

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 4183
OFFERED BY MR. JOHNSON OF SOUTH DAKOTA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

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

4 SEC. 2. TABLE OF CONTENTS.

5 The table of contents for this Act is as follows:

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

6 SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

7 Section 46108 of title 46, United States Code, is
8 amended by striking “\$32,869,000 for fiscal year 2022,
9 \$38,260,000 for fiscal year 2023, \$43,720,000 for fiscal
10 year 2024, and \$49,200,000 for fiscal year 2025” and in-
11 serting “\$49,200,000 for fiscal year 2026, \$51,660,000

1 for fiscal year 2027, \$54,243,000 for fiscal year 2028, and
2 \$57,016,000 for fiscal year 2029”.

3 **SEC. 4. PURPOSES.**

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

6 (1) in paragraph (2) by striking “in the ocean
7 commerce of the United States” and inserting “for
8 the common carriage of goods by water in the for-
9 eign commerce of the United States”; and

10 (2) in paragraph (4) by striking “promote” and
11 inserting “support”.

12 **SEC. 5. DEFINITIONS.**

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

15 (1) in subparagraph (B) by striking the period
16 and inserting “; or”;

17 (2) by redesignating subparagraphs (A) and
18 (B) as clauses (i) and (ii), respectively, and by ad-
19 justing the margins accordingly;

20 (3) by striking “means an ocean common car-
21 rier” and inserting the following: “means—

22 “(A) an ocean common carrier”; and

23 (4) by adding at the end the following:

24 “(B) such a carrier that is owned or con-
25 trolled by, a subsidiary of, or otherwise related

1 legally or financially (other than a minority re-
2 lationship or investment) to a corporation based
3 in, headquartered in, or otherwise significantly
4 linked to a country—

5 “(i) identified as a nonmarket econ-
6 omy country (as defined in section 771(18)
7 of the Tariff Act of 1930 (19 U.S.C.
8 1677(18))) as of the date of enactment of
9 the Federal Maritime Commission Reau-
10 thorization Act of 2025;

11 “(ii) identified by the United States
12 Trade Representative on the priority watch
13 list included in the most recent report re-
14 quired by section 182 of the Trade Act of
15 1974 (19 U.S.C. 2242) as a priority for-
16 eign country under subsection (a)(2) of
17 that section; or

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

22 (b) CONFORMING AMENDMENT.—Section
23 46106(b)(7) of title 46, United States Code, is amended
24 by striking “ocean common carriers, particularly such car-
25 riers that are controlled carriers” and all that follows

1 through the period at the end and inserting “controlled
2 carriers;”.

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

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

6 (1) in the subsection heading by inserting “AND
7 INVESTIGATION” after “EXEMPTION”;

8 (2) by striking the period at the end and insert-
9 ing “; and”;

10 (3) by striking “may exempt” and inserting the
11 following: “may—

12 “(1) exempt”; and

13 (4) by adding at the end the following:

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

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

19 **“§ 40505. Complaints against shipping exchanges**

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

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

4 “(c) REPORT TO CONGRESS.—The Commission shall
5 submit to the Committee on Transportation and Infra-
6 structure of the House of Representatives and the Com-
7 mittee on Commerce, Science, and Transportation of the
8 Senate the results of any investigation in which the Com-
9 mission finds incidents of market manipulation or anti-
10 competitive practices by shipping exchanges registered
11 under section 40504.”.

12 (c) CLERICAL AMENDMENT.—The analysis for chap-
13 ter 405 of title 46, United States Code, is amended by
14 adding at the end the following:

“40505. Complaints against shipping exchanges.”.

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

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

18 (1) by striking “3 years after the date of enact-
19 ment of the Ocean Shipping Reform Act of 2022”
20 and inserting “2 years after the date of enactment
21 of the Federal Maritime Commission Reauthoriza-
22 tion Act of 2025”;

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

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

2 **SEC. 8. REPEAL.**

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

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

8 **SEC. 9. DATA COLLECTION.**

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

11 (1) by striking “The Federal Maritime Commis-
12 sion” and inserting the following:

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

15 (2) by adding at the end the following:

16 “(b) LIMITATION ON DUPLICATION.—Unless the
17 data described in paragraphs (1) and (2) is not available
18 in a timely manner or in a form that allows the Commis-
19 sion to meet the requirements of subsection (a), data re-
20 quired to be reported under subsection (a) may not dupli-
21 cate information submitted—

22 “(1) to the Corps of Engineers pursuant to sec-
23 tion 11 of the Act entitled ‘An Act authorizing the
24 construction, repair, and preservation of certain pub-
25 lic works on rivers and harbors, and for other pur-

1 poses', approved September 22, 1922 (33 U.S.C.
2 555), by an ocean common carrier acting as a vessel
3 operator;

4 “(2) pursuant to section 481 of the Tariff Act
5 of 1930 (19 U.S.C. 1481) to U.S. Customs and Bor-
6 der Protection by merchandise importers; or

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

9 **SEC. 10. INVESTIGATIONS.**

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

12 “(f) NONDISCLOSURE.—Information and documents
13 developed by the Federal Maritime Commission under this
14 section shall not be disclosed unless the Commission deter-
15 mines by majority vote of the Commission that such infor-
16 mation and documents are relevant to an administrative
17 or judicial proceeding and agrees by a majority vote to
18 disclose such information and documents.”.

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

20 (a) NATIONAL SHIPPER ADVISORY COMMITTEE.—
21 Section 42502 of title 46, United States Code, is amend-
22 ed—

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

1 (2) by striking subsection (b);

2 (3) by redesignating subsection (c) as sub-
3 section (b); and

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

7 (b) NATIONAL PORT ADVISORY COMMITTEE.—Chap-
8 ter 425 of title 46, United States Code, is amended—

9 (1) by redesignating section 42503 as section
10 42506; and

11 (2) by inserting after section 42502 the fol-
12 lowing:

13 **“§ 42503. National port advisory committee**

14 “(a) ESTABLISHMENT.—There is established a Na-
15 tional Port Advisory Committee (in this section referred
16 to as the ‘Port Committee’).

17 “(b) MEMBERSHIP.—

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

21 “(2) EXPERTISE.—Each member of the Port
22 Committee shall have particular expertise, knowl-
23 edge, and experience in matters relating to the func-
24 tion of the Port Committee.

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

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

6 “(B) 5 members shall represent port au-
7 thorities.

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

10 **“§ 42504. National ocean carrier advisory committee**

11 “(a) ESTABLISHMENT.—There is established a Na-
12 tional Ocean Carrier Advisory Committee (in this section
13 referred to as the Carrier Committee”).

14 “(b) MEMBERSHIP.—

15 “(1) IN GENERAL.—The Carrier Committee
16 shall consist of 9 members appointed by the Com-
17 mission in accordance with this section.

18 “(2) EXPERTISE.—Each member of the Carrier
19 Committee shall have particular expertise, knowl-
20 edge, and experience in matters relating to the func-
21 tion of the Committee.

22 “(3) REPRESENTATION.—Members of the Car-
23 rier Committee shall represent ocean carriers serving
24 such seaports and terminals, of which at least 3

1 shall be ocean transportation intermediaries (as such
2 term is defined in section 40102).

3 **“§ 42505. Function**

4 “The covered Committees shall advise the Federal
5 Maritime Commission on policies relating to the competi-
6 tiveness, reliability, and efficiency of the international
7 ocean freight delivery system.”.

8 (c) CONFORMING AMENDMENTS.—

9 (1) DEFINITIONS.—Section 42501(2) of title
10 46, United States Code, is amended to read as fol-
11 lows:

12 “(2) COVERED COMMITTEE.—The term ‘cov-
13 ered Committee’ means—

14 “(A) the National Shipper Advisory Com-
15 mittee established under section 42502;

16 “(B) the National Port Advisory Com-
17 mittee established under section 42503; and

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

20 (2) ADMINISTRATION.—Section 42506 of title
21 46, United States Code, as redesignated by sub-
22 section (b)(1), is amended—

23 (A) by striking “The Committee” each
24 place it appears except in subsection (k) and in-
25 serting “Each covered Committee”;

1 (B) in subsection (a) by striking “the
2 Committee” and inserting “each such Com-
3 mittee”;

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

7 (D) in subsection (h)—

8 (i) in paragraph (1)—

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

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

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

18 (E) in subsection (i)—

19 (i) in paragraph (1) by striking “the
20 Committee if the function of the Com-
21 mittee” and inserting “any relevant cov-
22 ered Committee if the function of such
23 Committee”;

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

4 (iii) in paragraph (3)—

5 (I) by striking “from the Com-
6 mittee” and inserting “from a covered
7 Committee”; and

8 (II) in subparagraph (B) by
9 striking “to the Committee” and in-
10 serting “to the submitting Com-
11 mittee”; and

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

15 (F) in subsection (k) by striking “The
16 Committee” and inserting “The covered Com-
17 mittees”.

18 **SEC. 12. ANNUAL REPORT AND PUBLIC DISCLOSURES.**

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

22 (1) in paragraph (6)—

23 (A) by striking “and” at the end; and

24 (B) by striking “under this part” and in-
25 serting “under chapter 403”;

1 (2) in paragraph (7)—

2 (A) by inserting “anticompetitive, non-
3 reciprocal trade, or” before “otherwise con-
4 cerning practices”;

5 (B) by inserting “or marine terminal oper-
6 ators” after “controlled carriers”; and

7 (C) by striking the period at the end and
8 inserting “; and”; and

9 (3) by adding at the end the following:

10 “(8) an analysis of any trade imbalance result-
11 ing from the business practices of ocean common
12 carriers, including an analysis of the data collected
13 under section 41110; and

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

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

22 **SEC. 13. CONTAINERIZED FREIGHT INDEXES.**

23 (a) IN GENERAL.—Not later than 1 year after the
24 date of enactment of this Act, the Federal Maritime Com-
25 mission shall promulgate an advance notice of proposed

1 rulemaking on the manner in which data is acquired, used,
2 and protected in developing price indexes for containerized
3 ocean freight for shippers (as such term is defined in sec-
4 tion 40102 of title 46, United States Code) in the United
5 States published by a shipping exchange registered under
6 section 40504 of title 46, United States Code.

7 (b) FINAL RULE.—Not later than 3 years after the
8 date of enactment of this Act, the Commission shall pub-
9 lish a final rule with respect to the advance notice of pro-
10 posed rulemaking required under subsection (a).

11 **SEC. 14. TECHNICAL AMENDMENTS.**

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

“425. NATIONAL ADVISORY COMMITTEES 42501”.

16 (b) ANALYSIS.—The heading and analysis for chapter
17 425 of title 46, United States Code, is amended to read
18 as follows:

19 **“CHAPTER 425—NATIONAL ADVISORY**
20 **COMMITTEES**

“Sec. 42501. Definitions.

“Sec. 42502. National Shipper Advisory Committee.

“Sec. 42503. National Seaport Advisory Committee.

“Sec. 42504. National Ocean Carrier Advisory Committee.

“Sec. 42505. Function.

“Sec. 42506. Administration”.

