



**COMMISSION
AGENDA MEMORANDUM
ACTION ITEM**

Item No. 8e
Date of Meeting January 25, 2022

DATE: January 14, 2022

TO: Stephen P. Metruck, Executive Director

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

SUBJECT: Federal Legislative Agenda for 2022

REQUESTED ACTION

Commission approval of the 2022 Federal Legislative Agenda.

EXECUTIVE SUMMARY

Since last January, Port of Seattle government relations staff have worked with Commissioners, executive team members, and internal subject-matter experts to execute the Port's Commission-approved 2021 maritime and aviation federal policy priorities. Despite ongoing challenges ranging from political polarization to the continuing impacts of the COVID-19 pandemic, the Port has been able to make progress at the federal level in ways that tangibly benefit the Port, the region, and the users of our aviation and maritime facilities.

In particular, the passage of the American Rescue Plan Act, the Alaska Tourism Restoration Act and the Infrastructure Investment and Jobs Act (IIJA) have brought key resources and policies to bear that having supported the recovery of Port finances; the development of Port infrastructure; the reopening of the Alaska cruise season; and the advancement of the Port's sustainability priorities. We are grateful for the leadership and partnership of the Biden Administration and the Washington Congressional delegation on these efforts. In addition, we continue to work with our federal partners toward passage of key policies contained in the House-passed Build Back Better Act.

The Port's draft 2022 federal agenda represents a mix of 1) ongoing work, 2) efforts to implement 2021 successes, and 3) new items that reflect emerging opportunities. Following Commission approval of this legislative agenda, staff will 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 2022 are italicized. **Items in red italics have been added since the initial presentation at the January 4 Commission meeting.***

Priority Agenda Items

Portwide

- **Competitive Trade Policies**

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- a. 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. In particular:
 - i. *Support re-evaluating and/or rescinding existing tariffs and other trade barriers in light of supply chain impacts, inflationary cost effects and overall strategic value relative to diplomatic and economic goals.*
 - b. *Advocate for continued federal engagement in solutions to help alleviate supply chain congestion.*
- **Comprehensive Solutions to Address the Climate Crisis**
 - a. Support comprehensive proposals for sector-specific and economy-wide policy 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 provide long-term policy certainty – all while providing flexibility to respond to changing market conditions and technological advances.
 - **Welcoming Immigration Policies:**
 - a. 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.

Aviation

- **Sufficient Infrastructure Funding and Flexibility:**
 - a. *Work closely with federal partners to successfully implement the airport funding provisions of the Infrastructure Investment and Jobs Act.*
 - b. Continue 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:**
 - a. Continue to partner with U.S. Transportation Security Administration (TSA) and U.S. Customs & Border Protection (CBP) leadership on the safe and healthy recovery of air travel passenger levels, through proper staffing, appropriate health protocols and the deployment of touchless technology solutions.
 - b. Coordinate with CBP leadership to ensure successful operation of the International Arrivals Facility.
 - c. *Partner with national industry associations and peer airports to develop shared airport operations priorities for the 2023 Federal Aviation Administration (FAA)*

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Reauthorization legislation, and communicate those priorities to key federal partners.

- **Increased Airport Communities Focus:**

- a. Ensure implementation of key provisions of the 2018 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 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 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;
 - iv. *Representative Smith’s Environmental Protection Agency (EPA) aviation environmental justice grant programs legislation;*
 - v. federal investments and policies that expedite the creation and implementation of alternatives to commercial airplane travel, such as high-speed rail;
 - vi. increased federal investment in existing FAA noise grant programs;
 - vii. increased federal investment in sustainable aviation fuels and other alternative energy sources;
 - viii. *Advocate for funding of the "Healthy Ports Initiative" investments in the House-passed Build Back Better Act to “mitigate the cumulative impacts of air pollution on neighborhoods near ports, often communities of color”;*
 - ix. increased federal investments in aircraft modernization and environmental performance;
 - x. policies and regulations that address noise and emissions impacts of supersonic aircraft; and
 - xi. policies and regulations that address noise impacts of electric aircraft.
- c. *Coordinate with StART stakeholders to develop aviation noise and emissions priorities to include in the 2023 FAA Reauthorization legislation, and communicate those priorities to key federal partners.*

- **Expanded Sustainable Aviation Fuel Deployment:**

- a. Ensure clarity and authority for airports to use airport revenue and federal grant funding to support fuel switching, including support for the air quality and carbon reduction benefits.

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- b. Seek additional 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. Pursue policies through the annual National Defense Authorization Act (NDAA) that leverage the U.S. Department of Defense as a key partner in sustainable aviation fuels research and implementation, *such as the SAF pilot program at “a military base near an airport that has a goal to implement SAF” as included in the House-passed 2021 NDAA.*
- d. *Advocate for passage of a SAF blender’s credit, as included in the House-passed Build Back Better Act.*
- e. *Advocate for funding for an FAA grant program “to support investments for projects that develop, demonstrate, or apply low-emission aviation technologies or produce, transport, blend, or store sustainable aviation fuels,” as included in the House-passed Build Back Better Act.*

Maritime

- **National Freight Policy and Funding:**

- a. *Work closely with federal partners to successfully implement the maritime funding provisions of the Infrastructure Investment and Jobs Act.*
- b. *Advocate for funding for supply chain resilience and congestion reduction programs, as included in the House-passed Build Back Better Act.*
- c. 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 RAISE, INFRA and PIDP discretionary grant programs.
- d. 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.

- **Harbor Maintenance Tax (HMT) Reform:**

- a. Secure implementation of the HMT reform provisions in the Water Resources Development Act of 2020.
- 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.

- **Maritime Decarbonization**

- a. *Work closely with federal partners to successfully implement the maritime decarbonization provisions of the Infrastructure Investment and Jobs Act.*
- b. *Advocate for funding for maritime decarbonization programs, as included in the Build Back Better Act.*
- c. 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

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funding that support electrification, alternative fuel use, and other emissions reductions strategies at ports. Support programs to advance renewable ocean energy development.

- d. *Engage with key federal stakeholders to effectively advocate for progress at the International Maritime Organization on maritime decarbonization policies.*
 - e. *Support key pieces of legislation that advance the offshore wind industry, particularly in ways that create opportunities for the Pacific Northwest to become a leader in manufacturing, assembly, deployment and maintenance. Partner with local stakeholders to pursue federal funding contained within the IJA for offshore wind.*
- **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 of the West Waterway portion of the Seattle Harbor Navigation Improvement Project, which will deepen the federal channels serving T-5 in Seattle Harbor.
 - b. Support authorization in the 2022 WRDA bill of design and construction of the Tacoma Harbor Navigation Improvement Project. The project will deepen the Blair Waterway to accommodate ultra-large container ships at key NWSA cargo facilities.
 - **West Seattle Bridge**
 - a. Support federal funding for the West Seattle Bridge and federal programs that improve the condition of our nation’s bridges.
 - **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.
 - **Safe and Efficient Cargo and Passenger Screening:**

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- a. Support adequate CBP staffing levels to ensure efficient movement of cargo through the Puget Sound gateway and facilitation of cruise passengers.
- 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 Pandemic Recovery**

- a. 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.
- b. Monitor ongoing federal agency budget impacts from the loss of user fees due to passenger numbers not yet back to 2019 levels; advocate for federal funding backfills as needed to ensure appropriate federal staffing of Port facilities and operations.
- c. *Monitor changes and/or rollbacks to national health and safety 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.*
- d. *Monitor additional discussions regarding supplemental federal relief for businesses impacted by the pandemic; in particular, support additional federal support for the Restaurant Revitalization Fund (RRF) to assist local restaurants – including those at SEA – impacted by reduced dining and travel because of the Omicron variant.*

- **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.
- 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, *particularly related to the arrival and resettlement of Afghan refugees.*
- d. Support federal legislation on biometric technology and associated data collection that balances operational needs with protections for privacy, equity and civil liberties.

- **Increased Community Focus:**

- a. *Partner with the Biden Administration to identify key grant opportunities to support worker training, worker advancement and increased earning opportunities for King County residents employed at Port facilities.*
- b. Partner with federal agencies to improve human trafficking prevention and intervention efforts.

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- c. 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.
- d. Realign federal funding, programs and policies to support rebuilding the U.S. small business sector, reviving entrepreneurship, and closing the racial wealth gap.

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.
- b. *Work closely with federal partners to take advantage of electric vehicle (EV) infrastructure funding in the Infrastructure Investment and Jobs Act that may be available for SEA to incentivize the transition to greener forms of surface transportation to and from the airport. In addition, support funding for EV infrastructure located within the airport region but beyond airport boundaries.*
- c. *Support funding for sustainable transportation options, including transit infrastructure and operations, that can increase the availability and attractiveness of low-carbon travel options for airport passengers and employees. In particular, work with regional and statewide stakeholders to effectively compete for high-speed rail funding contained in the Infrastructure Investment and Jobs Act.*

- **Efficient and Safe Airport Operations:**

- a. *Engage with national airport associations, the FAA, the Washington Congressional delegation and other key stakeholders such as airlines and aerospace manufacturers to limit operational disruptions caused by the implementation of 5G wireless telecommunications near airports.*
- b. Increase overall funding for CBP officers dedicated to international airport passenger processing.
- c. Preserve TSA funding for Law Enforcement Officer (LEO) reimbursement grants.
- d. Support the recommendations of the Blue-Ribbon Task Force on Unmanned Aircraft Systems (UAS) Mitigation at Airports and the FAA Drone Advisory Committee 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.
- e. Encourage expedited deployment of the FAA’s Terminal Flight Data Manager (TFDM) airfield congestion management program at SEA 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.

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- 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.

Maritime

- **Pebble Mine at Bristol Bay and Offshore Drilling:**
 - a. 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, both in our commitment to ensuring the long-term vitality of the Northwest fishing industry and to being the greenest, most energy efficient port in North America. While the Biden Administration is not pursuing these proposals, the Port will remain committed to monitoring any potential future action on these topics, and to actively opposing new efforts to conduct these activities.

- **Jones Act and Passenger Vessel Services Act:**
 - 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. *Monitor proposed changes to the Passenger Vessel Services Act that would impact the Port’s Alaska cruise business.*

- **Federal permitting**
 - a. Support increased regulatory staff funding for the U.S. Army Corps of Engineers, NOAA Fisheries and the U.S. Fish and Wildlife Service to reduce permit backlogs.
 - b. *Work with the Biden Administration and the Washington Congressional delegation to ensure sufficient resources and staffing for US Army Corps of Engineers Seattle District to review and approve mitigation banking applications in an efficient and timely manner.*
 - c. Oppose changes to the process for permitting projects that jeopardize the ports’ ability to fulfill their economic, environmental and social missions; ensure that significant modifications to federal permitting regulations are made only through an act of Congress or a formal rulemaking process, and that federal regulatory and permitting regimes are applied consistently across the country.

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.
 - b. Support federal efforts to increase and facilitate tourism into the United States.

- **Increased Communities Focus:**

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- a. Secure additional federal funding for key priorities within the Port’s economic development, tourism development and workforce development programs.
- b. 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) and advanced air mobility (AAM) 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.

Maritime

• **Efficient and Sustainable Fishing Industry:**

- a. Support key federal priorities for the North Pacific fleet, ranging from economic support for fishing fleet modernization to addressing COVID-19 economic impacts.
- b. Work closely with fishing industry stakeholders to support key environmental sustainability initiatives as well as address the impacts of climate change on the fishing industry.

ATTACHMENTS TO THIS PRESENTATION -

- (1) 2021 Federal Aviation Agenda
- (2) 2021 Federal Maritime Agenda
- (3) Presentation Slides

PREVIOUS COMMISSION ACTIONS OR BRIEFINGS

- January 4, 2022 – The Commission was briefed on the 2022 Federal Legislative Agenda.
- January 12, 2021 – The Commission approved the 2021 Federal Legislative Agenda.
- December 8, 2020 – The Commission was briefed on the 2021 Federal Legislative Agenda.
- January 28, 2020 – The Commission approved the 2020 Federal Legislative Agenda.
- January 7, 2020 – The Commission was briefed on the 2020 Federal Legislative Agenda.

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- 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.