

**SUBSTITUTE**



# **CITY OF PORTLAND**

## **2016 Federal Legislative Agenda**

## **2016 Federal Priorities**

### ***Affordable Housing and Homelessness***

The City of Portland advocates for increased funding for programs that impact the Portland Housing Bureau and its partners' ability to meet the housing needs of our residents. The Low-Income Housing Tax Credit, the Community Development Block Grant, the HOME Program, Housing and Urban Development (HUD)/Veterans Affairs Supportive Housing, Housing Opportunities for Persons with AIDS, and the McKinney Vento programs are essential tools to meet the City's affordable housing goals. The City also asks the Administration to work with housing providers and their partners on regulatory reform to increase the flexibility of existing federal programs to better align with the needs, programs, and investments of states and municipalities.

### ***Climate Change***

Global climate change poses grave threats to the environment, public health, economy and national security. Cities throughout the world are demonstrating leadership in implementing climate policy, but action by the federal government is also needed. The Administration and Congress should act to reflect the full agreement forged by the 21st Conference of Parties (COP21) in Paris, including fulfilling the commitments to reducing greenhouse gas emissions. Future federal climate policy should support research and development and policy innovation in clean and renewable energy sources, and avoid further investment in fossil fuels. The City of Portland supports a federal tax on carbon emissions.

### ***Portland Harbor Superfund Clean-Up***

The City has a vested interest in a successful clean-up of the Portland Harbor Superfund site. The Willamette River is critical to the health and well-being of our citizens and economy. The City also will be one of a number of parties called on to share in payment of the cleanup costs. The City's interests are many, including fiscal responsibility, environmental protection, economic development and livability. The City will work with the EPA and other stakeholders to provide for meaningful public involvement as it is essential that the public and stakeholders have a clear understanding of the process, costs, benefits, and impacts for each clean-up option. Additionally, the City believes it is important to stay on schedule for a Record of Decision in 2016.

### ***Gun Violence Prevention***

The City supports federal action to prevent gun violence, including President Obama's Executive Order to close loopholes in background check requirements for the purchase of firearms. Other actions to address gun violence include preventing those on federal "no fly lists" or terror watch lists from obtaining firearms, improving the mental health system to ensure those who need assistance receive it, providing protections for victims of domestic violence, and empowering healthcare professionals and researchers to track and report gun violence accurately.

### ***Urban Areas Security Initiative Funding***

The Urban Areas Security Initiative (UASI) program assists high-threat urban areas build their capacity to prevent, respond to, and recover from natural disasters and terrorism. The City supports increasing the allocation to UASI regions to a minimum of \$3 million to meet the region's needs.

### ***Municipal Bonds***

Municipal Bonds are an essential way cities across the country fund transportation, drinking water, sewer, and other critical infrastructure projects. The City opposes changes to the federal tax code that negatively impact the federal tax exemption on municipal bonds. Limitations to the municipal tax exemption threaten the City's ability to fund infrastructure projects by raising the costs of financing, thereby increasing the burden on taxpayers and ratepayers in Portland.

### ***Federal Protected Sick Time***

Portland applauds the Obama Administration for establishing protected sick time for federal contractors. The City supports federal legislation that protects the ability for all employees to earn paid sick time.

### ***Alternative Compliance to Long Term 2 Enhanced Surface Water Treatment Rule***

Portland seeks to maintain its alternate form of compliance with the requirements of the Long Term 2 Enhanced Surface Water Treatment Rule (LT2). The City will continue to monitor the Environmental Protection Agency's (EPA) periodic rule review to ensure flexibility, cost effectiveness, and compliance with the variance.

## **2016 Policy and Funding Positions**

### **I. Investing in Infrastructure**

#### **Transportation**

**Vision Zero** – The US Department of Transportation should prioritize discretionary funding to cities that have adopted Vision Zero strategies to address the need for safety for all road users.

**Bike Share as Transit** – Congress should clarify that bike Share systems are capital projects eligible to receive federal funding as a transit improvement. Bike Share should also be listed as an eligible project under the Congestion Mitigation & Air Quality Improvement Program.

**Commuter Parity Act** – Congress should pass the Commuter Parity Act to permanently codify parity between qualified, pre-tax and tax-free fringe transit and parking benefits, allowing these benefits to be mode-neutral.

**Transportation Research Funding** – To meet growing demands on the transportation system and create dynamic new solutions at the local, regional, and national level, the City supports continued investment in the Research and Innovative Technology Administration (RITA).

**Protecting the Sight-Impaired** – The National Highway Traffic Safety Administration should cease the delays in issuing its final ruling on proposed noisemaker standards as required by the 2011 Pedestrian Safety Enhancement Act.

#### **Water, Parks, and the Environment**

**Federal Brownfields Tax Incentive** – This federal tax incentive, which expired in 2011, encouraged the cleanup and reuse of brownfields by allowing cleanup costs be fully deductible in the year incurred. Remediating brownfields promotes economic development, enabling efficient land use, and reduces hazards to human health and the environment. Remediating brownfields also addresses the issue of environmental justice, as sites are disproportionately located in underrepresented and minority neighborhoods. The City supports the reinstatement of this incentive.

**Levee Ready Columbia** – The City will continue to work with Multnomah County Drainage District #1, Multnomah County, the Port of Portland, and other stakeholders to ensure the Columbia Corridor levee systems are recertified and continue to reduce the risk of flooding. Continuing their work with the US Army Corps of Engineers (Corps), the project partners are seeking support for a new start feasibility study designation in either the Corps Fiscal Year 2016 work plan or the Obama Administration's Fiscal Year 2017 Budget.

**Water Resources Development Act Projects** – The Bureau of Environmental Services (BES) is pursuing projects through the Water Resources Development Act - the Lower Willamette River Environmental Ecosystem Restoration Project, and the Oaks Bottom Wildlife Refuge Aquatic Habitat Restoration Project. The City seeks congressional support on both these projects.

**Chemical Security Anti-Terrorism Act** – The City seeks continued assistance from the delegation to maintain local authority over chemical treatments for drinking water systems, and retain the Environmental Protection Agency as the oversight body.

**Water Research Foundation Funding** – The City supports continued funding for the Water Research Foundation through the Interior & Environment Appropriations bill. The Foundation’s work advances the science of water by funding research to provide best practices solutions to the most complex challenges facing the water provider community.

**National Flood Insurance Policy Compliance with Endangered Species Act** – The City is the local implementer of floodplain regulations. The City will work with agencies and stakeholders to meet the intent of the Biological Opinion (BiOp) to ensure consultation with federal agencies, and advocate for the remapping of the floodplain be prioritized within Federal Emergency Management Agency’s (FEMA) existing mapping budget, as well as a channel migration zone study of the Columbia and Willamette Rivers. Before the final BiOp, FEMA should issue mapping protocol updates, mitigation guidance, and processing of letters of map revisions allowing for affected areas to continue their local planning processes.

**Waters of the United States** – The Bureau of Environmental Services (BES) has an interest in the definition of “Waters of the United States” because as a utility, BES constructs facilities and discharges to Waters of the U.S., and is subject to regulations. BES also regulates actions taken by private and public entities to comply with obligations under the Clean Water Act and Endangered Species Act.

**Land and Water Conservation Fund (LWCF)** – The City supports the reauthorization of the Land and Water Conservation Fund, including a dedicated full and mandatory funding for the Fund. Over the past 50 years the LWCF has contributed funding to over 42,000 parks, trails, and natural area projects nationwide, including the Pioneer Courthouse Square, Tom McCall Waterfront Park, the Vera Katz Eastbank Esplanade, and Kelly Point Park, and just in 2015 the Cully Park project was awarded LWCF grant funding.

**Water Infrastructure Financing Innovation Act** – The Water Infrastructure Financing Innovation Act (WIFIA) is a financing tool that allows communities access to low cost federal loans for water and sewer projects. The City supports amending the law to allow for the use of municipal bonds as part of the local match.

**Columbia River Treaty** – The Columbia River Treaty of 1964, between the United States and British Columbia provides flood control and energy generation benefits to the United States, and monetary compensation to Canada. As the Treaty has profound impact on the safety and economy of the region, the City has interest in components related to the operations of the system, the inclusion of ecosystem functions, and providing for a system-wide flood analysis. The City will monitor the process of the US Entity and State Department and comment as appropriate.

## Policy and Funding Positions

### II. Emergency Preparedness and Public Safety

#### Emergency Preparedness

**Earthquake Early Warning System** – The City supports funding of the full development and deployment of the U.S. Geological Survey’s ShakeAlert system, including involving the effort involves installing seismic sensors throughout the West Coast. The system could provide the public with a few seconds to several minutes of advance warning depending on the location of the quake.

**Pre-Disaster Mitigation Grant Program** – The City requests increased funding for the Pre-Disaster Mitigation Grant Program to conduct assessments and vet mitigation planning before a catastrophe occurs and to fund seismic and other natural hazard mitigation projects that reduce the vulnerability of residents and structures in future disasters.

**Department of Homeland Security Grant Programs** – The Portland Bureau of Fire & Rescue requests continued funding for programs impacting the Bureau’s core mission, including the Metropolitan Medical Response Systems program, and the Fire Prevention & Safety Grants program. These programs fund the ability to respond effectively to complex incidents such as CBRNE (chemical, biological, radiological, nuclear and explosives) events, human caused disasters, and pandemics.

**National Resilience Grants** – The City supports the creation of a National Resilience Grant program. The program would be modeled after the National Disaster Resilience Competition, to promote risk assessment, planning, funding for projects to better prepare communities for climate change, future storms, and other extreme events.

#### Public Safety

**21st Century Policing** – Aligned with The President’s Task Force on 21st Century Policing recommendations, federal agencies, including the Department of Justice, should be encouraged to research law enforcement best practices and set consistent, nationwide parameters. The Portland Police Bureau wishes to partner with privacy interests and educate decision-makers about the continuing effectiveness of traditional protection measures when applied against technological advancements and uses for local purposes.

**Sanctuary Cities** – The City opposes legislative or regulatory attempts to change the eligibility of federal funding based on a city’s status as a “sanctuary city”. Attempts to remove public safety funding based on this designation harms cities’ public safety capacities and ability to prepare for acts of terrorism and natural disasters.

**Federal Marijuana Regulation** – The City seeks assistance from the Federal government to obtain legal and regulatory clarity in order to protect the community and livability of Portland, while providing for local regulation and authority over the marijuana industry. Regulations allowing legal marijuana businesses within Oregon to conduct business under the same banking

and insurance laws as other businesses would benefit the community, the consumer, and law enforcement.

**Gang Resistance Education and Training (GREAT) Program** – The GREAT Program is a classroom curriculum taught by police officers that emphasizes life skills like individual goal-setting, communication, and conflict resolution to provide alternatives to violence and gang activity. GREAT reaches hundreds of communities and thousands of students for over 20 years nationwide in an effective and culturally competent manner.

**Department of Justice Grant Programs** – The Portland Police Bureau requests continued funding for programs that support the Bureau’s mission, including the Byrne Justice Assistance Grant (JAG), Community Oriented Policing Services (COPS), and the Transit Security Grant Program. These programs fund community policing efforts and support a broad range of efforts to prevent illegal drug activities and human trafficking, control violent crime, and improve the criminal justice system.

**Staffing for Adequate Fire & Emergency Response (SAFER) Grant** – The City asks Congress to provide robust funding for the SAFER grant program to address the needs of the Portland Bureau of Fire & Rescue to meet staffing goals.

**Prescription Drug Shortage** – Fire departments and EMS agencies throughout the United States are experiencing critical shortages of life-saving drugs. The City supports adequate fund for the U.S. Food and Drug Administration to fulfill its inspection mission; to approve new drugs in a timely manner; put safeguards in place, such as requiring notification ahead of a discontinuance of a drug; and provide incentives for manufacturers to maintain an adequate supply of medically necessary pharmaceuticals purchased by EMS systems.

## **Policy and Funding Positions**

### **III: Healthy and Equitable Communities**

#### **Education**

**College Affordability** – The City supports policies and regulations to ease the burden of student loan debt and increase access to higher education. Specifically, the City supports the Administration’s College Affordability Agenda that includes: increasing awareness of federal loan repayment options; changing federal FAFSA forms; streamlining federal loan options; and creating opportunities for student debt refinancing.

**Universal Pre-Kindergarten** – Allowing federal education funding for universal pre-kindergarten programming for the nation’s schoolchildren is a wise investment for our future. This concept continues to be supported by the Obama Administration, and the City urges Congress to enact such legislation.

**Head Start** – The City supports the Head Start program. In 2014, Head Start served over thirteen thousand children and their families annually in urban and rural areas in Oregon. Headstart is comprehensive and directly involves the family in addressing needs, linking them to health, nutrition, mental health, and other services.

#### **Human Services**

**Domestic Violence Prevention** – The City will continue to work with the congressional delegation and local partners to advocate for programmatic funding and legislation to assist victims of domestic violence. Examples include advocating for specific resources and policies to mitigate homelessness among survivors of domestic violence, and to ensure access to justice for victims in both family and criminal court proceedings.

**Mental Health and Addiction Services** – The City supports funding for mental health and sobriety and addiction services, including the Substance Abuse Prevention and Treatment Block Grant (SABG); the Community Mental Health Services Block Grant through the Substance Abuse and Mental Health Services Administration (SAMHSA); and the National Suicidal Prevention Lifeline system. The City is also concerned with special rules limit coverage and reimbursement for behavioral mental health services through Medicare.

**Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)** – CEDAW is a United Nations agreement forged in 1981 that provides a comprehensive framework for governments to examine their policies and practices in relation to women and girls and to rectify discrimination based on sex. The United State has signed, but not yet ratified CEDAW. The City requests that the Senate ratify CEDAW.

**Employment Non-Discrimination Act** - The City supports the enactment of the Employment Non-Discrimination Act. The Act of 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.



## **Economic Development**

**Equitable Tax Policy** – The City supports the creation of an equitable federal tax policy, Federal Tax Reform should:

- Prohibit offshoring by cracking down on companies' ability to avoid U.S. taxation by artificially shipping earnings to overseas tax havens and inversions.
- Eliminate the carried interest loophole, which provides a significant tax advantage to hedge fund managers.
- Eliminate preferential treatment for capital gains.

**EB-5 Investment Tool** – Reauthorize and strengthen the EB-5 program to continue promoting foreign investment while providing for transparency of investments, and coordination between federal agencies, EB-5 Regional Centers, and state and local economic development agencies to ensure investment that create jobs through diverse and impactful projects.

## Policy and Funding Positions

### IV: Protecting Local Decision Making

#### Telecommunications

**Wireless Tax Fairness Act** - The City opposes legislation that would preempt state or local taxing authority on wireless service providers and their property, preventing the City's ability to bring fairness and equity to our existing phone tax system.

**Digital Goods and Services Tax Fairness Act (DGSTFA)** - The City opposes the DGSTFA which sharply preempts state and local governments ability to tax "digital goods and services", creating a nationwide "tax preference" for online goods and services over competing brick-and-mortar sales.

**Internet Tax Freedom Forever Act** - The City advocates for the sunset of the Internet Tax Freedom Act, which preempts local taxes on internet providers (excluding taxes in place prior to 1998 as they are grandfathered).

**Communications Act Rewrite** - Congress should affirm the importance of local government in encouraging competition among broadband, telecommunications and video providers. Important locale tools include managing the public right-of-way, implementing local zoning policies, providing local consumer protection, enforcing build-out requirements, and ensuring vibrant community media.

**Oppose Pre-Emption of Zoning and Management of Public Right of Way** - The City opposes any attempt by the Federal Communications Commission or Congress to preempt state or local zoning; zoning procedures; and management of the public right-of-way and review deadlines for communication facilities.

**Health Effects of Radiofrequency Emissions from Wireless Infrastructure** - The City requests that the Federal Communications Commission work in cooperation with the U.S. Food and Drug Administration and other relevant federal agencies to revisit and update studies on potential health concerns arising from radio frequency wireless emissions.

Agenda No.  
**REPORT**  
Title

Accept the report of the City of Portland 2016 Federal Legislative Agenda (Report)

<p><b>INTRODUCED BY</b> Commissioner/Auditor: <b>Mayor</b></p> <hr/> <p><b>COMMISSIONER APPROVAL</b></p> <p>Mayor—Finance and Administration - Hales</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Novick</p> <hr/> <p><b>BUREAU APPROVAL</b></p> <p>Bureau: Government Relations Bureau Head: Martha Pellegrino</p> <hr/> <p>Prepared by: Nils Tillstrom Date Prepared: 12/23/2015</p> <hr/> <p>Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p> <hr/> <p><b>City Auditor Office Approval:</b> required for Code Ordinances</p> <hr/> <p><b>City Attorney Approval:</b> required for contract, code, easement, franchise, charter, Comp Plan</p> <hr/> <p>Council Meeting Date January 7, 2016</p>	<p>CLERK USE: DATE FILED <u>JAN 07 2016</u></p> <hr/> <p style="text-align: center;">Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <u><i>Susan Larsons</i></u> Deputy</p> <hr/> <p><b>ACTION TAKEN:</b> JAN 07 2016 <b>SUBSTITUTE ACCEPTED As Amended</b></p>
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<b>AGENDA</b>
<p><b>TIME CERTAIN</b> <input checked="" type="checkbox"/></p> <p>Start time: <u>2:00pm</u></p> <p>Total amount of time needed: <u>1 hour</u> - 1 of 2 (for presentation, testimony and discussion)</p> <hr/> <p><b>CONSENT</b> <input type="checkbox"/></p> <hr/> <p><b>REGULAR</b> <input type="checkbox"/></p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>

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