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NAWE News

March 22, 2024

The Latest with NAWE

NAWE Welcomes Husky Terminal and Momentum as Newest Members – We are excited to welcome our newest association members, [Husky Terminal](#) and [Momentum](#) to NAWE! Husky Terminal, founded in 1983, is headquartered in Tacoma, Washington and as an international ocean transportation terminal, Husky services ocean carriers, the trucking community, and mainline railroads.

Momentum, founded in 2005, is based in Sacramento, California, designs, develops, and deploys campaigns for organizations working on transformative water, energy, transportation, and manufacturing technologies. Momentum offers services including strategic planning, fund development, project management, and commercialization.

We look forward to working closely with Husky and Momentum's teams to strengthen the voice of our industry.

Save the Date for NAWE Annual – We are thrilled to announce that our 2024 Annual Meeting will be November 13-15, 2024 in the beautiful Old San Juan, Puerto Rico! We will share more details, registration, and accommodation information in the coming weeks but wanted to make sure you can block these dates off for November! We hope to see you in Puerto Rico later this year!



Securing Our Ports: Where to Start & the Cybersecurity Checklist – Marine Link published an op-ed co-authored by NAWE President Rob Murray and Former Assistant Secretary of Defense Lucian Niemeyer titled, "Securing Our Ports: Where to Start." The op-ed proposes several measures for safeguarding our ports from cyberattacks in light of the Biden Administration's recent [Executive Order](#) and proposed \$20 billion in Inflation Reduction Act funding to fortify our nation's ports from cyber threats.

While acknowledging the vulnerabilities of our maritime infrastructure to threats from China, Murray and Niemeyer make the distinction between Chinese-manufactured cranes (which comprise 80 percent of our nation's ship-to-shore cranes) and the software used to operate those cranes, which are manufactured by trusted vendors in allied nations. The op-ed also proposes several solutions to enhance our ports' resilience to cyber threats and includes a checklist of quick steps ports can take today to immediately strengthen cybersecurity. To read the op-ed, [click here](#).

House to Consider H.R. 1836, Ocean Shipping Reform Act of 2023 (OSRA 2.0) – This week, the House of Representatives will consider H.R. 1836, the Ocean Shipping Reform Act of 2023 (OSRA 2.0). The measure will be considered under suspension of the rules, which requires a two-thirds majority for passage.

NAWE has worked with the House Transportation and Infrastructure Committee staff to make significant improvements to the legislation from the original version introduced by Representatives Dusty Johnson (R-SD-AL) and John Garamendi (D-CA-8) last year. Those improvements include the elimination of a provision directing the FMC to annually report on findings of false detention and demurrage invoice information by Marine Terminal Operators (MTOs); the establishment of a National Port Advisory Committee within the FMC to include fair representation of MTOs with five MTOs, five port authorities, and three union representatives to sit on the committee; and elimination

of a provision requiring MTOs to provide volumes of sensitive data to the Bureau of Transportation statistics. While these wins are significant, the legislation is still far from perfect, as the requirement for the FMC to annually report on MTO penalties and the concept of mandated data standards for port authorities have found their way into other sections of the bill. Although the Senate is unlikely to take up the legislation, NAWE will continue to advocate for our position that Congress allow the OSRA regulatory process to be completed prior to passing new legislation on the same topic. NAWE will continue to monitor this legislation and keep our members apprised of new developments.

EPA Holds Webinar on Clean Ports Program Funding Opportunities – On March 13, the U.S. Environmental Protection Agency (EPA) held a webinar on funding opportunities available under its Clean Ports Program. In addition to providing an overview of the program and resources for application and project development, the webinar discussed applicant and project eligibility, evaluation criteria, and how to apply. The Clean Ports Program includes two separate funding opportunities: the [Zero-Emission Technology Deployment Competition](#) and the [Climate and Air Quality Planning Competition](#). Those opportunities will fund approximately \$2.8 billion in zero-emission technology deployment at ports, as well as approximately \$150 million for climate and air quality planning. Both are open now until the application deadline on May 28, 2024. To view slides from the webinar, including important dates and deadlines for applying, [click here](#)

Legislative Updates

Disputes Over Border Security Threaten Timely Passage of Remaining FY 2024 Appropriations Bills – Disputes over immigration and border policy have once again stalled consideration of a broader FY 2024 appropriations package, leaving Congress little time to avert a partial government shutdown by the March 22 deadline. Lawmakers had aimed to release the six bill "minibus" package, which covers more than three-quarters of discretionary spending, on March 17. Congress passed and the President signed into law the first package containing six of the FY 2024 spending bills two weeks ago.

With funding set to expire tonight, Congress has little time to finalize and pass the second minibus package, which is comprised of the remaining six annual spending bills—State-Foreign Operations, Defense, Homeland Security, Labor-HHS, Legislative Branch, and Financial Services-General Government—to avert a partial government shutdown. While contentious issues within five of the six bills have been resolved, disagreements on the Homeland Security appropriations bill over immigration and customs and border control spending, which derailed progress on a foreign aid bill earlier this year, have stalled the entire package.

Given the election year dynamics regarding border and immigration policy, FY 2024 funding for the Department of Homeland Security (DHS) and U.S. Customs and Border Patrol has become a sticking point in advancing the appropriations process and other legislative priorities. Republicans have been wary of providing additional funding for Homeland Security, arguing that the Biden Administration has not done enough to stem the tide of new migrant arrivals, and have instead

pushed for reprioritizing funding for enforcing border and immigration laws.

In response, Congressional leaders have been negotiating the contours of a continuing resolution (C.R.) to fund DHS for the remainder of FY 2024 at FY 2023 levels, which would sidestep the more controversial measures in a full bill. Although that plan collapsed over the weekend due to a dispute between the White House wanting more flexibility to shift funds within DHS to manage the border and House Republican leadership wanting more funding for detention beds and Border Patrol agents, the White House and top congressional leaders reached an agreement on March 18.

There is little time for House leadership, legislative counsel and the Appropriations Committee to put together the text of the agreement and get it to the floor for a vote in time to avoid a partial government shutdown. House Republicans aim to adhere to their 72-hour rule, giving members three days to read a bill before voting on it. Given that the bill was not ready to review on Wednesday, a House vote on the six-bill package would not take place until Saturday, March 23, which is after the shutdown deadline.

It is unclear whether Speaker Mike Johnson will try to convince Republicans to shrink the 72-hour rule. Hardline conservatives, who are already opposed to the measure, would likely oppose any change to the rule.

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

House Transportation & Infrastructure Committee Passes 2024 Coast Guard Authorization Act –

On Wednesday, March 20, 2024, the House Transportation & Infrastructure Committee (T&I) held a markup of several pieces of legislation including an Amendment in the Nature of a Substitute (ANS) to H.R. 7659, the Coast Guard Authorization Act of 2024. The ANS to H.R. 7659 authorizes appropriations for the Coast Guard for fiscal years 2025 and 2026. These authorizations will support Coast Guard operations and enable the Service to continue to recapitalize its historically underfunded cutter fleet, shoreside facilities, and IT capabilities. With the T&I Committee's approval of the bill, the Coast Guard Authorization now may be brought to the House floor for a vote. The NAWE team will continue to monitor this bill and provide updates on any further developments. Click to [view text](#) of the ANS to H.R.7659. Click to view the T&I Committee's summary of the provisions of the Coast Guard Authorization passed by the Committee here: [More information](#).

House Transportation & Infrastructure Committee Passes the FAST PASS Act –

House Transportation & Infrastructure Committee (T&I) also approved another bill that may be of interest to NAWE members titled "The Facilitating Access to Swiftly Transport Goods during a Publicly Announced State of Emergency Situation Act (FAST PASS) Act," H.R. 6140. This bill seeks to avoid future supply chain crises by directing the Department of Transportation (DOT) to study and report to Congress on expediting the movement of critical cargo through ports and marine terminals. The bill also allows the DOT to conduct voluntary pilot programs to test potential methods of

improvement. The FAST PASS Act was introduced by Congressman Mike Ezell (R-MS-04). Click to [view text](#).

Executive Branch Updates

DOT Publishes FLOW Data – On March 20, 2024, the Department of Transportation (DOT) released data on inland freight hubs, including rail terminal and warehouse end destination data that according to DOT, will enable FLOW members to have an enhanced view of future container import volumes and traffic. The Biden Administration launched the [Freight Logistics Optimizations Works \(FLOW\) initiative](#) two years ago to gather data to help inform capacity decisions and avoid supply chain challenges, such as delays, for FLOW participants that will ultimately help lower costs for consumers. FLOW is a first-of-its-kind private-public partnership created and led by DOT that creates a more complete, shared picture of the U.S. supply chain for members, which include the nation's busiest container ports, major ocean carriers, and some of the largest retail importers. A [recent analysis](#) from the White House Council of Economic Advisors, based in part on FLOW data, found that supply chains normalizing in some form explain more than 80% of the disinflation the U.S. has experienced since 2022.

FMC Releases Statement of Chairman Daniel B. Maffei before U.S. Senate Committee on Commerce, Science and Transportation – The FMC released the statement of Chairman Daniel B. Maffei before the U.S. Senate Committee on Commerce, Science and Transportation during the full committee's FMC nominations hearing on February 28, 2024. On the status of America's supply chain, the Ocean Shipping Reform Act of 2022, and detention and demurrage, he states the following:

"The FMC took a leading role in addressing many of the problems that tangled up America's supply chains. To bolster our efforts, Congress passed the Ocean Shipping Reform Act of 2022 to strengthen some of the FMC's authority and provide resources needed to enhance enforcement and consumer services. Now, two years later, I can report that the ship congestion that had overwhelmed the supply chain largely subsided last summer. Cargo is flowing fluidly, shippers can secure the equipment they need, and exports are getting space on outgoing ships. The cost of ocean shipping has dramatically declined to pre-pandemic levels and this drop occurred far more rapidly than forecasted. Much of the reduction in rates and fees is a result of market-forces as the world emerged from COVID. Nonetheless, the FMC played a vital role in restoring confidence to the public, importers and exporters in America's ocean supply chains. For example, during COVID, the system of detention and demurrage fees – the charges levelled by carriers and marine terminals that are supposed to incentivize the efficient movement of cargo – became so ubiquitous and disruptive to the supply chain whether or not shippers moved their cargo or returned their equipment on time. Thanks to the work of the Commission – starting with the detention and demurrage interpretive rule efforts by Commissioner Dye – the final OSRA-mandated billing rule made public last week will ensure these fees are assessed transparently and serve their intended purpose." To read Chairman Maffei's full statement, [click here](#).

FMC Announces Mohammad "Ali" Usman Named Chief Information Officer – On March 11, Federal Maritime Commission (FMC) Chairman Daniel B. Maffei announced that Mohammad "Ali" Usman has been hired as the Commission's Chief Information Officer (CIO) and appointed to be a member of the Senior Executive Service. Mr. Usman will serve as director in all areas of information technology (IT) and as the primary IT technical advisor to the Managing Director. He assumes his new duties effective immediately. Prior to joining the FMC, Mr. Usman worked at the U.S. Department of Agriculture Food Safety and Inspection Service, where he served as Chief Technology Officer. Prior to that, Mr. Usman worked at the U.S. Government Publishing Office. To read the full announcement, [click here](#).

FMC Releases FY 2025 Congressional Budget Justification – On March 11, 2024, the FMC released its [Fiscal Year 2025 Congressional Budget Justification](#). The document is available on the "[Congressional Budget Reports](#)" webpage.

FMC Chairman Maffei & Commissioner Dye to Speak at AgTC Annual Meeting on May 21 – Chairman Daniel Maffei and Commissioner Rebecca Dye will address attendees of the [Agricultural Transportation Coalition \(AgTC\) 2024 Annual Meeting](#). Chairman Maffei will provide a Working Lunch address on Tuesday, May 21 discussing "New Rules for Everyone: Federal Maritime Commission: Implementing OSRA: New Rules for Detention & Demurrage, Box Rules, Investigations, Enforcement". Commissioner Rebecca Dye will speak with AgTC members in an off the record session on Wednesday, May 22. More information about the event including costs and instructions on how to register can be found on the [AgTC website](#).

FMC Chairman Maffei Speaking at NCBFAA on April 15 – FMC Chairman Daniel Maffei will provide the keynote luncheon speech at the 51st National Customs Brokers & Forwarders Association of America (NCBFAA) Annual Conference on April 15. Additional details about the event can be found on the [NCBFAA website](#).

FMC Chairman Maffei to Address New England Trade Group on April 10 – FMC Chairman Daniel Maffei will provide the Luncheon Keynote address at the Coalition of New England Companies for Trade's (CONNECT) 28th Annual Trade & Transportation Conference on April 10. The conference takes place April 9-11, and more information about the agenda and cost to attend can be found on the [CONNECT website](#).

Commandant Delivers Annual State of the Coast Guard Address – The 27th Commandant of the U.S. Coast Guard Adm. Linda L. Fagan on Wednesday, March 20th delivered the annual State of the Coast Guard Address in Washington D.C. Adm. Fagan provided an update on the current state and vision for the Service during a livestreamed event on Capitol Hill in front of senior leaders, partner agencies and government officials. Topics she discussed included continued demand for Coast Guard operations around the world; how the Service is addressing personnel gaps and maintenance challenges to ensure workforce and mission readiness; the Coast Guard's role in protecting the Marine Transportation System (MTS) from evolving threats; the Service's use of new

technology and systems; and the importance of new Coast Guard assets and facilities to support national security. Fagan also discussed improvements made to recruiting, talent management and the importance of strengthening Service culture. To view the recording of the event, click: <https://www.uscg.mil/alwaysready/>.

OSHA Requires Employers to Post 2023 Work-Related Injury Data with Employees – The Occupational Safety and Health Administration (OSHA) recently sent out an announcement requiring employers to post 2023 Work-Related Injury Data for review by their employees. Employers must post their 2023 Summary of Work-Related Injuries and Illnesses ([Form 300A](#)) in their workplace through April 30, 2024, in a location where employees can see it. The requirement applies to a broad swath of employers including those involved in port and harbor operations, marine cargo handling, navigation services to shipping, and other support activities for water transportation (employers falling under NAICS code 4883). To see more on this topic, please refer to the OSHA Fact Sheet link: [Improve Tracking of Workplace Injuries and Illnesses \(osha.gov\)](#).



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 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) has announced that they are now accepting FY 2024 applications for the following programs:

1. EPA's Clean Ports Program – The Clean Ports Program funds zero-emission port equipment and infrastructure, as well as climate and air quality planning at U.S. ports. The program includes two separate funding opportunities: the Zero-Emission Technology Deployment Competition and the Climate and Air Quality Planning Competition. There is \$2.8 billion available to be awarded for zero-emission technology deployment at ports, and \$150 million available to be awarded for climate and air quality planning. Applications must be submitted no later than May 28, 2024. For more information on the application process, [click here](#).
2. DOT Maritime Administration's Port Infrastructure Development Program (PIDP) – PIDP assists

in funding eligible projects for the purpose of improving the safety, efficiency, or reliability of the movement of goods through ports and intermodal connections to ports. There is \$500 million available to be awarded. Applications must be submitted no later than May 10, 2024. For more information on the application process, [click here](#).

3. 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. Selections will be announced no later than June 27, 2024. For more information on the application process, [click here](#). To view recordings of the FY 2024 RAISE Webinar Series, [click here](#).

Upcoming Events

NAWE on the Hill (NOTH) 2024 – We look forward to hosting the next 2024 NAWE on the Hill (NOTH) event for NAWE members in May. These fly-ins allow NAWE members the chance to directly interact with members of Congress and their staffs. If you would like to join, please RSVP for the event linked below.

- [RSVP for May 13-14, 2024 NAWE on the Hill](#)
- [Room block at Kimpton George Hotel \(\\$399 + tax / night\)](#)

Committee Meetings in April

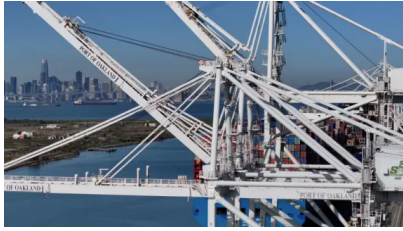
- April 9 - NAWE Legislative Committee at 4pm ET
- April 24 - NAWE Security Committee Meeting at 2pm ET

NAWE Member Spotlight

This year we are celebrating all the great things happening with NAWE Members! This section of our newsletter is a mix of self-reporting and collection of publicly available news stories. Please send any updates you'd like highlighted in this section of our newsletter to ckennedy@nawe.us.

- [SSA Marine and Port of San Diego launch electric cargo handling vehicles](#)

Articles of Interest



CNBC

[A look inside the Chinese cyber threat at the biggest ports in US](#)
March 13, 2024

Cybersecurity risks associated with Chinese-made cranes at U.S. ports are not new, and recent White House action and hearings on Capitol Hill have escalated the claims about potentially serious national security vulnerabilities embedded in key infrastructure. But the Biden administration, lawmakers and ports management continue to differ in their views of the true nature of the threat.



American Journal of Commerce

[The Northwest Seaport Alliance launches study to examine offshore wind supply chain opportunities](#)
March 20, 2024

The Northwest Seaport Alliance (NWSA) will be launching a feasibility study to evaluate business opportunities in the offshore wind supply chain. The study aims to assist the NWSA in positioning the gateway to support the burgeoning offshore wind (OSW) supply chain market.



Maritime Executive

[Houthis made political deal with Russia and China for safe passage](#)
March 21, 2024

For the second time this year, it is being reported that the Houthi militants in Yemen are promising safe passage for vessels associated with Russia and China while the group continues its daily assaults on shipping in the Red Sea and Gulf of Oman. It is further evidence of the commenters' view that the Houthis are using the war in Gaza as a lever to gain more prominence on the world stage.



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