

103^D CONGRESS
2^D SESSION

H. R. 4391

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 13 (legislative day, SEPTEMBER 12), 1994

Received; read twice and referred to the Committee on Commerce, Science,
and Transportation

AN ACT

To authorize appropriations for the Federal Maritime Commission for fiscal year 1995, and to amend the Shipping Act of 1984 to require that conference agreements authorize members of conferences to take certain independent actions and to prohibit conferences and groups of common carriers from denying or limiting in export foreign commerce compensation to ocean freight forwarders.

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 Authorization Act for Fiscal Year 1995”.

1 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

2 There is authorized to be appropriated to the Federal
3 Maritime Commission, \$18,900,000 for fiscal year 1995.

4 **SEC. 3. INDEPENDENT ACTION.**

5 Section 5(b) of the Shipping Act of 1984 (46 U.S.C.
6 App. 1704(b)) is amended by striking paragraph (8) and
7 inserting the following:

8 “(8) provide that—

9 “(A) any member of the conference may
10 take independent action on any rate, service
11 item, or level of ocean freight forwarder com-
12 pensation required to be filed in a tariff under
13 section 8(a) upon not more than 10 calendar
14 days notice to the conference; and

15 “(B) the conference will include the new
16 rate, service item, or level of ocean freight for-
17 warder compensation in its tariff for use by
18 that member, effective no later than 10 cal-
19 endar days after receipt of the notice, and by
20 any other member that notifies the conference
21 that it elects to adopt the independent rate,
22 service item, or level of ocean freight forwarder
23 compensation on or after its effective date, in
24 lieu of the existing conference tariff provision
25 for that rate, service item, or level of ocean
26 freight forwarder compensation.”.

1 **SEC. 4. PROHIBITION ON DENYING COMPENSATION.**

2 Section 10(c) of the Shipping Act of 1984 (46 U.S.C.
3 App. 1709(c)), is amended by striking paragraph (5) and
4 inserting the following:

5 “(5) deny in the export foreign commerce of the
6 United States compensation to an ocean freight for-
7 warder, or limit that compensation to less than 1.25
8 percent of the aggregate of all of the rates and
9 charges applicable under the tariff assessed against
10 the cargo on which the forwarding services are pro-
11 vided; or”.

Passed the House of Representatives September 12,
1994.

Attest: DONNALD K. ANDERSON,
Clerk.