

Deep Water Port *notes*

The News Portfolio of The Connecticut Deep Water Port Community

New London . New Haven . Bridgeport

Maritime Matters in Washington

by Mr. Paul Bea

Republicans now rule Capitol Hill and veteran Senate Democrats are being reminded of how it feels to be in the minority. Republicans have held the majority in the House and Senate more often than not in the previous 10 congresses, since 1995. At the other end of the avenue is a president who has confronted more than his share of domestic and international crises. January is the starting gun for his latest test – working with the 114th Congress and its routinely unfriendly and uncooperative Republican membership.

The leaders in the House and Senate themselves face internal and external challenges as they assume on behalf of their caucuses the collective role of governing. Speaker Boehner (R-OH) and Majority Leader Mitch McConnell (R-KY) understand that the GOP is well positioned to turn around the “do-nothing Congress” label its members made possible—even intended—over recent years. Democrats, with little control over committees, the bills they produce, and the floor schedule, will not be plausible scape goats for a failure to legislate. The success of a legislature is measured by legislative productivity. Can they be productive with the Obama White House, which has vetoed exactly two bills in the past six years. The test for President Obama is how well he will deal with the new Congress, his new partner in making law. In other words, they need each other. Few points will be awarded if progress is not seen in Washington. So, the question is whether the president can find within him the resolve of Bill Clinton, who made lemonade out of the GOP blowout of 1994, and whether the Republicans will function as if they want to be remembered as the “did-something Congress.”

All of that is background to this quick rundown of just some of the issues and questions that are of interest to the port/maritime industry.

The president put his previously stated policy view into surprise policy action with his late December announcement on normalizing diplomatic relations with Castro’s Cuba. Any number of ports, exporters and others no doubt were pleased by the news. Congress will either come down hard on the White House initiative or, with an eye on what Castro does in the months ahead, show a willingness to reconsider the trade embargo that can only be ended by a change in law.

Last year, Congress came close to hitting the “target” of spending \$1.2 billion from the Harbor Maintenance Trust Fund. The enacted water resources law (WRRDA 2014) sets incrementally larger targets for Congress to meet with funding for channel maintenance and other work authorized to be supported by trust fund monies. Will the Republicans, as the saying goes, “put trust back in the trust fund” or continue to allow the HMT charge against cargo to be used as general revenue applied against other Federal spending?

The 113th Congress produced a “sense of Congress” statement



*Tanker Challenge Passage outbound New Haven Harbor
after discharging gasoline at Motiva Dock.
Photo by Connecticut Senior Marine Pilot Captain Charles P. Jonas*

Maritime Matters in Washington continued on page 2



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Maritime Matters in Washington continued from page 1

generally in support of the US-flag and Jones Act sectors. In general terms it can be interpreted as reaffirming existing maritime policy. Around the same time John McCain (R-AZ) reaffirmed his own maritime policy to undue the Jones Act in a speech to the conservative Heritage Foundation. He and the petroleum industry actively urge changes to current law. Meanwhile the Maritime Administration and the Secretary of Transportation will steer a National Maritime Strategy document through the policy and political wringers of the Obama Administration. What will that say about Administration policy and what if anything needs to be done to improve the American flag-bearing merchant marine or ports?

In 2015 Congress will have to tackle surface transportation policy and funding. Will it include real money to renew freight corridors and build new infrastructure to support modern, intermodal commerce? Will Congress bite the bullet and find the money to pay it or, for that matter, to save the failing Highway Trust Fund?

The issues that may arise in the new Congress are many. Committees are establishing their work plans for the year ahead.

What will the Republicans serve up in the way of budget cuts and appropriations? Will a uniform ballast water policy finally become law? Will the TWIC reader rule be implemented as is? Will Congress see a Federal role in helping ports, cities and businesses plan for rising sea levels and assist in improving waterfront infrastructure? Will the Coast Guard prepare helpful guidance and rules on cybersecurity and will the industry actively engage in developing it? Will Federal tax policy foster off shore wind energy development? How will new committee leaders address shipper complaints about railroads? Will the FMC engage in more than oversight as terminals, cargo owners and carriers struggle to solve the port congestion problem? Will a Republican Congress renew the expired TRIA reduce Federal regulation? Will that Congress and a White House Democrat come to terms on tax reform, infrastructure funding, and trade policy? Last, how well does Congress understand these and other problems facing the port/maritime sector?

Paul Bea is a government relations and policy advisor in Washington, DC. He discusses marine transportation system matters at www.MTSmatters.com.

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