



Office of Mayor Charlie Hales
City of Portland

REPORT TO COUNCIL

January 21, 2014

To: Mayor Charlie Hales

From: Martha Pellegrino, Director of the Office of Government Relations

Subject: Accept the Report on the 2014 Federal Legislative Agenda

The City of Portland's 2014 Federal Legislative Agenda has been drafted by the Office of Government Relations based on input from council offices, City bureaus and the public. The legislative agenda was developed to reflect the needs of the City for economic development through environmental clean-up, public safety, economic development, transportation infrastructure, pre-disaster mitigation, as well as other needs. The City aims to work diligently with members of Oregon's congressional delegation and the Administration to move these agenda items forward.

TO THE COUNCIL:

The Office of the Mayor concurs with the recommendation of the Office of Government Relations and

RECOMMENDS:

that the Council accept the report.

Respectfully submitted,

Mayor Charlie Hales
City of Portland

CITY OF PORTLAND

2014 Federal Legislative Agenda



City of Portland Council

Mayor Charlie Hales

Commissioner Amanda Fritz

Commissioner Nick Fish

Commissioner Dan Saltzman

Commissioner Steve Novick

City Auditor LaVonne Griffin-Valade

**Prepared by the
Office of Government Relations**

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Federal Priorities



Federal Priorities

Portland Harbor Superfund

The clean up of the Portland Harbor Superfund site continues to be a top priority for the City of Portland. However, the Project Schedule of the Portland Harbor Superfund site continues to slip, thus delaying EPA's cleanup decision and the subsequent cleanup of the contaminated sediments.

In large part, the current schedule delays are due to the inability of EPA project staff to keep to the agreed upon Remedial Investigation and Feasibility Study (RI/FS) document review and comment schedules. This is a complex project, and we understand the need for EPA's careful review of technical documents. However, the amount of EPA effort needed appears to be overwhelming current resources. EPA staff has indicated they are resource-limited.

A timely and comprehensive cleanup effort will benefit both the region's environment and economic vitality.

- The City asks that the EPA prioritize resources to EPA Region 10 in the next few years, as the Portland Superfund project moves to the remedial design and remedial action phase.
- The City supports Congressman Blumenauer's (OR) efforts to pass the Superfund Reinvestment Act, which would reinstate the financing of the Superfund Program.

Transportation Reauthorization

The City urges a six-year reauthorization of the federal surface transportation program, and would advocate for the following components:

- The City will advocate for sustainable sources of revenue to provide for stable funding for investment in transportation infrastructure and transit services, including support for Congressman Blumenauer's Update, Promote, and Develop America's Transportation Essentials (UPDATE) Act and other efforts to create long term and stable funding.
- The City supports the creation of an urban circulator program to generate investment in urban transportation networks.
- The City supports reforms to the Small Starts program, providing streamlining to enable large scale investment in urban transportation infrastructure.
- The City supports the authorization of the Transportation Investment Regenerating Economic Recovery (TIGER) program and provide for increased competition, and funding.
- The City supports amending MAP-21 to allow for direct allocations of funding to Metropolitan Planning Organizations (MPOs).
- The City supports amending MAP-21 to restore flexibility in funding for transit and alternative modes of transportation.

Federal Priorities

- The City supports competitive funding dedicated to municipalities working with state highway departments to address the needs of the nation's "orphan highways."
- The City supports the Bicycle and Pedestrian Safety Act. This legislation would require the US Department of Transportation to set separate safety targets for motorized and non-motorized, while allowing states to set their own safety targets and have the flexibility to choose the best methods to meet the targets.
- The City advocates for recognition in national transportation policy of the fact that Active Transportation options (including transit which involves walking to and from transit stops) improve health and reduce the long-term need for health care services which are a major driver of budget deficits which the federal government is attempting to rein in.

Education

Federal Education Funding

The City supports increased federal funding for education. As a strong public education system is at the heart of economic vitality and will fuel recovery, the City supports for strong funding for Title I – Grants to Local Educational Agencies, Individuals with Disabilities Education Act (IDEA) programming, School Improvement State Grants, Improving Teacher Quality State Grants, 21st Century Community Learning Centers, and Career & Technical Education State Grants.

Head Start Funding

Head Start currently serves over a million children and their families annually in urban and rural areas in all 50 states. It is a national program that provides federal funding directly to local providers. The program is comprehensive and directly involves the family in addressing those needs, linking them to health, nutrition, mental health, and other services. The City of Portland supports the Head Start program and urges Congress to fund it at FY 2012 levels.

College Tuition

The City opposes cuts to federal college tuition assistance, and supports access to higher education to all those who wish to pursue it. Further, the City supports policies and regulations that ease the burden of student loan debt and provide for the ability for graduates to pay back their loans, does not cripple their credit, and allows them to find work.

No Child Left Behind Waivers

The City supports the granting of waivers by the Department of Education to states under the most recent authorization of the Elementary and Secondary Education (ESEA) Act, the No Child Left Behind (NCLB) Act to give states and districts flexibility to design innovative strategies that harness local innovation and put every school on a path to success.

Federal Priorities

Municipal Bonds Interest Tax Exemption

The City opposes changes to federal tax code that negatively impact the federal tax exemption on municipal bonds. The reduction or elimination of the current tax exemption on municipal bonds will challenge the City's ability to fund vital infrastructure projects. Limitations to the municipal tax exemption would threaten the City's ability to fund infrastructure projects by raising the costs of financing, and would thereby increase the burden on every taxpayer and ratepayer in Portland.

Competitive discretionary funding programs, such as the Small Starts, Transportation Investment Generating Economic Recovery (TIGER), Congestion Mitigation and Air Quality (CMAQ) Improvement, and Region Trails programs have helped the City further develop a transportation system that aims to meet its livability and economic goals. The City supports continued funding of these programs, and similar competitive discretionary programs. The City supports the FTA's efforts to develop rules that allow for efficient and effective project delivery.

Levee Recertification

Levees along the Columbia River require recertification by the Army Corps of Engineers to enable access to the Federal Emergency Management Agency flood insurance program for those property owners protected by the levees.

The City will work with Multnomah County Drainage District, Multnomah County, the Port of Portland, and other stakeholders within the Oregon Solutions process to explore options related to the recertification of the levees along the Columbia River. Partners will seek regulatory clarity with the Army Corps of Engineers and the Federal Emergency Management Agency, and will work together to identify sources of funding to assist in the recertification and remediation process.

Community Parks Revitalization Act

Parks are essential to the fabric of livable communities. They provide safe places for children to play, for the community to gather and enjoy the outdoors, and they enhance the economic value of neighborhoods around them. A person's ready access to a park or natural area is intrinsically linked to a healthy urban lifestyle.

The City supports legislation, such as the Community Parks Revitalization Act, that will commit funding toward the rehabilitation and construction of our nation's community parks, as well as funding for recreational programming.

Federal Priorities

Maintain Alternative Compliance Options for the Long Term 2 Enhanced Surface Water Treatment Rule (LT2)

The LT2 Rule requires the Portland Water Bureau to provide additional treatment to address *Cryptosporidium* at its raw water source in the Bull Run watershed. The City continues to seek assistance from the federal congressional delegation to maintain its alternate form of compliance with the treatment requirements of the Long Term 2 Enhanced Surface Water Treatment Rule (LT2).

The City has an alternative compliance approach granted through a variance with significant conditions by the Oregon Health Authority in 2012. To maintain the variance and continue to comply with the treatment requirements of the LT2 rule, the City strongly advocates for the following:

- Improvements in the mandatory EPA-certified water testing method to allow for the investigation and consideration of additional characteristics of *Cryptosporidium* with public health significance, including the genotype and infectivity of detected oocysts.
- Continued flexibility, as contained in the current EPA method allowing for test method modifications which increase the overall accuracy of the method for Portland. EPA is considering changes to the method that could possibly eliminate this flexibility and make it difficult or even impossible for the City to meet the monitoring conditions of its treatment variance.

Federal Policy Positions & Funding Priorities

Economic Development

Export Initiative Policies

The City encourages support for federal programs designed to boost American exports. The City supports increased funding to U.S. Export Assistance Centers and the Foreign Commercial Service which are critical to meet the demands generated by increased export activity.

Further, the City supports specific federal assistance, such as the State Trade and Export Promotion Grant (STEP) program. This City also advocates for the availability of export financing at lower capital requirements, through the Export-Import Bank or the Small Business Administration, to provide resources necessary for small- to medium-sized businesses to seek foreign market opportunities.

Inclusive Entrepreneurship

The City supports continued funding for federal programs that support entrepreneurship within women, and minority populations. The City supports the efforts of the SBA through its minority Business Development Agency to foster the establishment and growth of minority and woman-owned businesses, and the 8(a) Business Development Program help to small, disadvantaged businesses compete.

James Beard Public Market

The City will assist in identifying potential federal funding sources for the James Beard Public Market. The James Beard Public Market will operate a daily, year-round, indoor-outdoor marketplace for vendors. The Market will have a strong educational focus to promote sustainable and urban agricultural practices, and to encourage healthy eating, as well as providing a valuable connection to rural Oregon, and surrounding farmland.

Economic Development

Permanent Authorization of the EB-5 Regional Care Program

The City again encourages the Federal government to permanently authorize the EB-5 Regional Center program. The program aims to stimulate the economy through job creation and capital investment by foreign investors.

The EB-5 Regional Center program will sunset in September 2015. Included in the Senate-passed comprehensive immigration reform bill is Section 4804, which calls for the permanent reauthorization of the program.

The City supports the Association to Invest In the USA's (IIUSA) three point advocacy platform:

- Permanent authorization for the program;
- Inclusion of EB-5 in any augmentation of available visas to employment-based visa categories; and
- Clear guidelines, predictable, consistent, and timely application of EB-5 regulations and processes, with the aim of reducing or eliminating the USCIS backlog.

Energy & Environment

Brownfields Utilization Investment, and Local Development (BUILD) Act

The EPA Brownfields Program is designed to empower states, communities, and other stakeholders in economic redevelopment to work together in a timely manner to prevent, assess, safely clean up, and sustainably reuse brownfields.

The original authorization of the EPA Brownfields Program expired at the end of 2006. The need to reauthorize the program is an opportunity for Congress to include provisions which would strengthen the program by providing additional tools and resources for communities working to redevelop their brownfields.

Climate Change

Global climate change looms as a defining global issue of the next decades and poses significant risks and opportunities for Portland.

Portland's 2009 Climate Action Plan, a joint effort with Multnomah County, establishes a goal of reducing carbon emissions by 80 percent from 1990 levels by 2050 and specifies concrete actions the City and County will take in the next three years to shift the local emissions trajectory toward the 2050 goal. As of 2011, local emissions had declined 9% from 1990 levels, despite rapid population growth, while national emissions have increased 9% over the same period.

Achieving this level of reductions requires strong federal action. The Obama administration issued a climate action plan in June 2013 that relies on executive authority and administrative processes to advance climate policies. The President's plan includes:

- EPA regulations to regulate carbon emissions from new and existing power plants
- Accelerating permitting for renewable energy projects on public lands
- Expanding the Department of Energy's Better Building Challenge to improve efficiency in commercial and residential buildings
- Directing federal agencies to partner with local governments to prepare for the impacts of climate change.

The City supports the President's plan. Because Portland is home to an unusually strong cluster of clean energy firms, national policies to reduce carbon emissions will likely bring significant benefit to the local economy, while also helping Portland to achieve its own emission-reduction goals and slow the worst effects of climate change.

The City also urges Congress and the Administration to look at how to link tariff fees of imported products to their carbon intensity.

Energy & Environment

Coal Exports

A number of large coal-export facilities have been proposed for the Pacific Northwest, including three in Oregon. If they proceed, coal that is exported through several of these facilities would need to be transported through Portland, presenting potentially serious health concerns to Portland residents and businesses as well as exacerbating climate change.

Coal-export facilities typically require a permit from the Army Corps of Engineers. The Environmental Protection Agency, Senator Merkley, Congressman Blumenauer, and Governor Kitzhaber have called for more thorough analysis of the impacts of the coal-export facilities prior to issuing permits to develop these facilities. In September 2012, however, the Army Corps of Engineers announced that it would conduct a relatively narrow “environmental assessment” of one of the proposed export facilities in Oregon, rather than a full environmental impact statement.

The development of coal-export facilities in the Northwest poses health risks to Portland residents and businesses, runs counter to the City’s Climate Action Plan, and poses barriers to the growth of Portland’s renewable energy and clean technology firms.

Renewable Energy and Energy Efficiency Incentives

As a major hub for clean energy businesses, including SolarWorld, Vestas, and Iberdrola, Portland’s economy is significantly influenced by federal tax policy and programs for renewable energy development, and supports the following renewable energy and energy efficiency incentives.

- **Investment Tax Credit Extension**
The federal solar Investment Tax Credit (ITC) expires in 2016. Revising the ITC language to a construction start instead of operations would provide a boost on the financing side as well. Two pieces of legislation that the City supports, H. R. 2502 and H.R. 3017, would change the ITC language to beginning construction rather than service.
- **Master Limited Partnerships Qualification**
Master Limited Partnerships (MLPs) are taxed as limited partnerships but publicly traded on the stock market, which provides substantial financial advantages. Currently, renewable energy sources like solar and wind do not qualify for MLPs, but energy projects including natural gas, oil and geothermal are eligible. A bi-partisan coalition has emerged that supports allowing all energy projects to qualify as MLPs.

Energy & Environment

- **Production Tax Credit Extension**

The federal renewable electricity production tax credit (PTC) is a per-kilowatt-hour tax credit for electricity generated by qualified renewable resources and sold by the taxpayer to an unrelated person or entity. The PTC has been renewed and expanded numerous times, most recently in January 2013. The PTC has proven to be a valuable policy tool that has helped drive the expansion of renewable wind and biomass generation in Oregon.

As many renewable energy projects have a multi-year development process, extension of the PTC is instrumental in planning for additional generation. The City supports the “American Renewable Energy Production Tax Credit Extension” Bill H.R. 3307, introduced by Representatives Blumenauer (OR) and Dave Reichert (WA), which extends the PTC through the end of 2016.

- **Sensible Accounting to Value (SAVE) Act**

The Sensible Accounting to Value Energy Act (SAVE Act), S. 1106, would require lenders to consider expected energy costs in determining debt-to-income qualifications and loan-to-value ratios for home mortgages. This would recognize the financial advantage that energy-efficiency homes offer to prospective buyers.

Tar Sands – Keystone Pipeline

In light of the aims of the City’s Climate Action Plan that aims to reduce local greenhouse gas emissions by 80% from 1990 levels by 2050, the City expresses deep concern for the increase in Canadian tar-sands exploration and refining.

The Keystone XL is a proposed pipeline from Alberta to Kansas that would transport crude oil and bitumen derived from the Alberta tar sands. Because the pipeline crosses the Canada-US border, federal approval of the project must come from the State Department, which is expected to issue a decision sometime in 2014. Oil produced from tar sands requires considerably more energy than oil from conventional sources, resulting in additional carbon emissions, and the process has extreme impacts on habitat, water quality and wilderness in northern Alberta.

Farm Bill

Fresh Fruits and Vegetables

The City supports reforms in the Farm Bill to create more parity for payments between commodity growers and growers of specialty crops, like healthy fruits and vegetables.

Congress should pass a Farm Bill that stops direct payments to large, industrial farms producing basic commodities, and instead focus support on small and medium farms that truly need support. The Direct Payment program, a flat payment based on historic production, has cost \$41 billion a year since 1995 – with 50% of these payments going to only 10% of the farming population.

Congress should also limit payment programs, such as counter cyclical payments, market assistance payment, loan deficiency payments, and the Average Crop Revenue Election program, that only work to protect large, industrial farming. Congress should limit commodity payments to entities with an adjusted gross income of under \$250,000 per year, as well as limiting the total amount of commodity payments an entity can receive in one year to \$250,000. These steps will ensure support for more vulnerable, smaller farms and a more equitable distribution of federal spending.

Supplemental Nutrition Assistance Program (SNAP)

The City advocates that funding for the SNAP program be returned to FY 2011 levels. SNAP provides food assistance benefits to approximately 47.6 million people nationwide.

SNAP responds quickly to changes in need, growing in response to increases in poverty and unemployment. The program is targeted at our most vulnerable citizens, predominantly serving households with children, elderly, and disabled members. SNAP is not only effective at reaching those in need but is also a highly efficient program, boasting one of the highest payment accuracy rates in delivering the appropriate benefit levels for participants with low administrative overhead.

Health Care

Affordable Care Act “affordable coverage” definition

The City supports a change to the definition of “affordable” in the Affordable Care Act to ensure families have access to buy insurance through the Exchange if the family coverage offered through their employer is not affordable. The Internal Revenue Service (IRS) interpretation of the definition of “affordable” in the Affordable Care Act currently prevents family families from accessing tax credits through the Exchange if an employer offers family coverage, even if that coverage is only available at an exorbitant cost. Specifically, the IRS interpretation is that if an employer offers affordable employee-only coverage to an employee, and the employer also offers family coverage, the family coverage is considered affordable no matter what its cost.

Behavioral Therapy for Autism

The City supports efforts to ensure the continuation of mandated coverage for behavioral therapy for autism spectrum disorders under the Affordable Care Act, as well as supports the pre-existing condition coverage requirement under the law.

Autism spectrum disorder faces serious coverage and benefit gaps. These gaps create issues with therapies needed by patients, as well as create financial hardships for families.

Drug and Alcohol Treatment

The City supports robust federal funding for the Substance Abuse Prevention and Treatment Block Grant (SABG) and the Community Mental Health Services Block Grant through the Substance Abuse and Mental Health Services Administration (SAMHSA). In particular, the City supports increased funding to the National Suicidal Prevention Lifeline system, with the creation of a targeted stream of funding toward cities with higher rates of suicide for services, public education, and training purposes. The City also supports federal funding for mobile mental health crisis intervention teams.

Emergency Medical Services Reimbursement

Currently, a significant number of Portland Fire & Rescue’s emergency responses are related to calls for service related to medical issues. In addition, Portland is exploring a model implemented in other cities that includes a nurse or another health professional at 9-1-1 to triage some calls for emergency medical service, reducing medical costs for the public and insurers. The City supports federal efforts to add innovative health care reimbursement models that acknowledge the role of fire departments and 9-1-1 centers in providing medical services.

Health Care

Prescription Drug Costs

The City supports reform to patent and other laws that are helping to drive up the costs for prescription drugs in the United States.

Pharmaceutical companies have, for some time, engaged in anti-competitive manufacturing and marketing practices. The practice known as “pay to delay”, where companies originating a product pay companies seeking to offer a generic version to delay the generic’s introduction, can add significantly to the cost of the drugs in the United States. The City advocates for a change in law to forbid this practice.

Additionally, the federal government should be given the authority to negotiate the price of prescription drugs on behalf of the beneficiaries in the Medicare program. Under the Medicare Modernization Act of 2003, congress created the Medicare Part D program providing prescription drugs to those eligible for Medicare. However, under the law, the federal government is not permitted to negotiate prices of drugs with the drug companies for Medicare. The Department of Veterans Affairs, which is allowed to negotiate drug prices, pays less for drugs, on average, than Medicare Part D. The City supports amending the Medicare Part D program to allow price negotiation.

Support Federal Paid Sick Leave Requirement

There is currently no federal law that requires companies to provide paid sick leave, although workers at companies with 50 or more employees can get 12 weeks of unpaid leave under the federal Family and Medical Leave Act. The Healthy Families Act, introduced into the House of Representatives, would set a “national standard” for paid sick days. It would require employers who employ 15 or more employees for each working day during 20 or more workweeks a year to permit each employee to earn at least one hour of paid sick time for every 30 hours worked. It further allows employees to use the time to meet their own medical needs, care for the medical needs of certain family members or seek medical attention or take legal action relating to domestic violence, sexual assault or stalking. The City of Portland supports changes to federal law to require companies to provide paid sick leave.

Housing Policy and Affordable Housing Funding

Affordable Housing Funding

The City continues to advocate maintaining current funding levels for:

- Community Development Block Grant (CDBG)
Support increased funding for the Community Development Block Grant (CDBG), a flexible resource which allows communities to address a wide range of unique community development and affordable housing needs.
- HOME Investment Partnerships Program
HOME Investment Partnerships Program (HOME) provide grants to implement local housing strategies designed to increase homeownership and affordable housing opportunities for low and very low-income Americans.
- Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act implementation
The City will continue to work with HUD on the implementation of the HEARTH Act, and work to establish Continuum of Care governance structure with the City's partners.
- Housing and Urban Development/ Veterans Affairs Supportive Housing (HUD/VASH)
The HUD-Veterans Affairs Supportive Housing (HUD-VASH) program combines Housing Choice Voucher (HCV) rental assistance for homeless Veterans with case management and clinical services provided by the Department of Veterans Affairs (VA).

Cuts to these programs in past budgets have reduced the Portland Housing Bureau's ability to invest in meeting the community's housing needs. Cuts have meant less money for affordable rental housing preservation and development; home repair for seniors and people with disabilities; shelter; rent assistance; and homeowner counseling. The City will continue to advocate for current funding levels during sequestration negotiations and during the regular congressional budget and appropriations process.

Immigration Reform

Comprehensive Immigration Reform

The City of Portland supports the enactment of comprehensive immigration reform. Comprehensive immigration reform should provide a pathway to citizenship, as well as consider guest worker programs and a focus on visa programs to bolster the needs of the high-tech economy.

- A pathway should be open to those who already make their home in the United States, as well as those who are in the process of emigrating from other countries.
- Comprehensive reform should consider guest worker program that would provide for the needs of our agriculture economy, as well as increased numbers of visas to help bring skilled, high-tech workers to bolster the needs of the high-tech sector of our economy.

Strengthen and Fortify Enforcement (SAFE) Act

The City opposes the SAFE Act, which would compel law enforcement officers to engage in immigration enforcement activities or risk losing federal funding. This proposal would also give states and localities the unprecedented authority to pass their own immigration criminal and civil penalties, which local police would be duty bound to enforce. The proposal would also require that civil immigration status information be entered into the National Crime Information Center (NCIC) database.

The SAFE Act would radically alter the nature of federal immigration enforcement by vesting enforcement decisions in the hands of state and local law enforcement officials when immigration is a solely federal policy and demands a national solution.

Tuition Equity

The City continues to support efforts such as the Development, Relief and Education for Alien Minors Act (DREAM ACT) to allow most students with good moral character who came to the U.S. at age 15 or younger and meet certain security requirements to qualify for conditional permanent resident status upon acceptance to college, graduation from a U.S. high school, receipt of a GED, or military service with the opportunity to pursue legal permanent resident status.

Parks

Land and Water Conservation Fund

The Land and Water Conservation Fund (LWCF) funds natural areas, water resources, and cultural heritage sites in order to provide recreation opportunities to all Americans. Every year, royalties paid by energy companies drilling for oil and gas on the Outer Continental Shelf are put into the LWCF. The money is intended to create and protect national parks, areas around rivers and lakes, national forests, and national wildlife refuges from development, and to provide matching grants for state and local parks and recreation projects.

The LWCF program has permanently protected nearly five million acres of public lands including some of Oregon's most treasured assets such as the Pacific Crest Trail, the Fort Clatsop National Memorial, and the Mt. Hood National Forest. There has been over \$250 million invested in sites in Oregon through LWCF.

The City supports the LWCF and asks the congressional delegation to:

- Support increased funding to the LWCF in FY 2015
- Protect the interest of states and local communities by enacting statutory language requiring a minimum of 40% of the total annual LWCF funding be allocated to the LWCF State Assistance Program. This is the same amount required by law to be allocated to the LWCF federal land acquisition program.
- In absence of authorizing legislation, exercise discretionary appropriations power to allocate at least 40% of the total LWCF funding in FY14 to the State Assistance Program.
- Oppose attempts to change the original distribution formula of State Assistance funding through means such as a DOI administered competitive grant program.

Public Safety

Byrne Justice Assistance Grant (JAG)

The City asks for support for increased funding for the Byrne JAG grant program. Funding allows states and local governments to support a broad range of programs to prevent illegal drug activities, human trafficking, control violent crime and improve the criminal justice system.

Community Oriented Policing Services (COPS) Program

In 2013 the Portland Police Bureau eliminated over 50 sworn positions due to budget reductions. COPS hiring grants represent an excellent opportunity to lever limited local resources to increase sworn staffing levels. The City asks that the delegation support increased funding in FY 2015 to advance the practice of community policing by state, local and tribal law enforcement agencies.

Gang Resistance Education and Training (GREAT) program (new)

The City supports GREAT, a school-based gang and violence-prevention program designed to teach youths to avoid gang membership, prevent violence and criminal activity, and assist youth in developing positive relationships with law enforcement.

Pre-Disaster Mitigation Grant Program

The City asks that the Pre-Disaster Mitigation (PDM) Grants be funded at the full authorized level of \$200 million in FY 2015, and Congress should reauthorize the program at minimum of FY 2013 levels moving forward. The PDM grants, awarded through the Federal Emergency Management Agency (FEMA), provide funds to states, territories, native tribes, communities, and universities for mitigation planning and the implementation of those plans before a catastrophe occurs.

Pipeline Safety

The City will work with the delegation to highlight the need for oversight of gas and liquid fuel pipelines and tanks for safety and seismic preparedness.

Vital areas of the city are crisscrossed by liquid fuel pipelines and home to storage tanks. These areas are near populated areas, near rail and freight routes, and close to the Willamette River. The City will pursue the opportunity to engage all parties and stakeholders in conversation to understand the risks and costs associated with oversight and retrofitting gas and liquid fuel pipelines and tanks for safety and seismic preparedness.

Public Safety

Urban Area Security Initiative (UASI) funding

The City will continue to advocate for the preservation and expansion of the Urban Area Security Initiative, which provides resources to the region.

The UASI program addresses the planning, operational, equipment, training and exercise needs of high threat urban areas and assists in building capacity to prevent, protect against, respond to and recover from natural disasters as well as threats and acts of terrorism. The Portland UASI region covers the Portland metropolitan area, including Clark County, WA.

Revenue Authority

Digital Goods & Services Tax Fairness Act

The City opposes the Digital Goods & Services Tax Fairness Act to sharply restrict, and in many cases, preempt, the ability of state and local governments to tax “digital goods and services.” Examples include downloaded music and video, online photo storage, payroll processing and computer programs. In essence, the bill creates a nationwide “tax preference” for online goods and services over competing brick-and-mortar sales.

Internet Tax Freedom Forever Act

The City opposes efforts to extend the law to pre-empt local taxes on the internet forever (excluding taxes in place prior to 1998 as they are grandfathered). The City advocates for the sunset of ITFA in 2014.

The Mainstreet Fairness Act and Marketplace Fairness Act

The City supports both the Mainstreet Fairness Act, and the Marketplace Fairness Act - legislation would grant states the authority to compel online and catalog retailers, no matter where they are located, to collect sales tax at the time of a transaction - exactly as local “brick and mortar” retailers are already required to do.

Online Travel Companies

The City opposes federal preemption of local authority or ability to collect revenue, specifically the proposed Internet Travel Tax Fairness Act, which would create an economic and competitive disadvantage for “brick and mortar” hotels by creating preemption for the collection of local hotel/motel taxes booked through Online Travel Companies.

Wireless Tax Fairness Act

The City opposes legislative, such as H.R. 2309 and S. 1235, which preempt state or local taxing authority on wireless service providers and their property. Adoption of such legislation would prevent the city’s ability to bring fairness and equity to our existing phone tax system.

Telecommunications

Community Access Protection (CAP) Act

The City calls on Congress to enact the Community Access Preservation (CAP) Act. The CAP Act eliminates unnecessary limits on the use of PEG funds; creates a technology neutral definition of a cable system; bars discriminatory treatment of PEG channels and preserves, or in some cases, reinstates PEG support and localism.

FCC Notice of Inquiry Acceleration of Broadband Deployment Expanding the Reach and Reducing the Cost of Broadband Deployment by Improving Policies Regarding Public Rights of Way and Wireless Facilities Siting

Congress should reject any legislative or Federal Communications Commission initiative to preempt, or otherwise limit, Portland's ability to manage its rights-of-way, including the ability to demand a fair rental payment for the use of same

First Responder Network Authority

In 2012, Congress created the First Responder Network Authority (FirstNet), to be the framework to implement a much-needed nationwide interoperable broadband network for first responders. FirstNet will hold the spectrum license for the network, and is charged with taking "all actions necessary" to build, deploy, and operate the network, in consultation with Federal, State, tribal and local public safety entities, and other key stakeholders.

The City supports FirstNet, and advocates that local public infrastructure is utilized wherever possible, and that municipalities are intimately involved, in every stage of the planning and deployment of FirstNet, to ensure optimal performance of the nation's first top-down, interoperable public safety network.

National Broadband Plan

The City supports the efforts of the FCC's National Broadband Plan. While the national plan recognizes the role of local government in the implementation of broadband policy and social change, Portland has taken the next step to provide an inclusive approach to local and regional broadband planning, involving the wireline and wireless industry, local businesses, educational institutions, public safety, transportation and healthcare. Portland supports local government's authority to provide municipal broadband and opposes any effort restrict municipal broadband.

Telecommunications

Net Neutrality

The City supports net neutrality and will oppose efforts that prevent the right of everyone to use Internet data without regard to content, destination or source.

Oppose Pre-Emption of Zoning of Cell Phone Towers

The City opposes any attempt by the Federal Communications Commission or Congress to preempt state or local zoning, zoning procedures, and review deadlines for communication facilities. A new rulemaking - Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies -- Docket No. 13-238 FCC 13-1222 has the potential to limit local governments' zoning authority and allow wireless companies to add new facilities to buildings, towers and other structures, in public rights-of-way and elsewhere. Portland will file comments.

Study Health Effects of Cell Tower Siting

The City requests that the Federal Communications Commission work in cooperation with the US Food and Drug Administration and other relevant federal agencies to revisit and update studies on potential health concerns arising from radio frequency wireless emissions in light of the national proliferation of wireless use. Portland filed comments in the FCC Proceeding.

Telecommunications Act Reauthorization

The City affirms the important role of local government in encouraging competition among telecommunications and video providers, managing the public rights of way, implementing local zoning policies, providing local customer service enforcement, enforcing build-out requirements and ensuring vibrant community media. Furthermore the City supports preserving the option of municipal provision of broadband communications services and opposes any effort to pre-empt local government from franchising video providers who use the public rights of way, paying franchise fees, and providing support for PEG access and Institutional Networks.

Timber Payments

Resolution to Local Budget Concerns

The City supports a resolution to the fiscal crises that rural counties across Oregon face. This resolution to the fiscal crises should bring together a broad coalition of stakeholders, meets the budget needs of the counties and their citizens, while preserving the values all Oregonians care about.

Water Infrastructure

Buy America Revision

Portland seeks assistance from the federal congressional delegation to advocate for changes to the Buy America requirements for water components of federally funded transportation projects.

Any component of a project described in a NEPA document must comply with Buy America if any one contract is funded by Federal Highway funds. The City of Portland Bureau of Transportation uses federal funds to construct a variety of transportation projects including bicycle, pedestrian and street improvement projects. Buy America bond requirements stipulate that any project receiving funds through its program use exclusively components made in the United States. While most of the materials used by the Water Bureau are manufactured domestically, some are not and have been difficult to source domestically.

The City urges an exemption or general waiver for material placed by utilities under \$5,000 in material costs. Congressional assistance could take the form of advocating on Portland's behalf for an exemption or a waiver from these requirements.

Chemical Security

The City seeks continued assistance from the congressional delegation to maintain local authority over chemical treatments for drinking water systems, and to maintain the Environmental Protection Agency as the oversight body.

Drinking water treatment is a complex process, designed to address highly local factors. The city's primary drinking water supply is the federally designated Bull Run Watershed Management Unit, which is protected, treated, and located far from populated areas.

The City supports protecting the exemption of drinking water systems from the regulations of the Chemical Facility Anti-Terrorism Act. Additionally, the City opposes attempts to liken drinking water systems to chemical facilities, such as explosives manufacturers. As required by EPA, Portland developed a vulnerability assessment and emergency response plan to prepare for security-related incidents.

Congressional assistance could take the form of monitoring Department of Homeland Security activities related to exemptions under the Chemical Facility Anti-Terrorism Act and advocate to maintain local control over decisions related to chemicals treatments of drinking water systems. For instance, a ban on gaseous chlorine would force the City to use up to seven times the current quantity of treatment chemicals – increasing the risk to the public and the watershed due to additional transportation.

Water Infrastructure

Water Infrastructure Financing Innovation Act

The City of Portland applauds the Senator Jeff Merkley's Water Infrastructure Financing Innovation Act (WIFIA) legislation to provide water and waste water utilities with an additional financing tool. Cities, towns, and districts across the county will be able to use this tool to access low cost loans to help build out needed water infrastructure projects in their jurisdictions.

The City urges congress to act to pass the Water Resources Development Act with WIFIA attached in 2014.

Workforce

Employment Non-Discrimination Act

The City supports the enactment of the Employment Non-Discrimination Act. The Employment Non-Discrimination Act of 2013 would prohibit employers from firing, refusing to hire, or discriminating against those employed or seeking employment, on the basis of their perceived or actual sexual orientation or gender identity. Such protections are already in place prohibiting discrimination based on race, religion, gender, national origin, age, and disability.

Support Employee Free Choice


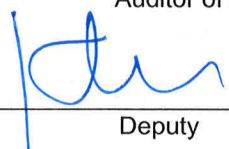
The City supports amendments to the National Labor Relations Act, as provided for in the Employee Free Choice Act, to make it easier for employees to join unions by allowing the option to choose how to form a union and by imposing stronger penalties on employers for wrongful actions against employees that are attempting to organize or negotiate a first contract with the employer.

Currently, employees bring a union into a workplace in one of two ways – a secret ballot administered by the National Labor Relations Board (NLRB), or by submitting signed authorizations to the NLRB from the majority of employees in a bargaining unit. Usually, most employers and employees have agreed to hold an election supervised by the NLRB, which reviews the results and certifies the union as the bargaining representative if the majority of employees cast their secret ballot in favor of the union.

However, employers often slow this process down and do not commit to taking action to negotiate that first contract with the newly formed union. Employers may also choose to fire employees who are attempting to organize, or negotiate. The Employee Free Choice Act would protect employees from these practices.

Agenda No.
REPORT
 Title

Accept the Report on the 2014 Federal Legislative Agenda (Report)

INTRODUCED BY Commissioner/Auditor: Mayor Charlie Hales	CLERK USE: DATE FILED <u>JAN 24 2014</u>
COMMISSIONER APPROVAL  Mayor—Finance and Administration - Hales Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Novick	LaVonne Griffin-Valade Auditor of the City of Portland By:  Deputy
BUREAU APPROVAL Bureau: Office of Government Relations Bureau Head: Martha Pellegrino	ACTION TAKEN: JAN 29 2014 ACCEPTED
Prepared by: Nils Tillstrom Date Prepared: 1/21/14	
Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
City Auditor Office Approval: required for Code Ordinances	
City Attorney Approval: required for contract, code, easement, franchise, charter, Comp Plan	
Council Meeting Date 1/29/14	

AGENDA
TIME CERTAIN <input checked="" type="checkbox"/> Start time: 2:00pm (1 of 2) Total amount of time needed: 45 minutes (for presentation, testimony and discussion)
CONSENT <input type="checkbox"/>
REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	_____	_____
4. Novick	4. Novick	✓	
Hales	Hales	✓	