



## NAWE News

### Latest with NAWE

**NAWE Sets Dates for NAWE On The Hill (NOTH) 2024** – NAWE is pleased to announce its upcoming dates for NAWE On The Hill (NOTH) in 2024. Next year, NAWE will hold two NOTH events in Washington, DC – January 29-30, 2024, and May 13-14, 2024. We urge all NAWE members to join us for one or both of these days of advocacy. NOTH is an invaluable opportunity for NAWE members to meet with their representatives in Congress and build valuable relationships to advance our industry's legislative priorities. A reception on the first night and meetings will take place the second day of each event. Details on the two events are as follows:

**Event:** NAWE On The Hill (NOTH)

**When:** January 29-30, 2024 ([Click here](#) to RSVP for January)

**Where:** Washington, DC

**Room Rate:** \$239 + tax/per night ([Link for January Room Block Found Here](#))

**Event:** NAWE On The Hill (NOTH)

**When:** May 13-14, 2024 ([Click here](#) to RSVP for May)

**Where:** Washington, DC

**Room Rate:** \$399 + tax/per night

**NAWE Team Capitol Hill Meetings Update** –After Congress returned from the Thanksgiving break, the NAWE Team resumed its busy schedule of Capitol Hill outreach meetings in support of H.R. 4993, the bipartisan bill to expand the Capital Construction Fund (CCF) program to incentivize the use of private capital for the purchase of near-zero or zero emission cargo handling equipment by U.S. private marine terminal operators (MTOs) for use at U.S. ports. On November 30<sup>th</sup>, NAWE President Rob Murray met with Congressman John Garamendi (D-CA-08) and his staff seeking their support for H.R. 4993. As a senior member of both the House Armed Services and Transportation & Infrastructure Committees, Rep. Garamendi is among the few House members that have an integral role in crafting the maritime policy package that is carried in the annual National Defense Authorization Act (NDAA). In fact, the most recent expansion of the CCF program that was included in the Fiscal Year 2023 NDAA was the product of a joint effort led by Congressman Garamendi and Senator Roger Wicker (R-MS). The meeting was very substantive and productive. The NAWE team and Congressman Garamendi have agreed to remain engaged on the CCF legislation and work towards including it as a provision in the upcoming FY 2025 NDAA that Congress will begin working on in January 2024.

Rob also met with staff from Representatives Maria Salazar (FL-27) and Jennifer Gonzalez-Colon (PR-AL) offices to discuss terminal operations in their district, update them on OSRA implementation at the FMC, and advocate for their co-sponsorship on

H.R. 4993. Both meetings with Salazar and Gonzalez-Colon's offices were productive and it's clear NAWE has two strong advocates that understand the impact our industry has on the economy and jobs in their district.

The NAWE Team has numerous Capitol Hill meetings scheduled over the remainder of December to build upon our association's efforts to increase awareness of NAWE's priorities and grow support for enactment of H.R. 4993. We will include updates on these outreach and education efforts in future editions of NAWE News and in NAWE's Legislative Committee meetings.

**House Members Send Bipartisan Letter to FMC in Support of Establishment of National Port Advisory Committee** – On Friday, U.S. Representatives Jake Auchincloss (D-MA-04) and Mike Ezell (R-MS-04) sent a bipartisan letter to Federal Maritime Commission (FMC) Chairman Dan Maffei urging the Commission to use its existing authority to establish a National Port Advisory Committee comprised of public port authorities, marine terminal operators (MTOs), and maritime labor. NAWE strongly applauds this bipartisan effort because, as stated in the letter, such an advisory committee "...would give ports, MTOs, and labor the same ability to advise the Commission on current and emerging issues as shippers were provided in the National Shippers Advisory Committee." [Click here to view letter.](#)

## NAWE Legislative Updates

**Government Shutdown Averted as Congress Approves and President Signs "Laddered" Stopgap Funding Measure; Battle over Federal Spending Pushed to January** – On November 16, President Biden signed into law a "laddered" continuing resolution ("CR") to fund the federal government and avert an impending shutdown as a previous stopgap funding initiative was set to expire on November 18. Under the legislation ([H.R. 6363](#)) funding for less controversial appropriations bills – Agriculture-FDA, Energy and Water, Military Construction-VA, and Transportation-HUD – will be extended until January 19, while funding for the remaining eight bills will be extended to February 2. The measure will fund all agencies and programs that were slated to shutdown on November 18 at FY 2023 levels.

Although the CR provides additional time for each chamber to pass the remaining FY 2024 individual appropriations bills, there is little evidence that the measure will resolve Congress' ideological battle over government spending or prevent it from spilling over into January. While the stopgap measure passed the House with bipartisan support 336-96 on November 14, the plan drew opposition from hardliners in the Republican Conference because it does not cut government funding or change U.S. border or immigration policies. While the House GOP continues to pursue steep spending cuts and controversial policy changes in the remaining FY2024 appropriations bills, the Senate is proceeding with bipartisan funding bills that adhere to the agreed upon funding levels in the debt ceiling limit. This impasse is set to result in a showdown come January.

So far, the House has passed eight of its 12 appropriations bills, including the FY 2024 Energy & Water Appropriations 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 lower chamber has so far struggled to pass some major spending bills, including the Labor-HHS, Commerce-Justice-Science and Transportation-HUD (T-HUD) packages. T-HUD is of particular interest to NAWE members, as it provides funding for the Department of Transportation, the Maritime Administration (MARAD), and infrastructure grants programs such as PIDP, US Marine Highways, INFRA, and Mega.

The Senate, which approved the most recent stopgap spending measure with bipartisan support (87-11), passed three of its 12 funding bills, including the FY 2024 Agriculture-VA, Military Construction-VA, and Transportation-HUD, in a single "minibus" package prior to the August recess. According to recent press reports, Senate Majority Leader Chuck Schumer (D-NY) intends to bring to the Senate floor a larger "megabus" funding package that will combine the remaining nine bills into a single package.

In addition to the work to complete the FY 2024 appropriations process, the Senate is expected to consider the Biden Administration's \$106 billion emergency appropriations package to provide security assistance to Ukraine, Israel and Taiwan. Senate Majority Leader Chuck Schumer released a letter to senators on Sunday stating he will put the national security supplemental request on the Senate floor as soon as this week. Passing the legislation through both chambers will be

challenging, as Senate Republicans are conditioning the aid package on changes to asylum policies and border security measures to address the migrant crisis at the U.S.-Mexico border, while aid to Ukraine has become increasingly controversial among House Republicans.

Also on the agenda in the lead up to the holidays is completion of the National Defense Authorization Act (NDAA). While informal negotiations have been ongoing over the past two months, the official House-Senate conference committee negotiations formally began on Wednesday, November 29, 2023. According to reports, the vast majority of issues have already been addressed, but work remains to determine the fate of several provisions added to the House version of the NDAA by the House Freedom Caucus dealing with the Pentagon's leave and travel policy for servicemembers seeking abortions, climate change mitigation, and diversity initiatives. Despite these remaining differences, a bicameral compromise NDAA bill could be filed as soon as this week if the conferees make substantive progress in their negotiations.

The NAWE team will continue to closely monitor and report further on any significant developments on the FY 2023 appropriations process, the NDAA and other legislative priorities as they occur.

**NAWE Secures New Cosponsor of H.R. 4993, Bipartisan Legislation to Expand the Capital Construction Fund** – NAWE is pleased to announce that Rep. Michael Waltz (R-FL-06) is the latest member of Congress to have signed on as a cosponsor to H.R. 4993, bipartisan legislation to expand the Capital Construction Fund. As a member of the House Armed Services Committee and representative of a coastal district, Congressman Waltz understands the importance of safely, securely and efficiently moving military equipment through American ports. Other recent cosponsors of the legislation include Reps. Troy Nehls (R-TX-22), Jake Auchincloss (D-MA-04), Trent Kelly (R-MS-01), Brian Babin (R-TX-36), Aaron Bean (R-FL-04), and Clay Higgins (R-LA-03).

H.R. 4993, introduced by House Transportation & Infrastructure Committee Members Mike Ezell (R-MS-04) and Troy Carter (D-LA-02), would extend tax incentives to maximize private capital investments aimed at lowering emissions at ports and waterways, advance innovative technologies in domestic manufacturing, and create new high skilled job opportunities for American workers. If signed into law, Marine Terminal Operators would be able to deposit a portion of their taxable income into a Capital Construction Fund account and use those funds on a tax-deferred basis to maximize their purchasing power for near-zero cargo handling equipment.

[ICYMI: Check out this recent article in Marine Link that highlights the benefits of extending the CCF Program](#)

## NAWE Regulatory Updates

**FMC Commissioner Bentzel Keynoting Smart Digital Ports of the Future Conference** – On December 5, 2023, FMC Commissioner Carl Bentzel will deliver the keynote address at the [Smart Digital Ports of the Future Conference North America 2023](#) in Halifax, Nova Scotia (Canada). Commissioner Bentzel's remarks are titled "Harnessing and Harmonizing Data Through Information Sharing." The Commissioner also reportedly will provide an update on the status of the Maritime Transportation Data Initiative.

**FMC Commissioner Dye to Address North Atlantic Ports Association** – FMC Commissioner Rebecca Dye will serve as the featured speaker at the breakfast portion of the [73<sup>rd</sup> Semi-Annual Meeting of the North Atlantic Ports Association](#) held in Alexandria, VA, on December 8, 2023. For more information about the event, including how to register and the cost to attend is available from the association, [click here](#).

**FMC Releases October 2023 Activity Report** – On November 21, 2023, the FMC released its October 2023 Activity Report. Among the statements and releases included in the FMC report are: 1) [Commissioner Sola Featured Speaker at the American Maritime Forum](#); 2) [Statement of Commissioner Bentzel Following NITL Panel "The Supply Chain Nexus: A Forward-Thinking Conversation with US DoT, FMC, and STB"](#); and 3) [Notice Not to Review](#) and [Order on Motion for Summary Judgement and](#)

[Motion to Dismiss](#) *Rahal International Inc., v. Hapag-Lloyd AG, Hapag-Lloyd (America), LLC and Hapag-Lloyd USA, LLC* (Respondents) and *Hapag-Lloyd AG and Hapag-Lloyd (America), LLC* (Third-Party Complainants) *v. Maher Terminals, LLC, GCT New York LP, and GCT Bayonne LP* (Third Party Respondents); 4) [Notice Not to Review](#) and [Initial Decision Approving Settlement Agreement](#) *MSRF, Inc. v. Yang Ming Transport Co.*; 5) *Port of NY/NJ Sustainable Services Agreement* ([Agreement No. 201175-007](#)); 6) *Seven Seals Co., Ltd and Kawasaki Kisen Kaisha, Ltd. Space Charger Agreement* ([Agreement No. 201409](#)). Click [here](#) to read more.

## DOT Infrastructure Grant Program Updates

**MARAD Awards Fiscal Year 2023 Port Infrastructure Development Program (PIDP) Grants** – On November 3, the U.S. Department of Transportation’s Maritime Administration (MARAD) awarded more than \$653 million in grants to 41 port improvement projects across the country under the Port Infrastructure Development Program (PIDP). To view the announcement and projects receiving funding, click [here](#).

**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 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 before the end of the year (in “Winter 2023 or early 2024”) are:

- 1) **DOT’s Consolidated Rail Infrastructure & Safety Improvements (CRISI)** – TBD
- 2) **DOT’s Rebuilding American Infrastructure with Sustainability and Equity (RAISE)** – TBD
- 3) **DOT’s Railroad Crossing Elimination Program** – TBD
- 4) **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](#)

## NAWE Event Updates

As noted earlier in this newsletter, we look forward to hosting two fly-ins for NAWE members next year. These fly-ins allow NAWE members the chance to directly interact with Members of Congress and their staffs. If you’d like to join, please RSVP to one or both of the events linked below.

[RSVP for January 29-30, 2024 NAWE on the Hill](#)

[RSVP for May 13-14, 2024 NAWE on the Hill](#)

**Join NAWE in Los Beach in March** – On March 3, 2024 NAWE will host a gathering for our members in Long Beach, California. The gathering will be at the Grand Hyatt Centric Topsail Rooftop Pool and Bar on Sunday, March 3, 2024 from 5:00 p.m. – 7:00 p.m. Space is limited, so please [RSVP in advance at this link](#).

#### **December NAWE Committee Meetings**

- December 12 – NAWE Legislative Committee Meeting
- December 14 – NAWE Security Committee Meeting
- December 19 – NAWE Board Meeting
- December 21 – NAWE Insurance Committee Meeting

## Articles of Interest

#### **Fortune**

[Panama Canal is so backed up and 'unreliable' that ships are detouring](#)  
*November 27, 2023*

The Panama Canal has become so backlogged that the world's largest operator of chemical tankers has decided to reroute its fleet to the Suez Canal. A bottleneck at the Panama Canal due to low water levels has prompted shippers to divert to Suez, the Cape of Good Hope, or even through the Strait of Magellan off the tip of South America.

#### **Journal of Commerce**

[Congress steps into debate over jurisdiction of rail fees for containers](#)  
*November 20, 2023*

US shippers could be a step closer to receiving clarity over which government agency should have oversight of the storage fees railroads charge for ocean containers as Congress looks to settle whether policing international intermodal freight should fall to the Federal Maritime Commission (FMC) or the Surface Transportation Board (STB).

#### **Journal of Commerce**

[Carrier CEOs issue COP28-linked statement urging action on energy transition](#)  
*December 1, 2023*

Ocean carrier chief executives issued a rare joint statement on Friday – timed to coincide with the start of the COP28 United Nations Climate Change Conference in Dubai – meant to encourage faster energy transition in shipping. The statement also reflected challenges and potential liabilities carriers are facing given the current state and direction of global regulation linked to decarbonization.