25 section, with priority given to standards that—

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

3 (B) are performance-based, technology
4 neutral, and vendor neutral;

5 (C) are interoperable, allowing for the ex-
6 change and use of data between devices and
7 systems;

8 (D) are market relevant and globally appli-
9 cable;

10 (E) are nonduplicative of, and coherent
11 with, other relevant standards, guides, best
12 practices, and frameworks; and

13 (F) allow information owners to control
14 what information is shared, when information is
15 shared, with whom, and for what purpose; and

16 (4) be consistent with section 12(d) of the Na-
17 tional Technology Transfer and Advancement Act of
18 1995 (Public Law 104–113; 15 U.S.C. 272 note) in-
19 cluding any standard for the voluntary sharing of
20 appropriate supply chain data developed thereunder.

21 (d) **THIRD-PARTY AGREEMENT.**—The Commission
22 may enter into an agreement with 1 or more appropriate
23 independent entities based in the United States that oper-
24 ate as voluntary consensus standards setting organizations
25 as defined for purposes of section 12(d) of the National

1 Technology Transfer and Advancement Act of 1995 (Pub-
2 lic Law 104–113) and Office of Management and Budget
3 Revised Circular A–119, published in the Federal Register
4 on January 27, 2016 (81 Fed. Reg. 4673), to develop the
5 data standard for maritime freight logistics and ocean
6 transportation in the foreign commerce of the United
7 States for the rulemaking under subsection (a) and for
8 procurement or other relevant programmatic activities,
9 consistent with the requirements of this section.

10 (e) GRANT CRITERION.—If the rulemaking under
11 subsection (a) is finalized, the Secretary of Transportation
12 may require a covered port authority to adopt any data
13 standard issued pursuant to this section for relevant oper-
14 ational use cases, as determined by the Secretary.

15 (f) DEFINITION OF COVERED PORT AUTHORITY.—
16 In this section, the term “covered port authority” means
17 a port authority that receives funding after the date on
18 which a rule is finalized under this section under—

19 (1) the port infrastructure development pro-
20 gram under section 54301(a) of title 46, United
21 States Code; or

22 (2) the maritime transportation system emer-
23 gency relief program under section 50308 of title 46,
24 United States Code.

1 (g) RULE OF CONSTRUCTION.—Nothing in this sec-
2 tion shall be construed to require the Commission to de-
3 velop a data standard that violates the confidentiality and
4 disclosure policies established under subchapter III of
5 chapter 35 of title 44, United States Code.

