

CITY OF PORTLAND

FEDERAL LEGISLATIVE PRIORITIES



2012

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**FEDERAL LEGISLATIVE PRIORITIES**

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**CITY OF PORTLAND**  
**2012 FEDERAL LEGISLATIVE AGENDA**

**TOP FEDERAL PRIORITIES FOR 2012**

*Relief from the Long Term 2 Enhanced Surface Water Treatment Rule (LT2)*

The City continues to work with the Congressional delegation and the EPA to pursue relief from raw water treatment and storage requirements of the federal Long Term 2 Enhanced Surface Water Treatment Rule (LT2) for Portland's Drinking Water System. The City seeks assistance from the delegation in obtaining the same consideration from the federal Environmental Protection Agency as New York City to evaluate alternative compliance options for the uncovered finished drinking water reservoir requirements of the rule.

*Surface Transportation Reauthorization*

The City supports the passage of a two-year reauthorization of the surface transportation program which would allow for direct federal spending for local transportation infrastructure priorities.

*Preserve Funding for Affordable Housing*

The City will continue to advocate in Fiscal Year 2013 for the highest possible levels of funding for CDBG, the HOME Investment Partnership Program, and the McKinney-Vento program. The City will continue to communicate the impact of HUD budget cuts on the City's most vulnerable populations. The City urges Congress to keep the CDBG Administrative Cap at 20% and to reinstate funding for the Sustainable Communities Initiative.

*Superfund/Brownfields*

The City of Portland supports urban brownfield and Superfund site redevelopment to reduce sprawl, supply land for economic development and facilitate site development clean up. The City supports Congressman Blumenauer's efforts to pass H.R. 1596, the Superfund Reinvestment Act, to reinstate the financing of the Superfund Program through taxation.

The City also seeks to reduce regulatory uncertainty and complexity on brownfield and Superfund sites by clarifying and limiting the liability of new developers or tenants at multi-site Superfund projects, such as Portland Harbor, and to streamline environmental investigation and clean up processes in order for vacant industrial sites to be primed for immediate development.

*Portland Regional Export Strategy*

The City seeks support in the implementation of its Metro Export Initiative (MEI). Federal support of the MEI would help fulfill the Obama Administration's goal of doubling U.S. exports over the next five years.

The plan highlights the importance of industry competitiveness, innovation, and access to foreign markets in achieving economic growth and job creation, and aims to implement

these strategies by identifying specific resources and support needed to sustain and broaden the region's position as a national export leader.

Specific federal assistance, such as STEP Grants, will assist Portland companies seeking to enter new markets by attending international trade shows to promote sale of goods and services, and to support their growth.

#### Urban Area Security Initiative

The City supports the protection of funding for the Urban Area Security Initiative (UASI). The 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, and received \$5.025 million in FY 2011 and \$7.178 million in FY 2010.

#### Human Trafficking Victim Assistance

The City of Portland is concerned about the recent growth in sexual slavery and sex traffickers who exploit underage children. According to the FBI, more than 100,000 underage girls are estimated to be exploited for commercial sex in the US each year.

The City supports legislation passed in the Senate, Domestic Minor Sex Trafficking Deterrence and Victims Support Act of 2011, S. 596, authored by Senators Ron Wyden (D-OR) and John Cornyn (R-TX), to create a six state pilot program to help law enforcement crackdown on pimps and traffickers and create shelters, provide treatment, counseling and legal aid for the underage girls who are forced into sexual slavery.

#### Financial Consumer Protection and Foreclosure Prevention

The City supports the mission of the Consumer Financial Protection Agency. Also, the City supports the members of Oregon's congressional delegation who are working to fight for better regulation and oversight of financial products. Specifically, the City supports Senator Merkley's bill, the Regulation of Mortgage Servicing Act, which would provide tools to clean up the mortgage process and provide consumer protection, oversight and transparency within the process.

#### Protection of Local Revenue

The City opposes federal preemption of local authority or ability to collect revenue. Specifically, the City opposes 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 (OTCs).

Portland hotel occupancy taxes are based on the total retail rate paid by hotel occupants. OTCs such as Expedia and Orbitz purchase room rights at a discounted wholesale rate from hotels, then sell to the consumer at a higher retail rate, but only remit taxes on the wholesale rate. Brick and mortar hotels are required to remit taxes based on the full retail rate, putting them at a competitive disadvantage.

The OTC's failure to pay their share of occupancy taxes over the last ten years has cost the City's general fund \$5 million to \$8 million and results in an annual loss of at least \$500,000. Cities nationwide are losing an estimated \$1 billion a year in revenue.

## **OTHER POLICY AND FUNDING PRIORITIES 2012**

### **TRANSPORTATION**

The City is committed to working with the congressional delegation and the federal government to support policies aimed at reducing vehicle miles traveled (VMT), increasing safety, increasing freight mobility and creating reductions in greenhouse gas emissions across all transportation modes.

#### *Small Starts*

The City supports changes in the Federal Transit Administration's (FTA) New Starts and Small Starts program to:

- Increase the maximum federal grant in the Small Starts program from \$75 to \$100 million.
- Adopt rules that allow for greater opportunity for Documented Categorical Exclusions from preparing Environmental Assessment or an Environmental Impact Statements for Small Starts projects built in existing right-of-way.
- Urge the FTA to complete the rule making on Cost Effectiveness and use clear, goal-oriented performance measures rather than the limited "transit system benefit" calculation.
- Consider reduced emissions to be included as criteria in the New Starts and Small Starts programs.
- Amend the User Benefit Measure to better to capture housing benefits or changes in development in order to support the goals of Partnership for Sustainable Communities.

#### *Performance-Based Discretionary Programs*

The City supports the continuation of the Transportation Enhancements grant program, the Transportation Investment Generating Economic Recovery (TIGER) grant program, the Congestion Mitigation and Air Quality Improvement program, the Surface Transportation Program and other programs that promote energy efficiency, transit and alternative modes of transportation.

#### *Active Transportation Investments*

The City of Portland supports federal policies and investments that mitigate congestion, increase access to biking, walking and transit, and create economic development opportunities. The City supports significant investments in bicycle and pedestrian infrastructure to decrease congestion and livability across the city.

#### *Metropolitan Mobility Program*

The City encourages the creation of a Metropolitan Mobility Program, which will allow regions to build transportation systems that meets the multifaceted needs found in an

urban environment, and urges Congress to allow cities to be direct recipients of these federal funds.

Passenger Rail

The City supports additional major investments in High Speed Rail (HSR) projects and applauds the emphasis the Obama Administration has placed on HSR investment. The City supports the development of a high speed rail line from Vancouver B.C. to Eugene, Oregon.

**JOBS LEGISLATION & ECONOMIC DEVELOPMENT**

Nationwide Jobs Legislation

The City supports federal legislation aimed to create both near and long-term jobs. Direct municipal aid provides local governments the flexibility to generate economic growth and create employment opportunities. The City believes that such legislation should include traditional infrastructure funding for transportation and water priorities, as well as funding for social services and housing assistance to prevent families from losing their homes, and substantial investment in education to provide for an educated workforce.

Local Economic Development Strategies

The City will explore partnerships with federal agencies, such as the Small Business Administration, to pursue opportunities to promote entrepreneurship and small business development.

The City will pursue grant opportunities to support economic development in several different areas, its Neighborhood Economic Development strategy, cluster strategy development and action plans, and to further the development of the Portland Seed Fund.

**SUSTAINABLE ENERGY POLICY**

The City will monitor federal energy legislation and policy related to its Climate Action Plan and 5-year economic development plan. The City actively supports legislation and policies that provide incentives for energy efficiency, renewable energy projects, as well as more fuel-efficient vehicles and electric vehicles.

Oregon Sustainability Center

The City will continue to seek discretionary federal funding opportunities to support the research agenda for the Oregon Sustainability Center.

Clean Energy Grants

The City supports the continuation of the Section 1603 Clean Energy Grant program, which will sunset at the end of 2011. The Section 1603 grant is a key component of the development of Community Solar pilot projects that will enable individual residents and businesses that are not able to install solar on their own homes or buildings to invest collectively in a larger system on a publicly owned facility.

*Access to Capital for Community Solar Projects*

The City supports the Entrepreneur Access to Capital Act, which would benefit the work being done by the City and its community partners to develop opportunities for "community solar" projects.

*Tax Credits for Advancing Investment in Renewable Energy*

The City continues to support tax credits for the investment in renewable energy technologies and production of renewable energy. The City encourages the passage of H.R. 3307, the American Renewable Energy Production Tax Credit Extension Act of 2011, which would extend the Production Tax Credit for certain wind, biomass, and other types of renewable energy production through 2016.

## HOUSING

The City urges Congress to provide consistent funding for key safety net housing programs.

*Residual Receipts*

The City supports S. 1676, the Affordable Housing Preservation and Revitalization Act, introduced by Senator Ron Wyden. This legislation would "unlock" reserves of preservation properties and allow those reserves to be used to finance the transfer of properties into non-profit ownership in order to secure their long-term affordability. This legislation is supported by the Network for Oregon Affordable Housing and the National Housing Preservation Working Group. While the Administration has made regulatory changes that allow for more flexible use of Residual Receipts, the City will still advocate for statutory changes in S. 1676 that are still needed to meet the City's preservation goals.

*Support Project Rebuild*

As a component of President Obama's American Jobs Act, the "Project Rebuild" would bring \$20 million to Oregon based on past formulas and would allow the Portland Housing Bureau to continue its previous Neighborhood Stabilization Program work with a new emphasis on job creation and would ensure continuing funding to mitigating the impacts of foreclosure in Portland.

*Department of Housing and Urban Development Regulatory Relief*

The City will continue to work with HUD and the delegation to reduce the negative impacts of regulations which impact many parts of the Portland Housing Bureau's work by extending construction timelines, ballooning costs, increasing reporting requirements, and slowing the access to housing for our veterans.

*Lesbian, Gay, Bisexual, Transgender & Questioning Inclusion in The Fair Housing Act*

The City supports the inclusion of Lesbian, Gay, Bisexual, Transgendered, and Questioning as a protected class under the Fair Housing Act.

*HUD-Veterans Affairs Supportive Housing (HUD-VASH) Vouchers.*

The City will continue to work with HUD to streamline the issuance of HUD-Veterans Affairs Supportive Housing (HUD-VASH) vouchers. The City supports the Veterans

Administration partnering with non-profit entities to provide staff support in order to alleviate any backlogs of vouchers through casework management and housing placement.

*Tax Credit for First Time Homebuyers*

The City supports Senator Merkley’s proposal for a for a one-time \$5,000 tax credit for first-time homebuyers who do not itemize deductions on their tax returns and who can provide a “match” of at least \$5,000 for down payment and/or closing costs. This credit will open the doors to homeownership for homebuyers of modest incomes.

*Sustainable Communities*

The City continues to support the work done by the Partnership for Sustainable Communities initiative at the Department of Transportation, HUD and the Environmental Protection Agency. The City also supports the Livable Communities Act (S. 1621 and H.R. 3325) that would formally authorize the Office of Sustainable Housing and Communities at the U.S. Department of Housing and Urban Development (HUD) and its Regional Planning and Community Challenge grant programs.

**WATER INFRASTRUCTURE AND ENVIRONMENTAL POLICY**

*Water and Wastewater Infrastructure Funding*

The City of Portland supports federal funding, particularly innovative approaches like the Water Infrastructure Financing and Innovation Act proposal and grants to support water and wastewater infrastructure projects. The City supports legislation to authorize higher levels of funding for state water pollution control revolving loan funds for sewer and drinking water infrastructure.

*Water Resources Development Act and Army Corps of Engineers Projects*

The City of Portland supports the Water Resources Development Act which authorizes Army Corps of Engineers projects important to flood protection and ecosystem restoration through the region. The City supports inclusion of the further authorization for Westmoreland Park in Sec. 206 of WRDA, and the Lower Willamette River Ecosystem Restoration Feasibility Study (Willamette River Environmental Dredging, Section 312 GI) among other priorities important to the region.

**TELECOMMUNICATIONS**

The City of Portland continues to advocate for local government authority in the areas of right-of-way management, franchise fees, communications taxes, and public interest obligations across all cable, telecommunications and information services platforms.

*Wireless*

**Oppose Preferential Tax Treatment for Cell Phones:** The City opposes legislative initiatives, such as S. 453 and H.R. 1002, to 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.

Oppose Pre-Emption of Zoning: 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.

Study of 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.

Community Access Protection (CAP) Act

Preservation of Public, Educational, and Governmental (PEG) Programming and Support: The City calls on Congress to enact H.R. 1746, 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. The FCC, through the issuance of an April 2011 Notice of Inquiry (NOI) will assert jurisdiction over state and local rights of way, and such an action is inconsistent with the FCC's National Broadband Plan and the limitations on the agency's statutory authority, and Congress should make clear to the Commission that it must respect these statutory limitations. Local governments need to retain the authority given them by the states to manage and obtain compensation for the use of their rights-of-way.

Net Neutrality

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

Broadband

The City supports the efforts of the FCC's National Broadband Plan. Portland's local Broadband Strategic Plan picks up where the National Broadband Plan leaves off; 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 wireline and wireless industry, local businesses, educational institutions, public safety, transportation and healthcare.

## WORKFORCE DEVELOPMENT

### Long-term Unemployed, Low-Skilled, and Youth Training

The City supports legislation, like the Pathways Back to Work Act (S. 1861 and H.R. 3425), which is focused on creating work and learning opportunities for those who are underemployed and long-term unemployed. The Act would provide for funds for a subsidized employment program, summer and year-round employment opportunities for disadvantaged youth, and for a competitive grant program to help low-skilled adults and youth obtain jobs and credentials.

### Summer Youth Employment

The City supports H.R. 2539, the National Youth Summer Jobs Act of 2011, which would award 5-year competitive grants to eligible local government units to provide summer employment, including job readiness activities, work experiences, and job placement for out-of-school youths age 14-21. These programs are a proven, cost effective way to build a pipeline of qualified, diverse workforce, provide opportunities to the City's underserved residents, and address unprecedented levels of youth unemployment, enhance the connection between earning and learning, reduce crime, raise hope and increase lifetime earnings.

## PUBLIC SAFETY

Portland supports full funding for:

- COPS Universal Hiring Program and COPS Technology Program;
- Byrne Justice Assistance Grant;
- The Violence Against Women Act, and;
- Graffiti removal and prevention.

Furthermore, the City and its regional partners are replacing the regional public safety radio system and the City will continue to seek discretionary federal funding for this project.

### Illegal Gun Purchasing

The City of Portland supports the Gun Show Background Check Act, S. 35, which would require background checks for all sales of firearms at gun shows, helping to cut off a major supply of illegal guns to criminals including those who traffic those guns into Oregon. Federal law requires federally licensed dealers to conduct background checks on all purchasers but there is no requirement that unlicensed private sellers, who often do business at gun shows, conduct background checks. This major gap in the background check system makes it easy for criminals and other prohibited purchasers to gain access to guns.

### Community Mental Health Services

The City of Portland supports more federal funding for community mental health services. The City also supports federal funding for mobile crisis intervention teams.

### Metropolitan Medical Response System

The City supports the Metropolitan Medical Response System, and opposes the System from being consolidated into other public safety and security programs. Portland Fire & Rescue has received funding for medical equipment, supplies, training, and exercises through MMRS. Continued funding of the System is critical to maintain response capability during a disaster or terrorist attack.

### Family Violence Prevention

The City supports the Family Violence Prevention and Services Act reauthorization. This provides the only federal funding source dedicated directly to domestic violence shelters and programs. The FVPSA expired in 2008 and the City supports its reauthorization. The City also advocates for full funding for the programs under this Act.

### Victims of Crime Act

The Victims of Crime Act established the Crime Victims Fund to compensate victims of crime. Some of this funding supports transitional housing, emergency shelter and other services for victims of violence against women. The City of Portland urges Congress to fund these programs at the highest possible levels.

### Dedicate D-Block to Public Safety

Portland calls on the Congress to enact legislation such as S. 28, the Public Safety Spectrum and Wireless Innovation Act, to ensure the deployment of a nationwide public safety interoperable broadband network in the 700 MHz band and creates a “Public Safety Interoperable Broadband Network Construction Fund” and a “Public Safety Interoperable Broadband Network Maintenance and Operation Fund.”

## **EDUCATION**

### 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 allow 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.

### 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**

The City supports the Urban Revitalization and Livable Communities Act that would authorize \$445 million over ten years for park development, enhancement, and maintenance. The City also supports full funding for the Land and Water Conservation Fund and reinstatement of funding for the Urban Parks and Recreation Recovery grant program. However, the City does not support the Department of the Interior's proposal to disburse 60% of the funds through a competitive grant program, rather than the current equitable distribution formula based on population.

## **ARTS**

### *Federal Funding for Arts and Culture Programming*

The City urges full funding for the National Endowment for the Arts and increased funding for arts education. Providing for arts, culture and recreation is a core, charter mission of the City of Portland. Non-profit arts, culture and heritage organizations, which are the primary vehicle for these services, rely upon federal funding sources for programming costs and as a leveraging instrument, and the reduction of these funding sources would necessarily result in diminished service to Portlanders.

### *Tax Deductions for Artist Donations*

The City also supports the Artist-Museum Partnership Act of 2011 (H.R. 1190) which revises current tax code to allow for a full "market value" tax deduction for artists who donate their works to a museum or library. Currently, artists may only deduct the market value of "cost of materials used" (e.g. paint, canvas, but not labor or market value of completed work) for their donation.

## **POST OFFICE CLOSURE**

The City opposes the closure of US Postal Service processing offices around the country. The majority of post offices that are under consideration for closure in Oregon are located in rural areas, and the loss of this service would be a blow to these communities.

## **CAMPAIGN FINANCE REFORM**

The City supports efforts to reform federal campaign finance law by amending the U.S. Constitution to grant Congress the authority to regulate the campaign finance system and to deem that the term "people," "person," or "citizen" as used in this Constitution do not include corporations, limited liability companies or other corporate entities established by the laws of any State, the United States, or any foreign state. Among other important reforms, the amendment would allow Congress to correct the controversial *Citizens United v. FEC* Supreme Court ruling on campaign finance that has the effect of allowing virtually unlimited corporate and special interest spending in elections.