

AMENDMENT TO RULES COMMITTEE PRINT

119-33

OFFERED BY MR. GRAVES OF MISSOURI

At the end of subtitle B of title XVII, add the following:

1 **SEC. 17___. AMERICAN SUPPLY CHAIN SOVEREIGNTY INITIATIVE.**
2

3 (a) FINDINGS.—Congress finds that:

4 (1) The infiltration and influence of global maritime logistics networks by State-directed entities,
5 specifically platforms such as LOGINK and entities
6 identified under section 1260H of the William M.
7 (Mac) Thornberry National Defense Authorization
8 Act for Fiscal Year 2021, constitutes a direct and
9 immediate threat to United States national security
10 and Department of Defense mobilization capabilities.
11

12 (2) The velocity and security of maritime terminals are essential matters of interstate commerce
13 and national defense, requiring a unified, secure
14 Federal data architecture.
15

16 (3) The American Supply Chain Sovereignty
17 Initiative is explicitly intended to serve as a neutral,
18 federally protected public utility that preserves free-

1 market autonomy, protects business confidential in-
2 formation of American businesses of all sizes, and
3 ensures the United States military and domestic
4 workforce cannot be undermined by foreign logistics
5 platforms.

6 (b) AMERICAN SUPPLY CHAIN SOVEREIGNTY.—
7 Chapter 701 of title 49, United States Code, is amended
8 by inserting at the end the following:

9 **“§ 70104. American Supply Chain Sovereignty**

10 “(a) ESTABLISHMENT.—Not later than 180 days
11 after the date of enactment of this Act, the Secretary of
12 Transportation, in consultation with the Secretary of De-
13 fense, the Secretary of Homeland Security, the United
14 States Trade Representative, and the Federal Maritime
15 Commission, shall establish a program to be known as the
16 ‘American Supply Chain Sovereignty Initiative’. The Sec-
17 retary shall deploy the Initiative’s digital architecture for
18 inbound containerized freight not later than 12 months
19 after the date of enactment of this section. The Initiative
20 shall build upon the Freight Logistics Optimization Works
21 (FLOW) program to encompass both containerized and
22 bulk freight shipments, for imports and exports, in accord-
23 ance with the phased deployment authority established in
24 subsection (e)(4).

25 “(b) INTEGRATION OF DATA.—

1 “(1) AUTHORITY.—The Secretary is authorized
2 to collect and integrate—

3 “(A) voluntary business confidential infor-
4 mation provided by private sector supply chain
5 entities, including agricultural producers, en-
6 ergy producers, manufacturers, third-party lo-
7 gisties providers, commodity traders, ocean
8 common carriers, and commercial providers of
9 meteorological, geospatial, and navigational
10 data;

11 “(B) public sector administrative and
12 physical domain data, including customs data,
13 inbound and outbound vessel manifests, cross-
14 border intermodal manifests, inland waterway
15 infrastructure data, export control data, agri-
16 cultural shipment flows and transportation
17 market datasets maintained by the Agricultural
18 Marketing Service, and meteorological, hydro-
19 graphic, and geospatial data; and

20 “(C) advanced statistical and predictive
21 models.

22 “(2) OBJECTIVE.—The integrated data shall be
23 utilized to reduce inflationary pressures, optimize
24 routing alternatives, maximize the throughput capac-
25 ity of existing physical infrastructure, deter domestic

1 cargo theft, support the rapid movement of essential
2 cargo, and counter the integration and influence of
3 covered logistics platforms in United States supply
4 chains.

5 “(3) PROTECTION OF PERSONALLY IDENTIFI-
6 ABLE INFORMATION.—Nothing in this section shall
7 be construed to authorize the collection, storage, or
8 analysis of personally identifiable information re-
9 garding any individual. To support operational util-
10 ity, asset-level data may be retained and shared in
11 its granular form strictly with operational tier mem-
12 bers under subsection (e)(1). Data disseminated to
13 participant tier members shall be appropriately
14 anonymized and aggregated.

15 “(c) PROHIBITION ON OPERATIONAL EXECUTION
16 AND CONDITIONS FOR EXPEDITED SERVICE.—

17 “(1) PROHIBITION ON MANDATES.—Except as
18 authorized under section 101 of the Defense Produc-
19 tion Act of 1950 (50 U.S.C. 4511), nothing in this
20 section shall be construed to authorize the Secretary
21 to mandate physical operational execution across the
22 general supply chain, including the authority to re-
23 quire reservations for berths or gates, assign specific
24 vessels to specific terminals, or interfere with the

1 commercial rights of participants to negotiate pricing or operational schedules.

3 “(2) AFFIRMATION OF VOLUNTARY PARTICIPATION.—Participation in the data-sharing framework shall be voluntary. Nothing in this section may be interpreted to authorize the Secretary to dictate commercial execution, market share allocation, or command-and-control logistics models utilized by State-owned enterprises or foreign adversaries during the normal course of business.

11 “(3) OPERATIONAL REQUIREMENT FOR EXPEDITED SERVICE.—Notwithstanding paragraphs (1) and (2), the administrative designation and digital signaling of expedited cargo under subsection (d) is contingent upon the good-faith physical execution of any participant electing to offer or utilize the expedited service tier consistent with operational requirements for subsection (e) as defined by the Secretary.

19 “(d) EXPEDITED SERVICE TIER AND ACCOUNT-
20 ABILITY.—

21 “(1) CRITERIA FOR EXPEDITED CARGO.—The
22 Secretary, in consultation with U.S. Customs and
23 Border Protection (CBP), the Secretary of Commerce, and the Secretary of Agriculture, shall establish objective criteria to designate cargo for vol-
25

1 untary expedited service. The Initiative shall provide
2 vessel and shipment-specific details to enrich exist-
3 ing information used by CBP in the determination
4 of risk profiles used to expedite freight upon entry.
5 Cargo shall only be eligible if—

6 “(A) the importer or exporter of record is
7 a validated participant in good standing of the
8 Customs Trade Partnership Against Terrorism
9 (CTPAT), or the cargo is identified as military
10 supplies pursuant to section 2631 of title 10, or
11 designated as essential cargo pursuant to para-
12 graph (7); and

13 “(B) the Secretary verifies the cargo data
14 is transferred via a trusted data chain.

15 “(2) TRUSTED DATA CHAIN.—The Secretary
16 shall promulgate technologically neutral data stand-
17 ards for verifying cargo data is transferred via a
18 trusted data chain. These standards shall require a
19 tamper-evident digital attestation, originating from
20 the physical point of execution, to verify that the
21 data provenance has not been irreversibly scrubbed
22 or masked by a proxy server affiliated with a covered
23 logistics platform or an entity identified under sec-
24 tion 1260H of the William M. (Mac) Thornberry

1 National Defense Authorization Act for Fiscal Year
2 2021 (10 U.S.C. 113 note).

3 “(3) COMMERCIAL INTERMEDIARY SAFE HAR-
4 BOR.—Nothing in paragraph (2) shall penalize the
5 lawful routing of data by authorized third-party lo-
6 gistics providers, customs brokers, or freight for-
7 warders, provided the intermediary utilizes a secure
8 architecture that preserves the original point-of-ori-
9 gin cryptographic attestation.

10 “(4) TRANSITION PERIOD.—The Secretary shall
11 establish a 24-month transition period from oper-
12 ational deployment, during which provisional eligi-
13 bility for expedited service may be granted utilizing
14 legacy electronic data transmission protocols and
15 third-party audits, but after which the tamper-evi-
16 dent digital attestation requirements shall be strictly
17 enforced.

18 “(5) NATIONAL INTEREST WAIVER.—The Sec-
19 retary may temporarily waive the requirements in
20 paragraph (2) for specific entities or trade lanes for
21 a period not to exceed 180 days, renewable, to avoid
22 unnecessary supply chain disruptions.

23 “(6) CAPACITY ALLOCATION FOR SMALL BUSI-
24 NESSES.—The Secretary is authorized to implement
25 appropriate mechanisms to prevent the unreasonable

1 displacement of general commerce. The Secretary
2 shall ensure a minimum percentage of all expedited
3 capacity designations is available for eligible small
4 business concerns, as defined in section 3 of the
5 Small Business Act (15 U.S.C. 632). Nothing in this
6 paragraph grants authority to impose physical ter-
7 minal throughput quotas.

8 “(7) ESSENTIAL CARGO AND ABSTRACTION.—
9 The Secretary, in consultation with the Secretary of
10 Commerce and the heads of other relevant Federal
11 agencies as determined appropriate by the Secretary,
12 may at any time designate commodities as essential
13 cargo for the purposes of maintaining the efficiency
14 and resiliency of freight supply chains in support of
15 economic efficiency and productivity. During a de-
16 clared national emergency, the President may de-
17 velop a non-public Essential Commodity Target List,
18 exempt from disclosure under section 552 of title 5.
19 The Secretary shall not transmit the underlying
20 Harmonized Tariff Schedule code or national secu-
21 rity justification for any designation made under
22 this paragraph to the commercial entity executing
23 the physical movement of the cargo.

24 “(8) REVOCATION FOR ABUSE.—The Secretary
25 may suspend or revoke participation in any tier of

1 the Initiative for any entity determined to have
2 knowingly submitted false or misleading data re-
3 garding the urgency, details, or strategic value of a
4 shipment.

5 “(e) TIERED INFORMATION SHARING ARCHITEC-
6 TURE.—

7 “(1) OPERATIONAL TIER MEMBERS.—The Sec-
8 retary may share operational data with directly in-
9 terested parties as necessary to facilitate the phys-
10 ical movement of cargo, provided such disclosures
11 shall not include business confidential information.

12 Permitted disclosures may be made:

13 “(A) To a participating ocean common car-
14 rier, container-level or commodity-level data
15 necessary to facilitate origin stowage plans and
16 priority cargo blocks.

17 “(B) To a participating marine terminal
18 operator, predictive arrival times and container-
19 level or tank-and-hold-level priority-mapped ves-
20 sel stowage plans to support the expedited
21 movement of priority containers, pipeline mani-
22 fold scheduling, and the dynamic coordination
23 of export receiving windows for outbound expe-
24 dited cargo.

1 “(C) To a participating port authority,
2 anonymized volume and capacity forecasts rel-
3 evant to such authority’s jurisdiction.

4 “(D) To participating railroad carriers, ag-
5 gregated demand forecasts to plan railcar sup-
6 ply.

7 “(E) To participating motor carriers, con-
8 tainer-specific predictive availability strictly to
9 optimize dispatch scheduling and facilitate ad-
10 vanced terminal and gate coordination.

11 “(F) To providers of intermodal chassis,
12 aggregated demand forecasts and empty equip-
13 ment priority status to optimize equipment
14 availability.

15 “(G) To off-dock container yards,
16 transload facilities, and warehouses, predictive
17 availability strictly for cargo explicitly routed to
18 such facility.

19 “(H) To a maritime operator on inland
20 waterways, predictive queuing and lock status
21 for transiting vessels and barges.

22 “(I) To a pipeline operator or port-side
23 bulk storage facility, predictive arrival times,
24 volume, and priority status of liquid or dry bulk
25 vessels.

1 “(J) To the Army Corps of Engineers, pre-
2 dictive vessel-specific data for barge and deep-
3 draft vessel traffic across inland waterways and
4 federally-maintained coastal channels necessary
5 to optimize lockage scheduling, water level man-
6 agement, dredging schedules, trust fund utiliza-
7 tion, and infrastructure maintenance.

8 “(K) To a licensed customs broker, read-
9 only visibility of clearance status.

10 “(2) PARTICIPANT TIER MEMBERS.—The Sec-
11 retary may share aggregated, anonymized
12 benchmarking data with other voluntary members.

13 “(A) PROHIBITION ON REAL-TIME TRACK-
14 ING.—Data shared under this paragraph shall
15 not provide continuous, real-time location track-
16 ing of individual commercial assets.

17 “(B) PROHIBITION ON RESALE AND VEN-
18 DOR EXCEPTION.—No entity receiving data
19 under this paragraph shall sell, license, or in-
20 corporate such data into a commercial product
21 offered to third parties. However, a participant
22 may transmit data to an approved contracted
23 technology service provider or terminal oper-
24 ating system strictly to facilitate the internal lo-
25 gistics operations of the participant, provided

1 the vendor is contractually prohibited from uti-
2 lizing the data for any other purpose.

3 “(3) PROHIBITION ON COMMERCIAL COMPETI-
4 TION.—The Secretary shall not develop, offer, or as-
5 sess a fee for premium software modules that rep-
6 licate commercially available fleet management, com-
7 mercial routing, or reservation booking products.

8 “(4) PHASED DEPLOYMENT.—The Secretary
9 may implement data ingestion and dissemination in
10 phases through technologically neutral interfaces.
11 Following the initial operational deployment for in-
12 bound containerized freight not later than 12
13 months after the date of enactment of this section,
14 the Secretary shall subsequently integrate outbound
15 containerized exports and dry and liquid bulk com-
16 modities as technological readiness and commercial
17 adoption permit. The Secretary shall publish an an-
18 nual report providing high-level statistical sum-
19 maries of supply chain performance that shall not
20 reveal business confidential information.

21 “(5) PRIORITY FOR INFRASTRUCTURE
22 GRANTS.—In awarding discretionary grants for
23 freight infrastructure projects, including grants
24 under the Port Infrastructure Development Program
25 and the Nationally Significant Multimodal Freight

1 and Highway Projects program, the Secretary may
2 give priority consideration to applications submitted
3 by or on behalf of operators that are active partici-
4 pants in good standing in the Initiative.

5 “(f) INTERAGENCY COORDINATION FOR NATIONAL
6 DEFENSE.—

7 “(1) STRICTLY LIMITED DATA SHARING.—The
8 Secretary may share data, analysis, and predictive
9 models derived from the Initiative strictly and exclu-
10 sively with the Department of Defense, the Depart-
11 ment of Homeland Security, the Department of Ag-
12 riculture (including the Agricultural Marketing Serv-
13 ice), and the Department of Commerce.

14 “(2) PROHIBITION ON UNILATERAL EXPAN-
15 SION.—To preserve the confidentiality of the Initia-
16 tive, the Secretary may not share data, analysis, or
17 predictive models derived from the Initiative with
18 any other Federal or State agency, including the De-
19 partment of Justice, the Environmental Protection
20 Agency, or the Department of Labor, unless directed
21 to do so by the President for the purposes of na-
22 tional defense during a declared national emergency.

23 “(3) PERMITTED USES.—Data made available
24 under this subsection may be used strictly and exclu-
25 sively to support national mobilization, identify any

1 foreign adversary regardless of destination, facilitate
2 lawful trade, and detect anomalous transshipments
3 or the routing of United States-bound cargo through
4 contiguous foreign ports.

5 “(4) PRESERVATION OF AUTHORITIES.—Noth-
6 ing in this subsection supersedes the independent
7 authorities of the Department of Homeland Security
8 or the Department of Commerce.

9 “(5) BI-DIRECTIONAL EXCHANGE.—The Sec-
10 retary of Homeland Security shall transmit to the
11 Initiative the real-time disposition and release status
12 of cargo, including Automated Export System clear-
13 ances. The Secretary of Transportation may share a
14 binary indication of this status with operational tier
15 members, provided that no Department of Homeland
16 Security targeting methodologies, inspection codes,
17 or law enforcement sensitive information is disclosed
18 to any private sector participant.

19 “(g) PRESERVATION OF INFORMATION PROTECTIONS
20 AND PROHIBITED USES.—

21 “(1) EXEMPTION FROM DISCLOSURE.—Infor-
22 mation submitted to or generated by the Initiative
23 shall be exempt from disclosure under section
24 552(b)(3) of title 5 and shall be deemed confidential
25 business information under section 1905 of title 18.

1 “(2) STATISTICAL CONFIDENTIALITY AND EN-
2 FORCEMENT PROHIBITION.—No Federal agency may
3 compel the production or use of data protected
4 under this subsection to initiate civil or administra-
5 tive enforcement against a submitting entity, includ-
6 ing as evidence for violations of the Shipping Act of
7 1984 or any regulation regarding detention and de-
8 murrage.

9 “(3) SECONDARY USE PROHIBITION.—Under no
10 circumstances shall data derived from the Initiative
11 be shared with any Federal, Tribal, or State agency
12 for the purpose of enforcing civil, environmental, oc-
13 cupational safety, tax, revenue, or labor regulations,
14 except that nothing in this paragraph shall prohibit
15 the Department of Homeland Security or the De-
16 partment of Commerce from utilizing such data to
17 investigate and enforce laws relating to trade rem-
18 edies, customs revenue, illegal transnational freight
19 diversion, or the evasion of border duties.

20 “(4) WORKFORCE PROTECTION.—Data derived
21 from the Initiative shall not be introduced by any
22 Federal agency to intervene in labor disputes. Par-
23 ticipation in the Initiative shall not constitute a
24 change in operations or introduction of new tech-
25 nology for the purposes of triggering binding arbi-

1 tration or labor reductions under any existing collec-
2 tive bargaining agreement.

3 “(5) IMMUNITY FROM DISCOVERY AND CYBER
4 LIABILITY.—Data submitted to the Initiative shall
5 be immune from legal process and not subject to
6 subpoena in any civil action. No cause of action shall
7 lie against any participant for a cybersecurity inci-
8 dent reliably determined to have originated solely
9 from the authorized connection to the Initiative.

10 “(6) LIMITATIONS ON TARGETING.—No Federal
11 agency may use data from the Initiative to identify
12 or target specific entities for independent audit or
13 investigation in an attempt to circumvent the prohi-
14 bitions in this subsection, except as explicitly author-
15 ized for the Department of Homeland Security
16 under paragraph (3).

17 “(7) PRESERVATION OF INDEPENDENT JURIS-
18 DICTION.—Nothing in this subsection supersedes the
19 independent statutory authority of the Federal Mari-
20 time Commission, the Surface Transportation
21 Board, or the Department of Justice to compel the
22 production of information through standard lawful
23 subpoenas conducted entirely outside the mecha-
24 nisms and data architecture of the Initiative.

1 “(8) DATA DESTRUCTION.—The Secretary shall
2 ensure that business confidential information re-
3 ceived and maintained by the Initiative is destroyed
4 or irreversibly anonymized not later than 24 months
5 after the date of ingestion.

6 “(9) EXPANDED FLUIDITY MONITORING.—Not-
7 withstanding paragraph (2), the Secretary may
8 share anonymized, system-wide velocity metrics with
9 the Federal Maritime Commission and the Surface
10 Transportation Board, provided that aggregation
11 prevents reverse-engineering, and no metric is
12 shared until a minimum of 30 days has elapsed from
13 the date of transmittal.

14 “(10) EXCEPTIONS FOR ENFORCEMENT AND
15 BAD ACTORS.—The prohibitions in paragraph (2)
16 shall not apply to the investigation and enforcement
17 of laws relating to trade remedies, customs revenue,
18 transnational freight diversion, or the evasion of bor-
19 der duties under paragraph (3), nor to any entity
20 certified by the Secretary of Commerce as a foreign
21 adversary (consistent with section 50309 of title 46)
22 engaging in economic coercion.

23 “(h) PRESERVATION OF DATA CONTAINMENT AND
24 ANTITRUST PROTOCOLS.—

1 “(1) LIMITATION ON DAMAGES.—In any civil or
2 criminal action under the antitrust laws of the
3 United States, conduct strictly limited to sharing
4 operational data directly with the Initiative under
5 subsection (e) shall not be deemed illegal per se, but
6 judged on the basis of reasonableness. Participants
7 operating within authorized parameters shall not be
8 liable for treble damages under section 4 of the
9 Clayton Act (15 U.S.C. 15).

10 “(2) GOOD FAITH UTILIZATION REQUIRE-
11 MENT.—The exemption granted under paragraph
12 (1) shall be strictly contingent upon a participant’s
13 good faith utilization of the data to actively facilitate
14 the physical prioritization and block stowage of eligi-
15 ble cargo.

16 “(3) PRICING FIREWALL.—The exemption shall
17 not apply to any agreement or data exchange re-
18 garding freight rates, surcharges, or contract terms,
19 nor to direct, peer-to-peer exchange of proprietary
20 capacity data outside the secure digital architecture
21 of the Initiative.

22 “(4) PROTOCOL REVIEW AND REBUTTABLE
23 PRESUMPTION.—Prior to finalizing protocols, the
24 Secretary shall consult with the Federal Maritime
25 Commission, the Attorney General, and the Federal

1 Trade Commission for a 60-day review period. Upon
2 the expiration of the 60-day consultation period, the
3 Secretary, with the concurrence of the Federal Mari-
4 time Commission, shall retain sole and final author-
5 ity to approve and promulgate the data-sharing pro-
6 tocols. A lack of consensus among the consulted
7 agencies shall not delay or prevent the operational
8 implementation of the Initiative. A participant act-
9 ing in good faith conformity with the resulting pro-
10 tocols shall possess a statutory rebuttable presump-
11 tion of legality. Congress explicitly vests primary ju-
12 risdiction over the competitive evaluation of the Ini-
13 tiative with the Federal Maritime Commission. The
14 Attorney General shall formally consult with the
15 Federal Maritime Commission prior to initiating any
16 enforcement action.

17 “(5) SAVINGS CLAUSE FOR EXISTING IMMUNI-
18 TIES.—Nothing in this section shall be construed to
19 modify, diminish, restrict, or supersede the existing
20 antitrust immunities, exemptions, or jurisdiction es-
21 tablished under the Shipping Act of 1984 (subtitle
22 IV of title 46). The limitations on liability provided
23 in this subsection are additive, and apply only to the
24 digital transmission of data to the Initiative, leaving

1 all other commercial conduct subject to existing stat-
2 utory and regulatory enforcement.

3 “(i) RELATIONSHIP TO OTHER LAWS.—

4 “(1) LIMITED STATUTORY EXEMPTION.—Sec-
5 tion 1431 of title 19 and section 11904 of this title
6 shall not prohibit the disclosure of specific data ele-
7 ments to authorized participants strictly as defined
8 in this section.

9 “(2) FACA EXEMPTION.—Chapter 10 of title 5
10 shall not apply to any working group or task force
11 established by the Secretary to refine the predictive
12 models of the Initiative.

13 “(3) TRANSFER OF FUNCTIONS.—No data col-
14 lected by the Bureau of Transportation Statistics
15 under the FLOW program prior to enactment may
16 be transferred to the Initiative without the explicit
17 written consent of the submitting entity.

18 “(j) FINANCIAL SUSTAINABILITY AND FISCAL ALLO-
19 CATIONS.—

20 “(1) STARTUP EXPENSES.—For fiscal year
21 2027, the unobligated balances of funds previously
22 made available to the Department of Transportation
23 under section 108 of Public Law 101–100 (as
24 amended by Public Law 101–130) and chapter 6 of
25 title I of Public Law 103–211 shall be transferred

1 and remain available until expended, to establish the
2 Initiative. Such amounts previously designated by
3 the Congress as an emergency requirement pursuant
4 to section 251(b)(2)(A)(i) of the Balanced Budget
5 and Emergency Deficit Control Act of 1985 shall re-
6 tain such designation.

7 “(2) BASE FUNDING.—For a five-year period
8 starting in fiscal year 2028, there is authorized to
9 be appropriated \$22,000,000 annually, of which up
10 to \$7,000,000 may be transferred to the Depart-
11 ment of Homeland Security for purposes identified
12 within paragraph (5)(B). Funds authorized for the
13 program shall be strictly limited to the actual,
14 verifiable costs of administering the Initiative and
15 shall not be utilized to cross-subsidize unrelated
16 agency operations. Such amounts authorized shall be
17 adjusted for inflation in subsequent years.

18 “(3) OFFSETTING COLLECTIONS.—Not later
19 than 180 days after the date of enactment of this
20 section, the Secretary may establish, retain and
21 spend user fees to cover the cost of operations of the
22 Initiative. Fees shall be strictly limited to importer
23 or exporter of record affirmatively electing to apply
24 for the expedited cargo designation established
25 under subsection (d). The Secretary shall not assess

1 a fee on any importer or exporter of record solely for
2 the voluntary submission of data, basic CTPAT en-
3 rollment, or CTPAT validation.

4 “(4) SELF-SUFFICIENCY.—Appropriations re-
5 ceived under paragraph (2) shall be offset by user
6 fees collected under paragraph (3).

7 “(5) DHS SYSTEMS INTEGRATION.—

8 “(A) The Secretary is authorized to trans-
9 fer an aggregate amount of up to \$7,500,000 of
10 the amounts authorized under paragraph (1) to
11 the Secretary of Homeland Security. Such
12 amounts transferred shall be used for Auto-
13 mated Commercial Environment (ACE) system
14 modifications to ingest data, CTPAT enhance-
15 ments for data governance and program devel-
16 opment to integrate new information fully and
17 meet expected requirements, and Vessel En-
18 trance and Clearance System (VECS) to auto-
19 mate operational arrival verification.

20 “(B) The funds transferred to the Depart-
21 ment of Homeland Security under paragraph
22 (2) shall be utilized to support National Tar-
23 geting Center (NTC) automated import and ex-
24 port cargo platforms, and to enable continued,

1 long-term enhancements for ACE, VECS, and
2 CTPAT.

3 “(k) DEFINITIONS.—In this section:

4 “(1) COVERED LOGISTICS PLATFORM.—The
5 term ‘covered logistics platform’ means a logistics
6 software, terminal operating system, or data aggrega-
7 tion platform that the Secretary, in consultation
8 with the Secretary of Defense, the Commander of
9 the United States Transportation Command, the
10 Secretary of Commerce, and the Secretary of Home-
11 land Security, identifies as being owned by, system-
12 ically integrated with, or utilizing proprietary soft-
13 ware licensed by an entity that is—

14 “(A) identified pursuant to section 1260H
15 of the William M. (Mac) Thornberry National
16 Defense Authorization Act for Fiscal Year 2021
17 (10 U.S.C. 113 note);

18 “(B) included on the Entity List main-
19 tained by the Bureau of Industry and Security
20 and set forth in Supplement No. 4 to part 744
21 of title 15, Code of Federal Regulations; or

22 “(C) identified as a foreign adversary, or
23 subject to the jurisdiction, direction, or control
24 of a foreign adversary, as defined in section
25 791.4 of title 15, Code of Federal Regulations.

1 “(2) FOREIGN ADVERSARY.—The term ‘foreign
2 adversary’ has the meaning given that term in sec-
3 tion 791.4 of title 15, Code of Federal Regulations.

4 “(3) INITIATIVE.—The term ‘Initiative’ means
5 the American Supply Chain Sovereignty Initiative
6 established under subsection (a).

7 “(4) MARINE TERMINAL OPERATOR.—The term
8 ‘marine terminal operator’ has the meaning given
9 that term in section 40102 of title 46.

10 “(5) OCEAN COMMON CARRIER.—The term
11 ‘ocean common carrier’ has the meaning given that
12 term in section 40102 of title 46.

13 “(6) PARTICIPANT.—The term ‘participant’
14 means any individual or entity participating in the
15 Initiative that complies with the proportional, recip-
16 rocal data-sharing requirements established by the
17 Secretary for their specific operational category or
18 tier of participation, provided that the data is sub-
19 mitted in the format and cadence the Secretary de-
20 termines necessary for the Initiative to function
21 properly.

22 “(7) SECRETARY.—The term ‘Secretary’ means
23 the Secretary of Transportation.”.

24 “(c) CLERICAL AMENDMENT.—The analysis for chap-
25 ter 701 of title 49, United States Code, is amended by

- 1 inserting after the item relating to section 70103 the fol-
- 2 lowing:

“70104. American Supply Chain Sovereignty.”

