



National Association of Waterfront Employers

November 10, 2023

## NAWE News

### Latest with NAWE

**NAWE Welcomes True North Group, LLC as New Member** – NAWE is pleased to announce that True North Group, LLC has become our organization's newest member. True North Group provides independent operational cybersecurity services for supply chain and transportation stakeholders with the no-fail mission of keeping freight moving safely. While the company provides cybersecurity assessments, testing, remediation and strategic planning services, its specialty is large-scale and highly complex marine terminal and marine transportation cyber projects. True North Group is comprised of a multi-disciplinary team with operational experience in maritime trade and transportation and technical cybersecurity leadership experience. NAWE welcomes True North Group LLC to our organization and is looking forward to working together on advancing our industry's priorities.

**NAWE Secures New Cosponsors of H.R. 4993, Bipartisan Legislation to Expand the Capital Construction Fund** – NAWE is pleased to announce that several additional members of Congress have signed on as cosponsors to H.R. 4993, bipartisan legislation to expand the Capital Construction Fund. The additional cosponsors of the legislation include Chairman of the Subcommittee on Railroads, Pipelines, and Hazardous Materials, Congressman Troy Nehls (R-TX-22); Representative Jake Auchincloss (D-MA-04), Coast Guard and Maritime Subcommittee member; Congressman Trent Kelly (R-MS-01), Chairman of the House Armed Services Committee Sea Power and Projection Forces Subcommittee; and Transportation and Infrastructure Committee members Brian Babin (R-TX-36), Aaron Bean (R-FL-04), and Clay Higgins (R-LA-03). Since the bill's introduction on July 27, 2023, NAWE members and staff have been working to add cosponsors to the legislation, and the new additions are attributable to that hard work.

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.

**U.S. Coast Guard Accredited Facility Security Officer (FSO) Course to be Offered November 14-16, NAWE Members to Receive Discounted Rate** – On November 14-16, Terminal Security Solutions (TSS), Inc. is offering a U.S. Coast Guard (USCG) accredited FSO Course in Long Beach, California. This course provides the required knowledge to those holding the position of FSO, Alternate FSO, or for those seeking certification for professional development, as per 33 CFR 105.205. This three-day course is taught by one of the most experienced MTSA and ISPS instructors in the country, with both regulatory and real-world application expertise.

The fee for this course is normally \$1,250 per student, but TSS is offering a 10 percent discount for any NAWE member. For two or more students registering from the same company, the discount will increase to 15 percent per student.

**Event:** USCG Accredited FSO Course

**When:** November 14-16, 2023

**Where:** 3806 Worsham Ave., Long Beach, CA 90808

For more information and to register, please visit the course registration website at [www.termsec.com](http://www.termsec.com) or email [education@termsec.com](mailto:education@termsec.com)

## NAWE Legislative Updates

**Potential Federal Government Shutdown Looms as Short-term Government Funding Patch to Expire Next Friday (November 17)** – The 45-day stopgap funding bill Congress passed in late September to provide temporary funding for continued operations of the federal government expires at midnight next Friday, November 17. When the temporary funding bill, known as a continuing resolution (CR), was enacted, it was hoped that the 45 days would provide sufficient time for congressional leaders to complete action on the FY 2024 appropriations bills or an omnibus funding package. A complicating factor in moving forward on the FY 2024 funding bills was that all action in the House came to an abrupt halt for 3 weeks in October after Rep. Kevin McCarthy (R-CA-20) was removed as Speaker of the House. The House was able to resume its work on the FY24 funding measures after the Republican Conference finally filled the Speaker's seat in the chamber by electing Rep. Mike Johnson (R-LA-04).

While there's been incremental progress in Congress towards completing the FY 2024 appropriations bills, significant work remains to be done to finalize a funding package that will pass both chambers of Congress and that President Biden will sign into law. To date, the House has passed 8 of its 12 appropriations bills, including the FY24 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). The House has not yet brought its version of the FY24 Transportation-HUD (T-HUD) Appropriations bill up for a vote. This legislation also is of 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 passed three of its 12 funding bills last week in a single "minibus" package that included the FY 2024 Agriculture-FDA, Military Construction-VA, and Transportation-HUD Appropriations bills. According to recent press reports, Senate Majority Leader Chuck Schumer (D-NY) intends to bring to the Senate floor in the coming days a larger "megabus" funding package that will combine into a single package the remaining 9 appropriations bills.

The House Freedom Caucus reportedly is pushing for a "laddered CR." Under this approach, the House would pass two stopgap funding packages—one would extend funding for four relatively non-controversial appropriations bills until early December, and the second package would extend funding for the other eight more contentious appropriations bills through mid-January 2024. There seems to be little support for a laddered CR approach in the Senate by either the Democrats or Republicans.

To add further uncertainty, on Thursday, November 9<sup>th</sup>, Bloomberg Gov reported that Speaker Johnson may release a proposal to provide temporary funding for the federal government as soon as next Tuesday. The same report indicated that the Speaker would bring his CR proposal to the House floor for a vote. If approved, Speaker Johnson would then have a bill with which to begin negotiations with the Senate and White House. No additional details are available at this time about the length of the CR or whether it would provide funding to federal agencies at FY23 levels.

In addition to the work to complete the FY24 appropriations or enact another CR, the White House and Congress are also considering emergency appropriations packages to provide security assistance to Israel, Ukraine and Taiwan. The Biden Administration recently submitted to Congress a \$106 billion national security supplemental appropriations request for assistance for all three nations. On November 2, new House Speaker Johnson brought up a \$14.3 billion security assistance package for Israel which passed the House, but it did not provide funds requested by the White House for humanitarian assistance for civilians in Gaza and security funding for Ukraine and Taiwan.

Again, there are few days remaining before the current CR expires and much to resolve in negotiations. With all sides so far apart, it seems likely that Congress and the White House will have to pass another CR for some period of time by next Friday to avert a shutdown. The NAWE team will continue to closely monitor and report further on any significant developments.

**North Atlantic Right Whale Amendment Passed by Congress** - Representative Mike Collins (R-GA-10) introduced an amendment to the Department of Interior, Environment, and Related Agencies Appropriations Act for fiscal year 2024 that would prohibit funds from being used to finalize, implement, administer, or enforce the National Oceanic and Atmospheric Administration's (NOAA) vessel speed limiter rule. Earlier this year, NOAA published a proposed rule that would limit the speed of all vessels over 35 feet to ten knots within navigable waters along the Atlantic seaboard aiming to protect the North Atlantic Right Whale. The amendment was adopted, and the House passed the bill on November 3<sup>rd</sup>, 2023. NAWE will continue to monitor the amendment as it moves through the legislative process.

**National Maritime Safety Association (NMSA) Makes Rounds on Capitol Hill** – This week, the National Maritime Safety Association (NMSA), the sister organization to NAWE that focuses on maritime and waterfront safety, visited with Members of Congress and their staffs as well as House and Senate Committee staff to educate policymakers on its mission and objectives. These meetings laid a strong foundation and built lasting relationships with staffers who develop policy that impacts our industry. The group met with Congresswoman Virginia Foxx (R-NC-05) who is the Chair of the House Education and Workforce Committee as well as staff members from Senator Ted Cruz (R-TX) and Representatives Nannette Diaz Barragan (D-CA-44), Brian Babin (R-TX-36), Robert Garcia (D-CA-42). Additionally, the group met with staffers from the House Transportation and Infrastructure Committee, the House Education and Workforce Committee, and the Senate Health, Education, Labor, and Pensions (HELP) Committee.

## NAWE Regulatory Updates

**EPA Holds Webinar on Clean Ports Program** – On October 31, 2023, the EPA's Ports Initiative hosted a webinar on the agency's plans for the new Clean Ports Program, a \$3 billion Inflation Reduction Act program to fund zero-emission port equipment and technology and to help ports develop climate action plans to reduce air pollutants at U.S. ports. During the webinar, updates on key design elements for the program's two subprograms – Climate and Air Quality Planning and ZE Technology Deployment – were discussed, including anticipated eligible activities and equipment, evaluation criteria, program structure, timeline and more. The EPA anticipates this new funding opportunity will become available for application through a notice of funding opportunity (NOFO) released in late winter 2024. NAWE will update members on the timing of the NOFO's release in future editions of NAWE News. To review the webinar's presentation slides, click [here](#).

**Federal Maritime Commissioner (FMC) Sola Speaks at Global Commerce Exchange in Miami** – On October 27, 2023, FMC Commissioner Louis E. Sola addressed an audience full of maritime industry association members attending the Global Commerce Exchange at the Fort Lauderdale Boat Show. The exchange focused on the recent developments of the Port of Miami. Commissioner Sola discussed his work at the FMC, policy issues facing the maritime sector, and his roots in Miami, Florida's maritime industry. The topics of Commissioner Sola's remarks revolved around the oversight and regulation of the international transport system and shipping decarbonization efforts. For more information click [here](#).

**FMC Commissioner Sola Featured Speaker at the American Maritime Forum** – FMC Commissioner Luis E. Sola delivered a compelling presentation at the American Maritime Forum held in Miami, FL on October 24, 2023, advocating for regulations promoting sustainability and green fuels as the combination necessary to achieve timely decarbonization in shipping. The International Maritime Organization has set the goal of achieving at least forty percent reduction in carbon emissions from ships by 2030. Commissioner Sola said that to meet that goal, maritime and industry leaders must work cooperatively to remove barriers that impede progress in successfully decarbonizing the shipping industry. For additional information click [here](#).

**FMC Commissioner Sola Speaking at LNG Bunkering Summit on November 15** – Commissioner Louis Sola will participate on a panel exploring “US Energy Policy and LNG’s Position” at the [LNG Bunkering North America Summit 2023](#), on November 15 in Miami. More information on the agenda and cost to attend can be found on the event website.

**FMC Releases September 2023 Activity Report** – On October 30, 2023, the FMC released its September 2023 Activity Report. Among the statements and releases included in the FMC report are: 1) [FMC Discusses OSRA Implementation, Consumer Assistance Accomplishments](#); 2) [Chairman Maffei 2023 Malcom McLean Award Winner](#); and 3) [Video of Federal Maritime Commission September 21, 2023 Meeting](#). 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**

**EPA’s Diesel Emissions Reduction Act (DERA) Grants** – The U.S. Environmental Protection Agency (EPA) is now accepting proposals for fiscal 2022-2023 grants under the Diesel Emissions Reduction Act (DERA). There is \$115 million available to be awarded. Applications must be submitted no later than Friday, December 1, 2023. The DERA program partially funds projects that achieve significant reductions in diesel emissions. Repowering of marine vessels with lower-emission engines is a permissible purpose. A private company cannot submit an application directly but must work through an eligible entity. An eligible entity includes (1) a port authority or a governmental agency with jurisdiction over transportation or air quality (such as a metropolitan planning organization), or (2) a nonprofit organization with a principal purpose of promoting transportation or air quality or one that provides pollution reduction or educational services to operators of diesel fleets. DERA is a competitive program and is not restricted simply to marine transportation. Funding is divided among the various EPA Regional Offices, so an applicant must compete against other proposals from the same region. There is a requirement for a non-federal cost-share, the size of which depends upon the type of project being proposed. Extensive information about the DERA program, the application process, and the criteria for judging applications can be found at <https://www.epa.gov/dera/national>.

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 Grants Webinar** – This week, NAWE was pleased to host a grants webinar with Sarah Bagwell Rudy, a grants expert from the consulting firm Burns & McDonnell. During the webinar, Sarah shared her insights and expertise in the grant application

process and discussed a strategic approach to seeking grant funding, including what applicants can do before a Notice of Funding Opportunity (NOFO) is released to be better positioned for success. She also shared practical tips to meeting grant program requirements. If you weren't able to attend the webinar, it was recorded for distribution to NAWE members. Please reach out to [ckennedy@nawe.us](mailto:ckennedy@nawe.us) for a link to the recording.

## Articles of Interest

### **American Journal of Transportation**

[It can now cost \\$4 million to skip the queue at the Panama Canal](#)  
*November 9, 2023*

A logjam at the Panama Canal is leaving shipowners hauling everything from fuels to grains between the US and Asia with no good options - spend weeks waiting at sea, sail around South America, or pay an exorbitant amount to jump the queue. Japan's Eneos Group forked out \$3.98 million in an auction Wednesday to secure a crossing, bidding documents show.

### **Wall Street Journal**

[Venture Capital Cools on Supply-Chain Tech Startups](#)  
*November 2, 2023*

Venture-capital firms that once provided supply-chain technology startups with hefty backing at gaudy valuations have been tightening their purse strings this year, pushing some of the businesses to slash costs, cut staff and look for other ways to survive in a weak freight market. Thinning investor support contributed to the collapse of digital freight startup Convoy, which ceased operations in October just 18 months after topping out at a \$3.8 billion valuation.

### **Journal of Commerce**

[Breakbulk sector poised for boost amid rising commodity prices](#)  
*November 7, 2023*

Growth in seaborne trade and demand for general cargo remain steady, supported by positive global economic growth, investment in environmentally sustainable energy solutions and continued government stimulus packages in the wake of the COVID-19 pandemic. Commodity prices, from minerals to grain to oil, continue to rise, leading to further investments in mining, agriculture and oil and gas projects, all of which is good news for breakbulk and project shippers and their service providers.