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Mr. JOHNSON of South Dakota. Mr. Speaker, I yield myself the balance of my time for closing.

As we encourage Federal employees to return to an in-person working posture, at those times when it is appropriate, it is crucial that we ensure that they are coming back to a safe work environment.

I urge support of H.R. 6261 so we can ultimately address the unsafe working conditions deterring employees from returning to work.

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 South Dakota (Mr. JOHNSON) that the House suspend the rules and pass the bill, H.R. 6261.

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

A motion to reconsider was laid on the table.

OCEAN SHIPPING REFORM IMPLEMENTATION ACT OF 2023

Mr. JOHNSON of South Dakota. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1836) to amend title 46, United States Code, to make technical corrections with respect to ocean shipping authorities, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1836

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 Implementation Act of 2023”.

TITLE I—FEDERAL MARITIME COMMISSION

SEC. 101. PURPOSES.

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

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

(2) 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”;

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

(4) in paragraph (4)—

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

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

(5) by adding at the end the following:

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

SEC. 102. DEFINITIONS.

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

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively and by moving the margins of clauses (i) and (ii), as redesignated, accordingly;

(2) by striking “means an ocean common carrier” and inserting the following: “means—

“(A) an ocean common carrier”;

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

(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. 103. COMPLAINTS AGAINST SHIPPING EXCHANGES.

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

(1) in the subsection heading by striking “EXEMPTION” and inserting “EXEMPTION AND INVESTIGATION”;

(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. 104. 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. 105. DATA COLLECTION.

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

(1) by striking “The Federal Maritime Commission” and inserting “(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—

“(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;

“(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; or

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

SEC. 106. 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 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 three 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 of title 46, United States Code, is amended by striking paragraph (2) and inserting the following:

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

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

“(B) the National Seaport 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 (h)—

(i) in paragraph (1)—

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

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

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

(E) 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”;

(II) in subparagraph (B) by striking “to the Committee” and inserting “to the submitting Committee”;

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

(F) in subsection (k) by striking “The Committee” and inserting “Covered Committees”.

SEC. 107. 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)—

(A) by inserting “anticompetitive, nonreciprocal trade, or” before “otherwise concerning practices”;

(B) by inserting “or marine terminal operators” after “controlled carriers”; and

(C) by striking the period at the end and inserting a semicolon; 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. 108. 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 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 under subsection (a).

TITLE II—OTHER AGENCIES

SEC. 201. DATA STANDARD FOR MARITIME FREIGHT LOGISTICS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Federal Maritime Commission shall promulgate an advance notice of proposed rulemaking on a data standard for maritime freight logistics and ocean transportation in the foreign commerce of the United States.

(b) CONSULTATION.—During the public comment period for the rulemaking under subsection (a), the Commission shall consult with—

(1) the National Shippers Advisory Board established under section 42502 of title 46, United States Code; and

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

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

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

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

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

(C) appropriate data protections to ensure confidentiality of proprietary business information; and

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

(2) incorporate data from stakeholders to facilitate—

(A) the arrival, unloading, loading, and departure of vessels;

(B) cargo availability and pick up reservation;

(C) chassis availability; and

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

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

(A) are developed in open, transparent, impartial, balanced, consensus-based processes;

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

(C) are interoperable, allowing for the exchange and use of data between devices and systems;

(D) are market relevant and globally applicable;

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

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

(4) be consistent with section 12(d) of the National Technology Transfer and Advancement Act of 1995 (Public Law 104–113; 15 U.S.C. 272 note) including any standard for the voluntary sharing of appropriate supply chain data developed thereunder.

(d) THIRD-PARTY AGREEMENT.—The Commission may enter into an agreement with 1 or more appropriate independent entities based in the United States that operate as voluntary consensus standards setting organizations as defined for purposes of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (Public Law 104–113) and Office of Management and Budget Revised Circular A–119, published in the Federal Register on January 27, 2016 (81 Fed. Reg. 4673), to develop the data standard for maritime freight logistics and ocean transportation in the foreign commerce of the United States for the rulemaking under sub-

section (a) and for procurement or other relevant programmatic activities, consistent with the requirements of this section.

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

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

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

(2) the maritime transportation system emergency relief program under section 50308 of title 46, United States Code.

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

SEC. 202. INDEPENDENT STUDY AND REPORT ON SHANGHAI SHIPPING EXCHANGE.

(a) STUDY.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation shall enter into an agreement with an appropriate independent entity described in subsection (d) to conduct a study and assessment of the business practices of the Shanghai Shipping Exchange, including—

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

(2) the ability of the Ministry of Transport of the People’s Republic of China and the Shanghai Shipping Exchange to manipulate container freight markets.

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

(1) The influence of the government of the People’s Republic of China on the Shanghai Shipping Exchange.

(2) The impact of such business practices or influence on American consumers and businesses.

(3) The ability of a shipping exchange registered under section 40504 of title 46, United States Code, and based in the United States to identify market manipulation as described in subsection (a)(2) or any otherwise concerning practices by the Shanghai Shipping Exchange and report such incidents to the Federal Maritime Commission and other Federal regulators.

(4) Any other matters the Secretary or the appropriate independent entity that enters into an agreement under this section determines to be appropriate for the purposes of the study.

(c) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date on which the Secretary of Transportation enters into an agreement under this section, the appropriate independent entity shall submit to the Secretary, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report setting forth the results of the study conducted under subsection (a).

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

(d) APPROPRIATE INDEPENDENT ENTITY DESCRIBED.—An appropriate independent entity described in this subsection is—

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

(2) the Transportation Research Board of the National Academies;

(3) the Government Accountability Office; or

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

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

SEC. 203. POLICY WITH RESPECT TO LOGINK.

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

“§50309. Prohibited use

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

“(b) GUIDANCE.—The Secretary of Transportation shall publish on the website of the Department of Transportation, and update regularly, a list of prohibited logistics information technologies provided by the People’s Republic of China or Chinese state-affiliated entities.

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

“(d) REVIEW.—In preparing the guidance under subsection (b), the Secretary shall review the list of Chinese state-affiliated entities included in—

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

“(2) the most recent ‘Non-SDN Chinese Military-Industrial Complex Companies List’ published by the Secretary of the Treasury pursuant to Executive Order 14032 of June 3, 2021 (86 Fed. Reg. 30145; relating to Addressing the Threat From Securities Investments That Finance Certain Companies of the People’s Republic of China).

“(e) DEFINITIONS.—In this section:

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

“(A) the public, open, shared logistics information network known as the ‘National Public Information Platform for Transportation & Logistics’ by the Ministry of Transport of China or any affiliate or successor entity;

“(B) any other transportation logistics software designed to be used by covered entities subject to the jurisdiction, ownership, direction, or control of a foreign adversary; or

“(C) any other logistics platform or software that shares data with a system described in paragraphs (a) or (b).

“(2) COVERED ENTITY.—The term ‘covered entity’ means an entity that receives funding after the date of enactment of this section under—

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

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

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

“50309. Prohibited use.”.

TITLE III—TECHNICAL AMENDMENTS

SEC. 301. TECHNICAL AMENDMENTS.

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

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

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

(b) INVESTIGATIONS.—Section 41302(a) of title 46, United States Code, is amended by striking “conduct agreement” and inserting “conduct, agreement”.

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

(d) NATIONAL SHIPPER ADVISORY COMMITTEE.—Section 42502(b)(3) of title 46, United States Code, as redesignated by the preceding provisions of this Act, is amended by striking “(3) REPRESENTATION” and all that follows through “Twelve members” and inserting the following:

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

“(A) Twelve members”.

(e) MONETARY PENALTIES OR REFUNDS.—The analysis for chapter 411 of title 46, United States Code, is amended by striking the item relating to section 41107 and inserting the following:

“41107. Monetary penalties or refunds.”.

(f) 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”.

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

“CHAPTER 425—NATIONAL PORT ADVISORY COMMITTEE

“Sec.

“42501. Definitions.

“42502. National Shipper Advisory Committee.

“42503. National Seaport Advisory Committee.

“42504. National Ocean Carrier Advisory Committee.

“42505. Function.

“42506. Administration.”.

(h) ANNUAL REPORT AND PUBLIC DISCLOSURE.—

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

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

“46106. Annual report and public disclosure.”.

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

The Chair recognizes the gentleman from South Dakota.

GENERAL LEAVE

Mr. JOHNSON of South Dakota. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material in the RECORD on H.R. 1836.

The SPEAKER pro tempore (Mrs. CHAVEZ-DEREMER). Is there objection to the request of the gentleman from South Dakota?

There was no objection.

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

I am pleased to rise in support of my bill, H.R. 1836, my bill with Mr. GARAMENDI, who has been a partner in this work for years. This bill builds upon our work from last Congress to improve our maritime supply chain.

There are three main goals of this bill that I would like to highlight. First, our bill seeks to get tough on China. It protects U.S. ports and ships from the influence of the Chinese

Communist Party, or CCP, by first banning LOGINK and other state-sponsored logistics software. Second, it establishes a formal process to report complaints against shipping exchanges like the Shanghai Shipping Exchange. They will be able to make those reports to the Federal Maritime Commission for investigation. Third, the bill directs the U.S. DOT to contract an independent auditor to examine the influence of the People’s Republic of China on the business practices of the Shanghai Shipping Exchange and report to Congress.

The second major thrust of this bill is that it will help streamline data sharing throughout the supply chain. It requires the FMC to work with industry experts to set a new data standard for maritime freight logistics including their ability to contract with an expert third party to develop a new standard, if needed.

Finally, our bill enacts general good government policies. It prohibits the FMC from requiring ocean carriers to report duplicative information that is already reported to other Federal agencies.

As I noted at the top of my comments, I do thank my partner, Mr. GARAMENDI. He and I serve on the Transportation and Infrastructure Committee and have really had a passion for the ocean supply chain.

A lot of people wonder why somebody in a landlocked State like South Dakota would care so much about maritime law. The reality is that 60 percent of South Dakota soybeans are exported overseas. South Dakota exports \$7 billion a year of manufactured and agricultural goods. Madam Speaker, that is \$7,700 a year for every single South Dakotan. Clearly, maritime law matters. Clearly, supply chains matter, and clearly, the Ocean Shipping Reform Implementation Act matters.

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

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

I rise in support of H.R. 1836, as amended.

The Ocean Shipping Reform Implementation Act is bipartisan legislation championed by my colleagues, Representative DUSTY JOHNSON and Representative GARAMENDI. This bill improves upon the Ocean Shipping Reform Act of 2022, which passed into law last Congress.

Throughout the pandemic, Members of Congress from across the country were hearing from shippers in their districts about problems importing and exporting cargo. This bill protects American importers and exporters, standardizes data, establishes the National Port and National Ocean Carrier Advisory Committees, and builds upon efforts to improve the resiliency of the U.S. supply chain.

I thank Representative DUSTY JOHNSON and Representative GARAMENDI for their work on this legislation, and I

thank Chairman GRAVES and Ranking Member LARSEN for their continued support.

Madam Speaker, the Ocean Shipping Reform Implementation Act is bipartisan legislation that will protect American importers and exporters and build upon past efforts to improve the resiliency of the U.S. supply chain.

Madam Speaker, I support this bill. I encourage my colleagues to do the same, and I yield back the balance of my time.

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

Madam Speaker, I serve on the Select Committee on the Chinese Communist Party, and we have heard expert after expert talk to us about the Chinese Government working to get coercive economic power over our country and, frankly, every other country in the world, and one of the primary tools of that push for coercive economic power is data.

One real focus of this bill before us is that it makes it harder for the Chinese Communist Party to be able to use the Shanghai Shipping Exchange or the LOGINK platform to be able to gather up all of this exquisite data about the world's supply chains and shipping information and have it be used against our country and others.

This also builds upon the strong bipartisan track record that Mr. MENENDEZ spoke of, and it will make for a fuller and fairer supply chain and ocean shipping environment.

Madam Speaker, I would urge support of this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Dakota (Mr. JOHNSON) that the House suspend the rules and pass the bill, H.R. 1836, 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. JOHNSON of South Dakota. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

PROTECTING AMERICANS' DATA FROM FOREIGN ADVERSARIES ACT OF 2024

Mrs. RODGERS of Washington. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 7520) to prohibit data brokers from transferring sensitive data of United States individuals to foreign adversaries, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 7520

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 “Protecting Americans’ Data from Foreign Adversaries Act of 2024”.

SEC. 2. PROHIBITION ON TRANSFER OF PERSONALLY IDENTIFIABLE SENSITIVE DATA OF UNITED STATES INDIVIDUALS TO FOREIGN ADVERSARIES.

(a) PROHIBITION.—It shall be unlawful for a data broker to sell, license, rent, trade, transfer, release, disclose, provide access to, or otherwise make available personally identifiable sensitive data of a United States individual to—

- (1) any foreign adversary country; or
- (2) any entity that is controlled by a foreign adversary.

(b) ENFORCEMENT BY FEDERAL TRADE COMMISSION.—

(1) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—A violation of this section shall be treated as a violation of a rule defining an unfair or a deceptive act or practice under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(2) POWERS OF COMMISSION.—

(A) IN GENERAL.—The Commission shall enforce this section in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this section.

(B) PRIVILEGES AND IMMUNITIES.—Any person who violates this section shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act.

(3) AUTHORITY PRESERVED.—Nothing in this section may be construed to limit the authority of the Commission under any other provision of law.

(c) DEFINITIONS.—In this section:

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

(2) CONTROLLED BY A FOREIGN ADVERSARY.—The term “controlled by a foreign adversary” means, with respect to an individual or entity, that such individual or entity is—

(A) a foreign person that is domiciled in, is headquartered in, has its principal place of business in, or is organized under the laws of a foreign adversary country;

(B) an entity with respect to which a foreign person or combination of foreign persons described in subparagraph (A) directly or indirectly own at least a 20 percent stake; or

(C) a person subject to the direction or control of a foreign person or entity described in subparagraph (A) or (B).

(3) DATA BROKER.—

(A) IN GENERAL.—The term “data broker” means an entity that, for valuable consideration, sells, licenses, rents, trades, transfers, releases, discloses, provides access to, or otherwise makes available data of United States individuals that the entity did not collect directly from such individuals to another entity that is not acting as a service provider.

(B) EXCLUSION.—The term “data broker” does not include an entity to the extent such entity—

(i) is transmitting data of a United States individual, including communications of such an individual, at the request or direction of such individual;

(ii) is providing, maintaining, or offering a product or service with respect to which personally identifiable sensitive data, or access to such data, is not the product or service;

(iii) is reporting or publishing news or information that concerns local, national, or international events or other matters of public interest;

(iv) is reporting, publishing, or otherwise making available news or information that is available to the general public—

(I) including information from—

(aa) a book, magazine, telephone book, or online directory;

(bb) a motion picture;

(cc) a television, internet, or radio program;

(dd) the news media; or

(ee) an internet site that is available to the general public on an unrestricted basis; and

(II) not including an obscene visual depiction (as such term is used in section 1460 of title 18, United States Code); or

(v) is acting as a service provider.

(4) FOREIGN ADVERSARY COUNTRY.—The term “foreign adversary country” means a country specified in section 4872(d)(2) of title 10, United States Code.

(5) PERSONALLY IDENTIFIABLE SENSITIVE DATA.—The term “personally identifiable sensitive data” means any sensitive data that identifies or is linked or reasonably linkable, alone or in combination with other data, to an individual or a device that identifies or is linked or reasonably linkable to an individual.

(6) PRECISE GEOLOCATION INFORMATION.—The term “precise geolocation information” means information that—

(A) is derived from a device or technology of an individual; and

(B) reveals the past or present physical location of an individual or device that identifies or is linked or reasonably linkable to 1 or more individuals, with sufficient precision to identify street level location information of an individual or device or the location of an individual or device within a range of 1,850 feet or less.

(7) SENSITIVE DATA.—The term “sensitive data” includes the following:

(A) A government-issued identifier, such as a Social Security number, passport number, or driver's license number.

(B) Any information that describes or reveals the past, present, or future physical health, mental health, disability, diagnosis, or healthcare condition or treatment of an individual.

(C) A financial account number, debit card number, credit card number, or information that describes or reveals the income level or bank account balances of an individual.

(D) Biometric information.

(E) Genetic information.

(F) Precise geolocation information.

(G) An individual's private communications such as voicemails, emails, texts, direct messages, mail, voice communications, and video communications, or information identifying the parties to such communications or pertaining to the transmission of such communications, including telephone numbers called, telephone numbers from which calls were placed, the time calls were made, call duration, and location information of the parties to the call.

(H) Account or device log-in credentials, or security or access codes for an account or device.

(I) Information identifying the sexual behavior of an individual.

(J) Calendar information, address book information, phone or text logs, photos, audio recordings, or videos, maintained for private use by an individual, regardless of whether such information is stored on the individual's device or is accessible from that device and is backed up in a separate location.

(K) A photograph, film, video recording, or other similar medium that shows the naked or undergarment-clad private area of an individual.

(L) Information revealing the video content requested or selected by an individual.

(M) Information about an individual under the age of 17.

(N) An individual's race, color, ethnicity, or religion.