

## Kirby CEO Urges Support for Jones Act at House Subcommittee Hearing

### Pyne Testifies for American Maritime Partnership

Testifying on behalf of the American Maritime Partnership, Kirby Corporation Chairman & CEO Joseph Pyne urged Members of Congress to strongly support the Jones Act for the economic, national security, and homeland security benefits it provides to the United States. Mr. Pyne delivered his testimony at a May 21 hearing before the House Subcommittee on Coast Guard and Maritime Transportation on "The Role of U.S. Ships and Mariners." The first panel consisted of government witnesses who discussed the government's role supporting U.S. ships and mariners, including John Porcari, Deputy Secretary of Transportation, and Gen. William Fraser,

Commander, U.S. Transportation Command. The second panel consisted of U.S. maritime industry leaders representing vessel owners, shipbuilders, and maritime labor unions.

In his statement, Mr. Pyne said "the Jones Act not only helps ensure national security, but also provides good paying jobs and good benefits for workers in America. The domestic maritime industry sustains half a million jobs and takes care of its people. When the markets are tight, even discussing waivers makes matters worse, sends a chilling message to job creators and causes shippers to be less committed to supporting new Jones Act vessels." When asked what Congress can do to help the U.S. maritime industry, Mr. Pyne urged Congress to maintain and convey certainty that the Jones Act will be upheld as the law of the land. "Government should not send mixed messages because it dampens the enthusiasm for investment, and there should be no mixed message in compromising the Jones Act," Mr. Pyne added.

Throughout his testimony, Mr. Pyne underscored the importance of steadfast Congressional support for the Jones Act and how the industry's future hinges upon that continued resolve. Mr. Pyne noted Kirby's significant financial commitment as well as that of other AMP member companies, stating that investments "are occurring in virtually every segment of the domestic U.S.-flag industry—dredging and marine construction; tugboats, towboats and barges; passenger vessels; and tank and dry cargo vessels. Thousands of workers in American shipyards and related businesses build these vessels, helping to sustain the

shipbuilding industry base. Thousands of American seafarers are employed on the new vessels, providing a pool of seafarers to meet military sealift requirements. The domestic U.S.-flag maritime industry has demonstrated time and again that it can, and will, continue to meet America's transportation needs."

Commenting on Mr. Pyne's testimony, AWO President & CEO Tom Allegretti stated that "without a doubt, Joe's thoughtful testimony and honest perspective as an industry leader gave the Subcommittee members a greater understanding of how much the industry depends on Congress to vocally and visibly support the Jones Act and how integral that support is to both the industry's future growth and the benefits the industry provides to the nation."

Other panelists also showed strong support for the Jones Act. Fred Harris, CEO of NASSCO, testifying on behalf of the Shipbuilders Council of America, said the Jones Act is critical to U.S. maritime strength and emphasized that it is vital that the U.S. maintain its shipbuilding capability. Augie Tellez, Executive Vice President of the Seafarers International Union, called the domestic Jones Act industry "vibrant and growing."

In his opening statement, Subcommittee Chairman Duncan Hunter Jr. (R-CA) reflected his hope that the new leadership of DOT and MARAD will protect the U.S. maritime industry by reducing Jones Act waivers. He also questioned the President's budget that restructures the Food for Peace program, under which U.S. agricultural commodities are moved on U.S. vessels to needy nations around the world.

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Subcommittee Ranking Member Rep. John Garamendi (D-CA) stressed how Jones Act vessels constitute a substantial component of national defense and took the opportunity to champion the industry at large, saying “we should take steps to enhance and grow cargo for American vessels. We can do that by enforcing the Jones Act. I will continue to advocate for a better environment for maritime transportation to succeed and, from the bottom of my heart, I thank our mariners for their work.”

In his statement, Deputy Secretary Porcari stated the importance of the Maritime Security Program in providing

60 commercial vessels ready to meet national security needs, as well as reiterated DOT’s support for the Jones Act. Gen. Fraser then stressed the importance of U.S. merchant mariners to U.S. sealift capacity, calling domestic mariners “critical” to U.S. military capabilities.

Both panels received several questions from subcommittee members in attendance at the hearing, including Reps. Elijah Cummings (D-MD), Howard Coble (R-NC), Janice Hahn (D-CA), and Tom Rice (R-SC). Rep. Coble questioned Deputy Secretary Porcari about the progress made since last year’s

passage of the Coast Guard Authorization Act requiring that MARAD improve disclosure in Jones Act waivers. Deputy Secretary Pocari’s response to that line of questioning continued to defend the Administration’s actions relating to the more than 40 Jones Act waivers that occurred after the 2011 SPR drawdown, indicating that the Administration’s position on Jones Act waivers has not substantially changed.

To watch the hearing, click [here](#). To read Mr. Pyne’s testimony, click [here](#). For more information on AMP or the Jones Act, please contact Tom Allegretti or Brian Bennett at (703) 841-9300, extensions 250 and 279 respectively, or via email at [tallegretti@vesselalliance.com](mailto:tallegretti@vesselalliance.com) or [bbennett@vesselalliance.com](mailto:bbennett@vesselalliance.com).

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## AWO Chairman Delivers *Marine Log* Conference Keynote Address

On May 21, AWO Chairman Buckley McAllister, President, McAllister Towing, delivered keynote remarks at *Marine Log*’s 10th annual Tugs & Barges Conference, an executive-level event that examines critical issues impacting market development and the design, construction and operation of vessels, which was held in Stamford, CT. Mr. McAllister’s remarks focused on the need for resiliency in the industry and stressed the importance of coming together to urge continued steadfast support for vessel operators, the larger domestic maritime industry, and the Jones Act.

Mr. McAllister began his remarks by acknowledging the many contributions of domestic mariners in honor of National Maritime Day and discussed the challenges of continuing to make those contributions. “We are constantly being confronted with new regulatory burdens. The technology involved in our operations is rapidly changing.

Developing a workforce capable of meeting these requirements and adapting to these challenges is increasingly difficult. Then every once in a while, we are faced with a game changer from Mother Nature or a fundamental shift in market economics that can undermine even the best laid plans to provide a safe, high quality service.”

Pivoting to how best address those challenges, Mr. McAllister stated that “the best approach is to focus on improving the resilience of our industry. And, a fundamental aspect to building a resilient maritime industry is preserving the law that undergirds it – the Jones Act.”

Mr. McAllister used the example of his family’s company, founded in 1864 and steadily built over the subsequent generations. Its business model has remained essentially the same: “take care of your customers, take care of your employees, and reinvest resources

back into the business.” For McAllister, he noted, that means investing in technologies and vessels that will meet growing transportation needs. “If we are going to get a return on investment in the U.S. merchant marine industry, we will need to be able to rely on the Jones Act setting the economic rules for that industry.”

He reiterated the need for industry members not to “be silent and let others define us. This is an industry rich in tradition, and one that is absolutely vital to our country’s future economic growth. We need to spread the word about this industry and how critical the Jones Act is to our industry’s, and our nation’s, continued vitality.”

For more information on the Marine Log conference, contact Ann McCulloch, Director – Public Affairs & Communications, at (703) 841-9300, extension 252, or [amcculloch@vesselalliance.com](mailto:amcculloch@vesselalliance.com).

## WRDA Bill Passes the Senate

On May 15, the U.S. Senate overwhelmingly passed S. 601, the Water Resources Development Act of 2013, with wide bipartisan support by a vote of 83-14. As mentioned in the May 13 *AWO Letter*, the bill included several provisions supported by AWO and Waterways Council, Inc. that advance the Inland Waterways Capital Development Plan. S.601 was the first WRDA bill to pass the Senate since 2007.

Prior to final passage, debate occurred on an amendment introduced by Senators John Hoeven (R-N.D.) and John Thune (R-S.D.) that blocks the U.S. Army Corps of Engineers from charging residents and businesses a surplus water fee for access to Missouri River reservoirs. The measure was adopted by voice vote.

Passage of WRDA signals a commitment by senators to improving

the long term reliability of the coastal and inland waterways system. AWO devoted significant grassroots advocacy assets to raise the importance of this issue with the Senate, and made the Capital Development Plan a key issue during the Barge-In last month.

With the Senate having completed its work, the spotlight now falls on the House of Representatives, where House Transportation and Infrastructure Committee Chairman Bill Shuster (R-PA) and Water Resources Subcommittee Chairman Bob Gibbs (R-OH) are in the process of crafting a WRDA measure. Reps. Shuster and Gibbs continue to conduct extensive outreach to stakeholders and Members of Congress to inform their approach to writing a bill. Chairman Shuster recently indicated that a draft would be ready at some point in the summer, but did not specify a date.

For more information, please contact Craig Montesano at (703) 841-9300, extension 297, or [cmontesano@vesselalliance.com](mailto:cmontesano@vesselalliance.com).

## Coast Guard Publishes Top Ten Most Common Towing Vessel Deficiencies

On May 16, the U.S. Coast Guard's Towing Vessel National Center of Expertise published a list of the top ten deficiencies found while conducting exams on towing vessels during the Towing Vessel Bridging Program between February 2009 and February 2013. To read the list, click [here](#).

TVBP examinations began in 2009 as a prelude to the forthcoming towing vessel inspection regulations. Under the program, Coast Guard examiners board towing vessels – first on a voluntary basis, later on a non-voluntary, priority basis - to check each vessel's compliance with existing regulations. According to the TVNCOE, deficiencies found aboard towing vessels in the four-year span between 2009-2013 most frequently involved: 1) remote fuel shut-off valves, 2) general alarms, 3) navigation lights, 4) drug and alcohol testing policies, 5) fire detection control panels, 6) official/unofficial logbooks, 7) vessel compasses, 8) marine sanitation devices, 9) fire extinguisher brackets, and 10) official number markings.

The Coast Guard has noted that its top ten list is ranked in order of the frequency in which examiners have found these deficiencies onboard towing vessels, and does not reflect the potential impact that these deficiencies could have on towing vessel safety. Also, the list does not reflect operations or excess equipment conditions that are not in violation of existing Coast Guard regulations. The Coast Guard and AWO, working through Bridging and Implementation Team Working Group #5, have agreed to develop a process to utilize the information to improve safety and to further prepare the industry for inspection.

For information about the TVBP examinations and how to prevent these and other deficiencies, please contact your local Coast Guard Sector/Inspections Division or the TVNCOE. For more information about the Bridging Program, please contact Lynn Muench at (314) 446-6474 or via email at [lmuench@vesselalliance.com](mailto:lmuench@vesselalliance.com); or contact Brian Vahey at (703) 841-9300, extension 251, or via email at [bvahey@vesselalliance.com](mailto:bvahey@vesselalliance.com).

### Spring Convention Survey Winner

We are sincerely grateful to the 41 respondents to the 2013 Spring Convention Survey. Their thoughtful feedback will help us improve our conventions and meetings.

*Congratulations to the winner of the survey drawing!*

**Mike Somales**  
**CONSOL Energy Sales Company**

A donation on his behalf will be given to the Washington County, Pennsylvania Habitat for Humanity®.

## MERPAC Working Group to Examine STCW Engineering Requirements for High Horsepower Vessels

On June 11-12, a working group of the Merchant Marine Personnel Advisory Committee will meet to discuss competency requirements for engineering personnel on high-horsepower vessels, including towing vessels, under the STCW convention. MERPAC is a federal advisory committee that makes recommendations to the U.S. Coast Guard regarding the training and certification of personnel in the U.S. merchant marine.

Horsepower is the key factor in establishing requirements for engineering officers and crew on vessels subject to STCW. As written, STCW requirements for engineers are the same for all vessels with propulsive power greater than 3,000 kW (4,000 hp) that operate outside the Boundary Line. Because almost all U.S. oceangoing tugboats exceed this horsepower threshold, tugboat engineers could be subjected to the same STCW requirements as their counterparts on much larger oceangoing ships.

In order to avoid this result, MERPAC is tasked with formulating engineering competency requirements specifically for personnel on towing vessels subject to STCW. This guidance could then be utilized to change the current STCW requirements by adding a separate competency table for engineers on towing vessels. AWO members that operate affected vessels and subject matter experts with towing-specific engineering knowledge are encouraged to participate.

The MERPAC task statement can be viewed [here](#). For more information on the meeting, please contact Kevin Dowling at (703) 841-9300, extension 264, or [kdowling@vesselalliance.com](mailto:kdowling@vesselalliance.com). The Coast Guard staff contact for this meeting is Mr. Davis Breyer. He can be reached at (202) 372-1445 or [Davis.J.Breyer@uscg.mil](mailto:Davis.J.Breyer@uscg.mil).

## NTSB Makes Recommendations in *Delta Mariner*/Eggner's Ferry Bridge Report

The National Transportation Safety Board met on May 14 to present an accident investigation report regarding the allision of the cargo vessel *Delta Mariner* with the Eggner's Ferry Bridge near Aurora, Kentucky on January 26, 2012. The NTSB report contains several recommendations to the involved federal and state government agencies and to vessel operators. The report calls on vessel operators to:



- Fully utilize all available e-navigation systems, especially to verify the safety of a course in conditions with questionable lighting and signals;
- Clarify the responsibilities of contract pilots and how a vessel's bridge crew interacts with them, and clearly define the route expertise expected; and,
- Develop detailed passage plans that clearly state the known risks of a specific inland waterway, and ensure that these plans are used by the bridge team in the navigation of the vessel.

The report also recommends that the U.S. Coast Guard explore a more modern means of transmitting essential safety messages to vessels to replace the current VHF radio transmission system. The report faults the contract pilot, and the deck crew's exclusive reliance upon him, as the primary probable cause of the allision. The bridge crew did not intervene as the contract pilot steered the vessel toward a segment of the bridge with clearance too low for the *Delta Mariner*. They relied solely on his pilotage and did not utilize available e-chart systems that would have provided better guidance. Faulty lighting on the Eggner's Ferry Bridge, which lit only a low-clearance recreational channel at the time of the accident, was cited as a secondary probable cause, as was improper safety oversight of the vessel. Drugs, alcohol, and mobile phones were ruled out as contributing factors.

The *Delta Mariner*, owned by Foss Maritime Company, was shipping rocket components to NASA in Cape Canaveral, FL, when the allision occurred. The cargo was not damaged and the vessel itself sustained only minor damage. The Eggner's Ferry Bridge, which crosses the Tennessee River near Aurora Kentucky, lost a 300 foot section in the accident. Despite extensive damage to the bridge, no injuries were reported.

To view a copy of National Transportation Safety Board's Report, click [here](#).

## Coast Guard Issues Guidance on MARPOL Energy Efficiency Requirements

The U.S. Coast Guard has published a policy letter on compliance with MARPOL Annex VI International Energy Efficiency requirements to serve as interim guidance for U.S.-flag vessels pending publication of Coast Guard regulations implementing the requirements. As of January 1, vessels 400 GT ITC or above that operate internationally are subject to the Annex VI requirements. The lack of Coast Guard regulations does not exempt affected vessels from the international requirements, and the Coast Guard advises that failure to comply could lead to detention or delay in foreign ports.

Under MARPOL Annex VI, new vessels and vessels that have undergone a major conversion must conduct an energy efficiency survey and obtain an IEE certificate from a recognized classification society. Existing vessels that have not undergone a major conversion are not required to obtain an IEE certificate until the vessel's next International Air Pollution Prevention intermediate or renewal survey.

New vessels and vessels that have undergone major conversions are also required to create a Ship Energy Efficiency Management Plan. SEEMPs do not require Coast Guard or recognized classification society approval and may be part of a safety management system; however, they must be prepared according to Coast Guard guidelines. Similar to the IEE requirements, existing vessels are not required to have a SEEMP on board until the vessel's next International Air Pollution Prevention intermediate or renewal survey.

The policy letter confirms that towing vessels are not required to prepare an Energy Efficiency Design Index.

To view the policy letter, click [here](#). For more information, please contact Kevin Dowling or Caitlyn Stewart at (703) 841-9300, extensions 264 or 262, respectively, or [kdowling@vesselalliance.com](mailto:kdowling@vesselalliance.com) or [cstewart@vesselalliance.com](mailto:cstewart@vesselalliance.com).

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## White House Names Port of Pittsburgh Commission “Champion of Change”

In a ceremony on May 8, the U.S. Department of Transportation and the White House Office of Public Engagement recognized the Port of Pittsburgh Commission as a “Champion of Change” for its work in creating “Transportation Technology Solutions for the 21st Century.” PPC’s Wireless Waterway Committee was hailed for providing exemplary leadership in implementing transportation technology solutions to enhance performance, reduce congestion, improve safety, and facilitate communication across the transportation industry.

The Wireless Waterway project, a collaboration between PPC members, the towing industry, academia, the U.S. Army Corps of Engineers and the Committee on Marine Transportation, originated from a critical gap in transportation technology, according to

PPC Executive Director Jim McCarville.

“While the towing industry was improving its own part of the system, and the Corps theirs, no one was capturing the efficiencies possible in the interaction between the two. We therefore hosted listening sessions throughout the river system, identified industry perceived problems and consulted with Carnegie Mellon University in the hopes of finding tech solutions already invented for other modes,” Mr. McCarville stated.

PPC worked to develop a secure network to share technology advances with towboats, terminals, truckers, first responders, government regulators, and government service providers. “Because the PPC was considered a trusted third party,” Mr. McCarville stated, “we linked the best expertise from each of these partners, all of



**Port of Pittsburgh  
Commission**

whom saw the benefit of having a common solution.” The first leg of the system has already been built and the project is expected to generate its own revenues for maintenance and expansion.

Mr. McCarville noted that the network will “bring transparency to an otherwise invisible system. It will improve security at the port and lead to better scheduling...we expect these efficiencies will not only attract new cargoes to the rivers, but that the increased cargo will help justify revitalization of the lock and dam infrastructure.”

For more information on the PPC Wireless Waterway project, please click [here](#).

## National Maritime Day Observed May 22; AWO Calls For Industry Awareness

In honor of National Maritime Day, AWO issued the press statement which appears at the right reminding Americans of the many contributions of the nation's tugboat, towboat and barge industry as well as the hard work and dedication of the nation's domestic mariners which makes those contributions possible. Additionally, the White House issued a Maritime Day proclamation which can be found by clicking [here](#).

### NewsRelease

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May 22, 2013

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### **AWO URGES GREATER INDUSTRY AWARENESS ON NATIONAL MARITIME DAY**

ARLINGTON, VA – The American Waterways Operators, the national trade association of the tugboat, towboat and barge industry, is using National Maritime Day to remind Americans about the many significant contributions of the nation's domestic mariners. Established in 1933, National Maritime Day was created to honor U.S. merchant mariners for their dedication to promoting commerce and protecting the nation. AWO President & CEO Tom Allegretti noted that “the original purpose is still very meaningful today.”

“This is a modern, vibrant industry that is moving the commerce of our nation safely and efficiently,” Mr. Allegretti continued. “We rely on waterborne commerce to sustain and grow our economy. So many essential industries depend on reliable water transportation – agriculture, petroleum, chemical, coal, manufacturing, construction. There is really very little that is not impacted by what is moving on our rivers and along our coasts.”

Mr. Allegretti also proudly noted the role that the nation's tugboat, towboat and barge operators play in assisting with national defense and homeland security, stating that “we have looked to our domestic mariners to assist the nation in rebuilding after natural disasters. Our members take great pride in being the eyes and ears on the nation's waterways to assist with homeland security. And on one of the nation's darkest days, in the wake the 9-11 terrorist attacks, the larger maritime community helped over 500,000 people leave Manhattan in the largest maritime evacuation in history,” he added.

“Water transportation is a part of our rich national tradition, but it is also vital to our continued prosperity. National Maritime Day gives us all the chance to reflect both on the dedication and hard work of the many men and women who serve in this industry and the responsibility we all share to ensure that the domestic maritime industry remains strong and vital to meet national security and economic needs today and in the future.”

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Southern Region**Sen. Cruz Staff Take Towboat Ride in Houston**

Buffalo Marine Service, Inc. hosted a towboat ride in the Houston Ship Channel for David Sawyer, Regional Director, office of U.S. Senator Ted Cruz (R-TX) on May 15 as part of the AWO grassroots program. AWO Board member Tom Marian led a tour of Buffalo Marine's office and explained the company's operations and its connection to the businesses located in the Port of Houston. Mr. Marian and Mark Wright, AWO Vice President – Southern Region, discussed important industry issues, including the Jones Act and waterways infrastructure. 🌊

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*Tom Marian, Capt. Buddy Martin, Buffalo Marine Service, Inc., and David Sawyer on a tour of the Houston Ship Channel.*

Atlantic Region**Members Meet with Coast Guard Sectors Baltimore and Norfolk**

AWO Atlantic Region members have recently hosted command staff from Coast Guard Sector Baltimore and Sector Hampton Roads to discuss several issues important to the towing industry. On May 9, AWO members met with Sector Baltimore Commander CAPT Kevin Kiefer to learn how sequestration is affecting the Coast Guard's approach to maintaining aids to navigation and other crucial port operations in Baltimore. AWO members and staff present included Rick Iulucci, The Vane Brothers Company; J.C. Dann, Dann Marine Towing LC; Croft Register, Express Marine, Inc.; Rudy Wohl, Weeks Marine, Inc.; Paul Swensen, Moran Towing Corporation; and John Harms, AWO Manager - Atlantic Region.

On May 16, AWO members met with CAPT Christopher Keane, Sector

Hampton Roads Deputy Commander, and LCDR Hector Cintron, Waterways Management Division Chief. Members discussed the status of several large construction projects in the region that will impact waterways traffic this year. The Midtown Tunnel expansion project, which connects the cities of Norfolk and Portsmouth, will necessitate the closing of the Elizabeth River for roughly eight 48-hour periods over the next 12 months. Sector Hampton Roads has pledged to work closely with the towing industry to minimize disruptions to AWO members.

Also discussed was the recent decision by the City of Norfolk City Council to pursue a No Discharge Zone in the Lafayette River, which abuts Norfolk Harbor. The Lafayette River is not navigable by most towing vessels due to draft restrictions, but the area would

be the first NDZ in the region. Members were able to convey their concerns to CAPT Keane and LCDR Cintron that NDZs often have inadequate pumpout facilities incapable of handling towing vessels due to draft and capacity concerns. Members and staff present at the meeting included Jeff Parker and Don Hinson, Kirby Offshore Marine, LLC; Stephen Furlough, Dann Marine Towing LC; Hugh McCrory, Norfolk Tug Company; Mason Keeter, The Vane Brothers Company; Johnny Gaskins and Josh Gerloff, Lyon Shipyard, Inc.; Lynn Muench, AWO Senior Vice President - Regional Advocacy, and John Harms.

For more information, please contact John Harms at (703) 373-2292 or [jharms@vesselalliance.com](mailto:jharms@vesselalliance.com). 🌊

Pacific Region

## Foss and AWO Host Congressional Staffers Aboard Hybrid Tug

Foss Maritime Company hosted staff members from the offices of California Representatives Duncan Hunter (R-CA) and Alan Lowenthal (D-CA) on May 9. Paul Hendriks of Foss Maritime and AWO Vice President -

Pacific Region Charlie Costanzo hosted a brief introductory meeting at the Foss dock and then Mr. Hendriks led a tour of Long Beach harbor aboard the Z-drive hybrid tug *Carolyn Dorothy*. The crew of the *Carolyn*

*Dorothy* demonstrated the unique hybrid diesel-electric propulsion system and discussed the promising technology that is helping to reduce air pollution in Southern California. The tour passed many vital industrial operations in the LA/Long Beach complex – the nation’s largest and busiest port – including terminals that receive containerized cargo and automobiles and facilities that process scrap metal for recycling.

The meeting presented an opportunity to demonstrate the value of the Jones Act to the staff of two critical legislators in Southern California. Rep. Alan Lowenthal has long championed air quality improvement measures in and around the Port. He was elected last year to represent Long Beach in the U.S. House of Representatives after serving as a legislator in Sacramento for 14 years. Rep. Duncan Hunter, the newly appointed Chairman of the House Subcommittee on Coast Guard and Maritime Transportation, offered the following statement as follow-up to the tour: “The Jones Act is vital to preserving America’s maritime industry and forging a way ahead that ensures U.S. shipping capacity and vessels remain an engine of our economic strength.”



### Welcome, New Carrier Members!

**Argosy Transportation Group, Inc.**

4747 Bellaire Boulevard  
Suite 275  
Bellaire, TX 77401

Rep: David Rogers  
Director of Finance

**CM Inland Marine LLC**

108 Crescent Bay Drive  
League City, TX 77573

Rep: Chris Minton  
President

Mike Harrison, Deputy District Director for Rep. Duncan Hunter; Helene Ansel, Senior Field Representative for Rep. Alan Lowenthal and Paul Hendriks, Port Captain, Foss Maritime Company, pose alongside the *Carolyn Dorothy* in the Port of Long Beach.