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NAWE News

August 9, 2024

The Latest with NAWE

USTR Delays STS Crane Tariff Implementation as it Reviews Public Comments – Last week the U.S. Trade Representative (USTR) announced a delay in implementing the steep tariff increases it proposed in May for a variety of imports from China, including a 25 percent tariff increase on all Chinese-made ship-to-shore (STS) gantry cranes. USTR originally proposed that the tariff be effective for any Chinese-sourced STS crane landed in the U.S. beginning on August 1, 2024.

On May 28, the USTR published a request for public comment on the proposed duty rate increases shortly after they were announced earlier that month. In response to the request, USTR received over 1,100 comments, including many from NAWE's members. NAWE's team and leadership are incredibly grateful for the active participation of our members on this issue, including many members who reached out to their Members of Congress for letters of support. NAWE was also successful in engaging directly with USTR's Section 301 Committee Co-chairs, who are overseeing the proposed tariffs, and we remain actively engaged with the Ambassador's office to ensure that the Biden Administration has a full understanding of the proposed tariff's impacts.

In [USTR's announcement of the delay](#), the agency specifies that its public comment review continues, and a final determination will now be issued sometime in August. Notably, USTR's statement indicates that any adopted tariffs will not take effect until two weeks after USTR makes its final determination public. More information about the USTR's decision to delay the implementation of the STS crane tariff can be found in the [FreightWaves news article here](#).

NAWE to Hold Webinar on U.S. Presidential Race and its Impact on Congress – NAWE is excited to announce that we will be holding a webinar for NAWE members on Thursday, October 24, 2024,

from 2-3 p.m. ET to discuss recent and significant developments that are unfolding in this year's presidential race. This pre-election briefing will not only address the historic developments in this year's presidential race, but how the race will impact Congress and what it means for NAWE and our legislative and regulatory priorities. We will provide more information on this webinar, including a registration link for the event, soon.

NAWE Annual Meeting Registration Launching in August – The NAWE staff have been working diligently to launch our annual meeting registration page and will be sharing the event registration page shortly. As a reminder, our annual meeting will be in San Juan, Puerto Rico from November 13-15, 2024. We know members are anticipating registration and are even more excited to head to Puerto Rico this fall. Please be on the lookout for an event registration launch email later this month!

Legislative Updates

Handful of Legislative Workdays Remain Before End of Fiscal Year, Congress Punts Appropriations into September

– The House and Senate have adjourned for the August recess, leaving only 16 legislative days for both chambers to either pass the remaining FY 2025 appropriations bills and work out their versions' differences in conference, or pass a continuing resolution to avoid a government shutdown on October 1. The likelihood of a continuing resolution is almost guaranteed, with the Senate having passed 11 of 12 funding bills out of full committee, and the House having passed only five of its 12 bills on the floor.

Prior to adjourning, the full Senate Appropriations Committee (SAC) approved four of its fiscal year 2025 funding bills—Energy and Water Development; Defense; Labor-Health and Human Services; and Financial Services-General Government—totaling more than \$1 trillion in government funding. With the Committee's approval of the four bills, 11 of the Senate's 12 annual appropriations measures have now cleared the SAC. The lone funding bill that has not cleared the Committee is the Homeland Security measure, which has been delayed while lawmakers determine whether the Secret Service needs additional funds in light of the assassination attempt of former President Donald Trump.

Of particular interest to NAWE members, the Senate Committee's version of the Energy and Water Development appropriations bill provides funding levels above both the President's FY 2025 budget request and the House Committee passed measure for the Army Corps of Engineers. Specifically, the Senate bill provides \$10.34 billion for the Army Corps of Engineers—\$84 million above the House Committee approved level and \$3.14 billion above the President's request. The Senate bill also provides \$3.15 billion for the Corps' Harbor Maintenance Trust Fund—\$1.42 billion above the President's budget request.

Two weeks ago, the SAC also approved its Transportation & Housing and Urban Development (T-HUD) bill, which funds numerous grant programs under the Department of Transportation (DOT)

and Maritime Administration (MARAD) that can be used for port infrastructure development. Specifically, the bill provides \$27.96 billion for the DOT and \$800 million for the RAISE and Mega grant programs. Additionally, the SAC's bill provides \$1.14 billion for MARAD and \$200 million for the Port Infrastructure Development Program (PIDP).

To date, not a single individual spending bill has cleared both chambers which makes a continuing resolution to avoid a government shutdown all the more likely.

With the House and Senate in recess until September 9, lawmakers will have just a handful of legislative days to avert a government shutdown at the end of September. The prevailing view is that both chambers will pass a stopgap running through mid-December, potentially with a disaster relief supplemental attached, including disaster aid funding for Baltimore's Francis Scott Key Bridge.

The NAWE team will continue to monitor progress on the House and Senate fiscal year 2025 appropriations process and report on any significant developments in this area.

Bipartisan, bicameral bill to invest in U.S. maritime industry set to be introduced upon Congress' return in September - As previously reported in [NAWE News](#), Congress has a keen focus on combating threats from China, leading the House Transportation & Infrastructure Committee hosting a roundtable last month to discuss ways the federal government can strengthen the U.S. maritime industry. Subsequently, a bipartisan, bicameral bill was introduced by Senators Mark Kelly (D-AZ) and Marco Rubio (R-FL) along with Representatives John Garamendi (D-CA-08) and Mike Waltz (R-FL-6) that would increase funding for America's maritime industry. On Tuesday, August 6, Sen. Kelly issued updated draft text of his maritime legislation, which he intends to formally introduce when Congress returns in September. NAWE is coordinating a meeting with the Senator's office to ensure that MTOs receive appropriate consideration in the bill. We will continue to provide updates as this legislation progresses in Congress.

Executive Branch Updates

Konecranes Selected by White House to Produce STS Cranes in US – The Biden-Harris Administration announced on July 29, a number of new private sector investments in the American maritime industry to enhance the security of the global maritime environment through collaboration with U.S. allies and partners. In the announcement, the White House states that NAWE member Konecranes, "plans to establish and grow a consortium of U.S. partners, including steel structure providers and other manufacturers, to build ship-to-shore (STS) cranes in the United States to serve North American ports." The announcement further states, "Konecranes is committed to growing its workforce in the United States as demand for cranes produced by trusted vendors increases. Konecranes estimates that every STS crane built in the United States will require the production of 1,500 tons of U.S.-made steel and over 100,000 labor hours for the whole value chain."

NAWE wholeheartedly congratulates Konecranes for its recognition as a global leader in material handling solutions and for the company's actions to further build upon their decades-long operations in the U.S. and collaborate with other key stakeholders in the U.S. maritime supply chain and manufacturing industries.

To view the White House announcement, click [here](#). Konecranes press release regarding the same may be viewed on the company's website: www.konecranes.com.

FMC to Use Investigatory Authorities When Reviewing Filed Agreements – On July 30, the Federal Maritime Commission (FMC) [issued a policy statement](#) advising it may use existing administrative investigatory authorities when reviewing the competitive effects of cooperative agreements filed at the agency. Such agreements are exempt from the antitrust laws under [46 U.S.C. 40307](#) and are reviewed and monitored by the Commission. According to the FMC, using its administrative investigatory authorities allows it to review filed agreements more rigorously by gathering evidence via subpoenaing witnesses and documents, and by holding hearings. The Commission will use its authorities under [46 U.S.C. 41302-41304](#) and all applicable regulations to conduct these investigations. However, not all filed agreements will be reviewed using the FMC's investigatory authorities. The Commission has the discretion to determine which agreements warrant more careful screening than others.

According to the policy statement, ocean carriers or marine terminal operators can work cooperatively if they have filed an agreement at the FMC. The Commission determines if a filed agreement is anticompetitive using the standards found at [46 U.S.C. 41307\(b\)](#). If the Commission determines that an agreement is anticompetitive, the agency can seek injunctive relief from a U.S. District Court to halt the agreement's operation, either temporarily or permanently. For more information, [click here](#).

FMC Chairman Maffei and Commissioner Sola Examining Impacts from Reduced Capacity of Panama Canal – In late July, FMC Chairman Daniel B. Maffei and Commissioner Luis Sola co-led an FMC delegation to Panama to examine the consequences of an extended drought on Panama Canal operations and how those conditions affected, and continue to impact, ocean-linked supply chains serving the United States. A key goal of the trip was to understand what measures the government of Panama and the Panama Canal Authority have identified to improve the infrastructure of the Canal and make it more resilient to any future disruptions, particularly drought. The FMC delegation also wanted to understand the merits of the responses being considered, the complexity of completing them, their costs, and challenges unique to each project. For more information, including the trip itinerary, [click here](#).

Statement of Commissioner Carl W. Bentzel on The Refusal to Deal Final Rule – On July 26, the FMC posted the following statement of Commissioner Carl Bentzel on the FMC's "Refusal to Deal" final rule:

"The Federal Maritime Commission's final rule concerning the '[Definition of Unreasonable Refusal to Deal or Negotiate with Respect to Vessel Space Accommodations](#)' is an important step in providing clarity and a brighter line on common carriage shipping obligations. I am certain that the FMC will be vigilant in assessing all relevant factors in determining whether a violation has occurred. The pandemic illustrated how important shipping is to our nation and our economy. Just as apparent is the guiding principle that global trade must flow both ways. This means that our U.S. exports must have shipping accommodations and access to global markets. The basis for protections of common carriage have been codified since the Shipping Act of 1916. The Ocean Shipping Reform Act of 2022 passed with overwhelming bipartisan Congressional support, emphasized that shippers must have access to transportation services and made clear the responsibility the Commission must act vigorously to protect the shipping public to especially include exporters. The global shipping services our country relies on are predominantly foreign owned and operated, and while I believe they have operated in good faith and responsibly, their actions in denial of service could have severe repercussions on U.S. business interests. Our manufacturers and farmers must have assurances that their products and goods will have safe, secure, and reliable ocean transport services to international markets. This final rule ensures that these principles will be upheld, and when appropriate, enforced."

Chairman Maffei to Deliver Remarks at NITL – On October 7, 2024, FMC Chairman Daniel Maffei will speak to the National Industrial Transportation League (NITL) Ocean Committee at the NITL Engage 2024 transportation conference. Schedule, information, and costs are available on the [NITL website](#).

Chairman Maffei Speaking at Maritime Security Conference – On October 10, 2024, FMC Chairman Daniel Maffei will address the audience attending the Third Annual Maritime Security Conference being held by the New York Council Navy League of the United States. The theme of this year's event is "Securing the Sealanes." More information about the conference is [available online](#).

Commissioner Sola Speaking at LNG Event in Panama – On October 18, 2024, Commissioner Louis Sola will deliver remarks at the 4th International GNL Global Forum, an event focused on liquified natural gas projects and bunkering in Latin America and the Caribbean. Information about the conference is [available online](#).

FMC Posts June 2024 Activity Report – The FMC posted its June 2024 Activity Report on its website. Among the statements and releases included in the report are: 1) [FMC Investigating Possible Failure to Comply with Chassis Provisioning Order](#); 2) [FMC Seeks Public Comments on New Maersk & Hapag-Lloyd Cooperative Agreement](#); 3) [Commission Publishes Update of its Official Case Law Reporter](#); 4) [FMC May Meeting Focused on Agency Outreach and Licensing Efforts](#); 5) [Industry Advisory: Requirements to Maintain Status as a VOCC](#); 6) [FMC Unveils Redesigned Website](#); 7) [National Shipper Advisory Committee May 2024 Meeting Video](#); 8) [Chairman Maffei Visits PNW for Meetings with Ag Exporters and Key Supply Chain Executives](#);

9) [Trade, Shipping, and FMC Topics of CTA's "Conversation With a Commissioner" Event](#); 10) [Chairman Maffei Meets with Forwarders and Port Officials in Florida](#); 11) [Commissioner Sola Honored by Miami-Dade County](#); 12) [Commissioner Sola Discusses Alternative Marine Fuels During Panama Conference](#); 13) [Statement of Commissioner Carl W. Bentzel on the Northwest Seaport Alliance Peak Planning Session Participation and Expeditors Keynote Speech](#); 14) [Statement of Commissioner Carl W. Bentzel on His Participation in the Crossroads of the World International Summit](#); 15) [Statement of Commissioner Max Vekich on the Reopening of the Baltimore Harbor Channel](#); and 16) [May 2024 Activity Report](#). For more information, [click here](#).



Grants Corner

Welcome to Grants Corner! This section of our newsletter will feature available grant funding opportunities that are of interest to NAWE members. Please do not hesitate to reach out to any of the NAWE staff if you have questions about the specific grant programs included below.

Please remain on the lookout for upcoming grant webinars and training sessions hosted by NAWE.

Biden Administration Posts Open and Upcoming Infrastructure Funding Opportunities – On May 10, the Biden Administration posted an updated list of open and upcoming infrastructure funding opportunities under the Bipartisan Infrastructure Law (BIL). The document highlights funding opportunities that communities can apply for today, as well as a calendar of key upcoming funding opportunities for 2024. To view the full list of programs, their descriptions, and deadlines, please click [here](#).

FY 2024 Open Grant Opportunities – There are currently no open grant opportunities.

Upcoming FY 2024 DOT Infrastructure Grant Opportunities – According to the White House's "Upcoming Infrastructure Funding Opportunities" webpage, remaining NOFOs that may be released for the remainder of 2024 are:

1. **DOT's Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) Grant** – Summer 2024
2. **DOT's Reducing Truck Emissions at Ports Program** – Fall 2024

DOT Posts List of Grant Application Resources – On May 15, DOT posted an updated list of its popular "Grants Navigator Application Resources" which are linked below:

1. [Understanding Non-Federal Match Requirements](#)
2. [Grant Application Checklist for a Strong Transportation Workforce and Labor Plan](#)

3. [What Is a Benefit-Cost Analysis \(BCA\)?](#)
4. [Checklist for a Strong Climate Change Mitigation, Adaptation and Resilience Grant Application](#)
5. [Federal Tools to Determine Disadvantaged Community Status](#)
6. [Use of DOT Funds for Public Involvement](#)

The NAWE team continues to monitor and will report any updates on the 2024 round of NOFOs for federal grant program opportunities of interest to NAWE members.

Upcoming Events

NAWE Annual 2024 – We look forward to hosting our 2024 Annual Meeting will be held in Old San Juan, Puerto Rico this November 13-15! The meeting will take place at [Hotel Rumbao, a Tribute Portfolio Hotel](#). Guest rooms are available for \$199 + tax per night and can be booked now! Our event registration website will launch later this month! We hope to see you in Puerto Rico in November!

Upcoming Committee Meetings

- August 20, 2024 at 12:00pm ET – NAWE Insurance Committee
- November 13, 2024 at 1:00pm ET – All NAWE Committees will meet in person at the NAWE Annual Meeting

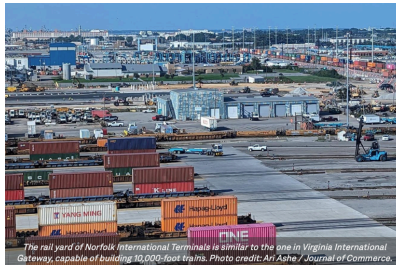
Articles of Interest



gCaptain

[Navigating Cyber Risk in Ports and Terminals: The Role of Specialized Insurance](#)
August 5, 2024

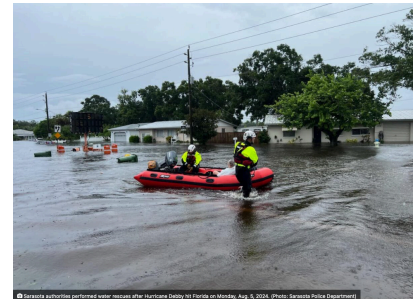
Last year was exceedingly busy for ports, terminals and maritime-related operations of all types—but in some very unwelcome ways. Early in the year, for example, a ransomware attack forced a major Norway-based ship



Journal of Commerce

[Port of Virginia launches expanded rail yard at Norfolk International Terminals](#)
August 6, 2024

The Port of Virginia officially opened a larger intermodal yard inside Norfolk International Terminals (NIT) on Tuesday, saying the expansion will provide more resiliency to weather disruptions in the port



Journal of Commerce

[Some ports remain closed as Debby moves up East Coast](#)
August 6, 2024

After roaring into Florida Monday morning as a Category 1 hurricane, Tropical Storm Debby is crawling up the East Coast, bringing with it catastrophic flooding and dumping feet of rain on some

software supplier to shut down its IT servers, impacting approximately 1,000 vessels.

or rail network without a major impact on cargo owners.

parts of the country.



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