

I am proud to be an original cosponsor of this bill and ask that all Members support this bill. I urge a “yea” vote for this incredibly important piece of legislation to maintain and to continue the work that we have done at Michoud with NASA for our country.

□ 1045

Mr. BABIN. Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Mrs. KIM).

Mrs. KIM of California. Mr. Speaker, I rise today in strong support of H.R. 5746, the NASA Enhanced Use Leasing Extension Act. This is a bipartisan bill I was proud to colead with Space and Aeronautics Subcommittee Chair BEYER, Ranking Member BABIN, and Representative TROY CARTER.

H.R. 5746 would allow NASA to continue leasing any underutilized, non-excess property owned by the Federal Government to private-sector entities, State and local governments, academic institutions, and other agencies involved in the research, development, and deployment of space innovation.

We need an all-hands-on-deck approach to help the U.S. lead the global space race for innovation and the development of new technologies, and this legislation aims to do exactly that. I am proud to support H.R. 5746, those on the front lines of space innovation, and aerospace manufacturers in southern California that create the tools for the United States to continue reaching new heights.

I urge my colleagues to support H.R. 5746.

Mr. BEYER. Mr. Speaker, I have no further requests for time to speak on this bill, and I am prepared to close when necessary.

I reserve the balance of my time.

Mr. BABIN. Mr. Speaker, I yield myself the balance of my time to close.

Mr. Speaker, passage of this legislation will allow NASA to better manage their infrastructure, maintain their facilities, and support the commercial space industry. The provision is fiscally responsible, as it helps NASA collect revenue from its underutilized properties.

Congress will continue to provide oversight of how NASA uses this authority in the coming years to ensure that taxpayer interests are protected and that the authority is not misused.

I would like to thank Representative FRANK LUCAS, the ranking member of the Science, Space, and Technology Committee, for his leadership on this important topic. He is a strong advocate for not only our Nation's space program but for our entire scientific enterprise, both public and private.

I would also like to thank Chairwoman EDDIE BERNICE JOHNSON, my colleague from Texas, and also my friend, Chairman DON BEYER, for their efforts to expedite this bill, as well as the majority and minority staff of the Science, Space, and Technology Committee.

I would also like to thank the NASA civil servant and contractor workforce. Despite the challenges posed by COVID-19, NASA employees and contractors have been able to accomplish phenomenal achievements. From once again launching American astronauts on American rockets from American soil, to landing a rover the size of an SUV on Mars, to flying the first helicopter on another planet, NASA has not missed a stride. These achievements are a credit to the perseverance and fortitude of the entire NASA family, and I look forward to witnessing many more amazing feats in the coming weeks and months. It is an exciting time.

Finally, I would also like to recognize the passing yesterday of Mark Geyer, the former Director of Johnson Space Center. Mark was a stalwart leader, a skilled engineer, and a thoughtful friend.

Representing the Johnson Space Center afforded me the opportunity to work with Mark over the years, and I can tell you that he had a profound impact on our Nation's space program.

I would also like to wish his wife, Jackie, his three children, and the entire Geyer family my heartfelt condolences and thank them for Mark's service to NASA, the American people, and the noble endeavor of space exploration.

Mr. Speaker, I yield back the balance of my time.

Mr. BEYER. Mr. Speaker, I concur with my friend Dr. BABIN that we are very fortunate to be led by EDDIE BERNICE JOHNSON, our chair, and FRANK LUCAS, our ranking member. It is a joy to work on this committee, and we actually work together in a good way. I would like to thank the gentleman from Texas (Mr. BABIN), the gentleman from Louisiana (Mr. CARTER), and the gentlewoman from California (Mrs. KIM) for cosponsoring this and helping put this together, and our wonderful Space and Aeronautics Subcommittee staff, who actually took the time to put the title of this bill in iambic pentameter, the NASA Enhanced Use Leasing Extension Act of 2021.

Mr. Speaker, I encourage all of my colleagues to vote for this good bill, and I yield back the balance of my time.

Ms. JOHNSON of Texas. Mr. Speaker, I rise in support of H.R. 5746, the “NASA Enhanced Use Lease Extension Act of 2021”.

I want to thank Chairman BEYER of the Subcommittee on Space and Aeronautics for introducing this bipartisan bill, along with Subcommittee Rankin Member BABIN, Representative TROY CARTER, and Representative YOUNG KIM, as original cosponsors.

As Chair of the Committee on Science, Space, and Technology, I've had the privilege over the years to visit many NASA Field Centers and witness the extensive infrastructure required to support our nation's inspiring space program.

Some of those properties are underutilized and many are aging. Therefore, they can fall into disrepair.

NASA facilities, properties, and infrastructure comprise over 5,000 buildings and structures, including those at its field centers, and the Jet Propulsion Laboratory.

The extension of enhanced use leasing authority in this bill helps NASA manage the agency's real property, including the preservation of underutilized or unique, historic properties.

As Chairman BEYER noted, enhanced use leasing, or “EUL”, allows NASA to enter into agreements with state and local governments, academia, private sector entities, and other Federal government agencies to lease non-excess and underutilized properties at NASA.

EUL authority allows the agency to accept lease revenues, in turn helping NASA to reduce operating costs and make repairs and improvements to facility systems.

According to NASA, in Fiscal Year 2019, five NASA Centers used enhanced use leasing resulting in a total of over \$10 million in net revenue for the agency.

Congress first granted NASA authority to demonstrate enhanced use leasing at two NASA Field Centers as part the Fiscal Year 2003 Consolidated Appropriations Resolution.

The Fiscal Year 2009 Omnibus Appropriations Act expanded the authority to agency-wide use.

Since then, the authority has been amended in 2008, and further amended in 2012 to allow NASA to accept in-kind considerations for leases for the purpose of developing renewable energy production facilities.

The most recent extension of EUL authority was in the Fiscal Year 2020 Further Consolidated Appropriations Act, where the authority was extended for 2 years, until December 31, 2021, the end of this year. The bill we are considering today provides a clean ten-year extension until December 31, 2031.

This longer term extension provides consistency and certainty to NASA and tenants, allowing NASA to continue existing EUL arrangements and make progress on developing new arrangements that are currently underway.

Enhanced use leasing is an important, well-used authority that benefits NASA and the many institutions that enter into EUL leases. We must act now to extend it.

With that, Mr. Speaker, I urge my colleagues to vote yes and pass H.R. 5746, the bipartisan “NASA Enhanced Use Lease Extension Act of 2021.”

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. BEYER) that the House suspend the rules and pass the bill, H.R. 5746, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

OCEAN SHIPPING REFORM ACT OF 2021

Mr. GARAMENDI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4996) to amend title 46, United States Code, with respect to prohibited acts by ocean common carriers or marine terminal operators, and for other purposes, as amended.

The Clerk read the title of the bill.
The text of the bill is as follows:

H.R. 4996

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Ocean Shipping Reform Act of 2021”.

SEC. 2. PURPOSES.

Section 40101 of title 46, United States Code, is amended by striking paragraphs (2) through (4) and inserting the following:

“(2) ensure an efficient and competitive transportation system for the common carriage of goods by water in the foreign commerce of the United States that is, as far as possible, in harmony with fair and equitable international shipping practices;

“(3) encourage the development of a competitive and efficient liner fleet of vessels of the United States capable of meeting national security and commerce needs of the United States;

“(4) support the growth and development of United States exports through a competitive and efficient system for the common carriage of goods by water in the foreign commerce of the United States and by placing a greater reliance on the marketplace; and

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

SEC. 3. SERVICE CONTRACTS.

Section 40502 of title 46, United States Code, is amended—

(1) in subsection (c)—

(A) in paragraph (7) by striking “; and” and inserting a semicolon;

(B) in paragraph (8) by striking the period and inserting “; and”; and

(C) by adding at the end the following:

“(9) any other essential terms or minimum contract requirements that the Federal Maritime Commission determines necessary or appropriate.”; and

(2) by adding at the end the following:

“(g) SERVICE CONTRACT REQUIREMENT.—With respect to service contracts entered into under this section, a common carrier shall establish, observe, and enforce just and reasonable regulations and practices relating to essential terms and minimum contract requirements the Commission determines are necessary or appropriate under subsection (c)(9).”.

SEC. 4. SHIPPING EXCHANGE REGISTRY.

(a) IN GENERAL.—Chapter 405 of title 46, United States Code, is amended by adding at the end the following:

“§ 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 information and documents as the Commission, by rule, may prescribe as necessary or appropriate in the public interest.

“(c) EXEMPTION.—The Commission may exempt, conditionally or unconditionally, a shipping exchange from registration and licensing 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 the home country of the shipping exchange.

“(d) REGULATIONS.—In issuing regulations pursuant to subsection (a), the Commission shall set standards necessary to carry out subtitle IV for registered national shipping exchanges, including the minimum requirements for service contracts established under section 40502, and issue licenses for registered national shipping exchanges.

“(e) DEFINITION.—In this subsection, the term ‘shipping exchange’ means a platform, digital, over-the-counter or otherwise, which connects shippers with common carriers (both vessel-operating and non-vessel-operating) for the purpose of entering into underlying agreements or contracts for the transport of cargo, by vessel or other modes of transportation.”.

(b) APPLICABILITY.—The registration requirement under section 40504 of title 46, United States Code (as added by this section), shall take effect on the date on which the Federal Maritime Commission issues regulations required under subsection (d) of such section.

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

“40504. Shipping exchange registry.”.

SEC. 5. DATA COLLECTION.

(a) IN GENERAL.—Chapter 411 of title 46, United States Code, is amended by adding at the end the following:

“§ 41110. Data collection

“(a) IN GENERAL.—Common carriers covered under this chapter shall submit to the Federal Maritime Commission 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 such common carrier.

“(b) PROHIBITION ON DUPLICATION.—Data required to be reported under subsection (a) may not duplicate information—

“(1) submitted 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; or

“(2) submitted 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.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 411 of title 46, United States Code, is amended by adding at the end the following:

“41110. Data collection.”.

SEC. 6. NATIONAL SHIPPER ADVISORY COMMITTEE.

(a) NATIONAL SHIPPER ADVISORY COMMITTEE.—Section 42502(c)(3) of title 46, United States Code, is amended by inserting “, including customs brokers or freight forwarders” after “ocean common carriers” each place such term occurs.

(b) ANALYSIS.—The analysis for chapter 425 of title 46, United States Code, is amended by inserting before the item relating to section 42501 the following:

“Sec.”.

SEC. 7. 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 (5) by striking “and” at the end;

(2) in paragraph (6)—

(A) by striking “under this part” and inserting “under chapter 403”; and

(B) by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

“(7) an identification of any anticompetitive or nonreciprocal trade practices by ocean common carriers;

“(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) an identification of any otherwise concerning practices by ocean common carriers, particularly such carriers that are—

“(A) State-owned or State-controlled enterprises; or

“(B) owned or controlled by, is a subsidiary of, or is 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 (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 Trade Representative under section 306 of the Trade Act of 1974 (19 U.S.C. 2416).”.

(b) PUBLIC DISCLOSURE.—

(1) IN GENERAL.—Section 46106 of title 46, United States Code, is amended by adding at the end the following:

“(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 certifications by common carriers or marine terminal operators under section 41104(a)(15) of this title; and

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

(2) CONFORMING AND CLERICAL AMENDMENTS.—

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

(B) CLERICAL AMENDMENT.—The analysis for chapter 461 of title 46, United States Code, is amended by striking the item related to section 46106 and inserting the following:

“46106. Annual report and public disclosure.”.

SEC. 8. GENERAL PROHIBITIONS.

Section 41102 of title 46, United States Code, is amended by adding by adding at the end the following:

“(d) PROHIBITION ON RETALIATION.—A common carrier, marine terminal operator, or ocean transportation intermediary, either alone or in conjunction with any other person, directly or indirectly, may not retaliate against a shipper, a shipper's agent, or a motor carrier by refusing, or threatening to refuse, cargo space accommodations when available, or resort to other unfair or unjustly discriminatory methods because the shipper has patronized another carrier, has filed a complaint, or for any other reason.

“(e) CERTIFICATION.—A common carrier or marine terminal operator shall not charge any other person demurrage or detention charges under a tariff, marine terminal schedule, service contract, or any other contractual obligation unless accompanied by

an accurate certification that such charges comply with all rules and regulations concerning demurrage or detention issued by the Commission. The certification requirement only applies to the entity that establishes the charge, and a common carrier or marine terminal operator that collects a charge on behalf of another common carrier or marine terminal operator is not responsible for providing the certification, except that an invoice from a common carrier or marine terminal operator collecting a charge on behalf of another must include a certification from the party that established the charge.”.

SEC. 9. PROHIBITION ON UNREASONABLY DECLINING CARGO.

(a) UNREASONABLY DECLINING CARGO.—Section 41104 of title 46, United States Code, is amended in subsection (a)—

(1) by striking paragraph (3) and inserting the following:

“(3) engage in practices that unreasonably reduce shipper accessibility to equipment necessary for the loading or unloading of cargo;”;

(2) in paragraph (12) by striking “; or” and inserting a semicolon;

(3) in paragraph (13) by striking the period and inserting a semicolon; and

(4) by adding at the end the following:

“(14) fail to furnish or cause a contractor to fail to furnish containers or other facilities and instrumentalities needed to perform transportation services, including allocation of vessel space accommodations, in consideration of reasonably foreseeable import and export demands; or

“(15) unreasonably decline export cargo bookings if such cargo can be loaded safely and timely, as determined by the Commandant of the Coast Guard, and carried on a vessel scheduled for the immediate destination of such cargo.”.

(b) RULEMAKING ON UNREASONABLY DECLINING CARGO.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Commission shall initiate a rulemaking proceeding to define the term “unreasonably decline” for the purposes of subsection (a)(15) of section 41104 of title 46, United States Code (as added by subsection (a)).

(2) CONTENTS.—The rulemaking under paragraph (1) shall address the unreasonableness of ocean common carriers prioritizing the shipment of empty containers while excluding, limiting, or otherwise reducing the shipment of full, loaded containers when such containers are readily available to be shipped and the appurtenant vessel has the weight and space capacity available to carry such containers if loaded in a safe and timely manner.

SEC. 10. DETENTION AND DEMURRAGE.

(a) IN GENERAL.—Section 41104 of title 46, United States Code, is further amended by adding at the end the following:

“(d) CERTIFICATION.—Failure of a common carrier to include a certification under section 41102(e) alongside any demurrage or detention charge shall eliminate any obligation of the charged party to pay the applicable charge.

“(e) DEMURRAGE AND DETENTION PRACTICES AND CHARGES.—Notwithstanding any other provision of law and not later than 30 days of the date of enactment of this subsection, a common carrier or marine terminal operator, shall—

“(1) act in a manner consistent with any rules or regulations concerning demurrage or detention issued by the Commission;

“(2) maintain all records supporting the assessment of any demurrage or detention charges for a period of 5 years and provide such records to the invoiced party or to the Commission on request; and

“(3) bear the burden of establishing the reasonableness of any demurrage or detention charges which are the subject of any complaint proceeding challenging a common carrier or marine terminal operator demurrage or detention charges as unjust and unreasonable.

“(f) PENALTIES FOR FALSE OR INACCURATE CERTIFIED DEMURRAGE OR DETENTION CHARGES.—In the event of a finding that the certification under section 41102(e) was inaccurate, or false after submission under section 41301, penalties under section 41107 shall be applied if the Commission determines, in a separate enforcement proceeding, such certification was inaccurate or false.”.

(b) RULEMAKING ON DETENTION AND DEMURRAGE.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Federal Maritime Commission shall initiate a rulemaking proceeding to establish rules prohibiting common carriers and marine terminal operators from adopting and applying unjust and unreasonable demurrage and detention rules and practices.

(2) CONTENTS.—The rulemaking under paragraph (1) shall address the issues identified in the final rule published on May 18, 2020, titled “Interpretive Rule on Demurrage and Detention Under the Shipping Act” (85 Fed. Reg. 29638), including the following:

(A) Establishing clear and uniform definitions for demurrage, detention, cargo availability for retrieval and associated free time, and other terminology used in the rule. The definition for cargo availability for retrieval shall account for government inspections.

(B) Establishing that demurrage and detention rules are not independent revenue sources but incentivize efficiencies in the ocean transportation network, including the retrieval of cargo and return of equipment.

(C) Prohibiting the consumption of free time or collection of demurrage and detention charges when obstacles to the cargo retrieval or return of equipment are within the scope of responsibility of the carrier or their agent and beyond the control of the invoiced or contracting party.

(D) Prohibiting the commencement or continuation of free time unless cargo is available for retrieval and timely notice of cargo availability has been provided.

(E) Prohibiting the consumption of free time or collection of demurrage charges when marine terminal appointments are not available during the free time period.

(F) Prohibiting the consumption of free time or collection of detention charges on containers when the marine terminal required for return is not open or available.

(G) Requiring common carriers to provide timely notice of—

(i) cargo availability after vessel discharge;

(ii) container return locations; and

(iii) advance notice for container early return dates.

(H) Establishing minimum billing requirements, including timeliness and supporting information that shall be included in or with invoices for demurrage and detention charges that will allow the invoiced party to validate the charges.

(I) Requiring common carriers and marine terminal operators to establish reasonable dispute resolution policies and practices.

(J) Establishing the responsibilities of shippers, receivers, and draymen with respect to cargo retrieval and equipment return.

(K) Clarifying rules for the invoicing of parties other than the shipper for any demurrage, detention, or other similar per container charges, including determining whether such parties should be billed at all.

(c) RULEMAKING ON MINIMUM SERVICE STANDARDS.—Not later than 90 days after the date of enactment of this Act, the Commission shall initiate a rulemaking proceeding to incorporate subsections (d) through (f) of 41104 of title 46, United States Code, which shall include the following:

(1) The obligation to adopt reasonable rules and practices related to or connected with the furnishing and allocation of adequate and suitable equipment, vessel space accommodations, containers, and other instrumentalities necessary for the receiving, loading, carriage, unloading and delivery of cargo.

(2) The duty to perform the contract of carriage with reasonable dispatch.

(3) The requirement to carry United States export cargo if such cargo can be loaded safely and timely, as determined by the Commandant of the Coast Guard, and carried on a vessel scheduled for such cargo’s immediate destination.

(4) The requirement of ocean common carriers to establish contingency service plans to address and mitigate service disruptions and inefficiencies during periods of port congestion and other market disruptions.

SEC. 11. ASSESSMENT OF PENALTIES.

(a) ASSESSMENT OF PENALTIES.—Section 41109 of title 46, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting “or, in addition to or in lieu of a civil penalty, order the refund of money” after “this part”; and

(B) by inserting “or refund of money” after “conditions, a civil penalty”;

(2) in subsection (c) by inserting “or refund of money” after “civil penalty”;

(3) in subsection (e) by inserting “or order a refund of money” after “civil penalty”; and

(4) in subsection (f) by inserting “or who is ordered to refund money” after “civil penalty is assessed”.

(b) ADDITIONAL PENALTIES.—Section 41108(a) of title 46, United States Code, is amended by striking “section 41104(1), (2), or (7)” and inserting “subsections (d) or (e) of section 41102 or paragraph (1), (2), (7), (14), or (15) of section 41104(a)”.

(c) CONFORMING AMENDMENT.—Section 41309 of title 46, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting “or refund of money” after “payment of reparation”; and

(B) by inserting “or to whom the refund of money was ordered” after “award was made”; and

(2) in subsection (b) by inserting “or refund of money” after “award of reparation”.

(d) AWARD OF REPARATIONS.—Section 41305(c) of title 46, United States Code, is amended—

(1) by inserting “or (c)” after “41102(b)”;

and

(2) by inserting “, or if the Commission determines that a violation of section 41102(e) was made willfully or knowingly” after “of this title”.

SEC. 12. INVESTIGATIONS.

Section 41302 of title 46, United States Code, is amended by striking “or agreement” and inserting “, agreement, fee, or charge”.

SEC. 13. INJUNCTIVE RELIEF.

Section 41307(b) to title 46, United States Code, is amended—

(1) in paragraph (3)—

(A) in the heading by striking “AND THIRD PARTIES”; and

(B) by striking the second sentence; and

(2) by adding at the end the following:

“(5) THIRD PARTY INTERVENTION.—The court may allow a third party to intervene in a civil action brought under this section.”.

SEC. 14. TECHNICAL AMENDMENTS.

(a) **FEDERAL MARITIME COMMISSION.**—The analysis for chapter 461 of title 46, United States Code, is amended by striking the first item relating to chapter 461.

(b) **ASSESSMENT OF PENALTIES.**—Section 41109(c) of title 46, United States Code, is amended by striking “section 41104(1) or (2)” and inserting “paragraph (1) or (2) of section 41104(a)”.

(c) **NATIONAL SHIPPER ADVISORY COMMITTEE.**—Section 42502(c)(3) of title 46, United States Code is amended by striking “REPRESENTATION” and all that follows through “Members” and inserting “REPRESENTATION.—Members”.

SEC. 15. AUTHORIZATION OF APPROPRIATIONS.

Section 46108 of title 46, United States Code, is amended by striking “\$29,086,888 for fiscal year 2020 and \$29,639,538 for fiscal year 2021” and inserting “\$32,603,492 for fiscal year 2022 and \$35,863,842 for fiscal year 2023”.

SEC. 16. NAS STUDY ON SUPPLY CHAIN INDUSTRY.

(a) **IN GENERAL.**—Not later than 60 days after the date of enactment of this Act, the Secretary of Transportation shall seek to enter into an agreement with the National Academy of Sciences under which the National Academy shall conduct a study on the United States supply chain that examines data constraints that impede the flow of maritime cargo and add to supply chain inefficiencies and that identifies data sharing systems that can be employed to improve the functioning of the United States supply chain.

(b) **CONTENTS.**—The study required under subsection (a) shall include—

(1) the identification of where bottlenecks or chokepoints are most prominent within the United States supply chain;

(2) the identification of what common shipping data is created with each hand-off of a container through the United States supply chain and how such data is stored and shared;

(3) the identification of critical data elements used by any entity covered by subsection (c), including the key elements used for various supply chain business processes;

(4) a review of the methodology used to store, access, and disseminate shipping data across the United States supply chain and evaluation of the inefficiencies in such methodology;

(5) an analysis of existing and potential impediments to the free flow of information among entities covered by subsection (c), including—

(A) identification of barriers that prevent carriers, terminals, and shippers from having access to commercial data; and

(B) any inconsistencies in—

(i) terminology used across data elements connected to the shipment, arrival, and unloading of a shipping container; and

(ii) the classification systems used across the United States supply chain, including inconsistencies in the names of entities covered by subsection (c), geographical names, and terminology;

(6) the identification of information to be included in an improved data sharing system designed to plan, execute, and monitor the optimal loading and unloading of maritime cargo; and

(7) the identification of existing software and data sharing platforms available to facilitate propagation of information to all agents involved in the loading and unloading of maritime cargo and evaluate the effectiveness of such software and platforms if implemented.

(c) **COLLECTION OF INFORMATION.**—In conducting the study required under subsection (a), the National Academy of Sciences shall collect information from—

- (1) vessel operating common carriers and non-vessel operating common carriers;
- (2) marine terminal operators;
- (3) commercial motor vehicle operators;
- (4) railroad carriers;
- (5) chassis providers;
- (6) ocean transportation intermediaries;
- (7) custom brokers;
- (8) freight forwarders;
- (9) shippers and cargo owners;
- (10) the National Shipper Advisory Committee;

(11) relevant government agencies, such as the Federal Maritime Commission, the Surface Transportation Board, and the United States Customs and Border Protection;

(12) to the extent practicable, representatives of foreign countries and maritime jurisdictions outside of the United States; and

(13) any other entity involved in the transportation of ocean cargo and the unloading of cargo upon arrival at a port.

(d) **FACILITATION OF DATA SHARING.**—In carrying out the study under subsection (a), the National Academy of Sciences may solicit information from any relevant agency relating to the United States supply chain.

(e) **REPORT.**—Not later than 18 months after entering into an arrangement with the Secretary under subsection (a), the National Academy of Sciences 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, and make available on a publicly accessible website, a report containing—

(1) the study required under subsection (a);

(2) the information collected under subsections (b) and (c), excluding any personally identifiable information or sensitive business information; and

(3) any recommendations for—

(A) common data standards to be used in the United States supply chain; and

(B) policies and protocols that would streamline information sharing across the United States supply chain.

SEC. 17. TEMPORARY EMERGENCY AUTHORITY.

(a) **PUBLIC INPUT ON INFORMATION SHARING.**—

(1) **IN GENERAL.**—Not later than 30 days after the date of enactment of this Act, the Federal Maritime Commission shall issue a request for information seeking public comment regarding—

(A) whether congestion of the common carriage of goods has created an emergency situation of a magnitude such that there exists a substantial adverse effect on the competitiveness and reliability of the international ocean transportation supply system;

(B) whether an emergency order described in subsection (b) would alleviate such an emergency situation; and

(C) the appropriate scope of such an emergency order, if applicable.

(2) **CONSULTATION.**—During the public comment period under paragraph (1), the Commission may consult, as the Commission determines to be appropriate, with—

(A) other Federal departments and agencies; and

(B) persons with expertise relating to maritime and freight operations.

(b) **AUTHORITY TO ISSUE EMERGENCY ORDER REQUIRING INFORMATION SHARING.**—On making a unanimous determination described in subsection (c), the Commission may issue an emergency order requiring any common carrier or marine terminal operator to share directly with relevant shippers, rail carriers, or motor carriers information relating to cargo throughput and availability, in order to ensure the efficient transportation, loading, and unloading of cargo to or from—

(1) any inland destination or point of origin;

(2) any vessel; or

(3) any point on a wharf or terminal.

(c) **DESCRIPTION OF DETERMINATION.**—

(1) **IN GENERAL.**—A determination referred to in subsection (b) is a unanimous determination by the Commission that congestion of common carriage of goods has created an emergency situation of a magnitude such that there exists a substantial adverse effect on the competitiveness and reliability of the international ocean transportation supply system.

(2) **FACTORS FOR CONSIDERATION.**—In issuing an emergency order under subsection (b), the Commission shall ensure that such order includes parameters relating to temporal and geographic scope, taking into consideration the likely burdens on ocean carriers and marine terminal operators and the likely benefits on congestion relating to the purposes described in section 40101 of title 46, United States Code.

(d) **PETITIONS FOR EXCEPTION.**—

(1) **IN GENERAL.**—A common carrier or marine terminal operator subject to an emergency order issued under this section may submit to the Commission a petition for exception from 1 or more requirements of the emergency order, based on a showing of undue hardship or other condition rendering compliance with such a requirement impractical.

(2) **DETERMINATION.**—Not later than 21 days after the date on which a petition for exception under paragraph (1) is submitted, the Commission shall determine whether to approve or deny such petition by majority vote.

(3) **INAPPLICABILITY PENDING REVIEW.**—The requirements of an emergency order that is the subject of a petition for exception under this subsection shall not apply to a petitioner during the period for which the petition is pending.

(e) **LIMITATIONS.**—

(1) **TERM.**—An emergency order issued under this section shall remain in effect for a period of not longer than 60 days.

(2) **RENEWAL.**—The Commission may renew an emergency order issued under this section for an additional term by a unanimous determination by the Commission.

(f) **SUNSET.**—The authority provided by this section shall terminate on the date that is 2 years after the date of enactment of this Act.

(g) **DEFINITIONS.**—In this section:

(1) **COMMON CARRIER.**—The term “common carrier” has the meaning given such term in section 40102 of title 46, United States Code.

(2) **MOTOR CARRIER.**—The term “motor carrier” has the meaning given such term in section 13102 of title 49, United States Code.

(3) **RAIL CARRIER.**—The term “rail carrier” has the meaning given such term in section 10102 of title 49, United States Code.

(4) **SHIPPER.**—The term “shipper” has the meaning given such term in section 40102 of title 46, United States Code.

SEC. 18. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from California (Mr. GARAMENDI) and the gentleman from South Dakota (Mr. JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. GARAMENDI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4996, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GARAMENDI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the chairman of the committee, Mr. DEFAZIO. Congressman DUSTY JOHNSON and I announced our intention to pursue this bipartisan legislation, the Ocean Shipping Reform Act of 2021, just this past June. In late August, we introduced H.R. 4996 and have since earned the support of more than 90 bipartisan cosponsors. On November 17, the Biden administration put out a public statement endorsing our bipartisan bill.

Now, less than 4 months since we first began to develop this legislation, I am thrilled—in fact, I am awed, and I am amazed but very happy—that the House is taking up our comprehensive reform.

The amendment in the nature of a substitute reflects relatively minor changes and a reorganization of H.R. 4996 as introduced. In other words, it is not important to the substance of the bill. I am thrilled with the compromise legislative text reached by the committee's majority and minority staff and the members.

This is what the voters sent us here to do, to identify problems, develop practical solutions, and then work together across the aisle to reach a compromise to achieve a result. That is exactly what the House, both Democrats and Republicans, are now doing in taking up this bipartisan Ocean Shipping Reform Act of 2021 on this date.

I want to thank the gentleman from Oregon (Mr. DEFAZIO); the gentleman from California (Mr. CARBAJAL); the ranking member, the gentleman from Missouri (Mr. GRAVES); and the gentleman from Ohio (Mr. GIBBS) for working with me and my Republican counterpart, the gentleman from South Dakota (Mr. JOHNSON) to get this result.

I will very, very briefly go through what the bill attempts to do. We are all aware that the pandemic highlighted the longstanding issues of the ocean shipping industry and also the staggering vulnerabilities in the integral supply chain that drives global commerce.

The Ocean Shipping Reform Act would be the first overhaul of Federal regulations for the international ocean shipping industry since 1998. For decades, the United States has run a significant trade imbalance, due in large part to export-driven, nonmarket economies like mainland China.

In 2001, the People's Republic of China was granted permanent normal trade relations with the United States,

the so-called most favored nation status, following that country's admission to the World Trade Organization. There has since been considerable consolidation among the foreign-based ocean carriers, coinciding with the continued decline of the U.S.-flagged international fleet in favor of foreign flags of convenience.

A handful of foreign-flagged ocean carriers now dominate the global ocean shipping industry, three of which are from China, another from Korea, and a fifth from Europe, several of which are effectively controlled by these foreign governments. Foreign business access to the American market and our consumers is a privilege; it is not a right.

In 2001, the United States' trade imbalance with the People's Republic of China was approximately \$83 billion in nominal dollars. In 2020, our trade imbalance with mainland China was \$310 billion, having increased year over year most every year.

This legislation would ensure reciprocal trade to help reduce the United States' longstanding trade imbalance with export-driven countries like China.

California agricultural exporters and other businesses are willing to pay to ensure that their products reach markets in Asia, but they can't pay a fortune to do it. One example, Jelly Belly, the candy company in my district, last spring would pay \$3,000 for a container full of candy to ship to the Western Pacific. Today it is \$31,900. That is the problem.

The Ocean Shipping Reform Act does make critical reforms requested by major U.S. importers, like the National Retail Federation's member companies. There are many, many examples. I will let those go for now.

Mr. Speaker, I reserve the balance of my time.

Mr. JOHNSON of South Dakota. Mr. Speaker, I yield myself such time as I may consume.

It is impossible for any American to ignore the supply chain crunch, a supply chain crunch that seemingly impacts most every part of the American economy.

In that kind of an environment, I want to echo so much of what my friend from California said. I am indeed thrilled that the House is taking up this bill today. I am grateful for his leadership. I am grateful to be the lead Republican on this, and I am grateful that this bill has been endorsed by 360 national, State, and local groups. This is much-needed legislation.

How did we get here? With a massive influx of Federal dollars into the economy and with COVID-19 changing how Americans purchase goods, for more than a year, United States ports have faced unprecedented volumes of cargo. Some estimates say that American demand for consumer electronics has gone up 40 percent compared to prepandemic. This pressure on our ports has trickled down to every other part of the supply chain, leading to

what Americans have seen: delays and product shortages.

Now, those constraints and the resulting extremely high shipping rates have made it more difficult not just for our country to receive imports but also for us to ship our manufactured goods and agricultural goods out to the rest of the world.

□ 1100

We have seen unprecedented rejection of American container loads by the large ocean carriers. They are in contravention of their contractual obligations, just refusing to haul that cargo, preferring instead to take the empty containers and get them back to Asia for a quick turn. That has caused serious problems, not just conceptual dollars, real dollars, real cents. The American dairy industry has seen \$1 billion worth of losses just in the first 6 months of this year.

Now, Mr. Speaker, I am a big fan of the free market, but the free market is many buyers and many sellers, and that is not in place today. Mr. GARAMENDI so rightfully talked about the consolidation we have seen in this industry. And indeed, 30 years ago the largest foreign-flagged ocean carriers controlled about 15 percent of this traffic. Today, they control about 75 percent. That is not quite the free market that we used to have.

And so, H.R. 4996, the Ocean Shipping Reform Act of 2021 helps to address these supply chain bottlenecks. It helps to promote American competitiveness. And it holds accountable these foreign-flagged ocean carriers, which I would note are increasingly dominated by Chinese state-backed firms.

Now, let me be honest and let me be clear, this bill is no silver bullet, but shame on us if we fail to act. This supply chain crunch has laid bare the deficiencies in the marketplace, and we have an opportunity today to address many of those deficiencies.

Probably the most common question, Mr. Speaker, my colleagues ask of me about this bill is why a Congressman from the plains of South Dakota would be so interested in maritime law. I would just remind them of the world's great hunger for American beef, American beans, American corn, and American dairy. Indeed, 60 percent of South Dakota's soybeans are exported abroad.

In that environment this is not just a coastal issue, but it is an issue that impacts lives from the farm gate to every Main Street.

And indeed, I have been hearing from South Dakota businesses like Strider Sports International in Rapid City to Valley Queen, a cheese processor in Milbank, and they are telling me about how these issues are having a real impact on dollars and cents.

Valley Queen has two million pounds of lactose. This is a product that has already been sold to Asian markets, and it is just sitting there in their warehouses waiting for an opening at

the ports. A recent container load of this lactose waited on the ports, Mr. Speaker, for 75 days. The lactose began to turn, and, of course, that meant a big deduction on the price that Valley Queen could get for that lactose. Just a destruction of American value.

This bill is about American competitiveness. Broadly speaking, the legislation provides the Federal Maritime Commission—that is the cop on the beat—the tools they need to make sure that this system runs more efficiently and runs more fairly and makes sure that the interests of the foreign-flagged ocean carriers are better aligned with the interests of American shippers.

So the bill does a number of things, but I will quickly hit on just five.

First off, under this bill the FMC can set minimum standards for ocean shipping that makes sure that U.S. shippers are protected from the actions of others which leave export cargoes stranded at U.S. ports.

Number two, it protects U.S. shippers from retaliation if they file a complaint with the FMC.

Number three, this bill prohibits the foreign-flagged ocean carriers from unreasonably denying American export cargo on their vessels.

Number four, it requires foreign ocean carriers to certify the accuracy of the detention and demurrage fees. These are fines they can hit shippers with; they have to certify that those fines are accurate.

And number five, it would authorize the National Academy of Sciences to study how best to improve transparency in the supply chain.

Now, I just don't know, Mr. Speaker, how any of my colleagues can allege any of these things are not reasonable. These are very basic guardrails. These are very basic rules of the road that people who are using American ports should be obligated to follow.

And so the choice for my colleagues is simple, a vote for H.R. 4996 is a vote to put U.S. shippers, manufacturing, farmers, truckers, retailers, and consumers first. That is where they should be.

Mr. Speaker, I urge support of this legislation, and I reserve the balance of my time.

Mr. GARAMENDI. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. COSTA) who alerted me to this problem early last summer.

Mr. COSTA. Mr. Speaker, I thank Congressman JOHN GARAMENDI, a friend and a person who I have worked with on a host of issues over the years, and Congressman DUSTY JOHNSON. This is a good example of what bipartisan cooperation is all about. Mr. Speaker, I commend Congressman GARAMENDI's leadership in this effort—a member of the subcommittee and the full committee—with Congressman DEFazio in working out the differences, which was important.

Having said that, the Ocean Shipping Reform Act, of which I am a cosponsor,

is the first major update in Federal regulations for global ocean shipping since 1998. Think about how much the world has changed in 23 years in terms of trade.

This legislation, as I said, is a result of bipartisan efforts.

This legislation supports U.S. exporters who have been disproportionately impacted by unfair trade practices in our ports and harbors.

No ship arriving with imports should leave an American port empty when products are ready to go, and that is what is happening, sadly.

Enacting strong regulatory framework will help end these disruptions to deal with the issue of demurrage and backup on the supply chain that has created this bottleneck.

We can and must do more to ensure that all exporters in this country have a fair and level playing field. California agricultural producers, as well as other U.S. exporters should be able to ship their products without unnecessary delays. It is a national security issue.

The increased shipping container costs and delays exporters are facing only continue to impact our recovery from the COVID-19 pandemic.

Let me give you a local example. California is our Nation's largest agricultural producer and exporter with more than 400 commodities, over a third of the Nation's vegetables and two-thirds of the Nation's fruits and nuts. Forty-four percent of California's agriculture production is exported.

The San Pedro Bay Complex, which we otherwise call the Los Angeles and Long Beach Ports in southern California is the ninth busiest in the world and provides importation of 40 percent of the container industry in America. Think about that. This is where the bottleneck is most acute.

It is necessary that we utilize all resources to reduce port congestion and empower the Federal Maritime Commission to do what they can and should do. This is about short-term and long-term solutions to relieve the bottleneck in this supply chain. This is about an effort to, in fact, provide relief that benefits American workers, American consumers. It is about the economic recovery; it is about trade; and it is about jobs.

I urge my colleagues to support this important bipartisan piece of legislation. It is a part of the short-term and long-term solution. I recommend a "yes" vote on this legislation.

Mr. JOHNSON of South Dakota. Mr. Speaker, I would just note Mr. COSTA's unyielding advocacy of this project, this issue and thank him for that support.

Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Mrs. KIM).

Mrs. KIM of California. Mr. Speaker, I thank Representative JOHNSON for yielding, and I thank him for his passion to address the supply shipping crisis that we are facing in our Nation today.

I, too, rise today in strong support of the Ocean Shipping Reform Act of 2021. This is a bipartisan bill I was proud to cosponsor that would help address the container ship bottlenecks at the San Pedro Complex, which includes the ports of Los Angeles and Long Beach in southern California near my district, California's 39th Congressional District.

While this bill is not a silver bullet to resolving all of our supply chain issues like major labor shortages and warehouses overcapacity, it does take meaningful steps to address uncompetitive practices by some ocean carriers.

H.R. 4996 provides the Federal Maritime Commission with more tools to address practices that discriminate against U.S. exporters, importers, truckers, and other players in our supply chain.

Bottlenecks at the San Pedro Complex continue to cause supply disruptions that are raising prices for workers, families, and small businesses and hurts the ability of our manufacturers and farmers to export goods overseas.

I urge my colleagues to support H.R. 4996.

Mr. GARAMENDI. Mr. Speaker, I yield 2 minutes to the gentlewoman from Washington State (Ms. SCHRIER).

Ms. SCHRIER. Mr. Speaker, I thank the gentleman for yielding.

I am so proud to represent Washington's Eighth Congressional District, which stretches from the suburbs of Seattle in the west across the Cascade Mountains into the rich farmland of central Washington. It is home to some of the Nation's largest agricultural producers and exporters whose hay, apples, pears, and cherries are in high demand all around the world.

For more than a year, these exporters have shared with me how pandemic conditions and the behavior of foreign-owned shipping carriers are hurting their industries, threatening export markets and relationships that they have developed over decades.

They often don't know when a ship will be in port, making it difficult to get their products to the carrier in time. They are forced to pay additional fees when their products—often perishable ones—have to wait at the port to be loaded on to a ship.

And shipping carriers are opting to return as many empty containers to China as possible for fast turnaround and their own bottom line, rather than accepting U.S. exports. It is better for them financially to return to China with empty containers to bring back TVs, iPads, and just about everything else we buy from Amazon versus bringing back Eighth District hay or agricultural goods. This rejection threatens to upend our Nation's agricultural industry and relationships built over decades for years to come.

I was proud to cosponsor the Ocean Shipping Reform Act of 2021 together with Congressmen GARAMENDI and JOHNSON. I thank them for their support. This is a great bipartisan bill

that will make a real difference for exporters in my district, and I encourage my colleagues to vote “yes.”

Mr. JOHNSON of South Dakota. Mr. Speaker, I yield 1½ minutes to the gentleman from Nebraska (Mr. SMITH).

Mr. SMITH of Nebraska. Mr. Speaker, I rise in support of H.R. 4996, the Ocean Shipping Reform Act.

I thank Mr. JOHNSON, Mr. GARAMENDI, and others for joining me in raising the alarm back in March in a letter to the Federal Maritime Commission about the empty container ships leaving American ports.

This bill follows on that effort, offering necessary reforms to Federal regulations overseeing the ocean shipping industry in order to address problems like this that have been discussed.

Agricultural exports are critical to not only feeding the world but to the livelihood of the producers I represent in Nebraska.

We cannot do that if container ships leave American ports completely empty.

This bill prohibits foreign ocean carriers from refusing U.S. exports unreasonably and gives the FMC more tools to ensure these carriers are held accountable and held to a high standard.

Trade only works if exports reach their final destination in a reliable and affordable way.

This bill is great step toward facilitating exactly that.

It is a reasonable bill, and I urge a “yes” vote.

Mr. GARAMENDI. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CARBAJAL).

Mr. CARBAJAL. Mr. Speaker, I rise to express my support for the bipartisan Ocean Shipping Reform Act, a bipartisan agreement that Representatives GARAMENDI and JOHNSON have reached. I thank my colleagues for working with me and Congressman DEFazio on this legislation.

As chair of the Subcommittee on Coast Guard and Maritime Transportation, I have held hearings on the ongoing supply chain disruptions and met with countless stakeholders and constituents who are feeling the impacts of the disruptions, including those who suffered wrongdoing by ocean carriers. This legislation is a big step toward addressing this.

The increase in funding for the Federal Maritime Commission, FMC, in this 2-year authorization is indicative of this body’s strong support for finding an effective solution to the pandemic supply chain crisis.

□ 1115

Now is the time to ensure that the Commission has the ability to enforce fairness in ocean carrier practices.

Mr. Speaker, I am pleased that the bill contains a number of provisions aimed at addressing wrongfully issued detention and demurrage fees and complements President Biden’s actions to address this issue. The bill also includes several reporting requirements

on issues of maritime cargo flow at U.S. ports and anticompetitive business practices.

By addressing these challenges, Congress seeks to counter trade imbalances with foreign exporting countries, making reciprocal trade one of the FMC’s missions.

I am proud of the committee’s work on this important legislation, and I look forward to ensuring that this legislation, H.R. 4996, is signed into law.

Mr. JOHNSON of South Dakota. Mr. Speaker, I thank Mr. CARBAJAL for his leadership.

Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. GIBBS), the ranking member of the Subcommittee on Coast Guard and Maritime Transportation.

Mr. GIBBS. Mr. Speaker, I thank Representatives DUSTY JOHNSON and JOHN GARAMENDI for their work on this bill.

While I support this bill, I do have concerns about the process under which it has been brought to the floor, and whether, by itself, it will have much impact on the supply difficulties we are currently facing.

Neither a hearing nor a markup was held on this bill. Given its complexity, I believe a hearing and a markup would have given Members a better opportunity to fully understand and perhaps improve the bill.

The bill gives the Federal Maritime Commission, the FMC, enhanced authorities to prevent ocean carriers, who operate ships in the container trade, from engaging in anticompetitive activities in regards to shippers, and give shippers enhanced input into the FMC complaint process.

I have concerns about giving bureaucrats at the Federal Maritime Commission more authority to insert themselves into privately held contractual agreements. However, it appears to a great extent, the delays, port congestion, and higher shipping prices are due primarily to short-term contracts, unwillingness or inability to share data by all parties to operate efficiently, equipment shortages, lack of warehouse space, chassis truck and train capacity, and labor issues, rather than anticompetitive practices by ocean shippers.

If ocean carriers were the sole problem, we would not see container ships waiting for weeks to unload. Ag exports are at record highs for some commodities, and it is unfortunate that some of the ag shipments have not been able to make it on ships in a timely and efficient manner. However, it is not clear to me that the decision that led to these products from being stranded are due to practices that are anticompetitive under U.S. law.

This bill would prohibit carriers from unreasonably declining cargo that can be safely and timely loaded and is going to a port on the ship’s itinerary. It will be curious to see how often this provision is used.

As I said, I am willing to support this bill to assure that detention and de-

murrage is used as an incentive to move cargo efficiently, not—as some have claimed—as an indiscriminate corporate profit center, and to provide shippers additional protections.

However, as has been said by the sponsor, this bill isn’t perfect and there is still more work to be done. I expect it to address the supply chain more broadly and not assume that alleged anticompetitive behavior by ocean carriers is the sole cause of the current supply chain disruption.

The legislation needed must, number one, be comprehensive and look at long-term port truck chassis, train, intermodal connection, and warehouse capacity needs.

Two, assure the availability of transparent, enforceable contracts to assure goods can be shipped at the agreed time and cost;

And three, improve data sharing among the parties in the supply to assure that everyone knows where and when they must have equipment to move containers efficiently.

Mr. Speaker, I urge support of this legislation and ask that we continue to work to address the whole supply chain crisis.

Mr. GARAMENDI. Mr. Speaker, may I inquire how much time is remaining?

The SPEAKER pro tempore. The gentleman from California has 10 minutes remaining. The gentleman from South Dakota has 7½ minutes remaining.

Mr. GARAMENDI. Mr. Speaker, I reserve the balance of my time.

Mr. JOHNSON of South Dakota. Mr. Speaker, I want to take an opportunity to thank Chair DEFazio and Ranking Member GRAVES for the various hearings they have had in talking with Chairman Maffei, Commissioner Dye, and others on the FMC about these issues. I thank Mr. GARAMENDI and others for bringing up this legislation in a number of hearings we have had on the supply chain crunch. I think it has helped to fill out the record on these incredibly important issues and the role that this legislation can play in advancing this cause.

Mr. Speaker, I yield 1½ minutes to the gentleman from Georgia (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank Congressman JOHNSON for yielding and for his support on this important legislation today.

Mr. Speaker, I rise in strong support of the Ocean Shipping Reform Act of 2021. Throughout the pandemic, I heard from Georgia farmers who were unable to access affordable shipping. Agriculture is the largest industry in my district and the largest industry in the State of Georgia. Our ports are a critical part of our Nation’s infrastructure and it should be considered a great honor and privilege for any international company or entity to have access to them.

Foreign players gain access to the largest consumer market on earth through our ports, with a GDP of \$20 trillion and 325 million people. Yet,

American farmers face high fees and barriers to getting their commodities into shipping containers.

After defying the odds of weather and many other issues that our farmers face, it is unconscionable that our perishable exports are left sitting in warehouses to rot.

This bill provides the first significant Federal update of the Federal Maritime Commission's powers since 1998 and will significantly improve our farmers' access to affordable shipping.

Mr. Speaker, I am a proud cosponsor of the Ocean Shipping Reform Act of 2021, and I urge my colleagues to support this important bill.

Mr. GARAMENDI. Mr. Speaker, I continue to reserve the balance of my time.

Mr. JOHNSON of South Dakota. Mr. Speaker, I am prepared to close, and I yield myself the balance of my time.

Mr. Speaker, there are a few things that I know for sure. The first is that when you use American ports you should be subjected to some very basic rules of the road. Things like not being allowed to unreasonably discriminate against American cargo, that is one thing I know for sure.

Another thing I know for sure is that although this bill is not a silver bullet, and nobody is alleging that it is only the ocean carriers that are responsible for this supply chain crunch, this will help. This better aligns the interests of the ocean carriers with the interests of American manufacturers and American farmers and ranchers. That will go a long way toward helping to resolve the supply chain crunch.

Mr. Speaker, finally, one more thing that I know for sure, and that is when you have 360 national, State, and local groups, when you have 90 Members of Congress, when you have a bipartisan coalition that has come together to embrace this concept in what is all too often a partisan environment, then I think you know you have a good policy solution.

With that in mind, I once again thank the gentleman from California for his leadership, and I urge all of my colleagues to support the bill, and ask the Senate for their expeditious consideration of it.

Mr. Speaker, I yield back the balance of my time.

Mr. GARAMENDI. Mr. Speaker, I yield myself the balance of my time.

Occasionally, we toss words back and forth across the aisle here, and I would like to toss a word back across the aisle to Mr. JOHNSON.

He said compliments my way. The actual compliments go his way. It is not often that we spend time, and we spend a good deal of time working together on these bills, and we ought to do more across the aisle.

Mr. Speaker, it has been a pleasure working with Mr. JOHNSON and his team, and I thank him. I thank him for stepping forward, as have other Members on your side and my side of the aisle, stepping forward and saying,

Hey, there is a problem. It is a problem out there. There are problems of retention and demurrage charges that are, Well, how could that be.

An importer of plastic Christmas trees and wreaths and other ornaments from China could not get his containers off of the port. Yet, he was being charged \$4 million, which pretty much puts him out of business. He is not the biggest company in the world, but he would like to be. And given the unfair situation that he was facing, he may never become a major company in the United States. So we need to set up rules of the road, words that Mr. JOHNSON laid out so clearly. Rules of the road; the guardrails. Within these rules, operations, free enterprise, market competition can take place, but right now, it is a wide-open system in which there is a gunfight on the street, and that is leading to companies not being able to get their goods on the ships to export.

And comments that you have already heard from Mr. COSTA, California is a big agricultural export, and so is South Dakota, and so is the Midwest, and so is the Southeast. All of America wants to export, but when you cannot get a container, you are not going to export and you are likely to be out of business, and you are going to incur a very, very significant charge.

So we set up a system in which these charges and the availability are regulated in a mechanism that will be conducted by the Federal Maritime Commission. We can go on and on here, and we probably ought to, but I won't take my full 10 minutes. I will say, as Mr. JOHNSON said earlier, this isn't the silver bullet, this isn't going to solve all the problems, but when you consider what has already occurred in legislation here—specifically, the Infrastructure Investment and Jobs Act, that piece of legislation will provide \$2.5 billion to the ports so that they can upgrade their facilities, so that they can, the next time around, be able to avoid the kind of congestion that is plaguing all of the commerce in this Nation.

We also look to the Build Back Better legislation, which has another \$2.5 billion in it to deal with additional infrastructure that is necessary to connect the ports to the rest of the transportation system in this Nation.

Mr. Speaker, we need this bill. We, the American farmer, needs this bill. We, the American export industry—whether it is heavy, light—and the import community, all need this bill. So I urge my colleagues to support the legislation, and in that process, we will, I believe, have a much better market system here in the United States, one that has guardrails, one that provides an equitable and balanced system for the importers and the exporters.

Mr. Speaker, I want to take an opportunity here to thank some very important people. The staff that put this together, on our side of the aisle, Matt Dwyer, the lead person on the Subcommittee on Coast Guard and Mari-

time Transportation; CheriAnn Thompson on that committee; Cheryl Dickson; and Iain Hart from my own staff.

Mr. Speaker, I yield 1 minute to the gentleman from South Dakota (Mr. JOHNSON) if he would like to thank his staff.

Mr. JOHNSON of South Dakota. Mr. Speaker, I would just echo the thoughts of Mr. GARAMENDI that there have been so many who have worked together, and really a broad national coalition, and he is exactly right to call attention to the people who do the work behind the scenes.

Mr. GARAMENDI. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GARAMENDI) that the House suspend the rules and pass the bill, H.R. 4996, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GARAMENDI. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this motion are postponed.

□ 1130

ADJUSTABLE INTEREST RATE (LIBOR) ACT OF 2021

Mr. SHERMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4616) to deem certain references to LIBOR as referring to a replacement benchmark rate upon the occurrence of certain events affecting LIBOR, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4616

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Adjustable Interest Rate (LIBOR) Act of 2021”.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) LIBOR is used as a benchmark rate in more than \$200 trillion of contracts worldwide;

(2) a significant number of existing contracts that reference LIBOR do not provide for the use of a clearly defined or practicable replacement benchmark rate when LIBOR is discontinued; and

(3) the cessation or non-representativeness of LIBOR could result in disruptive litigation related to existing contracts that do not provide for the use of a clearly defined or practicable replacement benchmark rate.

(b) PURPOSE.—It is the purpose of this Act—

(1) to establish a clear and uniform process, on a nationwide basis, for replacing LIBOR in existing contracts the terms of which do not provide for the use of a clearly defined or practicable replacement benchmark rate, without affecting the ability of