



TIA ON THE HILL

The Latest News and Updates from TIA's Government Affairs Department



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House THUD Includes TIA Report Language

Over the past few months, TIA has been working with Members of the House and Senate Appropriations Committee on securing report language in the fiscal year 2023 Transportation, Housing and Urban Development (THUD) appropriations bill. Specifically, TIA requested that Congress promulgate to the Federal Motor Carrier Safety Administration (FMCSA) that unlawful brokerage activities is a serious issue and needs to be addressed through enforcement action. This comes at a time when MAP-21 was signed into law 10 years ago, and no enforcement action has been taken by the Agency to date. TIA is happy to report that the Committee included language that we fully support. A big win for the 3PL industry and TIA.

Specifically, the report language states:

The Committee directs the FMCSA to report to the House and Senate Committees on Appropriations no later than 120 days after enactment of this Act on its efforts to ensure full compliance with and enforcement of the requirements in section 14916 of title 49, United States Code, including seeking an adjudication of civil penalties for commercial violations in the United States District Court; any potential barriers to such enforcement through the United States District Court;

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alternative enforcement mechanisms for unlawful brokerage activities available to the FMCSA; implementation of section 23021 of the IIJA to clarify the definition of broker under the FMCSA regulations; and whether new legislative authority or clarifying existing legislative authority is needed to properly address unlawful brokerage.

TIA thanks the Members of the House Appropriations Committee for including this extremely important language which will hopefully direct the FMCSA to get off the sidelines and into the game as it relates to unlawful brokerage activities, including double brokering. TIA members are faced with this increasing problem daily, and the failures of the Agency to address these concerns is unacceptable.

Supreme Court Denies CHRW Appeal

Unfortunately, the Supreme Court has declined to review a federal appellate court decision involving a personal injury suit against C.H. Robinson Worldwide in a negligent selection case dating back to an accident from 2016.

In their petition to the U.S. Supreme Court, in which TIA filed an amicus brief on their behalf, Robinson said the court should reject a decision by the 9th U.S. Circuit of Appeals that “improperly disallowed federal pre-emption, exposing freight brokers to a patchwork of state regulations.”

In court documents, C.H. Robinson has argued that the motor carrier it hired was in good standing with the Federal Motor Carrier Safety Administration, and that as a broker, it should not be responsible for a motor carrier’s negligence.

TIA is extremely disappointed in the Court’s decision to not hear this important appeal. We will continue to work with Congress on implementing a federal Motor Carrier Safety Selection Standard to not only improve highway safety, but also provide our members with more clarity on the carrier selection process.



TIA Joins Industry Coalition on TSA Modernization

H.R. 6571, the “TSA Security Threat Assessment Application Modernization Act,” would require the Transportation Security Administration (TSA) to standardize the enrollment and renewal system for individuals applying for and renewing multiple TSA threat assessment programs, including Transportation Worker Identification Credential (TWIC), Hazardous Materials Endorsement, and TSA PreCheck programs.

The standardization shall permit an individual to (1) enroll at a TSA-designated universal enrollment center once and use the application for one of such programs to enroll in two or more of such programs, with specified exceptions for those applying for or renewing enrollment in more than one program at different times; (2) apply successful, valid clearance results from a TSA Security Threat Assessment to satisfy vetting requirements for participation in any related program without additional cost; and (3) undergo a streamlined and expeditious renewal process.

Modernizing these applications processes has been something that TIA has supported over the years and quite frankly is a long overdue solution for essential workers like truck drivers, pipeline operators, longshore workers, and warehouse managers, among many others, who must obtain these credentials as a condition of employment. These people who keep our supply chain running deserve a federal credentialing process that respects their time and money, and the TSA Security Threat Assessment Application Modernization Act directs the implementation of streamlined system that supports America’s workers.