



National Association of Waterfront Employers

December 15, 2023

NAWE News

Latest with NAWE

NAWE Capitol Hill Meetings Update – The NAWE Team resumed a busy schedule of Capitol Hill outreach meetings to discuss the marine terminal industry, provide updates on OSRA implementation at the FMC, and advocate for H.R. 4993, the bipartisan legislation to expand the Capital Construction Fund (CCF) program to include the purchase of near-zero or zero emission cargo handling equipment by private marine terminal operators (MTOs). This week, NAWE President [Robert Murray](#) and his legislative team met with Senator Roger Wicker (R-MS), Representatives John Rutherford (R-FL-05), Joe Courtney (D-CT-02), Jake Auchincloss (D-MA-04), and Laurel Lee (R-FL-15), and the staff of Representative Scott Peters (D-CA-50). The meetings were substantive, and the NAWE team explained the impact our industry has on the economy and jobs in their districts, as well as to the nation. As a result of the meeting, Rep. Rutherford has agreed to become a co-sponsor of H.R. 4993.

The NAWE team has pending requests for more congressional meetings for the week of December 18. Senate Majority Leader Chuck Schumer (D-NY) announced on Thursday that the chamber may remain in session during the week of December 18 and the House is not currently scheduled to be in Washington, DC for legislative business next week. Whether or not the chambers are in session, congressional staff will remain at work and are available for meetings before the holidays. We will provide further updates on the NAWE Team's outreach meetings in upcoming editions of NAWE News.

NAWE News Member Spotlight! – Starting in 2024, we will launch a “NAWE Member Spotlight” section in NAWE News. This section of our bi-weekly newsletter will share good news from NAWE member companies and around the industry. This will be a self-reporting section that will launch in our first edition of NAWE News in January. Please send any updates you'd like highlighted in this section of our newsletter to ckennedy@nawe.us.

U.S. Rep. Jake Auchincloss and FMC Chairman Daniel Maffei Detention and Demurrage Meeting – The Federal Maritime Commission (FMC) recently published a document in its Detention and Demurrage docket summarizing a meeting that took place between Congressman Jake Auchincloss (D-MA-04) and FMC Chairman Daniel Maffei to discuss the Commission's Proposed Rule on Detention and Demurrage Billing Requirements. The document notes Rep. Auchincloss' positions that are in strong support of marine terminal operators (MTOs), including his belief in the importance of the Incentive Principle as it relates to the reasonableness of detention and demurrage charges, and his view that the FMC should follow the Senate version of the *Ocean Shipping Reform Act of 2022 (OSRA 2022)*, which excludes MTOs from being included in any rulemaking on detention and demurrage billing practices.

The meeting, which was held on October 25, took place in follow up to the [bipartisan letter Congressman Auchincloss sent in August](#) with Congressman Brian Babin (R-TX-36) urging the FMC to follow congressional intent outlined in OSRA 2022. Over

the past year, NAWE has been building a relationship with Congressman Auchincloss and we are excited to see him take the lead on this issue on behalf of our industry.

Rob met with Auchincloss on Tuesday to commend the great work his office is doing on maritime issues and other House business. The member discussed his vision for 2024 and looking forward to working with NAWE and its members in the new year.

NAWE Signs CBP Staffing Coalition Letter Requesting 1,000 New Customs and Border Protection (CBP) Officers – NAWE recently signed a letter initiated by the CBP Staffing Coalition requesting funding for 1,000 new Customs and Border Protection (CBP) officers within the fiscal year 2024 emergency supplemental funding request. Congress is currently considering adding provisions to the emergency supplemental, which would provide security assistance to Ukraine, Israel and Taiwan, and also bolster security along the southern border.

There is currently a shortage of CBP officers. According to the CBP's most recent staffing models, the agency needs to hire at least 4,200 CBP officers and, without funding for at least 1,000 new officers, ports will be left understaffed, and shippers will endure longer wait times. Advocating for this additional funding is important to ensure the CBP can maintain its operational capacity at ports of entry so that supply chain congestion, as well as lost output, wages and jobs caused by border delays, can be avoided. [Click here](#) to read the letter.

NAWE President Rob Murray Attends North Atlantic Ports Association 73rd Semi-Annual Meeting – NAWE president Rob Murray attended the North Atlantic Ports Association's 73rd Semi-Annual Meeting, which took place December 6-8 in Alexandria, Virginia. [During the meeting](#), FMC Commissioner Rebecca Dye provided updates as the Commission prepares for 2024. Commissioner Dye, who was first nominated to the FMC in 2002 by President George W. Bush and has served through four different administrations, shared her perspective and insights on FMC-led initiatives.

Rep. Ezell Discusses Port Infrastructure and Investments – During a House Transportation and Infrastructure Committee hearing this week, Congressman Mike Ezell of the Mississippi Gulf Coast, which is home to the Port of Gulfport and the Port of Pascagoula, focused on the topic of investing in port infrastructure above and below the water, which includes cargo handling equipment and dredging around the port. Ezell and Paul Anderson, President and CEO of Port Tampa Bay, had a positive discussion on the importance of port investments as it relates to national security and the supply chain. As we focus on elevating our industry and its priorities on Capitol Hill, interactions like this reaffirm that we have an effective strategy and will continue pushing the needle in 2024. You can watch Rep. Ezell's full interaction with Paul Anderson [at the link here](#).

NAWE Legislative Updates

A Potential Glimmer of Hope on an Emergency Supplemental as Congress Prepares to Recess for the Holidays and as the First Deadline to Fund the Government Approaches – Since approving a "laddered" continuing resolution ("CR") in November under which the federal government is currently operating, Congress has done little to advance the FY 2024 appropriations bills. Under the laddered CR, which includes two separate deadlines for funding the federal government, programs included in four appropriations bills are set to expire on January 19, while funding for the remaining eight bills is set to expire on February 2.

The House recessed for the holidays on Thursday, December 14, and the Senate announced that it would remain in session for the week of December 18 in the hopes that the Biden Administration and Senate Democrats can strike a deal with Senate Republicans on more aid for Ukraine in exchange for changes to the U.S. border and immigration policy sought by Congressional Republicans. At present, the House is planning to return on January 9 and the Senate returning on January 8, leaving only a handful of legislative days remain before the January 19 deadline. The programs set to expire under this first-tier deadline include those under the Transportation-HUD (T-HUD), Energy and Water, Agriculture, and Military Construction-VA appropriations bills.

To date, the House has passed seven individual appropriations bills, including the FY 2024 Energy and Water bill that provides funding for activities of the U.S. Army Corps of Engineers, including navigation projects that are of interest to many NAWE members. However, the House has struggled to pass the more prominent spending bills, including Labor-HHS, Commerce-Justice-Science, and T-HUD packages. T-HUD is of particular interest to NAWE members as it provides funding for Department of Transportation, Maritime Administration (MARAD), and infrastructure grant programs, such as PIDP, US Marine Highways, INFRA and Mega. In contrast, the Senate passed a three-bill “minibus” package prior to the Thanksgiving recess, which included the T-HUD, Agriculture, and Military Construction-VA appropriations measures.

Now, Congress must either pass the remaining bills and work out the differences between the House and Senate measures or approve another continuing resolution. Speaker Mike Johnson has said he is not in favor of any further short-term CRs, so the pressure is on for Congress to finish their appropriations work when they return for the holidays.

The NAWE team will continue to closely monitor and report further on any significant developments on FY 2024 appropriations and supplemental funding measures.

NDAA Passes Senate and House—Bill Now Heads to President – After months of negotiations, Congress reached an agreement on a final version of the Fiscal Year 2024 National Defense Authorization Act (NDAA), H.R. 2670. The Senate approved the FY 2024 NDAA conference bill by an overwhelming vote of 87-13 on December 13. The House of Representatives took up the measure the following day and passed it by a vote of 310-118. After passage in the House, the FY 2024 NDAA was transmitted to the White House. President Biden is expected to sign the legislation into law in the next couple of days.

As previously reported, the NDAA is of significant interest to many NAWE members because the legislation contains a maritime policy title that provides the annual authorization for the U.S. Maritime Administration (MARAD) and the various programs the agency administers as well as other maritime-related provisions. Here are details of some of the provisions included in the FY 2024 NDAA Conference bill that may be of interest to NAWE members:

- I. FY 2024 Authorized Funding Levels for MARAD Administered Grant Programs
 - Port Infrastructure Development Program (PIDP) – \$500 million
 - US Marine Highways – \$15 million
 - Marine Environmental Technical Assistance (META) – \$15 million

- II. Legislative Provisions
 - Sec. 3511 – Expands PIDP to make eligible for grants port and port-related infrastructure projects that supports seafood and seafood-related businesses.
 - Sec. 3512 – Clarifies the criteria for determining the eligibility of small inland river and coastal ports for assistance under PIDP.
 - Sec. 3513 – Expands projects eligible for PIDP grants to include infrastructure to provide shore power to passenger and freight moving vessels.
 - Sec. 3521 – Requires MARAD to prepare reports to Congress on:
 - (c) Report on port preferences for U.S.-Flag vessels
 - (d) Report on increasing the effectiveness of the Marine Highways program
 - Sec. 3523 – Study on foreign ownership and control of 15 largest U.S. container ports.

[The full text of the FY24 NDAA can be found here.](#)

[A summary of the FY24 NDAA can be found here.](#)

[The joint explanatory statement of the FY24 NDAA conference can be found here.](#)

Key House Committee Resumes Work on 2024 WRDA Bill – The Water Resources and Environment Subcommittee of the House Transportation & Infrastructure Committee (T&I) held separate hearings on December 5 and December 14 on the 2024 Water Resources Development Act (WRDA). In the December 5 hearing, originally scheduled for October, the Subcommittee

received testimony from Michael L. Connor, Assistant Secretary of the US Army for Civil Works. This hearing focused on the status of past WRDA provisions and future needs that Congress should consider including in the 2024 WRDA bill.

On December 12, the Water Resources and Environment Subcommittee received testimony from various stakeholder organizations on what priorities and policy reforms their members would recommend be included in the 2024 WRDA bill. House T&I Committee next plans to hold its “Member Day”—when House members come before the committee to share their requests for projects and study proposals that they’d like to see included and authorized in the 2024 WRDA bill—after Congress reconvenes in January 2024 for the Second Session of the 118th Congress. Links to video recordings of the House WRDA hearings may be viewed at the following links:

- [December 13, 2023 - Proposals for a Water Resources Development Act of 2024: Stakeholder Priorities](#)
- [December 5, 2023 - Water Resources Development Acts: Status of Past Provisions and Future Needs](#)

In the Senate, the WRDA process is a bit farther along in development of its version of the WRDA bill. In October, the Senate Committee on Environment & Public Works (EPW) received WRDA project requests from Senate office for civil works studies, projects, and programs carried out by the U.S. Army Corps of Engineers. On November 29, the EPW Committee also held a hearing titled, “WRDA 2024: Stakeholder Feedback on USACE Project Partnership Agreements.” It is expected that the Senate and House will report their respective bills from committee for floor votes early in 2024, and soon afterward begin a conference committee to negotiate a final version of WRDA 2024. Again, the NAWE Team will continue to monitor and report on further developments as they occur.

NAWE Regulatory Updates

There are no Federal Maritime Commission (FMC) updates at this time. NAWE will continue to report on new developments at the FMC in future editions of NAWE News.

DOT Infrastructure Grant Program Updates

Biden Administration Posts Open and Upcoming Infrastructure Funding Opportunities – On November 2, 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 the remainder of 2023 and 2024. To view the full list of programs, their descriptions, and deadlines, please click [here](#).

FY 2024 Open Grant Opportunities – The U.S. Department of Transportation (DOT) and the U.S. Department of Energy (DOE) have announced that they are now accepting FY 2024 applications for the following programs:

- 1) **DOT’s Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Program** – The RAISE program allows project sponsors at the state and local levels to obtain funding for multi-modal, multi-jurisdictional projects that are more difficult to support through traditional DOT programs. There is \$1.5 billion available to be awarded. **Applications must be submitted no later than February 28, 2024.** For more information on the application process, [click here](#).
- 2) **DOE’s Grid Resilience and Innovation Partnerships (GRIP) Program** – The U.S. Department of Energy is accepting applications for fiscal year 2024-2025 grants under the Grid Resilience and Innovation Partnerships (GRIP) Program. Successful projects will deploy federal funding to maximize grid infrastructure deployment at-scale and leverage private sector and non-federal public capital to advance deployment goals. There is up to \$3.9 billion available to be rewarded.

Concept papers are a required first step in the [application process](#). **Applications are due by 5 p.m. ET on January 12, 2024.** An informational webinar was held on November 20. To access the webinar’s recording and transcripts, [click here](#).

FY 2023 DOT Infrastructure Grant Applications and Award Deadlines – The application deadlines for the majority of FY 2023 DOT infrastructure grants of interest to NAWE members are now expired. According to the White House’s “Upcoming Infrastructure Funding Opportunities” webpage, remaining NOFOs and program awards that may possibly be released soon (in “Winter 2023 or early 2024”) are:

- 1) **DOT’s Consolidated Rail Infrastructure & Safety Improvements (CRISI)** – TBD
- 2) **DOT’s Railroad Crossing Elimination Program** – TBD
- 3) **EPA’s Clean Ports Program** – TBD

DOT Posts List of Grant Application Resources – On November 27, DOT posted an updated list of its popular “Grants Navigator Application Resources”. Below are links to the DOT’s resources:

- [Understanding Non-Federal Match Requirements](#)
- [Discretionary Grant Preparation Application Checklist](#)
- [Checklist for a Strong Climate Change Mitigation, Adaptation and Resilience Grant Application](#)
- [Federal Tools to Determine Disadvantaged Community Status](#)
- [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.

NAWE Event Updates

NAWE on the Hill (NOTH) 2024 – We look forward to hosting two NAWE on the Hill (NOTH) events for NAWE members next year. These fly-ins allow NAWE members the chance to directly interact with members of Congress and their staffs as well as federal agencies. If you would like to join, please RSVP to one or both of the events linked below.

- **January 29-30, 2024**
 - [Click to register for the January NAWE on the Hill](#)
 - [Room Block - \\$239 + tax / per night](#)
- **May 13-14, 2024**
 - [Click to register for the May NAWE on the Hill](#)
 - [Room Block - \\$399 + tax / per night](#)

Join NAWE at TPM 24 in March – On March 3, 2024, NAWE will host a gathering for our members at TPM 24 in Long Beach, California. The gathering will be at the Grand Hyatt Centric Topsail Rooftop Pool and Bar on Sunday, March 3, 2024, from 5-7 p.m. Space is limited, so please RSVP in advance at this link.

NAWE Security and Legislative Committee Meetings – On Tuesday, NAWE’s Legislative Committee met this week to discuss wrapping up a successful legislative year and what the committee will focus on in the new year. On Thursday, the NAWE Security Committee convened its most attended meeting in the committee’s history. The meeting featured Richard Lubert, SVP of Signal Mutual on the topic of Conflict Management. If you missed the meeting but would like to review Richard’s slides, [click here](#).

Articles of Interest

Journal of Commerce

[Congressmen push FMC to form national advisory committee on port matters](#)

December 5, 2023

Two members of Congress are urging the US Federal Maritime Commission (FMC) to create a committee that would advise regulators on port-related matters of national interest, similar to an existing group of shippers who have the FMC's ear on issues linked to policy and regulation.

American Journal of Transportation

[Congress passes bill requiring US to buy domestic nuclear fuel](#)

December 14, 2023

The US would be required to acquire tons of domestic nuclear-reactor fuel under a provision included in a defense authorization bill passed by Congress, now awaiting President Biden's signature. The nuclear-fuel provision is part of a broader plan to rebuild the US domestic uranium supply chain and phase out dependence on Russia, America's top foreign supplier.

American Journal of Transportation

[Scientists assess global maritime traffic during COVID-19](#)

December 13, 2023

The study led by researchers at the Marine Biological Association (MBA) and the COVID-19 Bio-Logging Initiative, assessed changes to global shipping and fishing activity, revealing in unprecedented detail how the rapid implementation of restrictions and lockdowns affected human mobility on the ocean in 2020.