

## Calendar No. 592

116TH CONGRESS  
2D SESSION**S. 2894****[Report No. 116-299]**

To establish a National Shipper Advisory Committee.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 19, 2019

Mr. WICKER introduced the following bill; which was read twice and referred  
to the Committee on Commerce, Science, and Transportation

NOVEMBER 17, 2020

Reported by Mr. WICKER, with amendments

[Omit the part struck through and insert the part printed in *italic*]**A BILL**

To establish a National Shipper Advisory Committee.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Maritime  
5 Commission National Shipper Advisory Committee Act of  
6 2019”.

1 **SEC. 2. ADVISORY COMMITTEE.**

2 Part B of subtitle IV of title 46, United States Code,  
3 is amended by adding at the end the following:

4 **“CHAPTER 424—NATIONAL SHIPPER**  
5 **ADVISORY COMMITTEE**

“Sec.

“42401. *Definitions.* ~~National Shipper Advisory Committee.~~

“42402. *National Shipper Advisory Committee.* ~~Administration.~~

“42403. *Administration.*

6 **“§ 42401. Definitions**

7 “In this chapter:

8 “(1) COMMISSION.—The term ‘Commission’  
9 means the Federal Maritime Commission.

10 “(2) COMMITTEE.—The term ‘Committee’  
11 means the National Shipper Advisory Committee es-  
12 tablished by section 42402.

13 **“§ 42402. National Shipper Advisory Committee**

14 “(a) ESTABLISHMENT.—There is established a Na-  
15 tional Shipper Advisory Committee.

16 “(b) FUNCTION.—The Committee shall advise the  
17 Federal Maritime Commission on policies relating to the  
18 competitiveness, reliability, integrity, and fairness of the  
19 international ocean freight delivery system.

20 “(c) MEMBERSHIP.—

21 “(1) IN GENERAL.—The Committee shall con-  
22 sist of 24 members appointed by the Commission in  
23 accordance with this section.

1           “(2) EXPERTISE.—Each member of the Com-  
 2           mittee shall have particular expertise, knowledge,  
 3           and experience in matters relating to the function of  
 4           the Committee.

5           “(3) REPRESENTATION.—Members of the Com-  
 6           mittee shall be appointed as follows:

7                   “(A) Twelve members shall represent enti-  
 8                   ties who import cargo to the United States  
 9                   using ocean common carriers.

10                   “(B) Twelve members shall represent enti-  
 11                   ties who export cargo from the United States  
 12                   using ocean common carriers.

13   **“§ 42403. Administration**

14           “(a) MEETINGS.—The Committee shall, not less than  
 15           once each year, meet at the call of the Commission or a  
 16           majority of the members of the Committee.

17           “(b) EMPLOYEE STATUS.—A member of the Com-  
 18           mittee shall not be considered an employee of the Federal  
 19           Government by reason of service on such Committee, ex-  
 20           cept for the purposes of the following:

21                   “(1) Chapter 81 of title 5.

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

24           “(c) ~~ACCEPTANCE OF VOLUNTEER SERVICES.~~—Not-  
 25           withstanding any other provision of law, a member of the

1 ~~Committee may serve~~ *VOLUNTEER SERVICES REQUIRED.*—  
2 *Notwithstanding any other provision of law, a member of*  
3 *the Committee shall serve* on such committee on a vol-  
4 untary basis without pay.

5 “(d) STATUS OF MEMBERS.—

6 “(1) IN GENERAL.—Except as provided in para-  
7 graph (2), with respect to a member of the Com-  
8 mittee whom the Commission appoints to represent  
9 an entity or group—

10 “(A) the member is authorized to rep-  
11 resent the interests of the applicable entity or  
12 group; and

13 “(B) requirements under Federal law that  
14 would interfere with such representation and  
15 that apply to a special Government employee  
16 (as defined in section 202(a) of title 18), in-  
17 cluding requirements relating to employee con-  
18 duct, political activities, ethics, conflicts of in-  
19 terest, and corruption, do not apply to the  
20 member.

21 “(2) EXCEPTION.—Notwithstanding subsection  
22 (b), a member of the Committee shall be treated as  
23 a special Government employee for purposes of the  
24 committee service of the member if the member,

1 without regard to service on the committee, is a spe-  
2 cial Government employee.

3 “(e) SERVICE ON COMMITTEE.—

4 “(1) SOLICITATION OF NOMINATIONS.—Before  
5 appointing an individual as a member of the Com-  
6 mittee, the Commission shall publish a timely notice  
7 in the Federal Register soliciting nominations for  
8 membership on such Committee.

9 “(2) APPOINTMENTS.—

10 “(A) IN GENERAL.—After considering  
11 nominations received pursuant to a notice pub-  
12 lished under paragraph (1), the Commission  
13 may appoint a member to the Committee.

14 “(B) PROHIBITION.—The Commission  
15 shall not seek, consider, or otherwise use infor-  
16 mation concerning the political affiliation of a  
17 nominee in making an appointment to the Com-  
18 mittee.

19 “(3) SERVICE AT PLEASURE OF THE COMMIS-  
20 SION.—Each member of the Committee shall serve  
21 at the pleasure of the Commission.

22 “(4) SECURITY BACKGROUND EXAMINATIONS.—  
23 The Commission may require an individual to have  
24 passed an appropriate security background examina-  
25 tion before appointment to the Committee.

1           “(5) PROHIBITION.—A Federal employee may  
2 not be appointed as a member of the Committee.

3           “(6) TERMS.—

4                 “(A) IN GENERAL.—The term of each  
5 member of the Committee shall expire on De-  
6 cember 31 of the third full year after the effec-  
7 tive date of the appointment.

8                 “(B) CONTINUED SERVICE AFTER TERM.—

9           When the term of a member of the Committee  
10 ends, the member, for a period not to exceed 1  
11 year, may continue to serve as a member until  
12 a successor is appointed.

13           “(7) VACANCIES.—A vacancy on the Committee  
14 shall be filled in the same manner as the original ap-  
15 pointment.

16           “(8) SPECIAL RULE FOR REAPPOINTMENTS.—

17           Notwithstanding paragraphs (1) and (2), the Com-  
18 mission may reappoint a member of a committee for  
19 any term, other than the first term of the member,  
20 without soliciting, receiving, or considering nomina-  
21 tions for such appointment.

22           “(f) STAFF SERVICES.—The Commission shall fur-  
23 nish to the Committee any staff and services considered  
24 by the Commission to be necessary for the conduct of the  
25 Committee’s functions.

1 “(g) CHAIR; VICE CHAIR.—

2 “(1) IN GENERAL.—The Committee shall elect  
3 a Chair and Vice Chair from among the committee’s  
4 members.

5 “(2) VICE CHAIRMAN ACTING AS CHAIRMAN.—  
6 The Vice Chair shall act as Chair in the absence or  
7 incapacity of, or in the event of a vacancy in the of-  
8 fice of, the Chair.

9 “(h) SUBCOMMITTEES AND WORKING GROUPS.—

10 “(1) IN GENERAL.—The Chair of the Com-  
11 mittee may establish and disestablish subcommittees  
12 and working groups for any purpose consistent with  
13 the function of the Committee.

14 “(2) PARTICIPANTS.—Subject to conditions im-  
15 posed by the Chair, members of the Committee may  
16 be assigned to subcommittees and working groups  
17 established under paragraph (1).

18 “(i) CONSULTATION, ADVICE, REPORTS, AND REC-  
19 OMMENDATIONS.—

20 “(1) CONSULTATION.—Before taking any sig-  
21 nificant action, the Commission shall consult with,  
22 and consider the information, advice, and rec-  
23 ommendations of, the Committee if the function of  
24 the Committee is to advise the Commission on mat-  
25 ters related to the significant action.

1           “(2) ADVICE, REPORTS, AND RECOMMENDA-  
2           TIONS.—The Committee shall submit, in writing, to  
3           the Commission its advice, reports, and rec-  
4           ommendations, in a form and at a frequency deter-  
5           mined appropriate by the Committee.

6           “(3) EXPLANATION OF ACTIONS TAKEN.—Not  
7           later than 60 days after the date on which the Com-  
8           mission receives recommendations from the Com-  
9           mittee under paragraph (2), the Commission shall—

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

12           “(B) respond, in writing, to the Committee  
13           regarding the recommendations, including by  
14           providing an explanation of actions taken re-  
15           garding the recommendations.

16           “(4) SUBMISSION TO CONGRESS.—The Commis-  
17           sion shall submit to the Committee on Transpor-  
18           tation and Infrastructure of the House of Represent-  
19           atives and the Committee on Commerce, Science,  
20           and Transportation of the Senate the advice, re-  
21           ports, and recommendations received from the Com-  
22           mittee under paragraph (2).

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

25           “(1) attend any meeting of the Committee; and



1           “(2) participate as an observer at such meeting.

2           “(k) TERMINATION.—The Committee shall terminate

3 on September 30, 2029.”.

4 ***SEC. 3. NO FUNDING AUTHORIZED.***

5           *No additional funds are authorized to carry out this*

6 *Act or the amendment made by this Act.*

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