

**AMENDMENT**  
**TO RULES COMMITTEE PRINT 116-19**  
**OFFERED BY MR. ROY OF TEXAS**

At the end of subtitle A of title XXXV, insert the following:

1 **SEC. 35\_\_\_ . WAIVER OF COASTWISE ENDORSEMENT RE-**  
2 **QUIREMENTS.**

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

5 “(c) WAIVERS IN CASES OF PRODUCT CARRIER  
6 SCARCITY OR UNAVAILABILITY.—

7 “(1) IN GENERAL.—The head of an agency  
8 shall, upon request, temporarily waive the require-  
9 ments of subsection (a), including the requirement  
10 to satisfy section 12103, if the person requesting  
11 that waiver reasonably demonstrates to the head of  
12 an agency that—

13 “(A) there is no product carrier, with re-  
14 spect to a specified good, that meets such re-  
15 quirements, exists, and is available to carry  
16 such good; and

1           “(B) the person made a good faith effort  
2           to locate a product carrier that complies with  
3           such requirements.

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

8           “(3) EXTENSION.—Upon request, if the cir-  
9           cumstances under which a waiver was issued under  
10          paragraph (1) have not substantially changed, the  
11          head of an agency shall, without delay, grant one or  
12          more extensions to a waiver issued under paragraph  
13          (1), for periods of not less than 15 days each.

14          “(4) DEADLINE FOR WAIVER RESPONSE.—

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

19                 “(B) FINDINGS IN SUPPORT OF DENIED  
20                 WAIVER.—If the head of an agency denies such  
21                 a request, the head of an agency shall, not later  
22                 than 14 days after denying the request, submit  
23                 to the requester a report that includes the find-  
24                 ings that served as the basis for denying the re-  
25                 quest.

1           “(C) REQUEST DEEMED GRANTED.—If the  
2 head of an agency has neither granted nor de-  
3 nied the request before the response deadline  
4 described in subparagraph (A), the request  
5 shall be deemed granted on the date that is 61  
6 days after the date on which the head of an  
7 agency received the request. A waiver that is  
8 deemed granted under this subparagraph shall  
9 be valid for a period of 30 days.

10           “(5) NOTICE TO CONGRESS.—

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

13           “(i) of any request for a temporary  
14 waiver under this subsection, not later  
15 than 48 hours after receiving such request;  
16 and

17           “(ii) of the issuance of any such waiv-  
18 er, not later than 48 hours after such  
19 issuance.

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

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

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

5           “(B) HEAD OF AN AGENCY.—The term  
6           “head of an agency” means an individual, or  
7           such individual acting in that capacity, who is  
8           responsible for the administration of the naviga-  
9           tion or vessel inspection laws.”.

