

PORT OF SACRAMENTO

81-868

18-1

PROPOSED RESOLUTION

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PORT DREDGING USER CHARGES

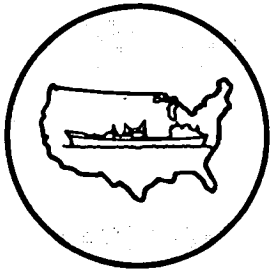
WHEREAS the U. S. Government has proposed legislation in the form of Senate Bill 809 which would materially change its participation in national port development, and

WHEREAS the proposal has ignored the necessity of a uniformly applied system of user charges to maintain the nationwide port system, and

WHEREAS Congressmen Robert Matsui, Vic Fazio and Gene Chappie, along with 18 other co-sponsors, have introduced H. R. 4862 in the U. S. Congress which bill calls for the imposition of uniform user charges, if, when and to the extent necessary,

NOW THEREFORE BE IT RESOLVED that the Sacramento City Council does commend Congressmen Matsui, Fazio and Chappie for their effort and urges them to continue to work for passage of their bill, and

BE IT FURTHER RESOLVED that copies of this resolution be furnished to President Ronald Reagan; Office of Management and Budget Director David Stockman; Senator James Abdnor, Chairman of the Water Resources Subcommittee of the Senate Environment and Public Works Committee and Congressman Robert Roe, Chairman of the Water Resources Subcommittee of the House of Representatives Committee on Public Works and Transportation, urging their support of HR 4862 and the principles embodied therein.



U.S. PORT SYSTEM

18-1
Advocates

P.O. BOX 815, WEST SACRAMENTO, CA. 95691 • TWX 910-367-3581 • TEL. (916) 371-8000

November 12, 1981

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- PORT ROYAL
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TAMPA
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WILMINGTON, DEL.

Enclosed you will find a copy of HR4862 introduced by Congressmen Matsui, Fazio, Chappie and 15 other Congressmen. This bill addresses the problem of the inability of the Federal government to fund its share of the port development program in a way that we believe will be livable for all parties, ports and shippers alike. I urge you to study and contact me if I can be of any assistance.

In addition, I would urge that you let your support of this bill be known wherever and however you feel is appropriate in Congress and the Administration. We are particularly anxious to obtain additional co-sponsors for the bill. If a Congressman doesn't feel he can co-sponsor for some reason, then he might be urged to join the Port System Caucus (contact through Matsui's office). Letters of appreciation to the prime co-sponsors, Matsui, Fazio and Chappie would also be appreciated.

Sincerely,

Melvin Shore

MS/mmg/ns
encl: Hr4862

STEERING COMMITTEE

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North Pacific Region
Lloyd Anderson, Portland

Great Lakes Region
Roy F. Hoffmann, Milwaukee

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United States
of America

CONGRESSIONAL RECORD

PROCEEDINGS AND DEBATES OF THE 97th CONGRESS, FIRST SESSION

Vol. 127

WASHINGTON, THURSDAY, OCTOBER 29, 1981

No. 156

House of Representatives

18-1

THE NATIONAL DEFENSE PORT SYSTEM ACT OF 1981

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 1981

ENVIRONMENTAL PREDICTABILITY

A timetable for steps in all Federal environmental permits for each port project would be established through the Corps of Engineers. To the extent possible, forms and reporting procedures would be standardized among Federal agencies. There is no provision for the override of State law, diminished compliance with Federal law, or restriction on judicial review of the substance of Federal law.

The current cosponsors on this legislation are: EDWIN DERWINSKI, KIKI DE LA GARZA, PARREN MITCHELL, AUSTIN MURPHY, DON BONKER, BO GINN, NEWT GINGRICH, TOM LANTOS, SAM GIBBONS, CHARLES HATCHER, CHARLES WILSON, TOM HARTNETT, JOHN NAPIER, and WILLIAM LEEMAN. We invite additional cosponsors.

The members of the U.S. Port System Advocates are: Albany; Anacortes; Bellingham; Buffalo; Camden; Canaveral; Chicago; Cleveland; Coos Bay; Delaware River Ports; Detroit; Duluth; Erie; Fort Pierce; Freeport; Georgia Ports Authority; Brunswick; Savannah; Grays Harbor; Gulfport; Humboldt Harbor; Illinois Ports; Indiana Port Commission; Jacksonville; Kalama; Longview; Lorain; Miami; Milwaukee; North Carolina Ports; Morehead City; Wilmington; Ogdensburg; Olympia; Orange; Oswego; Palm Beach; Panama City; Pensacola; Philadelphia; Port Everglades; Port Manatee; Portland, Ore.; Redwood City; Richmond; Sacramento; South Carolina Ports; Charleston, Georgetown, Port Royal; Superior; Tampa; Toledo; Vancouver; and Wilmington, Del.

Following is a section-by-section analysis of our bill:

Introduction: Section 1, title; section 2, findings and purposes; and Section 3, definitions.

TITLE I.—NATIONAL USER FEES—45 FEET AND SHALLOWER:

Sec. 101. Establishes task force to recommend to the Secretary of the Treasury user fees on deep draft ports to finance new navigation construction and operations and maintenance. Five-member task force would have one representative each from ports, shippers, carriers, the Corps of Engineers and the U.S. Trade Representative.

Sec. 102. Requirements on the schedule of user fees. Fees may be on commodities or on vessels, but they must be nationally uniform. The fees may be for less than 100 percent of expected construction and O. & M. costs, thereby anticipating continued Federal participation from general revenues. The task force, in recommending fees (and, subsequently, the Treasury in promulgating fees) must consider: (1) the effect on international trade; (2) the potential for diversion of cargo to foreign ports; (3) the result on competition between U.S. ports; (4) the ability of the trade to bear the rate; and (5) the total anticipated need for new construction and O. & M.

Sec. 103. Subsequent to the task force recommendation, the Secretary of the Treasury shall establish by regular rulemaking procedures a nationally uniform set of user fees. They may be for less than 100 percent of expected costs, anticipating Federal participation. Once the initial fees are established, they may not be raised or lowered more than 10 percent without recommending

the task force for further recommendations. Fees will be collected by the U.S. Customs Service.

Sec. 104. Establishment and use of trust fund. User fees from section 103 will be deposited in a port system trust fund. Standard trust fund management procedures are included, such as in the inland waterways trust fund. By authorization and appropriations acts of Congress, amounts in the trust fund will be available for: (1) new navigation construction to 45 feet or shallower; (2) O. & M. for channels and harbors 45 feet or shallower; and (3) the U.S. portion of O. & M. on the St. Lawrence Seaway and connections between the Great Lakes.

Sec. 105. St. Lawrence Seaway and Great Lakes. Eliminates the remaining debt on the original construction of the seaway upon enactment. Eliminates the collection of all tolls when fees are established under section 103. Includes the U.S. portion of O. & M. on the seaway and Great Lakes for payments from the port system trust fund. Provides interim collection of tolls for O. & M. and obligations of the Seaway Corporation other than debt service.

TITLE II.—CONSTRUCTION AND FINANCING—DEEPER THAN 45 FEET

Sec. 201. The Corps of Engineers shall give priority to channel projects deeper than 45 feet if the local port authority enters into an agreement for 100 percent local cost recovery.

Sec. 202. Permits a local port authority on its own to undertake a channel project to deepen to more than 45 feet.

Sec. 203. Permits the local authority to levy a duty of tonnage on ships drawing more than 45 feet which use the channel constructed under section 201 or 202 and financed by the port under those sections to pay for the construction.

Sec. 204. The U.S. Comptroller General periodically audits operations under section 203.

Sec. 205. Sets jurisdiction over section 204 in the local U.S. district court.

Sec. 206. Sets standard enforcement provisions for collection of duties under section 204.

TITLE III.—EXPEDITED PROCEDURE FOR APPROVAL OF NAVIGATION IMPROVEMENT PROJECTS AND RELATED LANDSIDE FACILITIES PROJECTS

Sec. 301. The Corps of Engineers, in consultation with appropriate federal agencies, will publish a schedule for completion of all decisions on permits, et cetera, for new navigation projects and construction of landside facilities related to those projects. The schedule will be published 75 days after congressional authorization of the project. The schedule will provide that all decisions be completed within 1 year after publication. Federal agencies will consolidate their proceedings. The Corps of Engineers will monitor and be able to modify the schedule.

Sec. 302. Provides consistency with obligations of other statutes.

Sec. 303. Provides a procedure for the Corps of Engineers to investigate the reasons for other agency's failure to meet the project schedule and empowers the corps to take necessary steps to see that decisions are promptly made, including, upon completion of the investigation procedure, the power of the corps to determine compliance with federal law in lieu of the defaulting agency. (No provision is made for diminished compliance with federal law, either statutes or regulations. No provision is made for override of State law.)

Sec. 304. Establishes the time and place for seeking judicial review of actions under Title III.

• Mr. MATSUI. Mr. Speaker, today along with VIC FAZIO, GENE CHAPPIE and cosponsors from every part of the country, I am introducing the National Defense Port System Act of 1981. We would also like to acknowledge the participation of our colleague, DON CLAUSEN, who, as ranking minority member on the Public Works Committee, cannot fairly cosponsor such a major bill which will be referred to his committee. This bill is the result of 3 months of work with a group of 52 deep-water ports from every coastal area and the Great Lakes, the U.S. Port System Advocates.

With 200 years of effort, the United States has created a national port system. This system has stimulated the economy and is an important asset for our national security. Communities have invested in landside facilities which have been matched by the navigation projects of the Federal Government. New developments threaten this partnership.

It is apparent that funding for new projects may not continue in the future, or may continue at less than 100-percent Federal participation.

Also, because of the increasing payments on the construction debt of the St. Lawrence Seaway, the deep-water ports of the Great Lakes have a decreasing ability to provide important water transportation to the Midwest.

Finally, in recent years, there has been an alarming growth in long and costly delays in the environmental permitting processes for port projects.

This legislation is designed to address these three developments.

UNIFORM USER FEES

The Department of the Treasury would establish and collect a nationally uniform schedule of fees on ships and/or cargoes in ships which draw 45 feet or less, to pay for harbor and channel projects from 14 through 45 feet in depth. A Presidentially appointed task force would recommend such a schedule to the Treasury within 6 months. The five-member task force would have representatives from ports, shippers, carriers, the Corps of Engineers and the U.S. Trade Representative. Decisions on which projects to approve would continue to be individually determined by Congress. Recreational boats and marinas would be excluded from this bill.

To pay for work deeper than 45 feet, individual ports would be given authority to do the work, to borrow funds from the Government, and to repay the loans from port-specific fees to be determined by the port, and to be charged on ships and/or cargoes on ships which draw more than 45 feet.

ST. LAWRENCE SEAWAY/GREAT LAKES PORTS

To avoid a double tax in the Midwest, the Federal Government would eliminate tolls and the remaining debt on the St. Lawrence Seaway. To put the Great Lakes ports on the same footing with coastal deepwater ports, the U.S. portion of future operations, maintenance and new construction on the St. Lawrence Seaway would be paid for from the same system as the deepwater port projects.

18-1

RESOLUTION No. 81-868

Adopted by The Sacramento City Council on date of

NOVEMBER 24, 1981

PROPOSED RESOLUTION RE PORT DREDGING USER CHARGES

WHEREAS, the U. S. Government has proposed legislation in the form of Senate Bill No. 809, which would materially change its participation in national port development, and

WHEREAS, the proposal has ignored the necessity of a uniformly applied system of user charges to maintain the nationwide port system, and

WHEREAS, Congressmen Robert Matsui, Vic Fazio and Gene Chappie along with 18 other co-sponsors, have introduced H.R. 4862 in the U. S. Congress which bill calls for the imposition of uniform charges, if, when and to the extent necessary.

NOW, THEREFORE, BE IT RESOLVED that the Sacramento City Council does commend Congressmen Matsui, Fazio and Chappie for their effort and urges them to continue to work for passage of their bill, and

BE IT FURTHER RESOLVED that copies of this resolution be furnished to President Ronald Reagan; Office of Management and Budget Director David Stockman; Senator James Abdnor, Chairman of the Water Resources Subcommittee of the Senate Environment and Public Works Committee and Congressman Robert Roe, Chairman of the Water Resources Subcommittee of the House of Representatives Committee on Public Works and Transportation, urging their support of HR 4862 and the principles embodied therein.

PHILLIP L. ISENBERG

MAYOR

ATTEST:

LORRAINE MAGANA

CITY CLERK

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cc 81-868

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Retype onto
new format

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