



**COMMISSION  
AGENDA MEMORANDUM  
BRIEFING ITEM**

<b>Item No.</b>	11a
<b>Date of Meeting</b>	December 8, 2020

**DATE:** November 15, 2020

**TO:** Stephen P. Metruck, Executive Director

**FROM:** Ryan McFarland, Federal Government Relations Manager  
Eric Schinfeld, Sr. Manager, Federal and International Government Relations

**SUBJECT: Federal Legislative Agenda for 2021**

**EXECUTIVE SUMMARY**

Since January of this year, Port of Seattle government relations staff has worked with Commissioners, executive team members, and internal subject-matter experts to execute the Port's Commission-approved 2020 maritime and aviation federal policy priorities. However, the COVID-19 pandemic forced a fundamental shift in federal dynamics, creating previously unforeseen issues and needs while reducing the potential for progress on past priorities. Despite these significant challenges, the Port has been able to make progress at the federal level in ways that tangibly benefit the Port, the region and users of our aviation and maritime facilities.

To that end, the draft 2021 agenda is a mix of ongoing work to implement 2020 agenda items as well as new items that reflect changes – both because of the ongoing pandemic, as well as new dynamics that might develop based on the results of the Presidential and Congressional elections.

Following Commission feedback on this draft legislative agenda, staff will revise and bring a final proposed agenda for Commission approval in January, and then begin engaging local and national partners to pursue the successful passage and implementation of these priorities.

**FEDERAL LEGISLATIVE AGENDA**

*Please note that newly added items for 2021 are italicized, compared to ongoing work that was also on the 2020 federal legislative agenda.*

***Priority Agenda Items***

*Portwide – COVID-19 Specific*

- **Economic Relief and Recovery Funding**
  - a. *Advocate strongly for additional federal relief to offset the economic impacts of the ongoing COVID-19 pandemic on Port, tenant and vendor operations as well as associated industries such as tourism and hospitality, fishing and agriculture – prioritizing infrastructure development and environmental sustainability along with basic operational support.*
  - b. *Monitor relevant federal agency budget impacts from the loss of user fees due to declining travel and trade; advocate for federal funding backfills as needed to ensure appropriate federal staffing of Port facilities and operations.*

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- **Pandemic Recovery Policies**

- a. Advocate for comprehensive national protocols that protect the health of aviation and maritime passengers and employees while simultaneously restoring traveler confidence in a return to air travel and cruise ships.*
- b. Support global agreements that set clear standards and protocols for COVID-19 testing in ways that facilitate the recovery of international travel and trade*

*Portwide – General*

- **Welcoming and Competitive Immigration & Trade Policies:**

- Be a leading voice on immigration policies that ensure the Port, its partners and its customers have the workforce to succeed in the global economy, and that immigrants and refugees are fully welcomed into the opportunities that our region's economy provides.
- Rescind Executive Orders that create excessive barriers to immigration and international travel, such as the ones restricting travel from majority-Muslim countries and ending the Deferred Action for Childhood Arrivals (DACA) program.*
- Advocate for productive engagement and negotiations that ensure a fair and level playing field for mutually beneficial trade; ensure that enforcement actions such as tariffs and quotas are a measure of last resort and, when necessary, be carefully and narrowly targeted to address the problem and minimize the unintended impacts on American producers and consumers.
- Rescind tariffs on key allies and trading partners such as Canada, Mexico and the European Union (EU) that create excessive barriers to international trade.*

- **Comprehensive Solutions to Address the Climate Crisis**

- Support comprehensive proposals for sector-specific and economy-wide solutions to address the climate crisis and put the United States on the path to a clean and prosperous economy. Legislation must reduce greenhouse gas (GHG) emissions and other harmful toxic pollutants in all communities, include a fair and inclusive transition for all Americans, and long-term policy certainty – all while providing flexibility to respond to changing market conditions and technological advances.

*Aviation*

- **Sufficient Infrastructure Funding and Flexibility:**

- Provide leadership on efforts to raise the federal cap on the Passenger Facility Charge (PFC) from \$4.50 while maintaining the Port Commission's ability to determine whether or not to change the user fee based on locally determined needs and competitive dynamics.

- **Efficient and Safe Airport Operations:**

- Partner with U.S. Transportation Security Administration (TSA) and U.S. Customs & Border Protection (CBP) leadership on the safe and healthy return of air travel passenger levels, through proper staffing, appropriate health protocols and the deployment of touchless technology solutions.*

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- b. Coordinate with CBP leadership to ensure seamless operational readiness and activation for the opening International Arrivals Facility.
- **Increased Airport Communities Focus:**
    - a. Ensure timely and impactful implementation of key provisions of the 2018 Federal Aviation Administration (FAA) Reauthorization’s Subtitle D noise section as identified by the Sea-Tac Stakeholder Advisory Round Table (StART):
      - i. the provisions related to evaluation of the 65 DNL noise standard (sections 173, 187 and 188);
      - ii. the study of the impact of overflight noise on human health (section 189);
      - iii. and the proposed environmental mitigation pilot program (section 190).
    - b. Provide support, review and input on changes to federal policies, regulations and programs that align with local community priorities as identified by the Sea-Tac Stakeholder Advisory Round Table (StART):
      - i. Representative Smith’s Protecting Airport Communities from Particle Emissions Act;
      - ii. Representative Lynch’s Air Traffic Noise and Pollution Expert Consensus Act;
      - iii. Representative Smith’s legislation to allow for secondary noise mitigation investments in previously insulated homes, in specific situations where those noise reduction packages failed or were flawed in some way; and
      - iv. federal investments and policies that expedite the creation and implementation of alternatives to commercial airplane travel.
      - v. *increased federal investment in existing FAA noise grant programs*
      - vi. *increased federal investment in Sustainable Aviation Fuels and other alternative energy sources*
      - vii. *increased federal investments in aircraft modernization and environmental performance*
      - viii. *policies and regulations that address noise and emissions impacts of supersonic and electric aircraft*
  - **Expanded Sustainable Aviation Fuel Deployment:**
    - a. Ensure clarity and authority for airports to use airport revenue and federal grant funding to support the air quality and carbon reduction benefits of fuel switching.
    - b. Seek new and expanded federal funding for research on sustainable aviation fuels (SAF), as well as for feedstock processing and fuel production facilities, from agencies including the U.S. Departments of Agriculture, Energy and Transportation.
    - c. *Advocate for legislation to establish a new technology and feedstock-neutral SAF blender’s credit of \$2.00 per gallon for a 10-year period, to spur the increased production and deployment of SAF.*

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### *Maritime*

- **Harbor Maintenance Tax (HMT) Reform:**
  - a. Continue efforts to reform the HMT to ensure U.S. tax policy does not disadvantage U.S. ports and to provide greater equity for HMT donor ports through expanded use of Harbor Maintenance Trust Fund revenues.
  - b. Support appropriations for the “donor port” HMT rebate program authorized under Section 2106 of the 2014 Water Resources Reform and Development Act to compensate for the current structure and impacts of the HMT.
  
- **Fishing Fleet Modernization:**
  - a. Advocate for reforms to the National Oceanic and Atmospheric Administration (NOAA) Fisheries Finance Program (FFP) that would remove prohibitions on loans and loan guarantees for the construction and reconstruction of fishing vessels and that would include safeguards that prevent overfishing, including limitations on the use of replaced vessels in international fisheries; support increasing the FFP loan authority, which is presently \$100 million annually; support other policies and programs that improve access to financing in order to facilitate modernization of the North Pacific fleet.
  
- **Hiram M. Chittenden Locks Funding:**
  - a. Support funding for continued federal operation and maintenance of the locks, as well as additional funding for priority, non-routine maintenance.
  
- **Puget Sound Restoration:**
  - a. Advocate for increased federal resources for Puget Sound and Southern Resident Killer Whale (SRKW) restoration, including funding to support habitat restoration, to manage predation of Chinook and other species critical to SRKW recovery, to help cleanup legacy sources of contaminants that affect SRKW, and to manage stormwater runoff. Support appropriations for the Puget Sound Nearshore Ecosystem Restoration Project, the National Estuary Program, the Puget Sound Geographic Program and the Pacific Coastal Salmon Recovery Fund.
  - b. Support reforms to federal regulatory processes to speed the approval and creation of Northwest Seaport Alliance (NWSA) and home port habitat sites.
  - c. Support federal agency involvement in the SRKW recovery effort, including the Coast Guard and NOAA. Support federal approval and funding to study and deploy a hydrophone network to measure ambient noise, evaluate the efficacy of ship-based noise reduction efforts, and reduce acoustic disturbance of SRKW.
  
- **Seattle and Tacoma Harbor Deepening:**
  - a. Support design and construction *phases of project to deepen* the federal channels serving T-18, T-30 and T-5 in Seattle. Support the feasibility study on deepening channels in Tacoma Harbor.

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- **West Seattle Bridge**
  - a. *The Port supports federal funding for the West Seattle Bridge and federal programs that improve the condition of our nation's bridges.*
  
- **National Freight Policy and Funding:**
  - a. Support implementation of and increased federal funding for a strengthened national multimodal freight strategy and related grant programs, including continued authorization and funding for the TIGER/BUILD, *INFRA and PIDP* discretionary grant programs, *as well as increased funding for bridges. Advocate for investment in seaport and transportation infrastructure as a mechanism for economic recovery.*
  - b. Support establishing a sustainable funding source for freight infrastructure and ensure user fee proposals 1) do not hurt the competitiveness of the Northwest trade corridor relative to others in North America; 2) are mode neutral; and 3) funds should spent on improvements that benefit users who pay the fees and not diverted to other uses.
  
- **Safe and Efficient Cargo and Passenger Screening:**
  - a. Support adequate CBP staffing levels to ensure efficient movement of cargo through the Puget Sound gateway and facilitation of cruise passengers. The port seeks increased federal funding for CBP staffing at maritime ports of entry and reforms to expedite the hiring of new CBP officers.
  - b. Pursue efforts to ensure the federal government resumes responsibility for funding CBP services, equipment and facility development.

***Additional Priority Issues the Port of Seattle is Supporting or Engaging on:***

*Portwide – COVID-19 Specific*

- **Economic Relief and Recovery Funding:**
  - a. *Realign federal funding, programs and policies to support rebuilding the U.S. small business sector, reviving entrepreneurship, and closing the racial wealth gap*
  - b. *Provide clear updates to the Washington Congressional delegation on how already received federal relief is being utilized for the benefit of Port operations, associated businesses and the regional economy.*
  
- **Pandemic Recovery Policies:**
  - a. *Coordinate with the federal government and other key stakeholders on whether and how the Port and the airport can play a supportive role in vaccine distribution.*

*Portwide – General*

- **Welcoming and Competitive Immigration & Trade Policies:**
  - a. Advocate for new trade agreements that open new markets and level playing fields for Washington employers and others who use the Port as their international gateway, while creating verifiable, measurable and enforceable standards to protect workers and the environment.

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- b. Support permanent legal protections for immigrant children currently eligible for the Deferred Action for Childhood Arrivals (DACA) program.
  - c. Partner with key local stakeholders to implement programs that showcase the Port as a welcoming gateway for immigrants and refugees.
  - d. Support federal legislation on biometric technology and associated data collection that balances operational needs with protections for privacy, equity and civil liberties.
- **Comprehensive Solutions to Address the Climate Crisis**
    - a. *Support investments in renewable energy and low-carbon transportation modes for underserved communities.*
    - b. *Rescind Trump Administration executive actions on environmental policy that weaken the nation's effort on reducing greenhouse gas emissions, deprioritize climate change impacts, put commercial fisheries at risk, limit the full integrity of NEPA reviews, and increase community exposure to air and water pollutants.*
  - **Sufficient Infrastructure Funding and Flexibility:**
    - a. Advocate for more federal dollars for airport, seaport and related freight mobility infrastructure projects, via annual appropriations and/or a comprehensive federal infrastructure investment package.
  - **Increased Community Focus:**
    - a. Partner with federal agencies to improve human trafficking prevention and intervention efforts.
    - b. *Advocate for comprehensive federal policing reforms that further the goals of the Port Commission's Task Force on Policing and Civil Rights, including addressing racial bias; excessive use of force; decertification; misconduct reporting, disciplinary review, and immunity protections; militarization; training; and other accountability, civil rights and equity measures.*
    - c. *Rescind Executive Orders that create excessive barriers to racial bias trainings and other equity education opportunities.*
    - d. *Rescind Executive Orders that unfairly restrict certain municipalities from federal funding.*

#### *Aviation*

- **Sufficient Infrastructure Funding and Flexibility:**
  - a. Ensure that federal agencies and members of Congress are supportive of in-progress and future capital projects and plans; keep federal partners updated on the progress of the SAMP near-term projects environmental review.
- **Efficient and Safe Airport Operations:**
  - a. Increase overall funding for CBP officers dedicated to international airport passenger processing.

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- b. Preserve TSA funding for Law Enforcement Officer (LEO) reimbursement grants, *and clarify flexibility for Port Police to deliver on the desired outcomes of the program without unnecessary direction on tactics.*
  - c. Support the recommendations of the Blue-Ribbon Task Force on Unmanned Aircraft Systems (UAS) Mitigation at Airports to improve the integration, detection, identification, and mitigation of drones in and around airports. Specifically, airports are calling for increased funding for UAS detection and mitigation as well as the extension of UAS interdiction authority to trained state and local law enforcement agencies.
  - d. Encourage expedited deployment of the FAA’s Terminal Flight Data Manager (TFDM) airfield congestion management program at Sea-Tac in order to improve flow and efficiency on the airfield, reducing both delays and fuel-related emissions.
- **Increased Airport Communities Focus:**
    - a. Engage with FAA leadership to speed the transition to non-fluorinated airfield fire-fighting foams.
    - b. *Continue to explore the need for federal programs and funding to address indoor air quality near airports, particularly for schools and other facilities that are occupied by large groups of potentially sensitive populations.*
  - **Expanded Sustainable Aviation Fuel Deployment:**
    - a. Pursue policies through the annual National Defense Authorization Act that leverage the U.S. Department of Defense as a key partner in sustainable aviation fuels research and implementation.

#### *Maritime*

- ***Electrification, Diesel Emissions Reductions, DERA and Renewable Energy:***
  - a. Support authorization and full funding for the U.S. Environmental Protection Agency (EPA) Diesel Emissions Reduction Act (DERA) program, which provides funding for emissions reduction programs. Advocate for federal programs *and funding* that support electrification, alternative fuel use, *and other emissions reductions strategies* at ports. *Support programs to advance renewable ocean energy development.*
- **Pebble Mine at Bristol Bay and Offshore Drilling:**
  - a. The Port of Seattle Century Agenda commits the Port to actions and policies to ensure the long-term vitality of the Northwest fishing industry and to being the greenest, most energy efficient port in North America. The Port believes the proposed Pebble Mine at Bristol Bay and offshore drilling off the Washington coastline to be inconsistent with the Port’s Century Agenda goals.
    - i. The EPA has determined the proposed Pebble Mine at Bristol Bay would jeopardize one of the world’s last wild salmon nurseries, a finding the fishing industry has endorsed. The Port of Seattle opposes mining activity and other

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development proposals in the Bristol Bay watershed that put Bristol Bay fisheries at risk.

- ii. Offshore drilling threatens our state’s fishing and tourism industries and puts wildlife habitat at risk. The Port of Seattle opposes offshore oil and gas drilling in both state and federal waters off the coastline of Washington state.

- **Jones Act and Domestic Cargo:**

- a. Support the Jones Act and its crucial role in providing the institutional framework that helps keep the U.S. domestic maritime industry viable. Maintain limited flexibility to grant waivers from Jones Act regulations in extraordinary cases when domestic shipping capacity is insufficient to respond to a given need and when Puget Sound domestic maritime stakeholders validate that a waiver is necessary to support the vitality of their industry.
- b. Advocate for funding and policies that support the port’s domestic cargo activity, including funding for cargo and other maritime infrastructure in the Puget Sound region, Alaska and Hawaii.

- **Federal permitting**

- a. *The Port supports increasing regulatory staff funding for the U.S. Army Corps of Engineers, NOAA Fisheries and the U.S. Fish and Wildlife Service in order to reduce permit backlogs.*
- b. *Federal regulatory and permitting regimes should be applied consistently across the country.*
- c. *The Port opposes changes to the process for permitting projects that jeopardize the ports’ ability to fulfill their economic, environmental and social missions.*
- d. *Significant modifications to federal permitting regulations should be made only through an act of Congress or a formal rulemaking process.*

***Additional Priority Issues the Port of Seattle is Monitoring:***

*Portwide*

- **Welcoming and Competitive Immigration & Trade Policies:**

- a. Coordinate with federal agencies on implementation of REAL ID by the 2021 deadline.
- b. Support federal efforts to increase and facilitate tourism into the United States.

- **Increased Communities Focus:**

- a. Ensure federal support for efforts to improve the environmental impact of the Port’s activities, including funding for the port’s emissions reduction and water quality programs, and Congressional awareness of the Sea-Tac Stakeholder Advisory Round Table (StART)’s Aviation Noise Working Group initiatives and progress.
- b. Secure additional federal funding for key priorities within the Port’s economic development, tourism development and workforce development programs.



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- c. Support the federal priorities of local government partners, such as increased funding for homelessness & housing, securing transportation investments, and policies that improve the environment and quality of life for our region’s residents.

*Aviation*

• **Efficient and Safe Airport Operations:**

- a. Support TSA efforts to expand PreCheck, as well as additional technology solutions that maximize security and efficiency.
- b. Ensure that our nation’s Air Traffic Control (ATC) system continues to support a fully functioning statewide airport ecosystem and is responsive to community needs related to aircraft impacts; support increased funding and long-term investment predictability for ATC infrastructure.
- c. Encourage FAA to provide structure and systemic context to safety management, and to require airports to establish and maintain a Safety Management System to manage airfield risk.
- d. Encourage a consistent and predictable federal approach to urban air mobility (UAM) deployment that creates widely agreed upon operating standards and appropriate integration into the National Airspace System.
- e. Monitor discussions related to increased access for Seattle-based flights into Ronald Reagan Washington National Airport.
- f. Support continued funding for TSA reimbursements to airports for checkpoint-area janitorial services.

**ATTACHMENTS TO THIS PRESENTATION -**

- (1) Presentation slides
- (2) 2020 Federal Aviation Agenda
- (3) 2020 Federal Maritime Agenda

**PREVIOUS COMMISSION ACTIONS OR BRIEFINGS**

- January 28, 2020 – The Commission approved the 2020 Federal Legislative Agenda.
- January 7, 2020 – The Commission was briefed on the 2020 Federal Legislative Agenda.
- December 10, 2018 – The Commission approved the 2019 Federal Legislative Agenda.
- November 27, 2018 – The Commission was briefed on the 2019 Federal Legislative Agenda.
- January 9, 2018 – The Commission authorized staff to pursue the 2018 federal legislative priorities.
- November 28, 2017 – The Commission was briefed on the 2018 Federal Legislative Agenda.