

FEDERAL MARITIME COMMISSION REAUTHORIZATION  
ACT OF 2025

DECEMBER 12, 2025.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

Mr. GRAVES, from the Committee on Transportation and  
Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 4183]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom  
was referred the bill (H.R. 4183) to authorize appropriations for the  
Federal Maritime Commission for fiscal years 2026 through 2029,  
and for other purposes, having considered the same, reports favor-  
ably thereon with an amendment and recommends that the bill as  
amended do pass.

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The amendment is as follows:  
Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Federal Maritime Commission Reauthorization Act of 2025”.

**SEC. 2. TABLE OF CONTENTS.**

The table of contents for this Act is as follows:

Sec. 1. Short title.  
 Sec. 2. Table of contents.  
 Sec. 3. Authorization of appropriations.  
 Sec. 4. Purposes.  
 Sec. 5. Definitions.  
 Sec. 6. Complaints against shipping exchanges.  
 Sec. 7. Repeal.  
 Sec. 8. Data collection.  
 Sec. 9. Investigations.  
 Sec. 10. National advisory committees.  
 Sec. 11. Annual report and public disclosures.  
 Sec. 12. Containerized freight indexes.  
 Sec. 13. Technical amendments.

**SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

Section 46108 of title 46, United States Code, is amended by striking “\$32,869,000 for fiscal year 2022, \$38,260,000 for fiscal year 2023, \$43,720,000 for fiscal year 2024, and \$49,200,000 for fiscal year 2025” and inserting “\$49,200,000 for fiscal year 2026, \$51,660,000 for fiscal year 2027, \$54,243,000 for fiscal year 2028, and \$57,016,000 for fiscal year 2029”.

**SEC. 4. PURPOSES.**

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

- (1) in paragraph (2) by striking “in the ocean commerce of the United States” and inserting “for the common carriage of goods by water in the foreign commerce of the United States”; and
- (2) in paragraph (4) by striking “promote” and inserting “support”.

**SEC. 5. DEFINITIONS.**

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

- (1) in subparagraph (B) by striking the period and inserting “; or”;
- (2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and by adjusting the margins accordingly;
- (3) by striking “means an ocean common carrier” and inserting the following:

“means—

“(A) an ocean common carrier”; and

(4) by adding at the end the following:

“(B) such a carrier that is owned or controlled by, a subsidiary of, or otherwise related legally or financially (other than a minority relationship or investment) to a corporation based in, headquartered in, or otherwise significantly linked to a country—

“(i) identified as a nonmarket economy country (as defined in section 771(18) of the Tariff Act of 1930 (19 U.S.C. 1677(18))) as of the date of enactment of the Federal Maritime Commission Reauthorization Act of 2025;

“(ii) identified by the United States Trade Representative on the priority watch list included in the most recent report required by section 182 of the Trade Act of 1974 (19 U.S.C. 2242) as a priority foreign country under subsection (a)(2) of that section; or

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

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

**SEC. 6. COMPLAINTS AGAINST SHIPPING EXCHANGES.**

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

- (1) in the subsection heading by inserting “AND INVESTIGATION” after “EXEMPTION”;
- (2) by striking the period at the end and inserting “; and”;
- (3) by striking “may exempt” and inserting the following: “may—
- “(1) exempt”; and
- (4) by adding at the end the following:

“(2) investigate complaints submitted under section 40505.”.

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

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

“(a) IN GENERAL.—A person may submit to the Federal Maritime Commission, and the Commission shall accept, information concerning alleged incidents of market manipulation or other anticompetitive practices by shipping exchanges registered under section 40504.

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

“(c) REPORT TO CONGRESS.—The Commission shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the results of any investigation in which the Commission finds incidents of market manipulation or anticompetitive practices by shipping exchanges registered under section 40504.”.

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

“40505. Complaints against shipping exchanges.”.

**SEC. 7. SHIPPING EXCHANGE REGISTRY.**

Section 40504(d) of title 46, United States Code, is amended—

(1) by striking “3 years after the date of enactment of the Ocean Shipping Reform Act of 2022” and inserting “2 years after the date of enactment of the Federal Maritime Commission Reauthorization Act of 2025”;

(2) by striking “set standards necessary to carry out” and inserting “ensure consistency with”; and

(3) by striking “by” and inserting “via”.

**SEC. 8. REPEAL.**

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

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

**SEC. 9. DATA COLLECTION.**

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

(1) by striking “The Federal Maritime Commission” and inserting the following:

“(a) QUARTERLY REPORT.—The Federal Maritime Commission”; and

(2) by adding at the end the following:

“(b) LIMITATION ON DUPLICATION.—Unless the data described in paragraphs (1) and (2) is not available in a timely manner or in a form that allows the Commission to meet the requirements of subsection (a), data required to be reported under subsection (a) may not duplicate information submitted—

“(1) to the Corps of Engineers pursuant to section 11 of the Act entitled ‘An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes’, approved September 22, 1922 (33 U.S.C. 555), by an ocean common carrier acting as a vessel operator;

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

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

**SEC. 10. INVESTIGATIONS.**

Section 41302 of title 46, United States Code, is amended by adding at the end the following:

“(f) NONDISCLOSURE.—Information and documents developed by the Federal Maritime Commission under this section shall not be disclosed unless the Commission determines by majority vote of the Commission that such information and documents are relevant to an administrative or judicial proceeding and agrees by a majority vote to disclose such information and documents.”.

**SEC. 11. NATIONAL ADVISORY COMMITTEES.**

(a) NATIONAL SHIPPER ADVISORY COMMITTEE.—Section 42502 of title 46, United States Code, is amended—

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

(2) by striking subsection (b);

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

(4) in subsection (b), as so redesignated, by striking “Committee” each place it appears and inserting “Shipper Committee”.

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

(1) by redesignating section 42503 as section 42506; and

(2) by inserting after section 42502 the following:

**“§ 42503. National port advisory committee**

“(a) ESTABLISHMENT.—There is established a National Port Advisory Committee (in this section referred to as the ‘Port Committee’).

“(b) MEMBERSHIP.—

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

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

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

“(A) 5 members shall represent marine terminal operators, as such term is defined in section 40102.

“(B) 5 members shall represent port authorities.

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

**“§ 42504. National ocean carrier advisory committee**

“(a) ESTABLISHMENT.—There is established a National Ocean Carrier Advisory Committee (in this section referred to as the ‘Carrier Committee’).

“(b) MEMBERSHIP.—

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

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

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

**“§ 42505. Function**

“The covered Committees shall advise the Federal Maritime Commission on policies relating to the competitiveness, reliability, and efficiency of the international ocean freight delivery system.”.

(c) CONFORMING AMENDMENTS.—

(1) DEFINITIONS.—Section 42501(2) of title 46, United States Code, is amended to read as follows:

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

“(A) the National Shipper Advisory Committee established under section 42502;

“(B) the National Port Advisory Committee established under section 42503; and

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

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

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

(B) in subsection (a) by striking “the Committee” and inserting “each such Committee”;

(C) in subsections (b), (c), (d), (e), (f), and (j) by striking “the Committee” each place it appears and inserting “a covered Committee”;

(D) in subsection (f), by striking “the Committee’s” and inserting “a covered Committee’s”;

(E) in subsection (h)—

(i) in paragraph (1)—

(I) by striking “Chair of the Committee” and inserting “Chair of each covered Committee”; and

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

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

(F) in subsection (i)—

(i) in paragraph (1) by striking “the Committee if the function of the Committee” and inserting “any relevant covered Committee if the function of such Committee”;

(ii) in paragraph (2) by striking “the Committee” and inserting “each such Committee”;

(iii) in paragraph (3)—

- (I) by striking “from the Committee” and inserting “from a covered Committee”; and
- (II) in subparagraph (B) by striking “to the Committee” and inserting “to the submitting Committee”; and
- (iv) in paragraph (4) by striking “from the Committee” and inserting “from a covered Committee”; and
- (G) in subsection (k) by striking “The Committee” and inserting “The covered Committees”.

#### SEC. 12. ANNUAL REPORT AND PUBLIC DISCLOSURES.

(a) REPORT ON FOREIGN LAWS AND PRACTICES.—Section 46106(b) of title 46, United States Code, is amended—

- (1) in paragraph (6)—
  - (A) by striking “and” at the end; and
  - (B) by striking “under this part” and inserting “under chapter 403”;
- (2) in paragraph (7), as amended by section 5(b) of this Act—
  - (A) by inserting “anticompetitive, nonreciprocal trade, or” before “otherwise concerning practices”;
  - (B) by inserting “or marine terminal operators” after “controlled carriers”; and
  - (C) by inserting “and” after the semicolon at the end; and
- (3) by adding at the end the following:
  - “(8) an analysis of any trade imbalance resulting from the business practices of ocean common carriers, including an analysis of the data collected under section 41110; and
  - “(9) the aggregated findings and results of the Vessel-Operating Common Carrier Audit Program established by the Commission on July 18, 2021, pursuant to the Commission rule interpreting section 41102(c).”.

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

#### SEC. 13. CONTAINERIZED FREIGHT INDEXES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Federal Maritime Commission shall promulgate an advance notice of proposed rulemaking on the manner in which data is acquired, used, and protected in developing price indexes for containerized ocean freight for shippers (as such term is defined in section 40102 of title 46, United States Code) in the United States published by a shipping exchange registered under section 40504 of title 46, United States Code.

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

#### SEC. 14. TECHNICAL AMENDMENTS.

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

“425. NATIONAL ADVISORY COMMITTEES 42501”.

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

#### “CHAPTER 425—NATIONAL ADVISORY COMMITTEES

“Sec.

“42501. Definitions.

“42502. National Shipper Advisory Committee.

“42503. National Port Advisory Committee.

“42504. National Ocean Carrier Advisory Committee.

“42505. Function.

“42506. Administration.”.

#### PURPOSE OF LEGISLATION

The purpose of H.R. 4183, as amended, is to authorize appropriations for the Federal Maritime Commission (Commission) for fiscal years 2026 through 2029, and for other purposes.

## BACKGROUND AND NEED FOR LEGISLATION

United States companies rely on access to an efficient, competitive, and economical maritime transportation system to reach foreign markets and to import the goods, commodities, and inputs necessary to build American products and stock retailers' shelves. Much of the import and export trade of the United States is carried in containers transported by ocean carriers offering regularly scheduled service on specified routes, referred to as "liner service."<sup>1</sup> The Commission administers and enforces statutes dictating how ocean carriers, freight forwarders, and non-vessel operating common carriers conduct themselves in offering ocean liner transportation services.<sup>2</sup> This includes guarding against unreasonable practices, enforcing against prohibited acts, and ensuring the integrity of licensed individuals and entities.<sup>3</sup> The Commission achieves these objectives through activities that can be broadly categorized as monitoring, enforcement, consumer assistance, and adjudication.<sup>4</sup>

The Commission is comprised of five Commissioners supported by career staff that include attorneys, economists, and subject matter experts. Individuals can turn to the Commission to seek assistance in informally resolving a dispute, allege a violation of the law, or seek relief and compensation through litigation before an administrative law judge or a small claims officer.<sup>5</sup> Additionally, the Commission has limited responsibilities related to the passenger cruise industry and the ability of cruise operators to prove the financial wherewithal to compensate passengers in cases of non-performance of a voyage.<sup>6</sup> The Commission is unique in that its focus is on the efficiency of the supply chain and the movement of cargo from origin to destination. Other agencies have more limited focus on enforcement, exports, promotion, or specific transportation modes. The mandate of the Commission to comprehensively examine the supply chain means it is an ideal forum for shippers and service providers to use when seeking to raise or resolve issues.<sup>7</sup>

P.L. 116-283 established the National Shipper Advisory Committee, creating a structured way for the Federal Maritime Commission to interact with users of ocean-linked supply chains. The Federal Maritime Commission has benefitted from access to the subject matter expertise of the National Shipper Advisory Committee. H.R. 4183, as amended, builds on these successes by creating the National Port Advisory Committee and the National Ocean Carrier Advisory Committee. The three committees will be able to provide the Federal Maritime Commission with comprehensive and meaningful insight on how containerized cargo moves from origin to destination and across multiple modes. The Committee reminds the Commission that ports exist in locations outside the seacoasts of the Continental United States and that the Commission should take affirmative steps to ensure ports from inland rivers and United States territories are aware of the oppor-

<sup>1</sup> 46 C.F.R. § 535 App. B.

<sup>2</sup> FED. MARITIME COMM'N., *About*, available at <https://www.fmc.gov/about/>.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> FED. MARITIME COMM'N., *Cruise Passenger Assistance*, available at <https://www.fmc.gov/complaints-and-assistance/cruise-service-issues/>.

<sup>7</sup> *Supra* note 2.

tunity to serve on the National Port Advisory Committee. The Committee further notes that several United States territories are located in the Indo-Pacific where the People's Republic of China (PRC) is making expansive claims and operating aggressively. These United States territories are dependent on sea links and there is a value to ports from this region being able to share their insights and expertise with the Commission through the National Port Advisory Committee.

The COVID-19-era supply chain disruption that lasted from approximately late 2020 to mid-2022 focused attention on how dependent the United States is on the ocean freight delivery system. It also demonstrated how susceptible these complicated and inter-linked systems are to disruption. Unprecedented demand for shipping services far exceeded capacity and rates reached historic levels. Ocean carriers were accused of abrogating contracts, manipulating the market, and abandoning United States export shippers in favor of higher paying and easier to serve import shippers. Much of the alleged misconduct fell under the statutes administered by the Federal Maritime Commission. The Commission worked to investigate, validate, and address reports it was receiving, but it was hampered by statutes that had not been substantively updated since 1998, its moderate size, and a correspondingly small budget. Recognizing the necessity of having a regulator capable of responding decisively to the domestic consequences of a global crisis and act positively in addressing the needs of American companies and shippers, Congress passed, and the President enacted, P.L. 117-146. That law gave the Commission new as well as improved statutory authorities to address allegations of ocean carrier misconduct and to ensure American exporters have access to international ocean shipping. P.L. 117-146 provided meaningful increases in authorized funding for the Federal Maritime Commission for fiscal years 2022-2025.

H.R. 4183, as amended, builds on P.L. 117-146, continuing to authorize the funding necessary for the Federal Maritime Commission to maintain the integrity of ocean-linked supply chain to the benefit of American companies and shippers.

H.R. 4183, as amended, relieves parties from having to report information to the Federal Maritime Commission duplicative to what is already being submitted to other government agencies under separate, existing information gathering requirements.

The Committee is concerned with the extent to which the government of the People's Republic of China involves itself in the very companies and networks that deliver containerized cargo the United States. Government ownership of shipping companies has been a long standing concern of the Congress dating back to 1978 when P.L. 95-483 defined "controlled carrier" and established restrictions on how controlled carriers could price freight rates.<sup>8</sup> When Congress updated shipping laws in 1984 by passing what became P.L. 98-237, it maintained provisions addressing controlled carriers.<sup>9</sup> The Federal Maritime Commission is required under statute to publish a list of shipping companies identified as controlled carriers. The most recent list published by the Commission

<sup>8</sup> *Ocean Shipping Act of 1978*, Pub. L. No. 95-483 (95th Cong., 1978).

<sup>9</sup> *Shipping Act of 1984*, Pub. L. No. 98-237 (98th Cong., 1984).

identifies seven shipping companies as controlled carriers, six of which are based in the People's Republic of China.

H.R. 4183, as amended, addresses concerns about government involvement in shipping by amending the definition of controlled carrier to encompass state-controlled enterprises in non-market economies. H.R. 4183 also repeals two exceptions to the statute. Finally, it directs the Federal Maritime Commission to report on anti-competitive business practices and nonreciprocal trade practices.

Concerns about potentially nefarious and anticompetitive behavior by the People's Republic of China are not limited to support for shipping companies. The Shanghai Shipping Exchange is a joint venture between the Ministry of Transportation of the People's Republic of China and the Shanghai Municipal Government. The Shanghai Shipping Exchange performs a number of functions which raise questions about the impartiality of the Exchange, the confidentiality of the information filed there, and if Chinese companies and citizens are benefitting from the machinations of yet another PRC government linked entity. The Shanghai Shipping Exchange publishes the Shanghai Consolidated Freight Index which has transformed from a barometer of freight rates to a benchmark used to write and issue index-based contracts. The marketplace for index-based contracts is nascent, but intriguing. Shipping exchanges and index linked contracts represent an attempt to bring more transparency and certainty to the contracting process for all parties and to allow shippers the ability to reduce exposure to wide pricing fluctuations. Confidence in the exchange will be instrumental to the broader success of index linked ocean shipping contracts. There are competitors to the Shanghai Shipping Exchange located in free market, rule of law nations that also offer index based contracts for ocean shipping. It is to the benefit of all shippers if a robust marketplace with abundant, real choices can develop. The Shanghai Shipping Exchange must not be able to leverage unfair advantages to achieve market dominance. P.L. 117-146 took an important initial step in bringing order and accountability to shipping exchanges by establishing a registry and requiring the Commission promulgate regulations governing the registry. H.R. 4183, as amended, provides further direction to the Federal Maritime Commission on its obligations in regulating shipping exchanges by first extending the deadline for the rulemaking mandated by P.L. 117-146 and secondly by establishing a protocol to file complaints against shipping exchanges at the Federal Maritime Commission. It also mandates a new rulemaking regulating the acquisition, use, and protection of data necessary for containerized freight indexes.

The Committee values the role of the Federal Maritime Commission in conducting independent, impartial investigations, particularly through Fact Findings initiated by Commission Order. H.R. 4183, as amended, makes clear that a majority vote of the Commission is required before information and documents developed as part of an investigation can be disclosed to any other Executive Branch agency. This protects the integrity of Commission investigations and provides increased certainty to parties contacted as part of an investigation that their cooperation and information will be kept confidential to the greatest extent possible.



The Committee recognizes the vital role of the Federal Maritime Commission in protecting the integrity of the marketplace for ocean liner services and the necessity of being properly resourced to accomplish its purposes. H.R. 4183, as amended, authorizes funding for fiscal years 2026–2029 at fiscally responsible levels sufficient to conduct effective oversight, meaningful investigations, productive consumer assistance, and unbiased adjudication.

#### HEARINGS

For the purposes of rule XIII, clause 3(c)(6)(A) of the 118th Congress—

The following hearing was used to develop or consider H.R. 4183: the Subcommittee on Coast Guard and Maritime Transportation held a hearing on July 22, 2025 entitled “*Future of United States Maritime Part 1: Review of Fiscal Year 2026 Federal Maritime Commission Budget Request*.” The Committee heard testimony from Commissioner Rebecca Dye.

#### LEGISLATIVE HISTORY AND CONSIDERATION

H.R. 4183, the “*Federal Maritime Commission Reauthorization Act of 2025*,” was introduced in the United States House of Representatives of June 26, 2025, by Rep. Dusty Johnson and referred to the Committee on Transportation and Infrastructure. Within the Committee on Transportation and Infrastructure, H.R. 4183 was referred to the Subcommittee on Coast Guard and Maritime Transportation. The Subcommittee on Coast Guard and Maritime Transportation was discharged from further consideration of H.R. 4183 on September 17, 2025.

The Committee considered H.R. 4183 on September 17, 2025, and ordered the measure to be reported to the House with a favorable recommendation, with amendment, by voice vote.

#### COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against.

No recorded votes were requested.

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee’s oversight findings and recommendations are reflected in this report.

#### NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the *Congressional Budget Act of 1974* has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the *Congressional Budget Act of 1974*, the Committee has received the enclosed cost estimate for H.R. 4183 from the Director of the Congressional Budget Office:

<b>H.R. 4183, Federal Maritime Commission Reauthorization Act of 2025</b>			
<b>As ordered reported by the House Committee on Transportation and Infrastructure on September 17, 2025</b>			
By Fiscal Year, Millions of Dollars	2026	2026-2030	2026-2035
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	38	208	212
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2036?	No	Statutory pay-as-you-go procedures apply? No	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2036?	No	<b>Mandate Effects</b>	
		Contains intergovernmental mandate? No	
		Contains private-sector mandate? No	

H.R. 4183 would authorize the appropriation of specific amounts each year totaling \$212 million over the 2026–2029 period for the activities of the Federal Maritime Commission (FMC). The bill also would create additional administrative and reporting requirements for the FMC, and it would establish two advisory committees to assist the commission. In 2025, the Congress provided \$40 million for the FMC.

CBO assumes that the bill will be enacted near the end of 2025 and that the specified amounts will be provided in each year. Based on historical spending patterns for the FMC, CBO estimates that implementing H.R. 4183 would cost \$208 million over the 2026–2030 period and \$4 million after 2030.

The costs of the legislation, detailed in Table 1, fall within budget function 400 (transportation).

TABLE 1.—ESTIMATED INCREASES IN SPENDING SUBJECT TO APPROPRIATION UNDER H.R. 4183

	By fiscal year, millions of dollars—											
	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2026–2030	2026–2035
Authorization	49	52	54	57	0	0	0	0	0	0	212	212
Estimated Outlays	38	49	53	55	13	3	1	0	0	0	208	212

The CBO staff contact for this estimate is Aaron Krupkin. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

PHILLIP L. SWAGEL,  
Director, Congressional Budget Office.

#### PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goal and objective of this legislation is to authorize appropriations for the Federal Maritime Commission for fiscal years 2026 through 2029, and for other purposes.

#### DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R. 4183 establishes or reauthorizes a program of the Federal government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

#### CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with clause 9 of rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the rule XXI.

#### FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act (Public Law 104–4).

#### PREEMPTION CLARIFICATION

Section 423 of the *Congressional Budget Act of 1974* requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee finds that H.R. 4183 does not preempt any state, local, or tribal law.

#### ADVISORY COMMITTEE STATEMENT

Section 5(b) of the appendix to Title 5, United States Code, requires the report of any Committee establishing, or authorizing the establishment of any advisory committee, to include a statement as to whether the functions of the proposed advisory committee are being or could be performed by one or more agencies or by an advisory committee already in existence, or by enlarging the mandate of an existing advisory committee. The Committee finds: the Federal Maritime Commission would benefit from the subject matter expertise of ocean carriers, marine terminal operators, port authorities, and longshore and maritime labor. H.R. 4183, as amended, establishes the National Port Advisory Committee and the National Ocean Carrier Advisory Committee.

## APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the *Congressional Accountability Act* (Public Law 104–1).

## SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

### *Section 1. Short title*

This section titles the bill as the “Federal Maritime Commission Reauthorization Act of 2025.”

### *Section 2. Table of contents*

### *Section 3. Authorization of appropriations*

This section extends the authorization of appropriations for the Federal Maritime Commission through FY 2029, providing \$49,200,000 for FY 2026, \$51,660,000 for FY 2027, \$54,243,000 for FY 2028, and \$57,016,000 for FY 2029.

### *Section 4. Purposes*

This section updates the purposes of subtitle IV, Regulation of Ocean Shipping, of title 46, to better reflect current federal policy governing ocean shipping.

### *Section 5. Definitions*

This section expands the definition of a controlled carrier to include a carrier owned or controlled by a nonmarket economy country, identified or subject to monitoring by the United States Trade Representative.

### *Section 6. Complaints against shipping exchanges*

This section establishes a formal process for members of the public to report complaints against shipping exchanges for engaging in unfair practices.

### *Section 7. Shipping Exchange Registry*

This section directs the Federal Maritime Commission to establish a registry of shipping exchanges within 2 years of the date of enactment.

### *Section 8. Repeal*

This section repeals two exceptions from Controlled Carrier statutes.

### *Section 9. Data collection*

This section eliminates parties from having to report information to the Federal Maritime Commission that is duplicative to what is already being submitted to other government agencies under separate, existing information gathering requirements.

### *Section 10. Investigations*

This section requires a majority vote of the Commission before materials or information developed as part of a Commission investigation can be released to any other Executive Branch agencies.

*Section 11. National advisory committees*

This section establishes a National Port Advisory Committee and a National Ocean Carrier Advisory Committee. These committees will complement the work of the existing National Shipper Advisory Committee and all three will provide advice to the Commission on policies relating to the competitiveness, reliability, and efficiency of the international ocean freight delivery system.

*Section 12. Annual report and public disclosures*

This section amends the annual reporting requirements for the Commission and heightens visibility of concerning, anticompetitive, or non-reciprocal trade practices. The Commission is directed to examine conduct of marine terminal operators in addition to ocean carriers.

*Section 13. Containerized freight indexes*

This section mandates the Commission complete a rulemaking within three years of enactment that addresses how data is acquired, used, and protected when developing pricing indexes for containerized ocean freight.

*Section 14. Technical amendments*

This section makes technical changes to 46 U.S.C. 425 to reflect the establishment of a National Port Advisory Committee and a National Ocean Carrier Advisory Committee.

## CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

## CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

**TITLE 46, UNITED STATES CODE**

\* \* \* \* \*

**SUBTITLE IV—REGULATION OF OCEAN SHIPPING**

Chap.		Sec..
401.	General .....	40101

\* \* \* \* \*

## PART B-ACTIONS TO ADDRESS FOREIGN PRACTICES

\* \* \* \* \*

425. National Shipper Advisory .....	]
425. National Advisory Committees .....	42501
* * * * *	

## PART A—OCEAN SHIPPING

\* \* \* \* \*

### CHAPTER 401—GENERAL

\* \* \* \* \*

#### § 40101. Purposes

The purposes of this part are to—

- (1) establish a nondiscriminatory regulatory process for the common carriage of goods by water in the foreign commerce of the United States with a minimum of government intervention and regulatory costs;
- (2) ensure an efficient, competitive, and economical transportation system *[in the ocean commerce of the United States]* *for the common carriage of goods by water in the foreign commerce of the United States*;
- (3) encourage the development of an economically sound and efficient liner fleet of vessels of the United States capable of meeting national security needs and supporting commerce; and
- (4) *[promote]* *support* the growth and development of United States exports through a competitive and efficient system for the carriage of goods by water in the foreign commerce of the United States, and by placing a greater reliance on the marketplace.

#### § 40102. Definitions

In this part:

- (1) AGREEMENT.—The term “agreement”—
  - (A) means a written or oral understanding, arrangement, or association, and any modification or cancellation thereof; but
  - (B) does not include a maritime labor agreement.
- (2) ANTITRUST LAWS.—The term “antitrust laws” means—
  - (A) the Sherman Act (15 U.S.C. 1 et seq.);
  - (B) sections 73 and 74 of the Wilson Tariff Act (15 U.S.C. 8, 9);
  - (C) the Clayton Act (15 U.S.C. 12 et seq.);
  - (D) the Act of June 19, 1936 (15 U.S.C. 13, 13a, 13b, 21a);
  - (E) the Federal Trade Commission Act (15 U.S.C. 41 et seq.);
  - (F) the Antitrust Civil Process Act (15 U.S.C. 1311 et seq.); and
  - (G) Acts supplementary to those Acts.
- (3) ASSESSMENT AGREEMENT.—The term “assessment agreement” means an agreement, whether part of a collective bargaining agreement or negotiated separately, to the extent the agreement provides for the funding of collectively bargained fringe-benefit obligations on other than a uniform worker-hour

basis, regardless of the cargo handled or type of vessel or equipment used.

(4) BULK CARGO.—The term “bulk cargo” means cargo that is loaded and carried in bulk without mark or count.

(5) CERTAIN COVERED SERVICES.—For purposes of sections 41105 and 41307, the term “certain covered services” means, with respect to a vessel—

(A) the berthing or bunkering of the vessel;

(B) the loading or unloading of cargo to or from the vessel to or from a point on a wharf or terminal;

(C) the positioning, removal, or replacement of buoys related to the movement of the vessel; and

(D) with respect to injunctive relief under section 41307, towing vessel services provided to such a vessel.

(6) CHEMICAL PARCEL-TANKER.—The term “chemical parcel-tanker” means a vessel that has—

(A) a cargo-carrying capability consisting of individual cargo tanks for bulk chemicals that—

(i) are a permanent part of the vessel; and

(ii) have segregation capability with piping systems to permit simultaneous carriage of several bulk chemical cargoes with minimum risk of cross-contamination; and

(B) a valid certificate of fitness under the International Maritime Organization Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk.

(7) COMMON CARRIER.—The term “common carrier”—

(A) means a person that—

(i) holds itself out to the general public to provide transportation by water of passengers or cargo between the United States and a foreign country for compensation;

(ii) assumes responsibility for the transportation from the port or point of receipt to the port or point of destination; and

(iii) uses, for all or part of that transportation, a vessel operating on the high seas or the Great Lakes between a port in the United States and a port in a foreign country; but

(B) does not include a carrier engaged in ocean transportation by ferry boat, ocean tramp, or chemical parcel-tanker, or by vessel when primarily engaged in the carriage of perishable agricultural commodities—

(i) if the carrier and the owner of those commodities are wholly-owned, directly or indirectly, by a person primarily engaged in the marketing and distribution of those commodities; and

(ii) only with respect to the carriage of those commodities.

(8) CONFERENCE.—The term “conference”—

(A) means an association of ocean common carriers permitted, pursuant to an approved or effective agreement, to engage in concerted activity and to use a common tariff; but

(B) does not include a joint service, consortium, pooling, sailing, or transshipment agreement.

(9) CONTROLLED CARRIER.—The term “controlled carrier” means an ocean common carrier means—

(A) *an ocean common carrier* that is, or whose operating assets are, directly or indirectly, owned or controlled by a government, with ownership or control by a government being deemed to exist for a carrier if—

[(A)] (i) a majority of the interest in the carrier is owned or controlled in any manner by that government, an agency of that government, or a public or private person controlled by that government; or

[(B)] (ii) that government has the right to appoint or disapprove the appointment of a majority of the directors, the chief operating officer, or the chief executive officer of the carrier[.]; or

(B) *such a carrier that is owned or controlled by, a subsidiary of, or otherwise related legally or financially (other than a minority relationship or investment) to a corporation based in, headquartered in, or otherwise significantly linked to a country—*

(i) *identified as a nonmarket economy country (as defined in section 771(18) of the Tariff Act of 1930 (19 U.S.C. 1677(18))) as of the date of enactment of the Federal Maritime Commission Reauthorization Act of 2025;*

(ii) *identified by the United States Trade Representative on the priority watch list included in the most recent report required by section 182 of the Trade Act of 1974 (19 U.S.C. 2242) as a priority foreign country under subsection (a)(2) of that section; or*

(iii) *subject to monitoring by the United States Trade Representative under section 306 of the Trade Act of 1974 (19 U.S.C. 2416).*

(10) DEFERRED REBATE.—The term “deferred rebate” means a return by a common carrier of any freight money to a shipper, where the return is—

(A) consideration for the shipper giving all or any portion of its shipments to that or any other common carrier over a fixed period of time;

(B) deferred beyond the completion of the service for which it was paid; and

(C) made only if the shipper has agreed to make a further shipment with that or any other common carrier.

(11) FOREST PRODUCTS.—The term “forest products” includes lumber in bundles, rough timber, ties, poles, piling, laminated beams, bundled siding, bundled plywood, bundled core stock or veneers, bundled particle or fiber boards, bundled hardwood, wood pulp in rolls, wood pulp in unitized bales, and paper and paper board in rolls or in pallet or skid-sized sheets.

(12) INLAND DIVISION.—The term “inland division” means the amount paid by a common carrier to an inland carrier for the inland portion of through transportation offered to the public by the common carrier.



(13) INLAND PORTION.—The term “inland portion” means the charge to the public by a common carrier for the non-ocean portion of through transportation.

(14) LOYALTY CONTRACT.—The term “loyalty contract” means a contract with an ocean common carrier or agreement providing for—

(A) a shipper to obtain lower rates by committing all or a fixed portion of its cargo to that carrier or agreement; and

(B) a deferred rebate arrangement.

(15) MARINE TERMINAL OPERATOR.—The term “marine terminal operator” means a person engaged in the United States in the business of providing wharfage, dock, warehouse, or other terminal facilities in connection with a common carrier, or in connection with a common carrier and a water carrier subject to subchapter II of chapter 135 of title 49.

(16) MARITIME LABOR AGREEMENT.—The term “maritime labor agreement”—

(A) means—

(i) a collective bargaining agreement between an employer subject to this part, or a group of such employers, and a labor organization representing employees in the maritime or stevedoring industry;

(ii) an agreement preparatory to such a collective bargaining agreement among members of a multi-employer bargaining group; or

(iii) an agreement specifically implementing provisions of such a collective bargaining agreement or providing for the formation, financing, or administration of a multi-employer bargaining group; but

(B) does not include an assessment agreement.

(17) NON-VESSEL-OPERATING COMMON CARRIER.—The term “non-vessel-operating common carrier” means a common carrier that—

(A) does not operate the vessels by which the ocean transportation is provided; and

(B) is a shipper in its relationship with an ocean common carrier.

(18) OCEAN COMMON CARRIER.—The term “ocean common carrier” means a vessel-operating common carrier.

(19) OCEAN FREIGHT FORWARDER.—The term “ocean freight forwarder” means a person that—

(A) in the United States, dispatches shipments from the United States via a common carrier and books or otherwise arranges space for those shipments on behalf of shippers; and

(B) processes the documentation or performs related activities incident to those shipments.

(20) OCEAN TRANSPORTATION INTERMEDIARY.—The term “ocean transportation intermediary” means an ocean freight forwarder or a non-vessel-operating common carrier.

(21) SERVICE CONTRACT.—The term “service contract” means a written contract, other than a bill of lading or receipt, between one or more shippers, on the one hand, and an indi-

vidual ocean common carrier or an agreement between or among ocean common carriers, on the other, in which—

(A) the shipper or shippers commit to providing a certain volume or portion of cargo over a fixed time period; and

(B) the ocean common carrier or the agreement commits to a certain rate or rate schedule and a defined service level, such as assured space, transit time, port rotation, or similar service features.

(22) SHIPMENT.—The term “shipment” means all of the cargo carried under the terms of a single bill of lading.

(23) SHIPPER.—The term “shipper” means—

(A) a cargo owner;

(B) the person for whose account the ocean transportation of cargo is provided;

(C) the person to whom delivery is to be made;

(D) a shippers’ association; or

(E) a non-vessel-operating common carrier that accepts responsibility for payment of all charges applicable under the tariff or service contract.

(24) SHIPPERS’ ASSOCIATION.—The term “shippers’ association” means a group of shippers that consolidates or distributes freight on a nonprofit basis for the members of the group to obtain carload, truckload, or other volume rates or service contracts.

(25) THROUGH RATE.—The term “through rate” means the single amount charged by a common carrier in connection with through transportation.

(26) THROUGH TRANSPORTATION.—The term “through transportation” means continuous transportation between origin and destination for which a through rate is assessed and which is offered or performed by one or more carriers, at least one of which is a common carrier, between a United States port or point and a foreign port or point.

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## CHAPTER 405—TARIFFS, SERVICE CONTRACTS, REFUNDS, AND WAIVERS

Sec.

40501. General rate and tariff requirements.

\* \* \* \* \*

40505. *Complaints against shipping exchanges.*

\* \* \* \* \*

### § 40504. Shipping exchange registry

(a) IN GENERAL.—No person may operate a shipping exchange involving ocean transportation in the foreign commerce of the United States unless the shipping exchange is registered as a national shipping exchange under the terms and conditions provided in this section and the regulations issued pursuant to this section.

(b) REGISTRATION.—A person shall register a shipping exchange by filing with the Federal Maritime Commission an application for registration in such form as the Commission, by rule, may prescribe, containing the rules of the exchange and such other infor-

mation and documents as the Commission, by rule, may prescribe as necessary or appropriate to complete a shipping exchange's registration.

(c) **EXEMPTION AND INVESTIGATION.**—The Commission **[may exempt]** *may*—

(1) *exempt*, conditionally or unconditionally, a shipping exchange from registration under this section if the Commission finds that the shipping exchange is subject to comparable, comprehensive supervision and regulation by the appropriate governmental authorities in a foreign country where the shipping exchange is headquartered**[.]**; and

(2) *investigate complaints submitted under section 40505.*

(d) **REGULATIONS.**—Not later than **[3 years after the date of enactment of the Ocean Shipping Reform Act of 2022]** *2 years after the date of enactment of the Federal Maritime Commission Reauthorization Act of 2025*, the Commission shall issue regulations pursuant to subsection (a), which shall **[set standards necessary to carry out]** *ensure consistency with* subtitle IV of this title for registered national shipping exchanges. For consideration of a service contract entered into **[by]** *via* a shipping exchange, the Commission shall be limited to the minimum essential terms for service contracts established under section 40502 of this title.

(e) **DEFINITION OF SHIPPING EXCHANGE.**—In this section, the term “shipping exchange” means a platform (digital, over-the-counter, or otherwise) that connects shippers with common carriers for the purpose of entering into underlying agreements or contracts for the transport of cargo, by vessel or other modes of transportation.

#### **§40505. Complaints against shipping exchanges**

(a) *IN GENERAL.*—*A person may submit to the Federal Maritime Commission, and the Commission shall accept, information concerning alleged incidents of market manipulation or other anticompetitive practices by shipping exchanges registered under section 40504.*

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

(c) *REPORT TO CONGRESS.*—*The Commission shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the results of any investigation in which the Commission finds incidents of market manipulation or anticompetitive practices by shipping exchanges registered under section 40504.*

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### **CHAPTER 407—CONTROLLED CARRIERS**

Sec.

\* \* \* \* \*

**[40706. Exceptions.]**

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**[§ 40706. Exceptions**

[This chapter does not apply to—

[(1) a controlled carrier of a foreign country whose vessels are entitled by a treaty of the United States to receive national or most-favored-nation treatment; or

[(2) a trade served only by controlled carriers.]

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**CHAPTER 411—PROHIBITIONS AND PENALTIES**

\* \* \* \* \*

**§ 41110. Data collection**

[The Federal Maritime Commission] (a) *QUARTERLY REPORT.*—*The Federal Maritime Commission shall publish on its website a calendar quarterly report that describes the total import and export tonnage and the total loaded and empty 20-foot equivalent units per vessel (making port in the United States, including any territory or possession of the United States) operated by each ocean common carrier covered under this chapter. Ocean common carriers under this chapter shall provide to the Commission all necessary information, as determined by the Commission, for completion of this report.*

(b) *LIMITATION ON DUPLICATION.*—*Unless the data described in paragraphs (1) and (2) is not available in a timely manner or in a form that allows the Commission to meet the requirements of subsection (a), data required to be reported under subsection (a) may not duplicate information submitted—*

*(1) to the Corps of Engineers pursuant to section 11 of the Act entitled “An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes”, approved September 22, 1922 (33 U.S.C. 555), by an ocean common carrier acting as a vessel operator;*

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

*(3) to the Department of Commerce pursuant to section 301 of title 13.*

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**CHAPTER 413—ENFORCEMENT**

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**§ 41302. Investigations**

(a) *IN GENERAL.*—The Federal Maritime Commission, on complaint or its own motion, may investigate any conduct, agreement, fee, or charge that the Commission believes may be in violation of this part. The Commission may by order disapprove, cancel, or modify any agreement that operates in violation of this part.

(b) *EFFECTIVENESS OF AGREEMENT, FEE, OR CHARGE DURING INVESTIGATION.*—Unless an injunction is issued under section 41306 or 41307 of this title, an agreement, fee, or charge under investigation by the Commission remains in effect until the Commission issues its order.

(c) **DATE FOR DECISION.**—Within 10 days after the initiation of a proceeding under this section or section 41301 of this title, the Commission shall set a date by which it will issue its final decision. The Commission by order may extend the date for good cause.

(d) **SANCTIONS FOR DELAY.**—If, within the period for final decision under subsection (c), the Commission determines that it is unable to issue a final decision because of undue delay caused by a party to the proceeding, the Commission may impose sanctions, including issuing a decision adverse to the delaying party.

(e) **REPORT.**—The Commission shall make a written report of every investigation under this part in which a hearing was held, stating its conclusions, decisions, findings of fact, and order. The Commission shall provide a copy of the report to all parties and publish the report for public information. A published report is competent evidence in a court of the United States.

(f) **NONDISCLOSURE.**—*Information and documents developed by the Federal Maritime Commission under this section shall not be disclosed unless the Commission determines by majority vote of the Commission that such information and documents are relevant to an administrative or judicial proceeding and agrees by a majority vote to disclose such information and documents.*

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## PART B—ACTIONS TO ADDRESS FOREIGN PRACTICES

\* \* \* \* \*

### CHAPTER 425—[NATIONAL SHIPPER ADVISORY COMMITTEE] NATIONAL ADVISORY COMMITTEES

Sec.

[42501. Definitions.

[42502. National Shipper Advisory Committee.

[42503. Administration.]

42501. *Definitions.*

42502. *National Shipper Advisory Committee.*

42503. *National Port Advisory Committee.*

42504. *National Ocean Carrier Advisory Committee.*

42505. *Function.*

42506. *Administration.*

#### § 42501. Definitions

In this chapter:

(1) **COMMISSION.**—The term “Commission” means the Federal Maritime Commission.

[(2) **COMMITTEE.**—The term “Committee” means the National Shipper Advisory Committee established under section 42502.]

(2) **COVERED COMMITTEE.**—*The term “covered Committee” means—*

(A) *the National Shipper Advisory Committee established under section 42502;*

(B) *the National Port Advisory Committee established under section 42503; and*

*(C) the National Ocean Carrier Advisory Committee established under section 52504.*

**§ 42502. National Shipper Advisory Committee**

(a) *ESTABLISHMENT.*—There is established a National Shipper Advisory **Committee** *(in this section referred to as the “Shipper Committee”)*.

**FUNCTION.**—The Committee shall advise the Federal Maritime Commission on policies relating to the competitiveness, reliability, integrity, and fairness of the international ocean freight delivery system.

**MEMBERSHIP.**—

(1) *IN GENERAL.*—The **Shipper Committee** shall consist of 24 members appointed by the Commission in accordance with this section.

(2) *EXPERTISE.*—Each member of the **Shipper Committee** shall have particular expertise, knowledge, and experience in matters relating to the function of the **Shipper Committee**.

(3) *REPRESENTATION.*—Members of the **Shipper Committee** shall be appointed as follows:

(A) Twelve members shall represent entities who import cargo to the United States using ocean common carriers.

(B) Twelve members shall represent entities who export cargo from the United States using ocean common carriers.

**§ 42503. National port advisory committee**

(a) *ESTABLISHMENT.*—There is established a National Port Advisory Committee *(in this section referred to as the “Port Committee”)*.

**MEMBERSHIP.**—

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

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

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

(A) 5 members shall represent marine terminal operators, as such term is defined in section 40102.

(B) 5 members shall represent port authorities.

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

**§ 42504. National ocean carrier advisory committee**

(a) *ESTABLISHMENT.*—There is established a National Ocean Carrier Advisory Committee *(in this section referred to as the “Carrier Committee”)*.

**MEMBERSHIP.**—

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

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

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

#### **§ 42505. Function**

*The covered Committees shall advise the Federal Maritime Commission on policies relating to the competitiveness, reliability, and efficiency of the international ocean freight delivery system.*

#### **§ [42503.] 42506. Administration**

(a) *MEETINGS.*—**[The Committee]** *Each covered Committee shall, not less than once each year, meet at the call of the Commission or a majority of the members of [the Committee] each such Committee.*

(b) *EMPLOYEE STATUS.*—A member of **[the Committee]** *a covered Committee shall not be considered an employee of the Federal Government by reason of service on such Committee, except for the purposes of the following:*

(1) Chapter 81 of title 5.

(2) Chapter 171 of title 28 and any other Federal law relating to tort liability.

(c) *VOLUNTEER SERVICES AND COMPENSATION.*—

(1) Notwithstanding any other provision of law, a member of **[the Committee]** *a covered Committee may serve on such committee on a voluntary basis without pay.*

(2) No member of **[the Committee]** *a covered Committee shall receive compensation for service on [the Committee] a covered Committee.*

(d) *STATUS OF MEMBERS.*—

(1) *IN GENERAL.*—Except as provided in paragraph (2), with respect to a member of **[the Committee]** *a covered Committee whom the Commission appoints to represent an entity or group—*

(A) the member is authorized to represent the interests of the applicable entity or group; and

(B) requirements under Federal law that would interfere with such representation and that apply to a special Government employee (as defined in section 202(a) of title 18), including requirements relating to employee conduct, political activities, ethics, conflicts of interest, and corruption, do not apply to the member.

(2) *EXCEPTION.*—Notwithstanding subsection (b), a member of **[the Committee]** *a covered Committee shall be treated as a special Government employee for purposes of the committee service of the member if the member, without regard to service on [the Committee] a covered Committee, is a special Government employee.*

(e) *SERVICE ON COMMITTEE.*—

(1) *SOLICITATION OF NOMINATIONS.*—Before appointing an individual as a member of **[the Committee]** *a covered Committee, the Commission shall publish a timely notice in the Federal Register soliciting nominations for membership on such Committee.*

(2) *APPOINTMENTS.*—

(A) IN GENERAL.—After considering nominations received pursuant to a notice published under paragraph (1), the Commission may appoint a member to **the Committee** *a covered Committee*.

(B) PROHIBITION.—The Commission shall not seek, consider, or otherwise use information concerning the political affiliation of a nominee in making an appointment to **the Committee** *a covered Committee*.

(3) SERVICE AT PLEASURE OF COMMISSION.—Each member of **the Committee** *a covered Committee* shall serve at the pleasure of the Commission.

(4) SECURITY BACKGROUND EXAMINATIONS.—The Commission may require an individual to have passed an appropriate security background examination before appointment to **the Committee** *a covered Committee*.

(5) PROHIBITION.—A Federal employee may not be appointed as a member of **the Committee** *a covered Committee*.

(6) TERMS.—

(A) IN GENERAL.—The term of each member of **the Committee** *a covered Committee* shall expire on December 31 of the third full year after the effective date of the appointment.

(B) CONTINUED SERVICE AFTER TERM.—When the term of a member of **the Committee** *a covered Committee* ends, the member, for a period not to exceed 1 year, may continue to serve as a member until a successor is appointed.

(7) VACANCIES.—A vacancy on **the Committee** *a covered Committee* shall be filled in the same manner as the original appointment.

(8) SPECIAL RULE FOR REAPPOINTMENTS.—Notwithstanding paragraphs (1) and (2), the Commission may reappoint a member of a committee for any term, other than the first term of the member, without soliciting, receiving, or considering nominations for such appointment.

(f) STAFF SERVICES.—The Commission shall furnish to **the Committee** *a covered Committee* any staff and services considered by the Commission to be necessary for the conduct of **the Committee's** *a covered Committee's* functions.

(g) CHAIR; VICE CHAIR.—

(1) IN GENERAL.—**The Committee** *Each covered Committee* shall elect a Chair and Vice Chair from among the committee's members.

(2) VICE CHAIRMAN ACTING AS CHAIRMAN.—The Vice Chair shall act as Chair in the absence or incapacity of, or in the event of a vacancy in the office of, the Chair.

(h) SUBCOMMITTEES AND WORKING GROUPS.—

(1) IN GENERAL.—The **Chair of the Committee** *Chair of each covered Committee* may establish and disestablish subcommittees and working groups for any purpose consistent with the **function of the Committee** *function of the applicable Committee*.

(2) PARTICIPANTS.—Subject to conditions imposed by the Chair, members of **the Committee** *each covered Committee* may be assigned to subcommittees and working groups established under paragraph (1).



## (i) CONSULTATION, ADVICE, REPORTS, AND RECOMMENDATIONS.—

(1) CONSULTATION.—Before taking any significant action, the Commission shall consult with, and consider the information, advice, and recommendations of, ~~the Committee if the function of the Committee~~ *any relevant covered Committee if the function of such Committee* is to advise the Commission on matters related to the significant action.

(2) ADVICE, REPORTS, AND RECOMMENDATIONS.—~~The Committee~~ *Each covered Committee* shall submit, in writing, to the Commission its advice, reports, and recommendations, in a form and at a frequency determined appropriate by ~~the Committee~~ *each such Committee*.

(3) EXPLANATION OF ACTIONS TAKEN.—Not later than 60 days after the date on which the Commission receives recommendations ~~from the Committee~~ *from a covered Committee* under paragraph (2), the Commission shall—

(A) publish the recommendations on a public website; and

(B) respond, in writing, ~~to the Committee~~ *to the submitting Committee* regarding the recommendations, including by providing an explanation of actions taken regarding the recommendations.

(4) SUBMISSION TO CONGRESS.—The Commission shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the advice, reports, and recommendations received ~~from the Committee~~ *from a covered Committee* under paragraph (2).

(j) OBSERVERS.—The Commission may designate a representative to—

(1) attend any meeting of ~~the Committee~~ *a covered Committee*; and

(2) participate as an observer at such meeting.

(k) TERMINATION.—~~The Committee~~ *The covered Committees* shall terminate on September 30, 2029.

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## PART D—FEDERAL MARITIME COMMISSION

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### CHAPTER 461—FEDERAL MARITIME COMMISSION

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#### § 46106. Annual report and public disclosure

(a) IN GENERAL.—Not later than April 1 of each year, the Federal Maritime Commission shall submit a report to Congress. The report shall include the results of its investigations, a summary of its transactions, the purposes for which all of its expenditures were made, and any recommendations for legislation.

(b) REPORT ON FOREIGN LAWS AND PRACTICES.—The Commission shall include in its annual report to Congress—

(1) a list of the 20 foreign countries that generated the largest volume of oceanborne liner cargo for the most recent calendar year in bilateral trade with the United States;

(2) an analysis of conditions described in section 42302(a) of this title being investigated or found to exist in foreign countries;

(3) any actions being taken by the Commission to offset those conditions;

(4) any recommendations for additional legislation to offset those conditions;

(5) a list of petitions filed under section 42302(b) of this title that the Commission rejected and the reasons for each rejection;

(6) an analysis of the impacts on competition for the purchase of certain covered services by alliances of ocean common carriers acting pursuant to an agreement **[under this part] under chapter 403** between or among ocean common carriers, including a summary of actions, including corrective actions, taken by the Commission to promote such competition; **[and]**

(7) an identification of any *anticompetitive, nonreciprocal trade*, or otherwise concerning practices by **[ocean common carriers, particularly such carriers that are controlled carriers, that are—] controlled carriers; and**

**[(A) State-owned or State-controlled enterprises; or**

**[(B) owned or controlled by, a subsidiary of, or otherwise related legally or financially (other than a minority relationship or investment) to a corporation based in a country—**

**[(i) identified as a nonmarket economy country (as defined in section 771(18) of the Tariff Act of 1930 (19 U.S.C. 1677(18))) as of the date of enactment of this paragraph;**

**[(ii) identified by the United States Trade Representative in the most recent report required by section 182 of the Trade Act of 1974 (19 U.S.C. 2242) as a priority foreign country under subsection (a)(2) of that section; or**

**[(iii) subject to monitoring by the United States Trade Representative under section 306 of the Trade Act of 1974 (19 U.S.C. 2416).]**

(8) *an analysis of any trade imbalance resulting from the business practices of ocean common carriers, including an analysis of the data collected under section 41110; and*

(9) *the aggregated findings and results of the Vessel-Operating Common Carrier Audit Program established by the Commission on July 18, 2021, pursuant to the Commission rule interpreting section 41102(c).*

(c) **DEFINITION OF CERTAIN COVERED SERVICES.**—In this section, the term “certain covered services” has the meaning given the term in section 40102.

(d) **PUBLIC DISCLOSURES.**—The Federal Maritime Commission shall publish, and annually update, on the website of the Commission—

(1) all findings by the Commission of false detention and demurrage invoice information by common carriers under section 41104(a)(15) of this title; and

(2) all penalties imposed or assessed against common carriers, as applicable, under sections 41107, 41108, and 41109, listed by each common carrier *or marine terminal operator*.

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#### **§ 46108. Authorization of appropriations**

There is authorized to be appropriated to the Federal Maritime Commission **【\$32,869,000 for fiscal year 2022, \$38,260,000 for fiscal year 2023, \$43,720,000 for fiscal year 2024, and \$49,200,000 for fiscal year 2025】** *\$49,200,000 for fiscal year 2026, \$51,660,000 for fiscal year 2027, \$54,243,000 for fiscal year 2028, and \$57,016,000 for fiscal year 2029* for the activities of the Commission authorized under this chapter and subtitle IV.

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