

117TH CONGRESS  
2D SESSION

# H. R. 7456

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

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 7, 2022

Mrs. FISCHBACH introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Homeland Security, Agriculture, Natural Resources, Armed Services, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

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

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 “Stopping Hindrances  
5 to Invigorate Ports and Increase Trade Act” or the  
6 “SHIP IT Act”.

1 **SEC. 2. SENSE OF CONGRESS.**

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

7 **SEC. 3. ADDRESSING SUPPLY CHAIN CRISIS IN UNITED**  
8 **STATES.**

9 (a) DEFINITIONS.—In this section:

10 (1) ADMINISTRATOR.—The term “Adminis-  
11 trator” means the Administrator of the Federal  
12 Motor Carrier Safety Administration.

13 (2) COMMERCIAL MOTOR VEHICLE; DRIVER;  
14 MOTOR CARRIER.—The terms “commercial motor ve-  
15 hicle”, “driver”, and “motor carrier” have the mean-  
16 ings given those terms in section 390.5 of title 49,  
17 Code of Federal Regulations (or a successor regula-  
18 tion).

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

21 (A) IN GENERAL.—The term “direct as-  
22 sistance to a United States port” means the  
23 transportation of cargo directly to or from a  
24 United States port.

1 (B) EXCLUSIONS.—The term “direct as-  
2 sistance to a United States port” does not in-  
3 clude—

4 (i) the transportation of a mixed load  
5 of cargo that includes—

6 (I) cargo that does not originate  
7 from a United States port; or

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

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

15 (iii) the period after a motor carrier  
16 dispatches the applicable driver or com-  
17 mercial motor vehicle of the motor carrier  
18 to another location to begin operation in  
19 interstate commerce in a manner that is  
20 not in support of transportation to or from  
21 a United States port.

22 (4) QUALIFIED APPLICANT.—The term “quali-  
23 fied applicant” means a person that—

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

1 (B) in the determination of that official, is  
2 eligible, in accordance with this section, to re-  
3 ceive the waiver.

4 (5) TEMPORARY WAIVER.—The term “tem-  
5 porary waiver” means a waiver that expires on the  
6 date that is 1 year after the date of enactment of  
7 this Act.

8 (b) FMCSA TEMPORARY WAIVERS.—

9 (1) TEMPORARY WAIVER OF CERTAIN REQUIRE-  
10 MENTS.—

11 (A) IN GENERAL.—Not later than 7 days  
12 after the date of enactment of this Act, the Ad-  
13 ministrator shall issue to each qualified appli-  
14 cant a temporary waiver that, subject to para-  
15 graph (3), waives the requirements of parts 390  
16 through 399 of title 49, Code of Federal Regu-  
17 lations (or successor regulations), with respect  
18 to commercial motor vehicle operations that are  
19 providing direct assistance to a United States  
20 port.

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

1           (2) TEMPORARY WAIVER OF MINIMUM AGE RE-  
2       QUIREMENT.—

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

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

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

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

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

24           (A) the hazardous materials regulations  
25      described in subchapters A through C of chap-

1           ter I of subtitle B of title 49, Code of Federal  
2           Regulations (or successor regulations);

3           (B) the controlled substances and alcohol  
4           use and testing requirements described in part  
5           382 of that title (or successor regulations);

6           (C) except as provided in paragraph (2),  
7           the commercial driver's license requirements de-  
8           scribed in part 383 of that title (or successor  
9           regulations);

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

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

21          (F) the prohibition against operating a  
22          commercial motor vehicle while the ability of  
23          the driver is so impaired, or so likely to become  
24          impaired, through fatigue, illness, or any other  
25          cause as to make it unsafe for the driver to

1           begin or continue to operate the commercial  
2           motor vehicle, as described in section 392.3 of  
3           that title (or a successor regulation);

4           (G) the prohibition against texting while  
5           driving described in section 392.80 of that title  
6           (or a successor regulation);

7           (H) the prohibition against using a hand-  
8           held mobile telephone while driving described in  
9           section 392.82 of that title (or a successor reg-  
10          ulation); or

11          (I) any applicable size or weight require-  
12          ment.

13       (4) DRIVER FATIGUE AND SAFETY.—

14           (A) IN GENERAL.—A motor carrier receiv-  
15           ing a temporary waiver under paragraph (1) or  
16           (2) shall not allow or require a fatigued driver  
17           to operate a commercial motor vehicle.

18           (B) REQUIREMENT.—For the period dur-  
19           ing which a temporary waiver under paragraph  
20           (1) or (2) is in effect, a motor carrier described  
21           in subparagraph (A) that receives from a driver  
22           notification that the driver is in need of imme-  
23           diate rest shall immediately provide the driver  
24           with not less than 10 consecutive hours of off-

1 duty time before the driver is required to return  
2 to service.

3 (c) TRANSPORTATION WORKER IDENTIFICATION  
4 CREDENTIALS.—The Administrator of the Transportation  
5 Security Administration and the Commandant of the  
6 Coast Guard shall jointly prioritize and expedite the con-  
7 sideration of applications for a Transportation Worker  
8 Identification Credential with respect to applicants, in-  
9 cluding commercial drivers operating under a temporary  
10 waiver issued under subsection (b)(2), that reasonably  
11 demonstrate that the purpose of the Transportation Work-  
12 er Identification Credential is for providing, within the in-  
13 terior of the United States, direct assistance to a United  
14 States port.

15 (d) TEMPORARY WAIVER OF JONES ACT REQUIRE-  
16 MENTS FOR CERTAIN VESSELS TRANSPORTING CARGO.—

17 (1) AUTHORITY.—

18 (A) CERTIFICATE OF COASTWISE EN-  
19 DORSEMENT.—Notwithstanding section 12112  
20 of title 46, United States Code, and any other  
21 requirement under chapter 121 of that title, the  
22 Secretary of the department in which the Coast  
23 Guard is operating (referred to in this sub-  
24 section as the “Secretary”) may issue a certifi-  
25 cate of documentation with a coastwise endorse-



1           ment under that chapter in accordance with  
2           this subsection for a vessel, without regard to  
3           whether the vessel meets the requirements of  
4           section 12112 of that title, in any case in which  
5           the person requesting the certificate reasonably  
6           demonstrates the endorsement (or the resulting  
7           exemption under subparagraph (B)) is for the  
8           purpose of—

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

13                  (ii) engaging in operations that entail  
14                  a ship-to-ship transfer of cargo from a ves-  
15                  sel anchored or located off the coast of the  
16                  United States to another vessel that trans-  
17                  ports the cargo to a United States port  
18                  (commonly known as “lightering oper-  
19                  ations”).

20           (B) EXEMPTION OF ADDITIONAL REQUIRE-  
21           MENTS.—Notwithstanding section 55102 of  
22           title 46, United States Code, during the period  
23           beginning on the date of enactment of this Act  
24           and ending on the expiration date described in  
25           paragraph (3), that section shall not apply to

1 any vessel that has been issued a certificate of  
2 documentation with a coastwise endorsement  
3 under subparagraph (A).

4 (2) TIMING.—

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

10 (i) issue the certificate with the en-  
11 dorsement; or

12 (ii)(I) provide to the person request-  
13 ing the certificate a detailed description of  
14 the reasons for denying the certificate; and

15 (II) publish the denial and description  
16 of reasons on the website of the depart-  
17 ment in which the Coast Guard is oper-  
18 ating.

19 (B) AUTOMATIC ISSUANCE.—In any case  
20 in which the Secretary fails to comply with sub-  
21 paragraph (A), a certificate of documentation  
22 with a coastwise endorsement for the applicable  
23 vessel shall be deemed to be issued under para-  
24 graph (1)(A).

1           (3) EXPIRATION.—The authority under this  
2 subsection, including any certificate of coastwise en-  
3 dorsement authorized under this section, shall expire  
4 on the date that is 1 year after the date of enact-  
5 ment of this Act.

6           (e) CONTAINER OVERFLOW STORAGE.—

7           (1) IN GENERAL.—Not later than 14 days after  
8 the date of enactment of this Act, the Secretary of  
9 Agriculture, the Secretary of Defense, the Secretary  
10 of the Interior, the Secretary of Transportation, and  
11 the Administrator of General Services shall jointly  
12 consult with representatives of ocean carriers, ports,  
13 railroads, and trucking companies—

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

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

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

1 (B) to designate not fewer than 2 plots of  
2 Federal land identified under subparagraph (A)  
3 for the use described in clause (ii) of that sub-  
4 paragraph, subject to the conditions that—

5 (i) each specific plot so designated  
6 shall be not more than 500 acres;

7 (ii) the stacking of containers shall be  
8 permitted at each specific plot so des-  
9 ignated for a period of not more than 1  
10 year beginning on the date on which the  
11 designation of the plot is published in the  
12 Federal Register under paragraph (2); and

13 (iii) containers shall not be stacked  
14 more than 6 high at any plot so des-  
15 ignated.

16 (2) PUBLICATION IN FEDERAL REGISTER.—

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

20 (3) CATEGORICAL EXCLUSION.—The designa-

21 tion of a plot of Federal land under paragraph  
22 (1)(B) shall be categorically excluded from the re-  
23 quirements of the National Environmental Policy  
24 Act of 1969 (42 U.S.C. 4321 et seq.), subject to the  
25 condition that, prior to the designation of the plot,

1 the applicable official described in paragraph (1)(A)  
2 having jurisdiction over the plot shall—

3 (A) carefully consider the circumstances of  
4 the designation; and

5 (B) determine that no extraordinary cir-  
6 cumstances warranting the preparation of an  
7 environmental assessment or an environmental  
8 impact statement exist.

9 (4) TREATMENT.—A plot of Federal land des-  
10 ignated under paragraph (1)(B) shall not, based on  
11 that designation, be considered to be a facility (as  
12 defined in section 70101 of title 46, United States  
13 Code) or a security zone (as defined in section  
14 70131 of that title) for purposes of—

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

17 (B) the Maritime Transportation Security  
18 Act of 2002 (Public Law 107–295; 116 Stat.  
19 2064) and the amendments made by that Act.

20 (f) LOAN OF DOD INTERMODAL EQUIPMENT.—

21 (1) DEFINITIONS.—In this subsection:

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

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

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

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

9 (B) is located within the United States;  
10 and

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

14 (3) LOAN OF INTERMODAL EQUIPMENT.—

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

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

1 (i) the borrowing trucking company  
2 shall agree to reimburse the Secretary for  
3 any damage caused to the intermodal  
4 equipment during the period of the loan;

5 (ii) the use of the intermodal equip-  
6 ment by the trucking company shall be for  
7 a period not longer than 180 days; and

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

12 (C) FEES.—

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

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

20 (I) consults with the Secretary of  
21 Agriculture, the Secretary of the Inte-  
22 rior, the Secretary of Transportation,  
23 and the Administrator of General  
24 Services; and

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

3 (iii) AMOUNT.—The amount of a fee  
4 under clause (i) shall be based on the mar-  
5 ket rate for similar loans or rentals of  
6 intermodal equipment or similar equipment  
7 as of January 1, 2020.

8 (iv) DEPOSIT AND USE.—Any fee col-  
9 lected by the Secretary under clause (i)  
10 shall be—

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

13 (II) made available to the Sec-  
14 retary, the Secretary of Agriculture,  
15 the Secretary of the Interior, the Sec-  
16 retary of Transportation, and the Ad-  
17 ministrator of General Services for re-  
18 mediation of any Federal land des-  
19 ignated under subsection (e)(1)(B).

20 (v) RESTRICTIONS.—A fee collected  
21 under clause (i) may not be used—

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



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

4 (4) RECALL OF INTERMODAL EQUIPMENT.—To  
5 protect the national security of the United States,  
6 the Secretary may recall any intermodal equipment  
7 loaned to a trucking company under this subsection  
8 by issuing to the trucking company a notice not  
9 later than 72 hours before the time at which the  
10 intermodal equipment is required to be returned to  
11 the Secretary.

12 **SEC. 4. DUTY-FREE TREATMENT OF CHASSIS IMPORTED**  
13 **FROM COUNTRIES WITH COLLECTIVE DE-**  
14 **FENSE ARRANGEMENTS WITH UNITED**  
15 **STATES.**

16 During the 2-year period beginning on the date of  
17 enactment of this Act, a finished or unfinished chassis  
18 classified under statistical reporting number  
19 8716.39.0090, 8716.90.5010, or 8716.90.5060 of the  
20 Harmonized Tariff Schedule of the United States and im-  
21 ported from a country with which the United States has  
22 in effect a collective defense arrangement as of such date  
23 of enactment shall enter the United States free of duty.

1   **SEC. 5. USE OF UNITED STATES INLAND PORTS FOR STOR-**  
2                   **AGE AND TRANSFER OF CARGO.**

3           (a) MEETING.—Not later than 90 days after the date  
4 of enactment of this Act, the Administrator of the Mari-  
5 time Administration and the Chairperson of the Federal  
6 Maritime Commission, acting jointly, shall convene a  
7 meeting of representatives of entities described in sub-  
8 section (b) to discuss the long-term feasibility of, and  
9 strategies for, using land or property under the jurisdic-  
10 tion of United States inland ports for the storage and  
11 transfer of cargo containers.

12          (b) DESCRIPTION OF ENTITIES.—The entities re-  
13 ferred to in subsection (a) are—

- 14               (1) major gateway ports in the United States;  
15               (2) ocean carriers;  
16               (3) railroads;  
17               (4) trucking companies; and  
18               (5) United States inland port authorities.

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

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

1           (1) the technological capabilities of United  
2       States ports, including the use of automated tech-  
3       nology, as compared to foreign ports;

4           (2) an assessment of whether the adoption of  
5       automated technology at United States ports could  
6       lower the costs of cargo handling; and

7           (3) an assessment of regulatory and other bar-  
8       riers to the adoption of automated technology at  
9       United States ports.

10 **SEC. 7. ALLIED PARTNERSHIP AND PORT MODERNIZATION.**

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

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

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

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

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

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

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

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

4 “(B) built by—

5 “(i) a country that is a member of the  
 6 North Atlantic Treaty Organization; or

7 “(ii) a major non-NATO ally (as de-  
 8 fined in section 2350a(i) of title 10); and

9 “(C) a majority of the owners and opera-  
 10 tors of which are entities incorporated in a  
 11 country that is a member of the North Atlantic  
 12 Treaty Organization.”.

13 (b) EXCLUDING DREDGED MATERIAL FROM TRANS-  
 14 PORTATION REQUIREMENTS.—

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

17 (A) in the section heading, by striking “**or**  
 18 **dredged material**” and inserting “**(ex-**  
 19 **cluding dredged material)**”; and

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

22 (2) CONFORMING AMENDMENT.—The analysis  
 23 for chapter 551 of title 46, United States Code, is

- 1       amended by striking the item relating to section
- 2       55110 and inserting the following:

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

