

117TH CONGRESS
1ST SESSION

S. 1053

To require the Secretary of Transportation to establish a working group to study regulatory and legislative improvements for the livestock, insect, and agricultural commodities transport industries, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 25, 2021

Mr. HOEVEN (for himself, Mr. BENNET, Mr. DAINES, Ms. SMITH, Mr. ROUNDS, Mr. CRAPO, Ms. ERNST, Mr. BRAUN, Mr. MARSHALL, and Mr. RISCH) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To require the Secretary of Transportation to establish a working group to study regulatory and legislative improvements for the livestock, insect, and agricultural commodities transport industries, 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 “Modernizing Agricul-
5 tural Transportation Act”.

1 **SEC. 2. WORKING GROUP ON IMPROVING THE LIVESTOCK,**
2 **INSECT, AND AGRICULTURAL COMMODITIES**
3 **TRANSPORT INDUSTRIES.**

4 (a) DEFINITIONS.—In this section:

5 (1) AGRICULTURAL COMMODITY.—The term
6 “agricultural commodity” means—

7 (A) an agricultural commodity as defined
8 in section 518 of the Federal Crop Insurance
9 Act (7 U.S.C. 1518); and

10 (B) an agricultural commodity as defined
11 in section 395.2 of title 49, Code of Federal
12 Regulations (or successor regulations).

13 (2) LIVESTOCK.—The term “livestock” has the
14 meaning given the term in section 602 of the Emer-
15 gency Livestock Feed Assistance Act of 1988 (7
16 U.S.C. 1471).

17 (3) SECRETARY.—The term “Secretary” means
18 the Secretary of Transportation.

19 (4) WORKING GROUP.—The term “working
20 group” means the working group established by the
21 Secretary under subsection (b).

22 (b) ESTABLISHMENT.—Not later than 120 days after
23 the date of enactment of this Act, the Secretary shall es-
24 tablish a working group—

1 (1) to identify obstacles to safe, humane, and
2 market-efficient transport of livestock, insects, and
3 agricultural commodities; and

4 (2) to develop guidelines and recommended reg-
5 ulatory or legislative actions to improve the safe, hu-
6 mane, and efficient transport of livestock, insects,
7 and agricultural commodities.

8 (c) OUTREACH.—In carrying out the duties of the
9 working group under subsection (b), the working group
10 shall consult with—

11 (1) interested Governors;

12 (2) representatives of State and local agricul-
13 tural and highway safety agencies;

14 (3) other representatives of relevant State and
15 local agencies;

16 (4) members of the public with experience in—

17 (A) the livestock, insect, and agricultural
18 commodities industries;

19 (B) the livestock trucking industry; or

20 (C) transportation safety; and

21 (5) any other groups or stakeholders that the
22 working group determines to be appropriate.

23 (d) CONSIDERATIONS.—In carrying out the duties of
24 the working group under subsection (b), the working
25 group shall—

1 (1) consider the impact of the existing hours of
2 service regulations under subpart A of part 395 of
3 title 49, Code of Federal Regulations (or successor
4 regulations), on the commercial transport of live-
5 stock, insects, and agricultural commodities;

6 (2) identify incompatibilities and other chal-
7 lenges and concerns caused by the hours of service
8 regulations described in paragraph (1) and electronic
9 logging device regulations under subpart B of part
10 395 of title 49, Code of Federal Regulations (or suc-
11 cessor regulations), on the transport of livestock, in-
12 sects, and agricultural commodities;

13 (3) identify initiatives and regulatory changes
14 that maintain and protect the safety of highways
15 and allow for the safe, efficient, and productive mar-
16 ketplace transport of livestock, insects, and agricul-
17 tural commodities; and

18 (4) consider such other issues as the Secretary
19 considers appropriate.

20 (e) COMPOSITION.—

21 (1) IN GENERAL.—The Secretary (or a des-
22 ignee) shall serve as the chair of the working group.

23 (2) MEMBERSHIP.—

24 (A) IN GENERAL.—The working group
25 shall be composed of members appointed by the

1 Secretary, including individuals with knowledge
2 and expertise that includes highway safety, the
3 commercial motor vehicle and transportation in-
4 dustries, animal husbandry, and the transpor-
5 tation of livestock, insects, and agricultural
6 commodities.

7 (B) REQUIREMENT.—The working group
8 shall include, at a minimum, representatives
9 of—

10 (i) the Department of Agriculture;

11 (ii) State agencies, including State de-
12 partments of agriculture and transpor-
13 tation;

14 (iii) highway and commercial motor
15 vehicle safety organizations;

16 (iv) agricultural producers, including
17 producers of livestock, insects, and agricul-
18 tural commodities; and

19 (v) commercial motor vehicle opera-
20 tors, including small business operators
21 and operators who haul livestock, insects,
22 and agricultural commodities.

23 (f) WORKING GROUP REPORT AND REGULATORY AC-
24 TION.—

1 (1) REPORT.—Not later than 1 year after the
2 date on which the working group is established, the
3 working group shall submit to the Secretary a report
4 that includes—

5 (A) the findings of the working group, in-
6 cluding a summary of the views expressed by
7 individuals and entities consulted under sub-
8 section (c); and

9 (B) the initiatives and regulatory and leg-
10 islative changes that the working group identi-
11 fies as necessary to protect the safety of high-
12 ways and allow for the safe, efficient, and pro-
13 ductive marketplace transport of livestock, in-
14 sects, and agricultural commodities.

15 (2) REGULATORY CHANGES.—Not later than
16 120 days after the date on which the Secretary re-
17 ceives the report under paragraph (1), the Secretary
18 shall propose regulatory changes that take into ac-
19 count the findings and recommendations of the
20 working group, including—

21 (A) changes to the hours of service regula-
22 tions under subpart A of part 395 of title 49,
23 Code of Federal Regulations (or successor regu-
24 lations);

1 (B) changes to the electronic logging de-
2 vice regulations under subpart B of part 395 of
3 title 49, Code of Federal Regulations (or suc-
4 cessor regulations), including changes to regula-
5 tions relating to the performance and design of
6 electronic logging devices; and

7 (C) any other changes that the working
8 group recommends.

9 (3) APPLICATION.—Subsections (a) through (f)
10 of section 31137 of title 49, United States Code (in-
11 cluding any regulations promulgated to carry out
12 those subsections), shall not apply to commercial
13 motor vehicles hauling livestock, insects, or agricul-
14 tural commodities until the date on which the Sec-
15 retary proposes regulatory changes under paragraph
16 (2).

17 (g) REPORT AND RECOMMENDATIONS BY SEC-
18 RETARY.—Not later than 30 days after the date on which
19 the Secretary receives the report of the working group
20 under subsection (f)(1), the Secretary shall submit to the
21 appropriate committees of Congress a report, including—

22 (1) a summary of the views expressed by the in-
23 dividuals and entities consulted under subsection (c);

24 (2) a description of the findings of the working
25 group, including the identification of any areas of

1 general consensus among the non-Federal partici-
2 pants in the consultation under subsection (c); and
3 (3) any recommendations for legislative or regu-
4 latory action that would assist in maintaining and
5 improving the safe, humane, and market-efficient
6 transport of livestock, insects, and agricultural com-
7 modities.

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