

116TH CONGRESS
1ST SESSION

S. 2894

To establish a National Shipper Advisory Committee.

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

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”.

7 **SEC. 2. ADVISORY COMMITTEE.**

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

10 **“CHAPTER 424—NATIONAL SHIPPER**
11 **ADVISORY COMMITTEE**

“Sec.

“42401. National Shipper Advisory Committee.

“42402. Administration.

1 **“§ 42401. Definitions**

2 “In this chapter:

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

5 “(2) COMMITTEE.—The term ‘Committee’
6 means the National Shipper Advisory Committee es-
7 tablished by section 42402.

8 **“§ 42402. National Shipper Advisory Committee**

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

11 “(b) FUNCTION.—The Committee shall advise the
12 Federal Maritime Commission on policies relating to the
13 competitiveness, reliability, integrity, and fairness of the
14 international ocean freight delivery system.

15 “(c) MEMBERSHIP.—

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

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

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

1 “(A) Twelve members shall represent enti-
 2 ties who import cargo to the United States
 3 using ocean common carriers.

4 “(B) Twelve members shall represent enti-
 5 ties who export cargo from the United States
 6 using ocean common carriers.

7 **“§ 42403. Administration**

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

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

15 “(1) Chapter 81 of title 5.

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

18 “(c) ACCEPTANCE OF VOLUNTEER SERVICES.—Not-
 19 withstanding any other provision of law, a member of the
 20 Committee may serve on such committee on a voluntary
 21 basis without pay.

22 “(d) STATUS OF MEMBERS.—

23 “(1) IN GENERAL.—Except as provided in para-
 24 graph (2), with respect to a member of the Com-

1 mittee whom the Commission appoints to represent
2 an entity or group—

3 “(A) the member is authorized to rep-
4 resent the interests of the applicable entity or
5 group; and

6 “(B) requirements under Federal law that
7 would interfere with such representation and
8 that apply to a special Government employee
9 (as defined in section 202(a) of title 18), in-
10 cluding requirements relating to employee con-
11 duct, political activities, ethics, conflicts of in-
12 terest, and corruption, do not apply to the
13 member.

14 “(2) EXCEPTION.—Notwithstanding subsection
15 (b), a member of the Committee shall be treated as
16 a special Government employee for purposes of the
17 committee service of the member if the member,
18 without regard to service on the committee, is a spe-
19 cial Government employee.

20 “(e) SERVICE ON COMMITTEE.—

21 “(1) SOLICITATION OF NOMINATIONS.—Before
22 appointing an individual as a member of the Com-
23 mittee, the Commission shall publish a timely notice
24 in the Federal Register soliciting nominations for
25 membership on such Committee.

1 “(2) APPOINTMENTS.—

2 “(A) IN GENERAL.—After considering
3 nominations received pursuant to a notice pub-
4 lished under paragraph (1), the Commission
5 may appoint a member to the Committee.

6 “(B) PROHIBITION.—The Commission
7 shall not seek, consider, or otherwise use infor-
8 mation concerning the political affiliation of a
9 nominee in making an appointment to the Com-
10 mittee.

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

14 “(4) SECURITY BACKGROUND EXAMINATIONS.—
15 The Commission may require an individual to have
16 passed an appropriate security background examina-
17 tion before appointment to the Committee.

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

20 “(6) TERMS.—

21 “(A) IN GENERAL.—The term of each
22 member of the Committee shall expire on De-
23 cember 31 of the third full year after the effec-
24 tive date of the appointment.

1 “(B) CONTINUED SERVICE AFTER TERM.—

2 When the term of a member of the Committee
3 ends, the member, for a period not to exceed 1
4 year, may continue to serve as a member until
5 a successor is appointed.

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

9 “(8) SPECIAL RULE FOR REAPPOINTMENTS.—
10 Notwithstanding paragraphs (1) and (2), the Com-
11 mission may reappoint a member of a committee for
12 any term, other than the first term of the member,
13 without soliciting, receiving, or considering nomina-
14 tions for such appointment.

15 “(f) STAFF SERVICES.—The Commission shall fur-
16 nish to the Committee any staff and services considered
17 by the Commission to be necessary for the conduct of the
18 Committee’s functions.

19 “(g) CHAIR; VICE CHAIR.—

20 “(1) IN GENERAL.—The Committee shall elect
21 a Chair and Vice Chair from among the committee’s
22 members.

23 “(2) VICE CHAIRMAN ACTING AS CHAIRMAN.—
24 The Vice Chair shall act as Chair in the absence or

1 incapacity of, or in the event of a vacancy in the of-
2 fice of, the Chair.

3 “(h) SUBCOMMITTEES AND WORKING GROUPS.—

4 “(1) IN GENERAL.—The Chair of the Com-
5 mittee may establish and disestablish subcommittees
6 and working groups for any purpose consistent with
7 the function of the Committee.

8 “(2) PARTICIPANTS.—Subject to conditions im-
9 posed by the Chair, members of the Committee may
10 be assigned to subcommittees and working groups
11 established under paragraph (1).

12 “(i) CONSULTATION, ADVICE, REPORTS, AND REC-
13 OMMENDATIONS.—

14 “(1) CONSULTATION.—Before taking any sig-
15 nificant action, the Commission shall consult with,
16 and consider the information, advice, and rec-
17 ommendations of, the Committee if the function of
18 the Committee is to advise the Commission on mat-
19 ters related to the significant action.

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

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

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

7 “(B) respond, in writing, to the Committee
 8 regarding the recommendations, including by
 9 providing an explanation of actions taken re-
 10 garding the recommendations.

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

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

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

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

22 “(k) TERMINATION.—The Committee shall terminate
 23 on September 30, 2029.”.

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