

117TH CONGRESS
1ST SESSION

S. 1640

To establish a process for waiver of coastwise endorsement requirements.

IN THE SENATE OF THE UNITED STATES

MAY 13, 2021

Mr. LEE introduced the following bill; which was read twice and referred to
the Committee on Commerce, Science, and Transportation

A BILL

To establish a process for waiver of coastwise endorsement
requirements.

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 “Protecting Access to
5 American Products Act”.

6 **SEC. 2. WAIVER OF COASTWISE ENDORSEMENT REQUIRE-**
7 **MENTS.**

8 Section 12112 of title 46, United States Code, is
9 amended by adding at the end the following:

10 “(c) **WAIVERS IN CASES OF PRODUCT CARRIER**
11 **SCARCITY OR UNAVAILABILITY.—**

1 “(1) IN GENERAL.—The head of an agency
2 shall, upon request, temporarily waive the require-
3 ments of subsection (a), including the requirement
4 to satisfy section 12103, if the person requesting
5 that waiver reasonably demonstrates to the head of
6 an agency that—

7 “(A) there is no product carrier, with re-
8 spect to a specified good, that meets such re-
9 quirements, exists, and is available to carry
10 such good; and

11 “(B) the person made a good faith effort
12 to locate a product carrier that complies with
13 such requirements.

14 “(2) DURATION.—Any waiver issued under
15 paragraph (1) shall be limited in duration, and shall
16 expire by a specified date that is not less than 30
17 days after the date on which the waiver is issued.

18 “(3) EXTENSION.—Upon request, if the cir-
19 cumstances under which a waiver was issued under
20 paragraph (1) have not substantially changed, the
21 head of an agency shall, without delay, grant one or
22 more extensions to a waiver issued under paragraph
23 (1), for periods of not less than 15 days each.

24 “(4) DEADLINE FOR WAIVER RESPONSE.—

1 “(A) RESPONSE DEADLINE.—Not later
2 than 60 days after receiving a request for a
3 waiver under paragraph (1), the head of an
4 agency shall approve or deny such request.

5 “(B) FINDINGS IN SUPPORT OF DENIED
6 WAIVER.—If the head of an agency denies such
7 a request, the head of an agency shall, not later
8 than 14 days after denying the request, submit
9 to the requester a report that includes the find-
10 ings that served as the basis for denying the re-
11 quest.

12 “(C) REQUEST DEEMED GRANTED.—If the
13 head of an agency has neither granted nor de-
14 nied the request before the response deadline
15 described in subparagraph (A), the request
16 shall be deemed granted on the date that is 61
17 days after the date on which the head of an
18 agency received the request. A waiver that is
19 deemed granted under this subparagraph shall
20 be valid for a period of 30 days.

21 “(5) NOTICE TO CONGRESS.—

22 “(A) IN GENERAL.—The head of an agen-
23 cy shall notify Congress—

24 “(i) of any request for a temporary
25 waiver under this subsection, not later

1 than 48 hours after receiving such request;
2 and

3 “(ii) of the issuance of any such waiv-
4 er, not later than 48 hours after such
5 issuance.

6 “(B) CONTENTS.—The head of an agency
7 shall include in each notification under subpara-
8 graph (A)(ii) a detailed explanation of the rea-
9 sons the waiver is necessary.

10 “(6) DEFINITIONS.—In this subsection:

11 “(A) PRODUCT CARRIER.—The term ‘prod-
12 uct carrier’, with respect to a good, means a
13 vessel constructed or adapted primarily to carry
14 such good in bulk in the cargo spaces.

15 “(B) HEAD OF AN AGENCY.—The term
16 ‘head of an agency’ means an individual, or
17 such individual acting in that capacity, who is
18 responsible for the administration of the naviga-
19 tion or vessel inspection laws.”.

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