

FACILITATING ACCESS TO SWIFTLY TRANSPORT GOODS
DURING A PUBLICLY ANNOUNCED STATE OF EMER-
GENCY SITUATION ACT

NOVEMBER 26, 2024.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. GRAVES of Missouri, from the Committee on Transportation
and Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 6140]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom
was referred the bill (H.R. 6140) to facilitate access to swiftly
transport goods during a publicly announced state of emergency
situation, having considered the same, reports favorably thereon
with an amendment and recommends that the bill as amended do
pass.

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The amendment is as follows:

Strike all that follows after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Facilitating Access to Swiftly Transport Goods during a Publicly Announced State of Emergency Situation Act” or the “FAST PASS Act”.

SEC. 2. STUDY ON CRITICAL CARGO.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this section, the Secretary of Transportation shall initiate a study to examine—

(1) efforts to expedite the movement of critical cargo through ports and marine terminals; and

(2) methodologies, practices, and processes for moving such cargo during an event for which an emergency is declared by the President or a Federal agency.

(b) **CONTENTS.**—In conducting the study under subsection (a), the Secretary shall examine methodologies, practices, and processes for—

(1) identifying critical cargo and expediting the movement of such cargo through the marine terminals and ports;

(2) expediting the movement of critical cargo across all modes of transportation after leaving marine terminals and ports; and

(3) mitigating the impact on the movement of other cargo that is not critical.

(c) **CONSULTATION.**—In conducting the study under subsection (a), the Secretary shall consult with—

(1) the Secretary of Health and Human Services; and

(2) other relevant Federal agencies.

(d) **REQUEST FOR INFORMATION.**—The Secretary shall issue a request for information in the Federal Register seeking public comment on the matters to be considered in the study required under subsection (a).

(e) **REPORT.**—Not later than 2 years after the date of enactment of this section, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing—

(1) the findings of the study conducted under subsection (a); and

(2) recommendations for methodologies, practices, and processes described in such subsection, including recommendations for using data from commercial and government data tracking initiatives to—

(A) determine when cargo is critical and needs to be expedited;

(B) identify such critical cargo at port and marine terminals; and

(C) expedite the movement and distribution of such cargo to end users.

SEC. 3. PILOT PROGRAM.

(a) **VOLUNTARY PILOT PROGRAMS.**—In conducting the study required under section 2, the Secretary may establish 1 or more voluntary pilot programs to test the effectiveness of methodologies, practices, and processes for expediting the movement of critical cargo through ports and marine terminals.

(b) **LIMITATIONS.**—The Secretary may only establish a pilot program under subsection (a) if the Secretary determines that the pilot program does not—

(1) allow for the purchase of any fully automated cargo handling equipment that is remotely operated or remotely monitored with or without the exercise of human intervention or control; or

(2) result in a net loss of jobs within a port or port terminal.

SEC. 4. SAVINGS CLAUSE.

Nothing in this Act shall be construed to interfere with or supersede any port labor agreements.

PURPOSE OF LEGISLATION

The purpose of H.R. 6140, as amended, is to facilitate access to swiftly transport goods during a publicly announced state of emergency situation.

BACKGROUND AND NEED FOR LEGISLATION

The supply chain crisis that resulted from the COVID-19 pandemic exposed the vulnerability of United States ports to unanticipated increases in cargo volumes. The inability to expeditiously

move the greater-than-normal levels of cargo through ports and marine terminals led to the delayed distribution of many critical goods needed to combat the spread of COVID-19 and exacerbated an already dire situation. To help avoid similar challenges in the future, H.R. 6140 directs a study by the Secretary of Transportation to examine existing efforts to expedite the movement of critical cargo through ports and marine terminals, as well as potential methods to accomplish this in the event of a federally declared emergency. The legislation also allows for voluntary pilot programs to be conducted to test the effectiveness of potential methods. H.R. 6140 will facilitate research of methods for expediting the movement of critical cargo through ports and marine terminals to mitigate the impact of future supply chain crises.

HEARINGS

For the purposes of rule XIII, clause 3(c)(6)(A) of the 118th Congress, the following hearing was used to develop or consider H.R. 6140:

On February 1, 2023, the Committee on Transportation and Infrastructure held a hearing entitled, *“The State of Transportation Infrastructure and Supply Chain Challenges.”* The Committee received testimony from Mr. Chris Spear, President and Chief Executive Officer, American Trucking Associations; Mr. Ian Jefferies, President and Chief Executive Officer, Association of American Railroads; Mr. Jeff Firth, Vice President, Hamilton Construction, on behalf of Associated General Contractors of America; Mr. Roger Guenther, Executive Director, Port Houston; Mr. Greg Regan, President, Transportation Trades Department, AFL-CIO.

LEGISLATIVE HISTORY AND CONSIDERATION

H.R. 6140, the *“Facilitating Access to Swiftly Transport Goods during a Publicly Announced State of Emergency Situation Act”* or the *“FAST PASS Act”*, was introduced in the United States House of Representatives on November 1, 2023, by Representative Mike Ezell (MS-4) and referred to the Committee on Transportation and Infrastructure. Within the Committee on Transportation and Infrastructure, H.R. 6140 was referred to the Subcommittee on Coast Guard and Maritime Transportation. The Subcommittee on Coast Guard and Maritime Transportation was discharged from further consideration of H.R. 6140 on March 20, 2024.

The Committee considered H.R. 6140 on March 20, 2024, and ordered the measure to be reported to the House with a favorable recommendation, with amendment, by voice vote.

The following amendments were offered:

An Amendment in the Nature of a Substitute to H.R. 6140, as amended, offered by Mr. Ezell; was AGREED TO by voice vote.

An Amendment to the Amendment in the Nature of a Substitute to H.R. 6140, offered by Ms. Hoyle of Oregon (Hoyle 034): Page 3, line 13, insert “(a) VOLUNTARY PILOT PROGRAMS.—” before “In conducting”. Page 3, after line 17, add the following: (b) LIMITATIONS.—The Secretary may only establish a pilot program under subsection (a) if the Secretary determines that the pilot program does not—(1) allow for the purchase of any fully automated cargo handling equipment that is remotely operated or remotely monitored with or without the exercise of human intervention or

control; or (2) result in a net loss of jobs within a port or port terminal. SEC. 4. SAVINGS CLAUSE. Nothing in this Act shall be construed to interfere with or supersede any port labor agreements.; was AGREED TO by a roll call vote of 48 Yeas and 8 Nays (Roll Call No. 47).

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against.

The following recorded vote was taken:

Member	Vote	Member	Vote
Mr. Graves of MO	Y	Mr. Larsen of WA	Y
Mr. Crawford	Y	<i>Ms. Norton</i>	Y
Mr. Webster of FL	Y	Mrs. Napolitano	Y
Mr. Massie		Mr. Cohen	Y
Mr. Perry	N	Mr. Garamendi	Y
Mr. Babin	N	Mr. Johnson of GA	Y
Mr. Graves of LA	Y	Mr. Carson	Y
Mr. Rouzer	N	Ms. Titus	Y
Mr. Bost		Mr. Huffman	Y
Mr. LaMalfa	N	Ms. Brownley	Y
Mr. Westerman	Y	Ms. Wilson of FL	
Mr. Mast	Y	Mr. Payne	
<i>Mrs. González-Colón</i>		Mr. DeSaulnier	Y
Mr. Stauber	Y	Mr. Carbajal	Y
Mr. Burchett	N	Mr. Stanton	
Mr. Johnson of SD		Mr. Allred	Y
Mr. Van Drew	Y	Ms. Davids of KS	Y
Mr. Nehls		Mr. García of IL	Y
Mr. Mann	Y	Mr. Pappas	Y
Mr. Owens	Y	Mr. Moulton	Y
Mr. Yakym	Y	Mr. Auchincloss	Y
Mrs. Chavez-DeRemer	Y	Ms. Strickland	Y
Mr. Kean of NJ	Y	Mr. Carter of LA	Y
Mr. D'Esposito	Y	Mr. Ryan	Y
Mr. Burlison	N	Mrs. Peltola	Y
Mr. James	Y	Mr. Menendez	Y
Mr. Van Orden	Y	Ms. Hoyle of OR	Y
Mr. Williams of NY	Y	Mrs. Sykes	Y
Mr. Molinaro	Y	Ms. Scholten	Y
Mr. Collins	N	Mrs. Foushee	Y
Mr. Ezell	Y		
Mr. Duarte	Y		
Mr. Bean of FL	N		
Ms. Maloy	Y		

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the *Congressional Budget Act of 1974* has been timely

submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the *Congressional Budget Act of 1974*, the Committee has received the enclosed cost estimate for H.R. 6140, as amended, from the Director of the Congressional Budget Office:

H.R. 6140, FAST PASS Act			
As ordered reported by the House Committee on Transportation and Infrastructure on March 20, 2024			
By Fiscal Year, Millions of Dollars	<u>2024</u>	<u>2024-2029</u>	<u>2024-2034</u>
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	0	2	not estimated
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2035?	No	Statutory pay-as-you-go procedures apply?	No
		Mandate Effects	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2035?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

H.R. 6140 would require the Department of Transportation (DOT), in consultation with other federal agencies, to examine processes that expedite the movement of cargo through ports and marine terminals. DOT would need to begin that study within one year of enactment and report its findings to the Congress within another year. In addition, the bill would authorize DOT to establish one or more pilot programs related to expediting the movement of cargo through ports and marine terminals.

Based on the cost of similar activities, CBO estimates that conducting the study and implementing a pilot program would cost about \$1 million each for a total of \$2 million over the 2024–2029 period. Any related spending would be subject to the availability of appropriated funds.

The CBO staff contact for this estimate is Aaron Krupkin. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

PHILLIP L. SWAGEL,
Director, Congressional Budget Office.

PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goal and objective of this legislation is to provide for the research of methods for expediting the movement of critical cargo through ports and marine terminals to mitigate the impact of future supply chain crises.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R. 6140, as amended, establishes or reauthorizes a program of the Federal government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with clause 9 of rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the rule XXI.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the *Unfunded Mandates Reform Act* (Public Law 104–4).

PREEMPTION CLARIFICATION

Section 423 of the *Congressional Budget Act of 1974* requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee finds that H.R. 6140, as amended, does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the definition of Section 5(b) of the appendix to Title 5, United States Code, are created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the *Congressional Accountability Act* (Public Law 104–1).

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

This section provides that this bill may be cited as the “*Facilitating Access to Swiftly Transport Goods during a Publicly Announced State of Emergency Situation Act*” or the “*FAST PASS Act*”.

Section 2. Study on critical cargo

This section directs the Secretary of Transportation to perform a study to examine efforts to expedite the movement of critical cargo through ports and marine terminals and methodologies, practices,

and processes for moving such cargo during an event for which an emergency is declared by the President or Federal agency. The study will include methods for identifying critical cargo, expediting its movement through ports and across all modes of transportation after leaving ports, and mitigating the impact on other cargo. The study will be done in consultation with the Secretary of Health and Human Services and other relevant Federal agencies. The report will be provided to Congress no later than two years after the date of enactment along with recommendations for identifying critical cargo and expediting its movement through ports and marine terminals.

Section 3. Pilot program

This section authorizes one or more voluntary pilot programs to be established to test the effectiveness of methodologies, practices, and processes for expediting the movement of critical cargo through ports and marine terminals. The Secretary may not establish a pilot program that allows for the purchase of fully automated cargo handling equipment or results in a net loss of jobs within a port or port terminal.

Section 4. Savings clause

This section states that nothing in this legislation shall be construed to interfere with or supersede any port labor agreements.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

As reported by the Committee, H.R. 6140 makes no changes in existing law.