To address the supply chain backlog in the freight network at United States ports, and for other purposes.

IN THE SENATE OF THE UNITED STATES

introduced the following bill; which was read twice and referred to the Committee on 

A BILL

To address the supply chain backlog in the freight network at United States ports, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Stopping Hindrances to Invigorate Ports and Increase Trade Act” or the “SHIP IT Act”.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that the unprecedented supply chain backlog in the freight network of the United States is a national crisis that warrants congressional au-
authorization of short-term Federal emergency actions to ameliorate that crisis.

SEC. 3. ADDRESSING SUPPLY CHAIN CRISIS IN UNITED STATES.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Federal Motor Carrier Safety Administration.

(2) COMMERCIAL MOTOR VEHICLE; DRIVER; MOTOR CARRIER.—The terms "commercial motor vehicle", "driver", and "motor carrier" have the meanings given those terms in section 390.5 of title 49, Code of Federal Regulations (or a successor regulation).

(3) DIRECT ASSISTANCE TO A UNITED STATES PORT.—

(A) IN GENERAL.—The term "direct assistance to a United States port" means the transportation of cargo directly to or from a United States port.

(B) EXCLUSIONS.—The term "direct assistance to a United States port" does not include—

(i) the transportation of a mixed load of cargo that includes—
(I) cargo that does not originate from a United States port; or

(II) a container or cargo that is not bound for a United States port;

(ii) any period during which a motor carrier or driver is operating in interstate commerce to transport cargo or provide services not in support of transportation to or from a United States port; or

(iii) the period after a motor carrier dispatches the applicable driver or commercial motor vehicle of the motor carrier to another location to begin operation in interstate commerce in a manner that is not in support of transportation to or from a United States port.

(4) QUALIFIED APPLICANT.—The term “qualified applicant” means a person that—

(A) submits to the appropriate official an application for a waiver under this section; and

(B) in the determination of that official, is eligible, in accordance with this section, to receive the waiver.

(5) TEMPORARY WAIVER.—The term “temporary waiver” means a waiver that expires on the
date that is 1 year after the date of enactment of this Act.

(b) FMCSA Temporary Waivers.—

(1) Temporary waiver of certain requirements.—

(A) In general.—Not later than 7 days after the date of enactment of this Act, the Administrator shall issue to each qualified applicant a temporary waiver that, subject to paragraph (3), waives the requirements of parts 390 through 399 of title 49, Code of Federal Regulations (or successor regulations), with respect to commercial motor vehicle operations that are providing direct assistance to a United States port.

(B) Eligibility.—An applicant is eligible for a temporary waiver under subparagraph (A) if the applicant is a motor carrier or driver that provides direct assistance to a United States port.

(2) Temporary waiver of minimum age requirement.—

(A) In general.—Not later than 2 days after the date of enactment of this Act, the Administrator shall issue to each qualified appli-
cant a temporary waiver from the requirement
of section 391.11(b)(1) of title 49, Code of Fed-
eral Regulations (or a successor regulation), for
drivers that are at least 18 years old, subject to
paragraph (3).

(B) ELIGIBILITY.—An applicant is eligible
for a temporary waiver under subparagraph (A)
if the applicant—

(i) is providing direct assistance to a
United States port; or

(ii) is directly assuming the commer-
cial motor vehicle operations of a driver
who has been rerouted to a United States
port to provide direct assistance to a
United States port.

(3) REQUIREMENTS.—A temporary waiver
under paragraph (1) or (2) shall not exempt any
motor carrier or driver from—

(A) the hazardous materials regulations
described in subchapters A through C of chap-
ter I of subtitle B of title 49, Code of Federal
Regulations (or successor regulations);

(B) the controlled substances and alcohol
use and testing requirements described in part
382 of that title (or successor regulations);
(C) except as provided in paragraph (2),
the commercial driver’s license requirements de-
scribed in part 383 of that title (or successor
regulations);

(D) the financial responsibility (including
insurance) requirements described in part 387
of that title (or successor regulations);

(E) the requirement that every commercial
motor vehicle shall be operated in accordance
with the laws, ordinances, and regulations of
the jurisdiction in which the commercial motor
vehicle is being operated, including any applica-
ble speed limits and other traffic restrictions, as
described in the first sentence of section 392.2
of that title (or a successor regulation);

(F) the prohibition against operating a
commercial motor vehicle while the ability of
the driver is so impaired, or so likely to become
impaired, through fatigue, illness, or any other
cause as to make it unsafe for the driver to
begin or continue to operate the commercial
motor vehicle, as described in section 392.3 of
that title (or a successor regulation);
(G) the prohibition against texting while driving described in section 392.80 of that title (or a successor regulation);

(H) the prohibition against using a hand-held mobile telephone while driving described in section 392.82 of that title (or a successor regulation); or

(I) any applicable size or weight requirement.

(4) DRIVER FATIGUE AND SAFETY.—

(A) IN GENERAL.—A motor carrier receiving a temporary waiver under paragraph (1) or (2) shall not allow or require a fatigued driver to operate a commercial motor vehicle.

(B) REQUIREMENT.—For the period during which a temporary waiver under paragraph (1) or (2) is in effect, a motor carrier described in subparagraph (A) that receives from a driver notification that the driver is in need of immediate rest shall immediately provide the driver with not less than 10 consecutive hours of off-duty time before the driver is required to return to service.

(c) TRANSPORTATION WORKER IDENTIFICATION CREDENTIALS.—The Administrator of the Transportation
Security Administration and the Commandant of the Coast Guard shall jointly prioritize and expedite the consideration of applications for a Transportation Worker Identification Credential with respect to applicants, including commercial drivers operating under a temporary waiver issued under subsection (b)(2), that reasonably demonstrate that the purpose of the Transportation Worker Identification Credential is for providing, within the interior of the United States, direct assistance to a United States port.

(d) Temporary Waiver of Jones Act Requirements for Certain Vessels Transporting Cargo.—

(1) Authority.—

(A) Certificate of coastwise endorsement.—Notwithstanding section 12112 of title 46, United States Code, and any other requirement under chapter 121 of that title, the Secretary of the department in which the Coast Guard is operating (referred to in this subsection as the “Secretary”) may issue a certificate of documentation with a coastwise endorsement under that chapter in accordance with this subsection for a vessel, without regard to whether the vessel meets the requirements of section 12112 of that title, in any case in which
the person requesting the certificate reasonably
demonstrates the endorsement (or the resulting
exemption under subparagraph (B)) is for the
purpose of—

(i) transporting cargo from a United
States port to another United States port
in order to relieve any congestion, backlog,
or delay at such a port; or

(ii) engaging in operations that entail
a ship-to-ship transfer of cargo from a ves-
sel anchored or located off the coast of the
United States to another vessel that trans-
ports the cargo to a United States port
(commonly known as “lightering opera-
tions”).

(B) EXEMPTION OF ADDITIONAL REQUIRE-
MENTS.—Notwithstanding section 55102 of
title 46, United States Code, during the period
beginning on the date of enactment of this Act
and ending on the expiration date described in
paragraph (3), that section shall not apply to
any vessel that has been issued a certificate of
documentation with a coastwise endorsement
under subparagraph (A).

(2) TIMING.—
(A) IN GENERAL.—Not later than 48 hours after receiving a request for a certificate of documentation with a coastwise endorsement under paragraph (1)(A), the Secretary shall, as applicable—

(i) issue the certificate with the endorsement; or

(ii)(I) provide to the person requesting the certificate a detailed description of the reasons for denying the certificate; and

(II) publish the denial and description of reasons on the website of the department in which the Coast Guard is operating.

(B) AUTOMATIC ISSUANCE.—In any case in which the Secretary fails to comply with subparagraph (A), a certificate of documentation with a coastwise endorsement for the applicable vessel shall be deemed to be issued under paragraph (1)(A).

(3) EXPIRATION.—The authority under this subsection, including any certificate of coastwise endorsement authorized under this section, shall expire on the date that is 1 year after the date of enactment of this Act.
(c) Container Overflow Storage.—

(1) In general.—Not later than 14 days after the date of enactment of this Act, the Secretary of Agriculture, the Secretary of Defense, the Secretary of the Interior, the Secretary of Transportation, and the Administrator of General Services shall jointly consult with representatives of ocean carriers, ports, railroads, and trucking companies—

(A) to identify plots of Federal land under the jurisdiction of the Secretary of Agriculture, the Secretary of Defense, the Secretary of the Interior, the Secretary of Transportation, or the Administrator of General Services that—

(i) are located within a 150 air-mile radius of a United States port; and

(ii) could temporarily be used as an overflow area for the storage and transfer of empty cargo containers in order to ease the congestion and backlog at United States ports; and

(B) to designate not fewer than 2 plots of Federal land identified under subparagraph (A) for the use described in clause (ii) of that subparagraph, subject to the conditions that—
(i) each specific plot so designated shall be not more than 500 acres;

(ii) the stacking of containers shall be permitted at each specific plot so designated for a period of not more than 1 year beginning on the date on which the designation of the plot is published in the Federal Register under paragraph (2); and

(iii) containers shall not be stacked more than 6 high at any plot so designated.

(2) Publication in Federal Register.—

Each designation of a plot of Federal land under paragraph (1)(B) shall be published in the Federal Register.

(3) Categorical Exclusion.—The designation of a plot of Federal land under paragraph (1)(B) shall be categorically excluded from the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), subject to the condition that, prior to the designation of the plot, the applicable official described in paragraph (1)(A) having jurisdiction over the plot shall—

(A) carefully consider the circumstances of the designation; and
(B) determine that no extraordinary circumstances warranting the preparation of an environmental assessment or an environmental impact statement exist.

(4) TREATMENT.—A plot of Federal land designated under paragraph (1)(B) shall not, based on that designation, be considered to be a facility (as defined in section 70101 of title 46, United States Code) or a security zone (as defined in section 70131 of that title) for purposes of—

(A) chapter 701 of subtitle VII of that title; or

(B) the Maritime Transportation Security Act of 2002 (Public Law 107–295; 116 Stat. 2064) and the amendments made by that Act.

(f) LOAN OF DOD INTERMODAL EQUIPMENT.—

(1) DEFINITIONS.—In this subsection:

(A) INTERMODAL EQUIPMENT.—The term “intermodal equipment” has the meaning given the term in section 390.5 of title 49, Code of Federal Regulations (or a successor regulation).

(B) SECRETARY.—The term “Secretary” means the Secretary of Defense.

(2) INVENTORY OF INTERMODAL EQUIPMENT.—Not later than 14 days after the date of en-
actment of this Act, the Secretary shall conduct an
inventory of intermodal equipment that—

(A) is owned by the Department of De-
fense;

(B) is located within the United States;

and

(C) could be made available for loan to 1
or more trucking companies for the purposes of
easing congestion at United States ports.

(3) Loan of Intermodal Equipment.—

(A) Process.—Not later than 7 days after
the date on which the inventory under para-
graph (2) is complete, the Secretary shall create
a process for a trucking company to submit to
the Secretary an application requesting the use
of intermodal equipment identified in the inven-
tory.

(B) Conditions.—A loan of intermodal
equipment under this subsection shall be sub-
ject to the conditions that—

(i) the borrowing trucking company
shall agree to reimburse the Secretary for
any damage caused to the intermodal
equipment during the period of the loan;
(ii) the use of the intermodal equipment by the trucking company shall be for a period not longer than 180 days; and

(iii) the use of intermodal equipment by the borrowing trucking company shall not affect the national security of the United States.

(C) FEES.—

(i) IN GENERAL.—Subject to clauses (ii) and (iii), the Secretary may charge a reasonable fee for a loan of intermodal equipment under this subsection.

(ii) CONSULTATION.—The Secretary may charge a fee under clause (i) if the Secretary—

(I) consults with the Secretary of Agriculture, the Secretary of the Interior, the Secretary of Transportation, and the Administrator of General Services; and

(II) determines that charging a fee would be appropriate.

(iii) AMOUNT.—The amount of a fee under clause (i) shall be based on the market rate for similar loans or rentals of
intermodal equipment or similar equipment as of January 1, 2020.

(iv) Deposit and Use.—Any fee collected by the Secretary under clause (i) shall be—

(I) deposited in the general fund of the Treasury; and

(II) made available to the Secretary, the Secretary of Agriculture, the Secretary of the Interior, the Secretary of Transportation, and the Administrator of General Services for remediation of any Federal land designated under subsection (e)(1)(B).

(v) Restrictions.—A fee collected under clause (i) may not be used—

(I) until the designation of the applicable plot of Federal land under subsection (e)(1)(B) has expired; or

(II) for any purpose other than the remediation of land designated under subsection (e)(1)(B).

(4) Recall of Intermodal Equipment.—To protect the national security of the United States, the Secretary may recall any intermodal equipment
loaned to a trucking company under this subsection by issuing to the trucking company a notice not later than 72 hours before the time at which the intermodal equipment is required to be returned to the Secretary.

SEC. 4. DUTY-FREE TREATMENT OF CHASSIS IMPORTED FROM COUNTRIES WITH COLLECTIVE DEFENSE ARRANGEMENTS WITH UNITED STATES.

During the 2-year period beginning on the date of enactment of this Act, a finished or unfinished chassis classified under statistical reporting number 8716.39.0090, 8716.90.5010, or 8716.90.5060 of the Harmonized Tariff Schedule of the United States and imported from a country with which the United States has in effect a collective defense arrangement as of such date of enactment shall enter the United States free of duty.

SEC. 5. USE OF UNITED STATES INLAND PORTS FOR STORAGE AND TRANSFER OF CARGO.

(a) MEETING.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Maritime Administration and the Chairperson of the Federal Maritime Commission, acting jointly, shall convene a meeting of representatives of entities described in subsection (b) to discuss the long-term feasibility of, and
strategies for, using land or property under the jurisdiction of United States inland ports for the storage and transfer of cargo containers.

(b) Description of Entities.—The entities referred to in subsection (a) are—

1. major gateway ports in the United States;
2. ocean carriers;
3. railroads;
4. trucking companies; and
5. United States inland port authorities.

SEC. 6. REPORT ON ADOPTION OF TECHNOLOGY AT UNITED STATES PORTS.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report describing the adoption of technology at United States ports, as compared to that adoption at foreign ports, including—

1. the technological capabilities of United States ports, including the use of automated technology, as compared to foreign ports;
2. an assessment of whether the adoption of automated technology at United States ports could lower the costs of cargo handling; and
an assessment of regulatory and other bar-
riers to the adoption of automated technology at
United States ports.

SEC. 7. ALLIED PARTNERSHIP AND PORT MODERNIZATION.

(a) DREDGING.—Section 55109 of title 46, United
States Code, is amended—

(1) in subsection (a), in the matter preceding
paragraph (1), by striking “subsection (b)” and in-
serting “subsections (b) and (c)”;

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

(3) by inserting after subsection (b) the fol-
lowing:

“(c) DREDGING BY NATO-AFFILIATED VESSELS.—

“(1) IN GENERAL.—A vessel described in para-
graph (2) may engage in dredging in the navigable
waters of the United States.

“(2) DESCRIPTION OF VESSELS.—A vessel re-
ferred to in paragraph (1) is a vessel—

“(A) documented under the laws of a coun-
try that is a member of the North Atlantic
Treaty Organization;

“(B) built by—

“(i) a country that is a member of the
North Atlantic Treaty Organization; or
“(ii) a major non-NATO ally (as defined in section 2350a(i) of title 10); and

“(C) a majority of the owners and operators of which are entities incorporated in a country that is a member of the North Atlantic Treaty Organization.”.

(b) EXCLUDING DREDGED MATERIAL FROM TRANSPORTATION REQUIREMENTS.—

(1) IN GENERAL.—Section 55110 of title 46, United States Code, is amended—

(A) in the section heading, by striking “or dredged material” and inserting “(excluding dredged material)”; and

(B) by striking “or dredged material” and inserting “(excluding dredged material)”.

(2) CONFORMING AMENDMENT.—The analysis for chapter 551 of title 46, United States Code, is amended by striking the item relating to section 55110 and inserting the following:

“55110. Transportation of valueless material (excluding dredged material).”.