

112TH CONGRESS  
1ST SESSION

# S. 2011

To amend title 49, United States Code, to provide certain port authorities,  
and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 16, 2011

Mrs. GILLIBRAND (for herself, Mr. SCHUMER, Mr. FRANKEN, Mr. MENEN-  
DEZ, Mrs. BOXER, and Mr. BROWN of Ohio) introduced the following bill;  
which was read twice and referred to the Committee on Commerce,  
Science, and Transportation

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## A BILL

To amend title 49, United States Code, to provide certain  
port authorities, 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 “Clean Ports Act of  
5 2011”.

6 **SEC. 2. APPLICABILITY TO PORT FACILITIES.**

7 Section 14501(c) of title 49, United States Code, is  
8 amended—

9 (1) in paragraph (2)(A)—

1 (A) by striking “or” after “cargo,”; and

2 (B) by inserting before the semicolon the  
3 following: “, or the authority of a State, polit-  
4 ical subdivision of a State, or political authority  
5 of 2 or more States, to adopt requirements for  
6 motor carriers and commercial motor vehicles  
7 providing services at port facilities that are rea-  
8 sonably related to the reduction of environ-  
9 mental pollution, traffic congestion, the im-  
10 provement of highway safety, or the efficient  
11 utilization of port facilities, if adoption or en-  
12 forcement of such requirements does not con-  
13 flict with any other applicable Federal law or  
14 regulation”; and

15 (2) by adding at the end the following:

16 “(6) CLARIFICATION.—

17 “(A) DEFINITION OF PORT FACILITIES.—

18 For purposes of paragraph (2)(A), the term  
19 ‘port facilities’ means all port facilities for  
20 coastwise, intercoastal, inland waterways, and  
21 Great Lakes shipping and overseas shipping, in-  
22 cluding wharves, piers, sheds, warehouses, ter-  
23 minals, yards, docks, control towers, container  
24 equipment, maintenance buildings, container

1 freight stations, and port equipment, including  
2 harbor craft, cranes, and straddle carriers.

3 “(B) APPLICABILITY OF CLEAN AIR ACT.—  
4 Nothing in paragraph (1) may be construed to  
5 limit the rights reserved to any State or polit-  
6 ical subdivision of a State under the Clean Air  
7 Act (42 U.S.C. 7401 et seq.).”.

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