

United States Senate

November 3, 2021

President Joseph R. Biden, Jr.
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Dear President Biden,

I write to discuss my very serious concerns with the current state of our nation's shipping logistics. Citizens in Wyoming and across the country are already facing increased prices for consumer goods. With the holiday season rapidly approaching, consumers are now facing the likelihood of empty shelves in stores and delayed shipping for online purchases. Without question, the COVID-19 pandemic caused significant disruptions to our supply chains. However, many of the disruptions can also be traced to burdensome federal regulations that unnecessarily hamstring our shippers, truck drivers, and railroad workers.

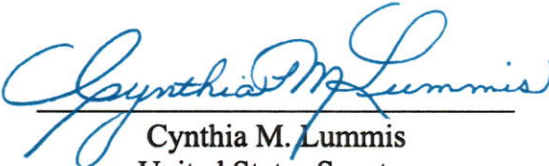
As this crisis worsens daily, I believe your administration should immediately focus its attention on creating a regulatory environment that once again allows for the efficient movement of freight. To that end, I have identified below several actions that your administration could take which would have an immediate and measurable impact to improve our supply chains. I have also highlighted certain rulemakings that are under consideration which would only cause new disruptions and exacerbate the existing crisis. It is my sincere hope that you will give strong consideration to each of the following policy items:

- One of the most significant strains in the supply chain is a lack of available truckers to haul the goods that arrive in the United States. Streamlining the requirements for commercial driver's licenses would allow an influx of labor into this industry at the precise time it is most needed. For example, a permanent extension of out-of-state licensing waivers would remove unnecessary barriers to entry for new drivers. Additionally, instructing the Federal Motor Carrier Safety Administration to allow 18-year-olds to drive trucks in interstate commerce would have a highly positive impact, injecting fresh workers into a depleted pool.
- The lack of available storage for emptied shipping containers has created severe logistical issues for ports, railroads, and truckers. With warehouse space at an all-time low on the West Coast, new options must be explored to find temporary storage locations for these containers. The General Services Administration and the Department of Defense should both immediately begin identifying potential locations that would be suitable for temporary storage.

- Although the *Infrastructure and Jobs Investment Act* has not yet been signed into law, there are bipartisan permitting reforms that the Council on Environmental Quality (CEQ) could begin implementing immediately. CEQ rescinded the One Federal Decision policy when you took office, despite two unanimous votes in the Senate Environment and Public Works Committee over the previous two Congresses. CEQ should begin implementing the permitting provisions included in the *Infrastructure and Jobs Investment Act* without waiting on congressional action that has been mired in politics. Decreasing the amount of time that it takes for infrastructure projects to be permitted would allow consumers to benefit from these additional investments more rapidly.
- The vaccine mandates that the Occupation Safety and Health Administration is considering would have serious repercussions throughout the freight industry. We are already experiencing severe labor shortages, and this mandate could result in up to one third of employees leaving their jobs. While I would urge your administration abandon this effort entirely, an exemption for those individuals critical to freight movement such as truck drivers would drastically reduce the number of disruptions that such a mandate would create.
- In addition to the vaccine mandates, there are several other rulemakings underway that have the potential to worsen this crisis. Such rulemakings include the Federal Railroad Administration's forthcoming rulemaking on minimum crew size and the Surface Transportation Board's rule on reciprocal switching. Rules such as these only add regulatory hurdles to the efficient movement of freight throughout our economy. As we grapple with how best to respond to these issues, federal agencies should delay finalizing any rule that poses significant regulatory costs on freight companies.
- I would also be remiss if I did not mention the rampant inflation that is furthering this crisis by forcing these companies to pass along higher prices to their customers. If we are to solve this issue, we must not ignore the realities of inflation and the harms it presents to our economy, even in spite of our differences of opinion over the causes and remedies.

These various policy items are not intended to be a silver bullet, but rather the first steps we must take to facilitate the private sector quickly and efficiently rebuilding a strong supply chain. Removing barriers that allow the private sector to operate efficiently is the best path forward to bolster our supply chains. I stand at the ready to assist your administration in these efforts, and I hope you will give these recommendations sincere consideration.

Sincerely,



Cynthia M. Lummis
United States Senator