

RESOLUTIONS PROPOSED FOR ADOPTION

BY

**THE AMERICAN ASSOCIATION
OF PORT AUTHORITIES**

At its 106TH Annual Convention

In

LONG BEACH, CALIFORNIA

OCTOBER 1-4, 2017



Alliance of the Ports of Canada, the Caribbean, Latin America and the United States

**AMERICAN ASSOCIATION OF PORT AUTHORITIES
1010 Duke Street ■ Alexandria, Virginia**

October 2017

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A-1

**EXTENDING CONDOLENCES ON ACCOUNT OF THE DEATH OF LLOYD EDWARD
ANDERSON**

WHEREAS, death has taken Lloyd Edward Anderson, former executive director of the Port of Portland and past AAPA Chairman of the Board;

WHEREAS, said Lloyd Edward Anderson, was a sincere friend and staunch supporter of the Association;

WHEREAS, the members of this Association desire to record their cherished memory of him and their respect, esteem and affection for him; and

NOW, THIMEFORE, BE IT RESOLVED that the American Association of Port Authorities hereby testifies to its deep sorrow in his passing and to its sincere feeling of loss, and that this One Hundred and Sixth Annual Convention of the American Association of Port Authorities be adjourned in the memory of him and as an expression of the friendship and affection its members bore for him.

New Resolution

A-2

EXTENDING CONDOLENCES ON ACCOUNT OF THE DEATH OF HARRY N. COOK

WHEREAS, death has taken Harry N. Cook, retired President of the National Waterways Conference;

WHEREAS, said Harry N. Cook was a sincere friend and staunch supporter of the Association;

WHEREAS, the members of this Association desire to record their cherished memory of him and their respect, esteem and affection for him; and

NOW, THEREFORE, BE IT RESOLVED that the American Association of Port Authorities hereby testifies to its deep sorrow in his passing and to its sincere feeling of loss, and that this One Hundred and Sixth Annual Convention of the American Association of Port Authorities be adjourned in the memory of her and as an expression of the friendship and affection its members bore for him.

New Resolution

A-3

EXTENDING CONDOLENCES ON ACCOUNT OF THE DEATH OF NORMAN SCOTT

WHEREAS, death has taken Norman Scott, former president and chief executive officer of the Vancouver Port Authority;

WHEREAS, said Norman Scott, was a sincere friend and staunch supporter of the Association;

WHEREAS, the members of this Association desire to record their cherished memory of him and their respect, esteem and affection for him; and

NOW, THEREFORE, BE IT RESOLVED that the American Association of Port Authorities hereby testifies to its deep sorrow in his passing and to its sincere feeling of loss, and that this One Hundred and Sixth Annual Convention of the American Association of Port Authorities be adjourned in the memory of him and as an expression of the friendship and affection its members bore for him.

New Resolution

B-1

EXPRESSING APPRECIATION TO VARIOUS PARTIES

BE IT RESOLVED that the American Association of Port Authorities hereby expresses its appreciation to its host, Port of Long Beach, to the Long Beach Convention and Entertainment Center, to the guest speakers and panel members; to the AAPA staff; and to members of the media, for their respective contributions to the success of this, the One Hundred and Sixth Annual Meeting and Convention of the Association, and

BE IT FURTHER RESOLVED that the President is hereby instructed to make suitable acknowledgments hereof to each of the parties named in this resolution.

New Resolution

D-1

ENDORISING THE PRINCIPLE OF DOCUMENTARY SIMPLIFICATION AND REDUCTION FOR CARGOES AND VESSELS IN INTERNATIONAL TRADE

WHEREAS, it is generally recognized that vessels engaged in the water transport of foreign commerce are required, when entering and leaving ports, to prepare many documents for governmental purposes;

WHEREAS, it is further generally recognized that importers and exporters are required to prepare numerous and varied documents to meet governmental and commercial requirements both in the United States and abroad;

WHEREAS, the preparation of these documents is costly to shippers, consignees and vessels;

WHEREAS, it appears that many of these documents could be dispensed with, or consolidated with others and yet provide such data as may be necessary for governmental and commercial use;

WHEREAS, uniformity and standardization, where practicable, among such documents is highly desirable to facilitate the movements of vessels and cargoes;

WHEREAS, the government and private business represented by the Department of Transportation and the National Committee on International Trade Documentation, respectively, are actively and jointly progressing specific projects toward document elimination and simplification; and

NOW, THEREFORE, BE IT RESOLVED that the American Association of Port Authorities endorses the principle of documentary simplification for vessels and cargoes moving in the international trade; and

BE IT FURTHER RESOLVED that the Department of Transportation and the Department of Homeland Security (Bureau of Customs and Border Protection) be informed of the Association's position in this regard.

BE IT FURTHER RESOLVED that AAPA supports the concept of automating processes and not automating "forms" as well as the elimination of "documents," whether they be paper or electronically scanned paper documents, and it endorses the concept of utilizing existing cargo and vessel automation data sets to meet the requirements of said documents.

**Resolution D-1 of 2016 (New Orleans)
Recommended for Re-adoption as Amended by the
Information Technology Committee**

D-2

REGARDING A "PUERTOS AMIGOS" PROGRAM

WHEREAS, "Puertos Amigos" is a partnership between the ports of the United States, Canada, Latin America and the Caribbean Basin, offering improved, direct and effective avenues of interchange of technical information and assistance pertaining to port management and development;

WHEREAS, such relationships can enhance the service role of the American Association of Port Authorities throughout its Western Hemisphere Corporate membership;

WHEREAS, the Association serves as a clearinghouse for information for ports throughout the Western Hemisphere, providing technical assistance and facilitating communication and partnerships among ports;

WHEREAS, the Association holds formal status as a Cooperating Technical Organization with the Organization of American States (OAS); and

NOW, THEREFORE, BE IT RESOLVED that the Association shall provide liaison with the OAS and other organizations so as to continue to strengthen the "Puertos Amigos" program and promote enhanced communication and cooperation among public port agencies within the Hemisphere.

**Resolution D-2 of 2016 (New Orleans)
Recommended for Re-adoption by the
Executive Committee**

D-3

FAVORING FREE AND OPEN TRADE AND THE ELIMINATION AND REDUCTION OF TRADE TAXES IN THE WESTERN HEMISPHERE

WHEREAS, international trade is vital to the economic well-being of the Western Hemisphere and the prosperity of the Western Hemisphere is inextricably entwined with that of the rest of the world; and

WHEREAS, increased trade in the Hemisphere will benefit ports throughout the Western Hemisphere; and

WHEREAS, many trade taxes are levied without a direct or indirect benefit to ports or the trade community in general;

WHEREAS, national legislatures have levied or increased trade taxes without consideration of their cumulative impact on international trade or the competitiveness of ports;

WHEREAS, the global competitiveness of all countries in the hemisphere depends on encouraging cost-competitive trade flows and policies which enhance rather than restrict trade; and,

NOW, THEREFORE, BE IT RESOLVED that the American Association of Port Authorities favors free and open trade among nations in the Western Hemisphere and supports trade liberalization on a fair and equitable basis; and

BE IT FURTHER RESOLVED that the American Association of Port Authorities encourages its members' governments to consider the economic and employment impact on seaports and their surrounding communities prior to imposing trade sanctions on imports from other nations, and to give standing in trade remedy proceedings to affected consumers and industries to allow them to discuss potential impacts; and

BE IT FURTHER RESOLVED that the American Association of Port Authorities favors reducing trade taxes on a fair and equitable basis, including, where appropriate, the elimination of such taxes on trade.

BE IT FURTHER RESOLVED that AAPA continue efforts to work with national legislatures to better understand the importance of international trade to the economic well-being of the Western Hemisphere and the impact of taxes on trade.

Resolution D-3 of 2016 (New Orleans)
Recommended for Re-adoption by the Executive Committee

D-4

PUBLIC SEAPORT AGENCY REPRESENTATION IN EDI STANDARDS DEVELOPMENT ORGANIZATIONS

WHEREAS, the American Association of Port Authorities supports steamship lines and agents in their efforts to automate and improve the efficiency of transactions between steamship lines and public seaport agencies; and

WHEREAS, public seaport agencies, steamship lines and agents throughout the Western Hemisphere have been using the standards of EDI and related message formats, which are developed by the Accredited Standards Committee (ASC) X12, the United Nations/EDIFACT - Electronic Working Group, and SMDG User Group for Shipping Lines and Containers, to transmit data; and

WHEREAS, Western Hemisphere seaports currently have no representation in the development of these standards as there is no Western Hemisphere seaport presence in the ASC X12, UN/EDIFACT - EMG or SMDG organizations; and

WHEREAS, new standards for transmission methods are being developed without the input of Western Hemisphere public seaport agencies;

NOW, THEREFORE, BE IT RESOLVED that the American Association of Port Authorities encourages public seaport agency membership in the ASC X12 committee, UN/EDIFACT - EMG, and SMDG organizations, and urges AAPA and its member ports to join the ASC X12 committee, UN/EDIFACT - EMG, and SMDG organizations and send representatives to ASC X12 committee, UN/EDIFACT - EMG, and SMDG meetings to participate in the development of the data standards.

**Resolution D-4 of 2016 (New Orleans)
Recommended for Re-adoption as Amended by the
Information Technology Committee**

D- 5

COOPERATION WITH INTERNATIONAL PORT AND MARITIME ORGANIZATIONS

WHEREAS the American Association of Port Authorities (AAPA), the alliance of leading ports in the Western Hemisphere, protects and advances the common interests of its diverse members as they connect their communities with the global transportation system;

WHEREAS AAPA has an interest in cooperating with other international port and maritime organizations;

WHEREAS AAPA already sends representatives to participate in meetings of international port and maritime organizations such as the International Maritime Organization (IMO), the London Convention and Scientific Group;

WHEREAS AAPA already has entered into Memoranda of Understanding (MOUs) with the International Association of Ports and Harbors (IAPH); the International Navigation Organization (PIANC); the Organization of American States (OAS); the International Association of Ports and Cities; the Association of Canadian Port Authorities (ACPA); the European Sea Ports Organization (ESPO); Green Marine Management Corporation; ECO Sustainable Logistics Foundation, and the Automotive Industry Action Group; and the Port Management Association of the Caribbean (PMAC);

NOW THEREFORE BE IT RESOLVED that the American Association of Port Authorities (AAPA) shall enter into memorandums of understanding with other organizations of similar interest to cooperate in matters of mutual interest to include technical and practical expertise, dissemination of information, joint activities on international issues and other matters, and, to this end, AAPA will encourage its members to participate in joint committees and/or work groups to promote and advance solutions to such issues.

Resolution D-5 of 2016 (New Orleans)
Recommended for Re-adoption as Amended by the Executive Committee

**EMBRACING THE CONCEPT OF SUSTAINABILITY AS A
STANDARD BUSINESS PRACTICE FOR PORTS AND THE ASSOCIATION**

WHEREAS, Sustainability involves the simultaneous pursuit of economic prosperity, environmental quality and social responsibility; and

WHEREAS, Ports hold a unique role in transportation, logistics and infrastructure development; and

WHEREAS, Ports must be financially viable in order to achieve their missions and contribute to the economic prosperity of their regions and nations; and

WHEREAS, Ports recognize that their activities may impact the environment and natural resources; and

WHEREAS, Ports recognize that they have responsibilities as members of the communities in which they operate; and

WHEREAS, Ports recognize that a long-term balanced approach is required;

NOW THEREFORE BE IT RESOLVED that AAPA embraces the concept of sustainability as a standard business practice for ports and the Association. For ports, sustainability means business strategies and activities that meet the current and future needs of the enterprise and its stakeholders, while protecting and sustaining human and natural resources; and further

Recognizing that each port operates within a unique business, political, environmental and social context, we further our sustainability resolve by putting forth guiding principles for consideration by member ports.

(Continued)

SUSTAINABILITY GUIDING PRINCIPLES

Ports should consider the following principles and implement them as appropriate:

1. Communicate the goals of sustainability across the organization and allocate resource requirements for implementation;
2. Integrate sustainability throughout port activities and in both near-term and long-term planning processes;
3. Build upon and share existing sustainability best practices, keys to success, lessons learned and approaches for implementation;
4. Communicate and engage with internal and external stakeholders to encourage open dialogue, accountability and collaboration;
5. To the extent possible, use appropriate data and metrics as part of the process for implementing sustainability;
6. Evaluate the total life cycle costs of projects and decisions;
7. Recognize that sustainability is a dynamic effort requiring flexibility and continuous improvement.

Resolution D-6 of 2016 (New Orleans)
Recommended for Re-adoption by the Executive Committee

D-7

SUPPORTING INITIATIVES THAT INCREASE EXPORTS THROUGH SEAPORTS

WHEREAS, seaports are the primary conduit for shipping a nation's exports to its overseas markets;

WHEREAS, exports help seaports attract competitive shipping services which lower transportation costs for the port's shipping customers;

WHEREAS, exports enable businesses to diversify their portfolios and better weather changes in the domestic economy;

WHEREAS, exports help small companies grow and become more competitive in all their markets;

WHEREAS, workers in jobs supported by merchandise exports typically receive wages higher than the national average;

WHEREAS, free trade agreements have allowed countries throughout the hemisphere to open up their markets worldwide, creating more opportunities for their businesses;

WHEREAS, government assistance programs to educate small- and medium-size businesses on the intricacies of selling their goods and services overseas increase the ability of those businesses to export;

NOW THEREFORE, BE IT RESOLVED that the American Association of Port Authorities urges government agencies in the United States, Canada, the Caribbean and Latin America to support programs, policies, funding and other initiatives that encourage increasing international trade—particularly exports—through their nation's seaports.

BE IT FURTHER RESOLVED that, to expedite the movement of each nation's exports, AAPA supports implementation of national freight policies and plans that include consideration of cargo flowing through seaports, and integrating intermodal freight corridors and intermodal facilities, such as seaports, into national freight policies and plans.

**Resolution D-7 of 2016 (New Orleans)
Recommended for Re-Adoption by the
Maritime Economic Development Committee**

E-1

ENDORISING THE INCREASED USE OF FOREIGN TRADE ZONES

WHEREAS, the Foreign Trade Zones Act of 1934 is designed to attract and promote the international trade and commerce of the United States;

WHEREAS, the Foreign Trade Zone concept contributes materially to United States employment and production in competition with facilities abroad;

WHEREAS, the Foreign Trade Zone program encourages investment in the United States;

WHEREAS, exports from a Foreign Trade Zone improve the United States' balance of payments in trade;

WHEREAS, the introduction by the U.S. Department of Commerce in January 2009 of the Alternative Site Framework for Foreign Trade Zones is designed to dramatically increase the flexibility and speed in designating and adjusting sites within a zone to meet the changing needs of port customers;

NOW THEREFORE, BE IT RESOLVED that the American Association of Port Authorities supports the Foreign Trade Zones program and its uses by domestic warehousing, distribution, processing and manufacturing operations to improve their international competitiveness; and,

BE IT FURTHER RESOLVED that the American Association of Port Authorities urges the Congress and other agencies of the United States to support funding and other programs for the wider and more productive use of Foreign Trade Zones.

**Resolution E-1 of 2016 (New Orleans)
Recommended for Re-adoption by the
Maritime Economic Development Committee**

E-2

U.S. CUSTOMS AND BORDER PROTECTION AND U.S. DRUG ENFORCEMENT ADMINISTRATION DRUG INTERDICTION EFFORTS

WHEREAS, the scope, gravity and consequences of drug trafficking through the use of common carriers has grown dramatically;

WHEREAS, the growth of such activity can have serious impact on and consequences for marine terminal operators, port security, and law enforcement organizations;

WHEREAS, U.S. Customs and Border Protection and U.S. Drug Enforcement Administration are formally increasing their efforts to control such drug trafficking and their interdiction efforts, especially through greater communication and cooperation with the maritime community;

NOW, THEREFORE, BE IT RESOLVED that the American Association of Port Authorities continues to support U.S. Customs and Border Protection and U.S. Drug Enforcement Administration efforts to reduce international drug trafficking; and

BE IT FURTHER RESOLVED that the American Association of Port Authorities urges its members to continue to cooperate with U.S. Customs and Border Protection and U.S. Drug Enforcement Administration in their drug interdiction efforts, encourage U.S. Customs and Border Protection and U.S. Drug Enforcement Administration to provide adequate funding and staffing to provide necessary services at ports, seek to establish better lines of communication, and work closely to develop programs that are both effective and do not unduly burden the expeditious flow of international trade and commerce over the piers of this country.

**Resolution E-2 of 2016 (New Orleans)
Recommended for Re-adoption by the
Security Committee and the Information Technology Committee**

E-3

VESSEL TRAFFIC SERVICES

WHEREAS, the Port and Tanker Safety Act of 1978 empowers the U.S. Coast Guard to develop and operate vessel traffic services in ports of the United States;

WHEREAS, the U.S. Coast Guard has historically funded, installed, operated, and maintained such VTS systems under its aids to navigation responsibilities;

WHEREAS, there is concern over the Coast Guard's future fiscal capability to continue to wholly fund, install, operate, and maintain such VTS systems because of limited fiscal resources; and

WHEREAS, the need for and nature of such services varies among port regions depending on port geography, volume of traffic, meteorology, international or domestic traffic, and other factors including navigation hazards to be overcome by such vessel traffic services;

NOW, THEREFORE, BE IT RESOLVED that the American Association of Port Authorities supports the continued maintenance and improvement of established vessel traffic services where so desired by the local port and shipping interests, and urges that sufficient funds be appropriated by the Congress for said purpose;

BE IT FURTHER RESOLVED that the American Association of Port Authorities urges Harbor Safety Committees to assist the Coast Guard, and any other federal waterway authorities operating in partnership with the Coast Guard, in their planning, implementation, and operation of existing and future vessel traffic services and related capabilities, public or private;

BE IT FURTHER RESOLVED that Congress and the Coast Guard must ensure port authorities are shielded from liability arising out of a marine casualty within a port's VTS area, if VTS systems are privatized; and

BE IT FURTHER RESOLVED that the American Association of Port Authorities urges Congress and the Coast Guard to provide ample opportunity for port authorities to actively participate and meaningfully comment at all stages of the decision-making process on policy issues including funding, scope, operation, and liability of privatizing VTS systems.

Resolution E-3 of 2016 (New Orleans)
Recommended for Re-adoption as Amended by the Harbors & Navigation Committee

**ESTABLISHING DESIRED OBJECTIVES FOR
CONGRESSIONAL ACTION RELATING TO SEAPORTS**

WHEREAS, U.S. ports and their private-sector partners are conservatively projected to invest more than \$31 billion a year on port infrastructure through 2020.

WHEREAS, the seaports of the United States support 23.1 million U.S. jobs and generate \$4.6 trillion in business activity related to seaport commerce:

WHEREAS, seaports generated \$31.4 billion in 2016 in United States Customs revenues that were directed to the general fund of the United States;

WHEREAS, seaports provide the transportation infrastructure to transfer cargo and passengers efficiently between ship and shore and are essential to participation of U.S. businesses in international trade;

WHEREAS, seaports handle more than 99 percent of the volume of U.S. overseas merchandise trade and the benefits of this important economic activity accrue to the entire nation;

WHEREAS, a modern seaport system is essential to national defense;

WHEREAS, the viability of the seaports is threatened by the attempts to shift the navigation development costs disproportionately to the local port authorities and by delays in federal procedures;

NOW, THEREFORE, BE IT RESOLVED that the American Association of Port Authorities does set forth the attainment of the following objectives as its program for Congressional action:

(Continued)

E-4 (continued)

**ESTABLISHING DESIRED OBJECTIVES FOR
CONGRESSIONAL ACTION RELATING TO SEAPORTS**

1. A recognition by Congress of the importance of ports to:
 - a. the economy of the United States,
 - b. the balance of payments,
 - c. the encouragement of world trade,
 - d. the national defense, and
 - e. homeland security.
2. A recognition by Congress that the present port system is the result of the joint venture between the federal government and local port authorities. Recognizing this and the federal interest in ports, the federal government has an obligation to continue to fund programs that support the maritime transportation system, including the dredging of channels and harbors and providing of navigational aids, port security, intermodal access to ports, port infrastructure and environmental improvements.
3. To the extent that the federal government imposes additional obligations (e.g., port security, OSHA requirements, etc.) upon the ports, it shall provide funding assistance to meet the incremental increase in costs;
4. Congressional oversight of federal agency programs and involvement in guiding, building and maintaining the marine transportation system partnership;
5. The initiation of improved governmental procedures to facilitate the required planning, construction, maintenance and development of a viable seaport system and connecting infrastructure as expeditiously as possible.

**Resolution E-4 of 2016 (New Orleans)
Recommended for Re-adoption as Amended by the
U.S. Legislative Policy Council**

E-5

REGARDING U.S. DEPARTMENT OF COMMERCE PROGRAMS

WHEREAS, the U.S. Department of Commerce has a broad mandate to promote economic growth and jobs;

WHEREAS, the U.S. Department of Commerce is comprised of numerous agencies with programs and policies in the areas of trade, economic development, environmental stewardship and statistical research and analysis;

WHEREAS, the U.S. Department of Commerce is taking a lead role in the implementation of a national export initiative, the goal of which is to promote and advance efforts to increase the annual volume of U.S. exports;

WHEREAS, the federal government, in its efforts to reduce unemployment and stimulate economic development in selected areas which have been severely affected by recent economic conditions, has, through programs administered by the Economic Development Administration, made certain funds available to states, cities and special districts, including port areas, for such purposes;

WHEREAS, such economic development projects would also help the ports involved to meet the commercial and military shipping needs of the nation; and

NOW, THEREFORE, BE IT RESOLVED that AAPA supports the Administration's goal to increase the volume of U.S. exports each year and will work with the U.S. Department of Commerce to assist interested U.S. seaports to improve and expand their individual export promotion and outreach/education programs and their participation in national-level trade missions;

BE IT FURTHER RESOLVED that AAPA supports continued funding for the Economic Development Administration for the grant of funds for the indicated purposes, with the understanding that the grant of funds will not lead to any unilateral effort on the part of the federal government to control port and marine terminal planning and development at the nation's ports, or to unduly influence competitive relationships between or among our nation's ports through discriminatory application of rules or procedures.

**Resolution E-5 of 2016 (New Orleans)
Recommended for Re-adoption as Amended by the
Maritime Economic Development Committee**

E-6

SUPPORTING NATIONWIDE SYSTEMS AND METHODS TO IMPROVE CARGO AND PASSENGER FACILITATION AT U.S. PORTS OF ENTRY

WHEREAS, efficient and expeditious clearance services by United States Customs & Border Protection and other border inspection services are essential to the nation's ports of entry;

WHEREAS, a number of corporate members of the American Association of Port Authorities are engaged in both airport and seaport management;

WHEREAS, differences in the availability and service levels of such inspection agencies among seaports and airports can undesirably affect the competitive relationships among ports of entry;

WHEREAS, the workload of these agencies is projected to increase as both foreign cargo movement and foreign passenger travel continue to grow;

WHEREAS, additional responsibilities are being assigned to U.S. Customs & Border Protection beyond those traditionally assigned;

WHEREAS, efforts are being made to significantly reduce the number of inspectors available to carry out these essential duties;

WHEREAS, programs are underway to introduce new systems and methods to improve the clearance facilitation of cargo and passengers consistent with the agencies' enforcement responsibilities;

WHEREAS, implementation of such new systems and methods has significant implications for the United States port industry and will require adequate time to objectively evaluate the degree of success of such developments;

NOW, THEREFORE, BE IT RESOLVED that the American Association of Port Authorities supports and seeks to cooperate with the inspection agencies by soliciting adequate funding for such agencies. AAPA, therefore, encourages such agencies to implement in an orderly fashion on a nationwide basis, such new systems and methods towards the goal of improving cargo and passenger facilitation, recognizing that any substantive inspection staff reductions in the interim can only adversely affect the facilitation levels at the nation's ports of entry.

**Resolution E-6 of 2016 (New Orleans)
Recommended for Re-Adoption as Amended by the Information Technology
Committee**

**REGARDING NEED TO MAINTAIN THE TAX EXEMPT STATUS OF
OBLIGATIONS ISSUED TO PROVIDE PUBLIC PURPOSE FACILITIES**

WHEREAS, tax-exempt financing has been used extensively to support the capital infrastructure needs of port facilities of state, regional, and local governments; and

WHEREAS, in the United States, port development is conducted at the initiative of state, regional, and local port authorities; and
WHEREAS, U.S. ports and their private-sector partners are projected to invest more than \$9.0 billion a year on port infrastructure;

WHEREAS, the seaports of the United States support 13.3 million U.S. jobs and generate \$3.15 trillion in business activity related to seaport commerce:

WHEREAS, seaports generated \$27.5 billion in 2013 in United States Customs revenues that were directed to the general fund of the United States;

WHEREAS, tax-exempt financing provides the most cost-effective mechanism by which ports are able to raise the capital required to develop facilities for international trade which are both vital to the nation's economic health and national defense; and

WHEREAS, this is even more essential because of the United States Supreme Court's decision in *South Carolina v. Baker*, whereby in restricting the doctrine of reciprocal tax immunity, the Court substantially eroded Constitutional barriers to the taxation of interest on state and local government obligations;

NOW, THEREFORE, BE IT RESOLVED that the American Association of Port Authorities opposes restrictions on the issuance of tax-exempt obligations issued to provide public purpose facilities, including wharves, docks, and related facilities which are owned by a state, regional, or local governmental unit; and

(Continued)

E-7 (continued)

**REGARDING NEED TO MAINTAIN THE TAX EXEMPT STATUS OF
OBLIGATIONS ISSUED TO PROVIDE PUBLIC PURPOSE FACILITIES**

BE IT FURTHER RESOLVED that the American Association of Port Authorities urges the redefinition of Private Activity Bonds to provide that any obligation issued to provide public purpose facilities, including port wharves, docks and related facilities which are owned by a state, regional, or local governmental unit shall not be treated as Private Activity; and

BE IT FURTHER RESOLVED that the American Association of Port Authorities, in the interest of the hereinbefore said resolutions, will work with others through legislative, judicial and other means.

**Resolution E-7 of 2016 (New Orleans)
Recommended for Re-adoption by the Finance Committee**

E-8

NATIONAL ASSESSMENT OF THE MILITARY REQUIREMENTS AND PEACETIME SECURITY NEEDS OF U.S. PORTS

WHEREAS, ports constitute potentially vulnerable "choke points" in the wartime delivery of military materiel and logistical support to U.S. Armed Forces overseas; and

WHEREAS, billions of dollars in cargo and port property and the thousands of individuals who work at or use port facilities as transit points are at risk from the consequence of civil disturbance and terrorist attack; and

WHEREAS, serious questions have been raised as to whether U.S. ports can be made reasonably secure against sabotage, facility attack and terrorism; and

WHEREAS, the most careful and thorough plans for facilitating the movement of military traffic through U.S. ports could face serious disruption in the face of well-directed acts of sabotage, terrorism, or facility attacks; and

WHEREAS, these same vulnerabilities pose a threat to the interstate and foreign commerce of the United States;

NOW, THEREFORE, BE IT RESOLVED that the American Association of Port Authorities urges that the U.S. Departments of Homeland Security, Defense, Transportation, and Justice support and participate in the ongoing efforts to review the emergency military deployment requirements and peacetime security needs of U.S. ports; and

BE IT FURTHER RESOLVED that this review should be coordinated with all relevant federal, state and local law enforcement and security-related agencies, including public port entities.

Resolution E-8 of 2016 (New Orleans)
Recommended for Re-adoption by the Defense Committee and the Security Committee

E-9

SUPPORTING UNIFORM AND CONSISTENT ENFORCEMENT OF FEDERAL REGULATIONS BY U.S. REGULATORY AGENCIES

WHEREAS, ports are regulated by various federal agencies which have multiple layers of bureaucracy (i.e., regions, districts, field offices, federal headquarters, etc.);

WHEREAS, nationally applicable regulations are not always consistent within individual agencies, districts and regions;

WHEREAS, uniformity between ports in different regions of the country is necessary to prevent unfair treatment to a port or region;

NOW, THEREFORE, BE IT RESOLVED that the American Association of Port Authorities supports and encourages the application and enforcement of regulations of all federal agencies in a uniform and consistent manner in order to prevent favoring one port or region over another.

**Resolution E-9 of 2016 (New Orleans)
Recommended for Re-Adoption by the
U.S. Legislative Policy Council**

E-10

PUBLIC PORT FUNDING

WHEREAS, the American Association of Port Authorities is an association consisting of virtually all of the major public port agencies in the United States;

WHEREAS, it has long been recognized that ports are the gateways of commerce and that it is in the interest of the people of the United States that the avenues of commerce remain open if the U.S. is to remain globally competitive;

WHEREAS, public port agencies have been created to plan, develop, finance, maintain, and operate facilities of commerce in the United States;

WHEREAS, it is imperative that public port agencies have the means to accomplish their purpose, including the ability to borrow money and enter into necessary contractual arrangements;

WHEREAS, some state and local governments have sought to divest public port agencies of funds necessary for the development and operation of port projects in order to meet their own budgets;

WHEREAS, such action not only deprives public port agencies of the ability to meet the nation's needs for international shipping, but may also be of questionable constitutionality and may call into question the viability of bond covenants and other contractual obligations entered into for financing capital development projects;

NOW, THEREFORE BE IT RESOLVED that the American Association of Port Authorities finds that such actions impair the ability of ports to provide facilities essential to domestic and foreign waterborne commerce.

AND BE IT FURTHER RESOLVED, that the Association urges that state and local governments refrain from any action that will deprive port agencies of their ability to finance the development of public ports.

**Resolution E-10 of 2016 (New Orleans)
Recommended for Re-adoption by the
U.S. Legislative Policy Council**

E-11

FAVORING FREE TRADE POLICIES BASED ON DOCTRINES OF EQUITY AND FAIRNESS TO ALL PARTNERS

WHEREAS, foreign trade is vital to the United States' economic well-being, accounting for over one quarter of U.S. Gross Domestic Product;

WHEREAS, the cargo handled at U.S. ports provides more than 23.1 million jobs and generates \$4.6 trillion in business activity related to seaport commerce and \$321.1 billion in U.S. federal, state and local taxes;

WHEREAS, the prosperity of the United States is inextricably entwined with that of the rest of the world;

WHEREAS international agreements to provide stability and equity to this rapidly growing economic sector are lacking;

WHEREAS, political pressures are building in the United States for more restrictive trade policies and measures aimed at curtailing the inflow of foreign-made goods;

WHEREAS, such trade protectionist policies will assuredly invite retaliation by our nation's trading partners, thereby causing severe and possibly mortal harm to the American economy;

WHEREAS, trade policies can help stabilize governments and are important to U.S. national security as they can stabilize other countries and make them more friendly to the United States;

WHEREAS, fair competition and equal market access within an open trading system have been the cornerstone of U.S. international trade policy;

NOW, THEREFORE, BE IT RESOLVED that the American Association of Port Authorities favors reciprocal international trade liberalization on a fair and equitable basis, supports new trade legislation which is consistent with U.S. international obligations and has the effect of strengthening the President's ability to expand U.S. exports rather than creating new U.S. import restrictions, and supports efforts within the Congress and the Administration to emphasize the importance of foreign trade to the American economy, U.S. national defense and to structure the government's organization to bring maximum focus and efficiency to that effort; and

BE IT FURTHER RESOLVED that the American Association of Port Authorities favors continued U.S. participation in future comprehensive negotiations to expand trade in goods and services.

**Resolution E-11 of 2016 (New Orleans)
Recommended for Re-adoption as Amended by the
U.S. Legislative Policy Council**

E-12

SURPLUS FEDERAL LANDS, MILITARY INSTALLATIONS AND PROPERTY

WHEREAS, public port authorities and agencies are established to fulfill mandated maritime public purposes;

WHEREAS, the public seaport industry is vital to international trade, economic development, and the national defense of the United States;

WHEREAS, seaports must expand and develop necessary facilities to accommodate rapidly growing volumes of trade;

WHEREAS, public port authorities are interested and concerned about creating viable, productive reuses for surplus federal lands, military installations and property;

WHEREAS, public port authorities have the ability to develop former federal lands that may be appropriate for supporting the growing needs of international trade and the port industry;

WHEREAS, the ability of local and state government to offer inexpensive public land is central to its economic development mission;

NOW, THEREFORE, BE IT RESOLVED that the American Association of Port Authorities urges Congress to include port authorities, political subdivisions or other governmental bodies publicly mandated as port agencies, in any pending legislation that would direct concessionary or no-cost transfers of surplus federal property, including military installations and property; and

BE IT FURTHER RESOLVED that legislation expressly grant public port authorities, political subdivisions, or other governmental bodies publicly mandated as port agencies the right of first refusal to all surplus federal lands, military installations and property that would be logically appropriate to seaport development; and

BE IT FURTHER RESOLVED that the American Association of Port Authorities opposes any provisions in current law or implementation regulations that impose unique and inequitable covenants, conditions or restrictions on transfers constraining the utilization by U.S. public port agencies of lands formerly owned by the Federal government; and

BE IT FURTHER RESOLVED that the Association strongly urges retention of Federal infrastructure and environment grant funding to those ports receiving surplus or former military properties.

**Resolution E-12 of 2016 (New Orleans)
Recommended for Re-adoption by the
Maritime Economic Development Committee**

E-13

QUALIFICATIONS OF CANDIDATES FOR FEDERAL APPOINTIVE POSITIONS

WHEREAS, the President has the authority to nominate candidates for several key administrative positions which significantly affect the U.S. port and maritime industries; and

WHEREAS, it is essential that said candidates have adequate knowledge and appreciation of the port and maritime industries;

WHEREAS, the maintenance and development of the nation's ports and waterways are crucial to the health and viability of the U.S. economy, both internationally and domestically, as well as serving as fundamental components of the nation's defensive capability;

NOW, THEREFORE, BE IT RESOLVED that, political considerations notwithstanding, the American Association of Port Authorities urges that present and future Administrations nominate qualified candidates for governmental positions involving the nation's ports and waterways; and

BE IT FURTHER RESOLVED that the American Association of Port Authorities requests that present and future Administrations consult with leaders of the port and maritime industries or their Congressional representatives prior to making such nominations.

**Resolution E-13 of 2016 (New Orleans)
Recommended for Re-adoption by the
U.S. Legislative Policy Council**

**REGARDING U.S. FEDERAL AGENCIES SHARING FACILITIES AND DATA
AT CRUISE PORTS TO AVOID DUPLICATION AND TO
ENSURE EFFICIENT USE OF ASSETS AND PERSONNEL**

WHEREAS, a vibrant, healthy and growing cruise industry in the United States provides jobs and economic benefits throughout the many ports and port communities;

WHEREAS, federal agencies have requested land-based Federal Inspection Service (FIS) facilities at cruise ports to house the inspection processes of U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs & Border Protection (CBP), including the Agriculture Quarantine and Inspection Force that previously operated as part of the Animal Plant and Health Inspection Service;

WHEREAS, the requirements mandated by these agencies have had a dramatic impact on cruise terminal design, account for 23-30% of the total facility space at a given terminal, and have cost ports and the cruise industry millions of dollars even at a time when port resources are being stretched thin to meet other important priorities;

WHEREAS, these spaces are only used on a temporary basis 2-5 times per week, 8-12 hours per vessel, making the requirements of the agencies elaborate and excessive;

WHEREAS, the agencies impose separate mandates for space accommodations and the agencies use separate computer data systems that do not interface;

WHEREAS, CBP has identified several successful automated technologies to improve processing of cruise passengers.

WHEREAS, the American Association of Port Authorities (AAPA) commissioned a study to review and resolve these issues, propose solutions for more efficiency in the inspection process and encourage a partnership between industry and the Department of Homeland Security (DHS), which now houses the federal inspection agencies;

(continued)

E-14 *(continued)*

**REGARDING U.S. FEDERAL AGENCIES SHARING FACILITIES AND DATA
AT CRUISE PORTS TO AVOID DUPLICATION AND TO
ENSURE EFFICIENT USE OF ASSETS AND PERSONNEL**

WHEREAS, the AAPA study concluded that most terminals being built for FIS are frequently unoccupied, underutilized or abandoned even after being newly built; that current FIS design guidelines in new terminals will require an additional one million to over two million square feet of FIS space; and that the cost to U.S. ports will be \$150-\$300 million;

WHEREAS, U.S. ports have been severely taxed and stretched to comply with regulations of the Maritime Transportation Security Act, making it essential for ports to use their resources in the most efficient manner possible to counter terrorism in the U.S.

WHEREAS, the federal inspection services are now housed within DHS, ports see an opportunity to restructure and streamline current requirements to simplify the inspection process, to avoid unnecessary agency duplication and to enable ports to invest prudently and wisely in meeting FIS needs;

NOW, THEREFORE, BE IT RESOLVED that based on the findings of AAPA's study, DHS conduct a top-down review of all FIS office needs to avoid overbuilding and duplication;

BE IT FURTHER RESOLVED that FIS support offices be centralized into a single location or headquarters within a port or region, in lieu of requiring each terminal to house redundant spaces that are used only for a limited time;

BE IT FURTHER RESOLVED that flexibility be allowed in the design of FIS processing spaces to allow for future advances in security technology and electronic information capture;

BE IT FURTHER RESOLVED that the agencies consolidate support functions to reduce space needs and to promote efficiency and teamwork;

BE IT FURTHER RESOLVED that passenger processing be consolidated to a single area to reduce time for queuing and processing.

BE IT FURTHER RESOLVED that cruise ports with multiple DHS facilities will not be required to put 100% of all currently required back office and support facilities into each terminal and efficient terminal design adequate to the local DHS Port Director should be allowed during terminal design and renovation.

**Resolution E-14 of 2016 (New Orleans)
Recommended for Re-Adoption as Amended by the Cruise Committee**

USE OF ALTERNATIVE FUELS AND ENERGY SOURCES

WHEREAS, the American Association of Port Authorities and their member ports are committed to responsible environmental stewardship, sustainability, and have already taken a leadership role on a number of important environmental issues, and

WHEREAS, the use of domestically produced alternative fuels, equipment with advanced, equipment with advanced pollution control technologies, zero emission equipment, efficiency improvements, and other strategies in the transportation sector can help achieve the goals of decreasing the dependence on foreign oil and increasing energy security, and

WHEREAS, alternative fuels and energy sources are substantially non-petroleum and yield energy security and environmental benefits, including, but not limited to, natural gas, propane, alcohol (in mixtures of no less than 70% of the alcohol fuel), hydrogen, fuels derived from biological materials, electricity (substantially generated from renewable sources such as hydro, wind, and solar energy; and other renewable fuels), and other low carbon alternatives, and

WHEREAS, some member ports have extensive experience with the use of alternative fuels, zero emission equipment, equipment with advanced pollution control technologies, efficiency improvements, and other strategies, and

WHEREAS, vessels, cargo-handling equipment, locomotives, buses, and trucks that support the port-related industry are generators of air pollutants and greenhouse gases, and

WHEREAS, ports and related industries are dependent upon reliable and affordable fuels, and

WHEREAS, the impact that the ports represented by the AAPA can have on reducing air pollution and reliance on petroleum-based fuels would be significant,

NOW, THEREFORE, BE IT RESOLVED that the American Association of Port Authorities should encourage member ports to use alternative fuels, zero emission equipment, equipment with advanced pollution control technologies, efficiency improvements, and other strategies to increase energy independence, reduce air pollution, and contribute to domestic economic vitality where feasible and practicable.

E-15 *(continued)*

USE OF ALTERNATIVE FUELS AND ENERGY SOURCES

BE IT FURTHER RESOLVED that the American Association of Port Authorities should assist members, through educational venues and other methods and means, in increasing the understanding and awareness of their customers, tenants, and neighbors of the benefits of using alternative fuels, zero emission equipment, equipment with advanced pollution control technologies, efficiency improvements, and other strategies; facilitating access to related technical information; and providing information about available incentives to support such strategies where feasible and practicable.

BE IT FURTHER RESOLVED that the American Association of Port Authorities should encourage members to facilitate increased use of alternative fuels, zero emission equipment, equipment with advanced pollution control technologies, efficiency improvements, and other strategies in port areas by sharing technical and educational information and by working collaboratively with each other and entities such as U.S. EPA, U.S. Dept. of Energy, Clean Cities Coalitions in port areas, state and local energy and environmental agencies, alternative fuel producers and distributors, and others.

Resolution E-15 of 2016 (New Orleans)

Recommended for Re-Adoption by the Environment Committee

E-16

EMINENT DOMAIN

WHEREAS, the United States Supreme Court made a final ruling on Kelo vs. New London, maintaining that state and local Governments have broad authority to condemn property under eminent domain power;

WHEREAS, United States Port Authorities are sub-divisions of local and state Governments;

WHEREAS, many United States port authorities have been given the power of eminent domain by their respective legislatures;

WHEREAS, eminent domain has been used for acquiring land for schools, roads, public buildings, transportation (airport and seaport uses), and economic development purposes;

WHEREAS, the AAPA recognizes and is aware of some of the issues and controversies concerning the use of eminent domain in some circumstances;

WHEREAS, AAPA members have used the powers of eminent domain for the expansion of port facilities and port commerce;

NOW THEREFORE BE IT RESOLVED that the AAPA endorses and supports the continued use of its members' use of the power of eminent domain for port and maritime economic development purposes.

**Resolution E-16 of 2016 (New Orleans)
Recommended for Re-Adoption by the
Maritime Economic Development Committee**

**ESTABLISHING DESIRED OBJECTIVES FOR CORPS OF ENGINEERS
REVIEW OF PROJECT BENEFITS GENERATED BY CRUISE SHIPS**

WHEREAS, seaports provide the transportation infrastructure to transfer cargo and passengers safely and efficiently between ship and shore;

WHEREAS, the viability of the domestic and international maritime industry, the competitiveness of U.S. ports, the fishing industry, recreational boating and tourism, marine and maritime labor, importers, exporters, U.S. agriculture, U.S. manufacturing, and U.S. consumers depends on adequately maintained and regularly improved federal navigation channels and harbors;

WHEREAS, it is the responsibility of the U.S. Army Corps of Engineers to ensure the construction and maintenance of federal navigation channels to meet these needs;

WHEREAS the Corps of Engineers considers commercial navigation one of its high priority missions;

WHEREAS Section 230 of WRDA 1996 directs the Corps of Engineers to categorize all benefits generated by cruise ships as commercial navigation benefits for project justification and cost-sharing purposes;

NOW, THEREFORE, BE IT RESOLVED that the American Association of Port Authorities does set forth the attainment of the following objectives as its program for action:

1. Generate official Corps of Engineers guidance on acceptable methodologies for calculating commercial navigation Net Economic Development (NED) benefits generated by cruise ships.
2. Consideration of the full range of transportation cost savings and NED costs associated with delays to cruise ships in the development of cruise ship benefit methodologies.
3. Improving Corps of Engineers communication and guidance specifically related to Section 230 requirements for projects where cruise benefits are a significant component of total project benefits.

E-17 (Continued)

ESTABLISHING DESIRED OBJECTIVES FOR CORPS OF ENGINEERS REVIEW OF PROJECT BENEFITS GENERATED BY CRUISE SHIPS

4. Improved Corps of Engineers procedures to expedite the required review of studies for proposed port construction and maintenance projects with associated benefits to cruise ships so that lack of clear guidance on methods of cruise benefit calculation does not result in delays in project review and approval.

Resolution E-17 of 2016 (New Orleans)
Recommended for Re-Adoption by the Cruise Committee

E-18

BALLAST WATER MANAGEMENT

WHEREAS, shipping moves over 80% of the world's commodities and transfers around 10 billion tons of ballast water across the globe each year; and,

WHEREAS, ballast water is absolutely essential to the safe and efficient operation of modern shipping, providing balance and stability to ships; and,

WHEREAS, the discharge of ballast water into coastal waters may also pose a serious ecological, economic and health threat; and,

WHEREAS, the lack of strong international ballast water management regulations has led individual nations, political subdivisions of nations (e.g., states, provinces, cities) and some public port authorities to establish ballast water management regulations; and,

WHEREAS, the adoption of disparate ballast water management regulations does not provide consistency for environmental protection, creates potential safety and compliance difficulties for vessels, can interfere with interstate vessel movement, and alters the competitive position of ports; and,

WHEREAS, the member nations of the International Maritime Organization have adopted the "International Convention for the Control and Management of Ships' Ballast Water and Sediments" (the "Ballast Water Convention") to prevent, minimize and ultimately eliminate the transfer of harmful aquatic organisms and pathogens through the control and management of ships' ballast water and sediments;

NOW, THEREFORE, BE IT RESOLVED that the American Association of Port Authorities commends the member nations of the International Maritime Organization for their hard work in adopting the Ballast Water Convention; and,

BE IT FURTHER RESOLVED that the American Association of Port Authorities urges member nations of the International Maritime Organization to expeditiously ratify the Ballast Water Convention, and to adopt safe, effective, and legally binding ballast water management regulations for all vessels in accordance with the Ballast Water Convention; and

BE IT FURTHER RESOLVED that the American Association of Port Authorities urges Congress to adopt the IMO Ballast Water Convention, and implement comprehensive ballast water legislation that requires uniformity and consistency among federal, state and other political subdivision level regulation of vessel activity related to ballast water management.

Resolution E-18 of 2016 (New Orleans)
Recommended for Re-Adoption by the Environment Committee

**SUPPORT FOR THE U.S. ARMY CORPS OF ENGINEERS SERVICES
TO SEAPORTS AND THE NATION**

WHEREAS, Article 1 of the U.S. Constitution reserves jurisdiction over navigable waters to the federal government and since 1824 the U.S. Army Corps of Engineers has been given the authority to construct and maintain navigational projects on behalf of the United States;

WHEREAS, the Nation's seaports and federal channels are the critical link in America's foreign waterborne trade and generate over thirteen million jobs and contribute over a quarter of the Nation's Gross Domestic Product;

WHEREAS, Ports are a critical part of our nation's transportation infrastructure with over 99 percent of all goods that are shipped overseas to and from this nation coming through seaports;

WHEREAS, the efficient functioning of the nation's ports and harbors rely on a partnership with the U.S. Army Corps of Engineers and other federal agencies to plan, construct and maintain federal channels;

WHEREAS, the Corps' Civil Works Program provides valuable and necessary services to the port industry to include planning, design, construction, maintenance dredging, regulatory permits and real estate services;

WHEREAS, Port users pay the Harbor Maintenance Tax to fund the federal portion of maintenance dredging, significantly less than full revenues are allocated each year for maintenance, leaving few channels fully maintained at their authorized depth and widths;

WHEREAS, the world fleet trend of producing larger and deeper draft ships requires U.S. ports to modernize their channels to maintain the ability to trade efficiently internationally and provide the lowest possible transportation costs to American producers, importers, exporters and consumers;

WHEREAS, increased costs of transportation, as a result of lightering and/or draft restrictions from lack of adequate channel dimensions, are passed along to consumers and have negative economic consequences on producers and exporters.

WHEREAS, environmental and other performance requirements have increased the cost of maintenance dredging and material placement and management;

E-19 (Cont.)

**SUPPORT FOR THE U.S. ARMY CORPS OF ENGINEERS SERVICES
TO SEAPORTS AND THE NATION**

NOW THEREFORE, BE IT RESOLVED that the U.S. Army Corps of Engineers be fully resourced to provide those services to the port industry and to the nation to meet the demands of a changing world market. This includes full use of the HMT to fully maintain federal channels at all of the nation's ports and provide more equity for donors, as well as modernizing navigational channels by completing deepening studies and projects in an efficient and expeditious way.

BE IT FURTHER RESOLVED that the Association petition the Administration and the Congress to provide those resources in the interest of national economic security, national defense preparedness at strategic defense ports and in the interest of maintaining world-class seaports to the general benefit of the American public.

**Resolution E-19 of 2016 (New Orleans)
Recommended for Re-Adoption as Amended by the
Harbors & Navigation Committee**

E-20

PROTECTING PORTS FROM CYBER-ATTACKS

WHEREAS, safeguarding the integrity of computer networks, devices and their associated data is of significant importance to the nation's critical infrastructure; including public port authorities and their private sector partners,

WHEREAS, a cyber-attack on a port may be detrimental to the operations of that port and potentially negatively impact regional commerce and the broader goods transportation network,

WHEREAS, cyber terrorists, cyber criminals, hackers, cyber activists and others intent on causing harm are increasingly sophisticated in the tools and techniques they employ to exploit vulnerabilities, compromise systems and illegally access data,

THEREFORE, BE IT RESOLVED that cybersecurity be made a high priority at all ports and supported through appropriate levels of executive attention, staff resources, budgets and training, and

FURTHER RESOLVED that ports should seek to implement industry best practices to protect and defend against cyber-attacks, and

FURTHER RESOLVED that ports should plan to regularly inform and train staff about techniques and technology necessary to defend against cyber-attacks, and

FURTHER RESOLVED that ports should seek to coordinate with appropriate local, state and federal authorities to report breaches of cyber security so appropriate law enforcement channels may be activated, weaknesses identified, lessons learned and statistics compiled.

Resolution E-20 of 2016 (New Orleans)

Recommended for Re-Adoption by the Information Technology Committee