



Multnomah County Oregon

Board of Commissioners & Agenda

connecting citizens with information and services

BOARD OF COMMISSIONERS

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DECEMBER 15, 16 & 18, 2008

BOARD MEETINGS

FASTLOOK AGENDA ITEMS OF INTEREST

Pg 2	2:30 p.m. Monday Legislative Briefing
Pg 2	9:00 a.m. Tuesday Executive Session
Pg 2	10:00 a.m. Tuesday Employee Service Awards
Pg 4	9:05 a.m. Thursday Briefing on a New North Portland Library
Pg 4	9:10 a.m. Thursday Authorizing Lease Negotiations for a New East County Library
Pg 5	9:35 a.m. Thursday Establishing a Council on Successful Reentry from Jail to Community
Pg 5	11:00 a.m. Thursday Proclaiming 12/18/08 a Day of Appreciation for Commissioners Maria Rojo, Lisa Naito, and Lonnie Roberts
December 25, 2008 & January 1, 2009 Board Meetings Cancelled	

Thursday meetings of the Multnomah County Board of Commissioners are cable-cast live and taped and may be seen by Cable subscribers in Multnomah County at the following times:

Thursday, 9:00 AM, (LIVE) Channel 30
Saturday, 10:00 AM, Channel 29
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Tuesday, 8:15 PM, Channel 29

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Monday, December 15, 2008 - 2:30 PM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

BOARD BRIEFING

- B-1 Overview of the Federal Appropriations Process in the 111th US Congress. Presented by Phillip Kennedy-Wong with Rich Gold and Lynn Cutler from the Lobbying Firm Holland & Knight Law. 1 HOUR REQUESTED.
-

Tuesday, December 16, 2008 - 9:00 AM
Multnomah Building, Sixth Floor Commissioners Conference Room 635
501 SE Hawthorne Boulevard, Portland

IF NEEDED EXECUTIVE SESSION

- E-1 The Multnomah County Board of Commissioners will meet in Executive Session Pursuant to ORS 192.660(2)(d),(e) and/or (h). Only Representatives of the News Media and Designated Staff are allowed to attend. News Media and All Other Attendees are Specifically Directed Not to Disclose Information that is the Subject of the Session. No Final Decision will be made in the Session. Presented by County Attorney Agnes Sowle. 15-55 MINUTES REQUESTED.
-

Tuesday, December 16, 2008 - 10:00 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

EMPLOYEE SERVICE RECOGNITION

- B-2 Employee Service Recognition Ceremony for January 1 – December 31, 2008 Anniversary Dates for Employees with Five and Ten Years of Service. Presented by Travis Graves and Chair Ted Wheeler.

Thursday, December 18, 2008 - 9:00 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

CONSENT CALENDAR - 9:00 AM

DEPARTMENT OF COMMUNITY SERVICES

- C-1 RESOLUTION Authorizing the Repurchase of a Tax Foreclosed Property by the former owner MICHAEL HOWARD
- C-2 RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to DAVID J. AND CHRISTINE M. MESSMER
- C-3 Approval of Auto Wrecker Certificate Renewal for Frank Miller of Miller Truck Salvage LLC, 15015 NW Mill Road, Portland, OR 97213

SHERIFF'S OFFICE

- C-4 Off-Premises Sales and Limited On-Premises Sales Liquor License Renewals for BIG BEAR'S CROWN POINT MARKET, 31815 E Columbia River Highway, Troutdale
- C-5 Full On-Premises Sales Liquor License Renewal for BOTTOMS UP TAVERN, 16900 NW St Helens Road, Portland
- C-6 Off-Premises Sales Liquor License Renewal for CORBETT COUNTRY MARKET, 36801 E. Historic Columbia River Highway, Corbett
- C-7 Off-Premises Sales Liquor License Renewal for CRACKER BARREL GROCERY, 15005 NW Sauvie Island Road, Portland
- C-8 Off-Premises Sales Liquor License Renewal for FRED'S MARINA, 12800 NW Marina Way, Portland
- C-9 Full On-Premises Sales, Off-Premises Sales and Limited On-Premises Sales Liquor License Renewals for HISTORIC SPRINGDALE PUB AND EATERY, 32302 E. Crown Point Highway, Corbett
- C-10 Full On-Premises Sales Liquor License Renewal for MULTNOMAH FALLS LODGE, Scenic Highway and Columbia Gorge, Bridal Veil

- C-11 Off-Premises Sales Liquor License Renewal for ORIENT COUNTRY STORE, 29822 SE Orient Drive, Gresham
- C-12 Off-Premises Sales Liquor License Renewal for PLAINVIEW GROCERY, 11800 NW Cornelius Pass Road, Portland
- C-13 Full On-Premises Sales Liquor License Renewal for PLEASANT HOME SALOON, 31637 SE Dodge Park Boulevard, Gresham
- C-14 Off-Premises Sales Liquor License Renewal for ROCKY POINTE MARINA, 23586 NW St Helens Highway, Portland
- C-15 Off-Premises Sales Liquor License Renewal for TENLY'S JACKPOT FOODMART, 28210 SE Orient Drive, Gresham
- C-16 Full On-Premises Sales Liquor License Renewal for THE VIEWPOINT INN, 40301 E Larch Mountain Road, Corbett
- C-17 Off-Premises Sales Liquor License Renewal for WEECE'S MARKET, 7310 SE Pleasant Home Road, Gresham
- C-18 Limited On-Premises Sales Liquor License Renewal for WILDWOOD GOLF COURSE, 21881 NW St. Helens Road, Portland

REGULAR AGENDA

DEPARTMENT OF COUNTY MANAGEMENT – 9:00 AM

- R-1 RESOLUTION Approving Amendment to Real Property Lease and Authorizing County Chair to Execute Further Lease Amendments with BRCP/Unico Lincoln, LLC, for the Lincoln Building, Located at 421 SW Oak Street, Portland, Oregon

DEPARTMENT OF LIBRARY SERVICES – 9:05 AM

- R-2 Briefing on the New North Portland Library Branch. Presented by Molly Raphael, Library; Karol Collymore, District 2; and Mike Sublett, Facilities and Property Management. 5 MINUTES REQUESTED.
- R-3 RESOLUTION Authorizing the Multnomah County Library and Facilities and Property Management Division to Commence Lease Negotiations for a New East County Library Branch

PUBLIC COMMENT - 9:30 AM

Opportunity for Public Comment on non-agenda matters. Testimony is limited to three minutes per person. Fill out a speaker form available in the Boardroom and turn it into the Board Clerk.

NON-DEPARTMENTAL - 9:30 AM

- R-4 Appointment of Dan Pierce and Reappointment of Bonnie Malone and Aron Stephens to the Community Health Council
- R-5 RESOLUTION Establishing a Council on Successful Reentry from Jail to Community (Reentry Council)
- R-6 RESOLUTION Accepting the Final Report of the Permanent Work Group to Advise the County Commission on Jail Policies and Procedures
- R-7 RESOLUTION Directing that Juveniles in Custody in Multnomah County be Held at the Donald E. Long Juvenile Detention Home

DEPARTMENT OF COMMUNITY JUSTICE – 10:40 AM

- R-8 NOTICE OF INTENT to Apply for the Edward Byrne Memorial Justice Assistance Grant for Improving Prison Offender Reentry

SHERIFF'S OFFICE – 10:45 AM

- R-9 RESOLUTION Confirming the Interim Designation for Multnomah County Sheriff, in the Event of a Vacancy
- R-10 RESOLUTION Adopting a Policy for Removal of Individuals from Campsites on Public Property

NON-DEPARTMENTAL – 11:00 AM

- R-11 PROCLAMATION Proclaiming December 18, 2008 a Day of Appreciation for Commissioners Maria Rojo, Lisa Naito, and Lonnie Roberts for their Outstanding Contributions to Multnomah County, Oregon



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 12/15/08
Agenda Item #: B-1
Est. Start Time: 2:30 PM
Date Submitted: 12/10/08

Agenda Title: Overview of the Federal Appropriations Process in the 111th US Congress

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

Requested Meeting Date: December 15, 2008 Amount of Time Needed: 60 minutes
Department: Non-Departmental Division: Chair's Office
Contact(s): Phillip Kennedy-Wong
Phone: (503) 988-5895 Ext. 85895 I/O Address: 503/6
Presenter(s): Phillip Kennedy-Wong with Rich Gold and Lynn Cutler from the Lobbying Firm
Holland & Knight Law

General Information

1. What action are you requesting from the Board?

It is requested that the Board have an opportunity to hear a presentation by the county's contracted federal lobbying firm on the federal appropriations process in the upcoming 111th U.S. Congress.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

There will be a PowerPoint presentation that will outline the federal appropriations process. The presentation will also include a political assessment of the 111th Congress with respect to the County's proposed federal agenda.

3. Explain the fiscal impact (current year and ongoing).

None

4. Explain any legal and/or policy issues involved.

None.

5. Explain any citizen and/or other government participation that has or will take place.

Attendees are welcome to ask questions on the presentation.

Required Signature

Elected Official or
Department/
Agency Director:

TED WHEELER

Date: 12/10/08

BOGSTAD Deborah L

From: KENNEDY-WONG Phillip

Sent: Sunday, December 14, 2008 9:15 PM

To: BROWN Carol L -Labor Relations; HARRIS Mindy L; ZIEDENBERG Jason H; TAYLOR Scott - DCJ Director; WEST Kathleen S; COGEN Jeff; MADRIGAL Marissa D; FISH Warren; SCHILLING Karen C; JOHNSON Cecilia; JOHNSON KaRin R; SHIRLEY Lillian M; BURROW Gayle F; #DCHS LEGISLATIVE COMMITTEE; RAPHAEL Molly

Cc: BOWEN-BIGGS Tara C; LANGLOIS Ruth R; BOGSTAD Deborah L

Subject: Inclement Weather Schedule for Federal Lobbyist Meetings 12/15

Hi all,

Just in case you were wondering, we have moved a few of the meetings around in the morning due to the inclement weather, otherwise the schedule is the same. See attached updated schedule. Our lobbyists did arrive in Portland Sunday evening. We'll see you tomorrow. Thanks.

-Phill

12/15/2008



Holland + Knight

2009 Federal Priorities Meetings w/ County Staff & Federal Lobbyists

Monday December 15th Meeting Schedule with Multnomah County Departments

Holland & Knight representatives: Rich Gold and Lynn Cutler

All meetings will take place in Rm. 635 at the Multnomah Building, 501 SE Hawthorne Blvd, Portland. Except noted.

Updated December 14, 2008

Time	Who	Department	Issues	Location
9:45 AM	Molly Raphael(Library Services Director)	Library		Rm. 635
10:00 AM	Carol Brown(Labor Relations Director)/Mindy Harris(Chief Financial Officer)	County Services	Management/Labor Relations	Rm. 635
10:30 AM	Lillian Shirley(Health Dept. Director), KaRin Johnson(Deputy Director)	Health Dept.	Corrections Health Care/Medicaid, SCHIP	Rm. 635
11:30 AM	Cecilia Johnson(Community Services Director)/Karen Schilling(Planning Director)	Community Services	SAFE TEA LU(Sellwood Bridge), Beaver Ck., Sandy Trail	Rm. 635
1:30 PM	Commissioner Jeff Cogen, Warren Fish(commissioner staff), Kat West(Sustainability Mgr.)	District 2	Hydro Turbine Study Alternative Energy	Commissioner Cogen's Office, 6th fl.
2:30 PM	Federal Appropriations & Reauthorization 101 & Overview of the 111th Congress*	Board of County Commissioners & County Staff	Laptop/PowerPoint available. Please let Phillip know a.s.a.p. if you need it. 50 copies of printed materials recommended.	Board Room
3:30 PM	Joanne Fuller(Human Services Director)	Human Services	Elder Abuse, Medicaid, Mental Health Court Housing	Rm. 635
4:30 PM	Scott Taylor(Community Justice Director), David Koch(Juvenile Justice Director), Jason Ziedenberg(Communications)	Community Justice	Second Chance Act	Rm. 635
7:00 PM	Dinner w/ Chair Wheeler, Commissioners-elect Diane McKeel & Judy Shiprack		Informal-Getting Acquainted	The Ringside Glendoveer, 14021 NE Glisan

* This is a publicly noticed event and is part of the training on state and federal budget processes.

Questions? Phillip Kennedy-Wong (503) 988-5895



Multnomah County Legislative Training



How the Oregon Legislature and the US Congress Pass Budgets

1:30 p.m. to 3:30 p.m. Monday December 15, 2008

**Board Room, Multnomah Building
501 SE Hawthorne Blvd. Portland**

This training is a great primer for those new to legislative budgeting or those who want a refresher. You will learn the Oregon Legislature's Ways & Means process and the US Congress's appropriations process. This knowledge can aid you in your job and/or department by understanding the adoption schedule and deadlines, how to get your department's initiatives funded, and how to work with the county's lobbying team.

Instructors: Ken Rocco, Legislative Fiscal Officer for the state legislature
Rich Gold & Lynn Cutler, Holland & Knight Law (Multnomah County's federal lobbyist)

TODAY'S PROGRAM

1:30 p.m.	Welcome & Introductions: <u>Please share what you hope to learn.</u>	<i>Phillip Kennedy-Wong, Multnomah County Government Relations Manager</i>
1:40 p.m.	Presentation: How the Oregon Legislature Adopts the State Budget	<i>Ken Rocco, Legislative Fiscal Officer for the state legislature</i>
2:00 p.m.	Questions & Answers Session	
The following portion of the training will be a formal presentation to the Multnomah County Board of County Commissioners.		
2:30 p.m.	Presentation: Overview of the Federal Legislative and Budget & Appropriations Processes	<i>Rich Gold & Lynn Cutler, Holland & Knight Law</i>
2:50 p.m.	What to expect in the 111 th US Congress	
3:05 p.m.	Questions & Answers from Board of Commissioners	
3:15 p.m.	Questions & Answers from audience	
3:30 p.m.	Adjourn	

For questions or more information, please contact Phillip Kennedy-Wong at (503) 988-5895.

Overview of the Federal Legislative and Budget & Appropriations Processes

December 15, 2008

Introduction to the Legislative Process

December 15, 2008

Congressional Structure

- The Members/Senators "personal" office
 - ◆ Capitol Staff; District Staff
 - ◆ Legislative Staff that handle Committee Work for Member

- Committee Offices
 - ◆ Committee Staff; Subcommittee Staff
 - ◆ Committee Jurisdiction
 - ◆ House Power Committees (Appropriations, Rules, Energy & Commerce, Ways & Means)
 - ◆ Senate A & B Committees
 - ◆ Committee Composition – Ratios

Congressional Structure

- Elected Party Leadership & Staff
 - ◆ Senate
 - Majority Leader, Whip, Conference Chair
 - Minority Leader, Whip, Caucus Chair
- House
 - ◆ Speaker, Majority Leader, Whip, Conference Chair
 - ◆ Minority Leader, Whip, Caucus Chair
- The Party Conference or Caucus
- Political Leadership Positions –
 - ◆ NRCC
 - ◆ DCCC
 - ◆ NRSC
 - ◆ DSCC

Congressional Structure

- Placing Members on Committees – House Steering Committee
- Less Formal Structures
 - ◆ Issue Caucuses
 - ◆ Regional or State Caucuses
 - ◆ Social Structures (dining room, gym)

Sources of Legislative Proposals

- Commissions
- Executive Proposals
- Legislator initiated
- Advocacy Organizations

Turning Ideas Into Text

- Executive Draft
- Advocacy Organization Draft
- Legislative – Office of the Legislative Counsel

Types of Laws

- Authorization of a new federal program
- Re-authorization of an existing federal program
- New or reauthorized regulatory statutes
- Legislation related to International Agreements (trade, treaties)
- Budgetary Legislation
 - ◆ Budget Resolution
 - ◆ Revenue Legislation
 - ◆ Appropriations Legislation
 - ◆ Private Legislation

Introduction and Referral

- Submission at the Desk
- Introductory Statement
- Numbered
- Referral to Committee –
 - ◆ by Subject Matter Jurisdiction;
 - ◆ Multiple Referrals (Simultaneous, Sequential)
- Sponsors and Cosponsors
 - ◆ Soliciting sponsors – Dear Colleague Letters

Committee Consideration

- Subject Matter Jurisdiction
- Referral to Subcommittee
- Hearings
 - ◆ Administration Witnesses
 - ◆ Outside Witnesses
 - ◆ Staff Witnesses (e.g., tax)

Committee Consideration

- Mark-ups:
 - ◆ Chairman's Mark
 - ◆ Subcommittee to Full Committee
 - ◆ Amendments

- Committee Reports:
 - ◆ Section by Section Analysis
 - ◆ Cost Estimates
 - ◆ Changes to Existing Law
 - ◆ Commentary
 - ◆ Minority Views; Supplemental Views

From Committee to Floor Consideration

- House – Calendaring; Rules Committee
- Senate – Majority Leader Controls

Floor Consideration

- Basic Types of Amendments:
 - ◆ 1st Degree
 - ◆ 2nd Degree
 - ◆ Amendments in the Nature of a Substitute

- House Procedure
 - ◆ The Rules Committee – writes the rule
 - ◆ The Rule –
 - Limits Amendments
 - Orders Amendments
 - Limits Debate Time
 - ◆ Simple Majority Rules

Floor Consideration

- **Senate Procedure** – "World's most deliberative body"
 - ◆ Cloture – 60 Votes to End Debate and proceed to a vote
 - ◆ Unanimous Consent Agreements (functions similar to rules)
- **Standing Rules of the House and Senate**
- Legislation or Amendments that violate rules of the House or Senate are not in order unless protected by the Rule (House) or allowed by supermajority vote (Senate)
- **Some Important Rules** –
 - ◆ Germaneness
 - ◆ Legislating on an Appropriations Bill
 - ◆ No extraneous matter on budget bills

Conference Committees

- Differences in legislation passed by the House and Senate must be reconciled before a final version of the bill is re-passed in identical form by both bodies and sent to the President for his consideration.
- House and Senate Appoint Conferees who convene in conference
- House and Senate Conferees trade proposals for resolution of all or a portion of the legislation (think ping pong).

Conference Committees

- Types of Propositions
 - ◆ House/Senate Recede
 - ◆ Senate/House Insist
 - ◆ Recede with an Amendment
- Final Resolution = The Conference Report
- Final Passage in the House and Senate

Consideration by the President

- Veto
- Signature
- Pocket Acceptance/Pocket Veto

Disposition of Vetoed Legislation

- Return to body from whence it originated
- Options
 - ◆ Hold at the Desk
 - ◆ Return to Committee
 - ◆ Call up to enact the objections of the President to the contrary notwithstanding
- Postpone to Date Certain

Working Through a Legislative Body to Impact Policy

Types of Policy Action:

- Discretionary Administrative Actions
- Formal Administrative Decisions
 - ◆ Rulemakings
 - ◆ Adjudications
- Judicial Adjudications

Rule - Most Legislators Will Not Intervene in Agency Adjudications or Judicial Adjudications

Informal Tools:

- The Telephone Call
- The Letter/Written Comments
- The Meeting

Legislative Process Tools:

- Questions at a Hearing:
 - ◆ Live
 - ◆ For the Record
- Request for Documents
- Legislative Investigation/Oversight Hearing
- Floor Statement

Legislative Tools:

- Legislative Text
- Written Committee Report
- Colloquy
- Statement on the Legislation
 - ◆ By the Chairman
 - ◆ By another member

Introducing And Advancing Legislation

- Reasons an Elected Official Introduces a Bill:
 - ◆ To make a statement on an issue
 - ◆ To advertise their support/opposition
 - ◆ To get an agency's full attention
 - ◆ To serve as a vehicle for rallying support – cosponsors, etc.
 - ◆ To set the stage for a future amendment to a larger bill
 - ◆ With the Intent that it be enacted

Introducing And Advancing Legislation

- Types of Legislation:
 - Criminal/Regulatory Measures
 - Creating/reauthorizing programs
 - Budgetary –
 - ◆ Raising Revenues
 - ◆ Appropriations
 - ◆ Entitlement Programs
 - Honorific
 - Private

Advocacy Steps – Enacting Develop Proposed Legislation

- Define the legislative concept
- Create a detailed legislative draft
- Consider –
 - ◆ What Committees will it be referred to (avoid death by multiple referral)?
 - ◆ What are the budgetary implications?
 - ◆ Would enactment be precedent setting?
- Develop supporting explanatory documentation
 - ◆ White Paper
 - ◆ Section by Section Analysis
 - ◆ Articles, supporting third party information

Recruit Legislative Sponsor

- Agreeing to serve as a bill's sponsor/chief advocate is a resource intensive commitment – are they up to it?
- Are they personally committed?
- Are they on the right Committee? Party? Seniority?

Recruit Co-sponsors

- Getting other Members to commit their support
 - ◆ requires direct lobbying of individual offices on a massive scale to secure as many sponsors as possible.
 - Visits
 - Letters
 - Etc.

Press for Committee Consideration

- Brief Committee staff on the legislation –
 - ◆ Navigating Committee Staff/Personal Staff Issues
- Encourage the Chairman to schedule the legislation for consideration
 - ◆ at least one hearing on the legislation
 - ◆ mark-up (drafting) of the bill in subcommittee and full committee

Secure Floor Consideration

**Repeat the Entire Process in
the Other Body or Get It
"Cleared"**

**Convince the Executive to
Sign**

The Budget and Appropriations Process

In General

- Federal budget process is an annual process
 - ◆ Step One: President proposes his plan
 - ◆ Step Two: Congress devises its own plan = Congressional Budget Resolution
 - ◆ Step Three: Congress acts on its plan:
 - 12 Appropriations bills
 - “Reconciliation” bill: taxes and entitlements
 - ◆ Differences resolved at the end

Step One: Formulation of the President's Budget Proposal

- Agencies develop estimates/requests
- OMB (President's gatekeeper/scorekeeper) reviews agency requests and sets funding parameters
- Back-and-forth process of negotiation/finalization ("pass-ups", "pass-backs", "appeals")
- Final Administration proposal submitted to Congress the first week of February.

Step Two: Congress Writes its Own Budget Resolution

- Reviews the President's proposal /holds hearings
- Discussion and negotiation to find consensus
- House adopts "Concurrent Resolution" on the Budget
- Senate adopts its version of Budget Resolution
- House/Senate conference resolves differences
- Both houses of Congress adopt final Conference Report:
April 15th Deadline
- Not sent to the President (not a law)

The Congressional Budget Resolution

- A “blueprint” to guide the appropriators and authorizers
- Sets out spending by 20 broad “functional” categories of government
- Sets spending and revenue totals
 - ◆ Appropriations levels for discretionary programs
 - ◆ Changes to mandatory spending
 - ◆ Increase/decrease revenues
 - ◆ Economic Assumptions – I, i, GNP, Ue

The Congressional Budget Resolution

Limits Total Discretionary Spending:

- The Budget Committee's "302(a)" allocation to the Appropriations Committee caps total discretionary spending
- Appropriations Committee may not exceed the total but divides up this "pie" among its 12 subcommittees: 302(b) allocations

The Congressional Budget Resolution

Directs Changes in Revenues and Entitlements

- “Reconciliation” instructions direct authorizing committees to make changes in law under their jurisdiction to increase or decrease mandatory spending
- Instructs the tax committees (Ways & Means/Finance) to make changes to increase or decrease revenues
- Committee changes sent back to the Budget Committee assembled into “Budget Reconciliation Act”

Step Three: Legislation to Implement the Budget Resolution

Appropriations Bills

- Allocation divided into 302(b) allocations: 12 bills
- Appropriations Subcommittee/Committee mark-ups
- Floor consideration: House to complete by June 30th
- House/Senate Conference Committees
- Sent to the President for veto/signature
- Fiscal New Year is October 1 (government shutdowns, continuing resolutions (CR)s, omnibus appropriations bills)

Legislation to Implement the Budget

Reconciliation Bill

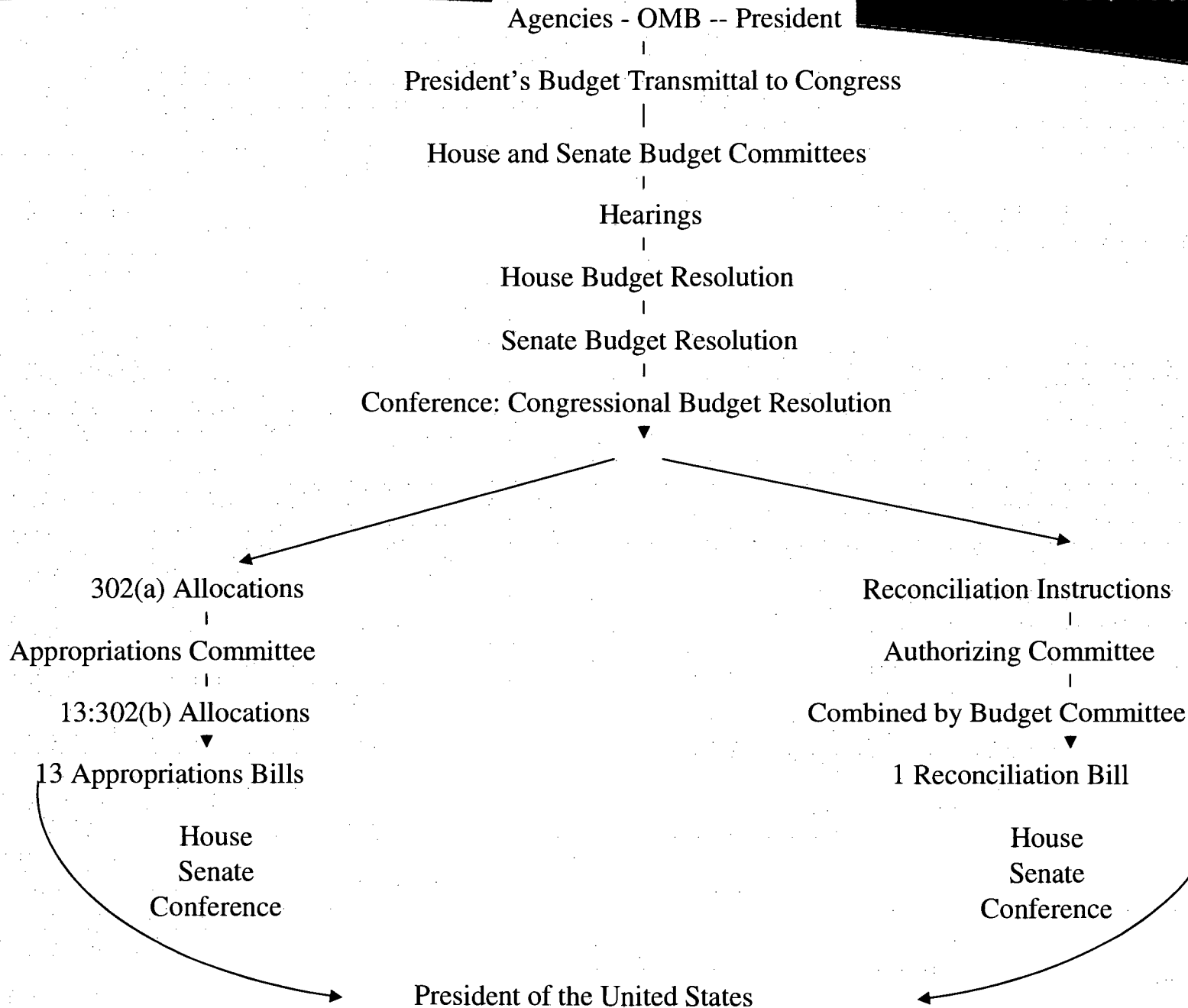
- Reconciliation instructions
- Authorizing committee markups
- Changes to revenues and entitlements
- Assembled by Budget Committee
- House/Senate/Conference committee: complete by June 15th
- Vetoes or signatures
- Not necessarily an every year event

Budget Process Realities

- Deadlines are seldom met
- Appropriations Bills are “must do” legislation. They are often combined into one or more big bills that become year end vehicles for all sorts of legislation
- Appropriations spending limit is usually breached – “war” spending (e.g., \$100B for Iraq) and “emergency” spending (e.g. \$40B for hurricanes) don’t “count”

Budget Process Realities

- Reconciliation bills are hard to pass and don't occur every year -- usually dominated by changes to taxes and Medicare. Some entitlement changes are made in other bills (surface transportation, farm bill).
- The level of budget "friction" depends on the mix of party control of the White House, House and Senate.



How to Impact the Appropriations Process and Advance Your Goals

What Appropriators Do

- Oversight of government agencies, departments
- Allocate funds to discretionary activities
- Program Funding
- Formula funding
- “Earmarks,” “Member’s Projects,” “Pork”
- General Provisions / Provisos

- ❖ Spend the Money
- ❖ In the Process, Set Government Policy

- Each Subcommittee produces a bill and a report
 - ◆ Bill: statutory authority to spend money, has force of law

An Act

Making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

Dec. 18, 2001

[H.R. 2299]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes, namely:

Department of
Transportation
and Related
Agencies
Appropriations
Act, 2002.

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, \$67,778,000, of which not to exceed \$1,929,000 shall be available for the immediate Office of the Secretary; not to exceed \$619,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed \$13,355,000 shall be available for the Office of the General Counsel; not to exceed \$3,058,000 shall be for the Office of the Assistant Secretary for Policy; not to exceed \$7,421,000

JOB ACCESS AND REVERSE COMMUTE GRANTS

Notwithstanding section 3037(l)(3) of Public Law 105-178, as amended, for necessary expenses to carry out section 3037 of the Federal Transit Act of 1998, \$25,000,000, to remain available until expended: Provided, That no more than \$125,000,000 of budget authority shall be available for these purposes: Provided further, That up to \$250,000 of the funds provided under this heading may be used by the Federal Transit Administration for technical assistance and support and performance reviews of the Job Access and Reverse Commute Grants program.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

- ◆ Report: Committee explanation of bill
 - Most earmarks contained here

JOB ACCESS AND REVERSE COMMUTE GRANTS

The conference agreement includes a total program level of \$125,000,000 for the job access and reverse commute grants as proposed by both the House and the Senate. Within this total, \$25,000,000 is derived from the general fund. The conference agreement includes a provision that waives the cap for small urban and rural areas and provides that up to \$250,000 of the funds appropriated under this heading may be used for technical assistance, technical support, and performance reviews of the job access and reverse commute grants program.

Funds appropriated for the job access and reverse commute grants program are to be distributed as follows:

<i>Project name</i>	<i>Conference level</i>
Abilene, Texas Citilink Program	\$150,000
AC Transit, California	2,000,000
Atlanta Regional Commission, Georgia	1,000,000
Austin, Texas	500,000
Baton Rouge, Louisiana Ways to Work	750,000
Bloomington to Normal, Illinois, Wheels to Work	500,000
Broome County, New York Transit	500,000
Buncombe County, North Carolina	100,000
Burlington Community Land Trust/Good News Garage	850,000
Central Arkansas Transit Authority	500,000
Central Ohio Transit Authority	1,000,000
Charlotte Area Transit, North Carolina	500,000
Chatham, Georgia	1,000,000
Chattanooga, Tennessee	500,000
Charlottesville, Virginia Jefferson Area United Transportation	375,000
City of Santa Fe, New Mexico	630,000
Columbia County, New York	100,000
Community Transportation Association of America	625,000
Corpus Christi, Texas	550,000
Del Norte County, California	700,000
Delaware Department of Transportation	750,000
DuPage County, Illinois	500,000
Flint, Michigan Mass Transportation Authority	1,000,000
Galveston, Texas	600,000

Immediate office of the Secretary	\$1,929,000
Immediate office of the Deputy Secretary	619,000
Office of the General Counsel	13,355,000
Office of the Assistant Secretary for Policy	3,058,000
Office of the Assistant Secretary for Aviation and International Affairs	7,421,000
Office of the Assistant Secretary for Budget and Programs	7,728,000
Office of the Assistant Secretary for Government Affairs	2,282,000
Office of the Assistant Secretary for Administration	19,250,000
Office of Public Affairs	1,723,000
Executive Secretariat	1,204,000
Board of Contract Appeals	507,000
Office of Small and Disadvantaged Business Utilization	1,240,000
Office of Intelligence and Security	1,321,000
Office of the Chief Information Officer	6,141,000

The conferees direct the office of the secretary to submit its congressional justification materials in support of the individual offices of the offices of the secretary at the same level of detail provided in the congressional justifications presented in fiscal year 2002.

Bill language, as proposed by both the House and the Senate, allows the Department to spend up to \$60,000 for official reception and representation activities.

The conference agreement modifies bill language that was contained in both the House and the Senate bills that credits to this appropriation up to \$2,500,000 in funds received in user fees by excluding fees authorized in Public Law 107-71.

Aviation consumer hotline.—The conference agreement includes \$720,000 for the Department's Aviation Consumer Protection Division's consumer hotline. The conferees note that a hotline for consumer complaints currently exists in the Office of the General Counsel. However, the phone line is understaffed, leaving many consumers frustrated when a phone recording is the only place to register a complaint. This can cause considerable hardship for individuals with disabilities who may have travel complaints

The recommendation includes elimination of the \$507,000 requested for procurement and installation of an ALSF-2 at Minneapolis-St. Paul International Airport. Funds are provided elsewhere in this budget line for similar activities at that location. The conferees emphasize that the \$10,000,000 in additional funding for MALSR systems is for installation of previously purchased systems and to keep the production line operational for future procurements.

Explosive detection systems.—The conferees agree to provide \$97,500,000 for the acquisition and deployment of explosive detection systems at airports. Consistent with the President's budget, the conference agreement distributes funds as shown below:

Activity	Conference agreement
Bulk EDS systems	\$38,000,000
Trace detection systems	12,000,000
Threat image projection (TIP) systems	12,000,000
Computer-based training (CBT) systems	2,000,000
System integration	33,500,000
Total	97,500,000

Bulk explosive detection systems.—Given the current security situation and requirements in the recently enacted Aviation and Transportation Security Act for improved baggage screening, orders for bulk explosive detection systems (EDS) are expected to grow substantially. Section 110 of the Aviation and Transportation Security Act requires that systems be in operation to screen all checked baggage at airports in the United States as soon as practicable, but not later than the sixty days following enactment of that Act. Although this provision allows the use of manual or canine searches

- Most “earmarks” contained in report
- Program funding levels in bill or report, explanation in report
- Legislative “fixes” must be done in bill language
- Authorizing language ≠ Appropriations

Managing the Process

- Decide what to ask for
 - ◆ Money, report language, program language
- Prioritize your requests
- Develop a “white paper” or background paper; be sure it states your request
- Brief Member/Senator and staff
 - ◆ Solicit their support and ASK for their involvement
- Consider best Committee professional staff to brief
- Consider briefing Executive Branch officials

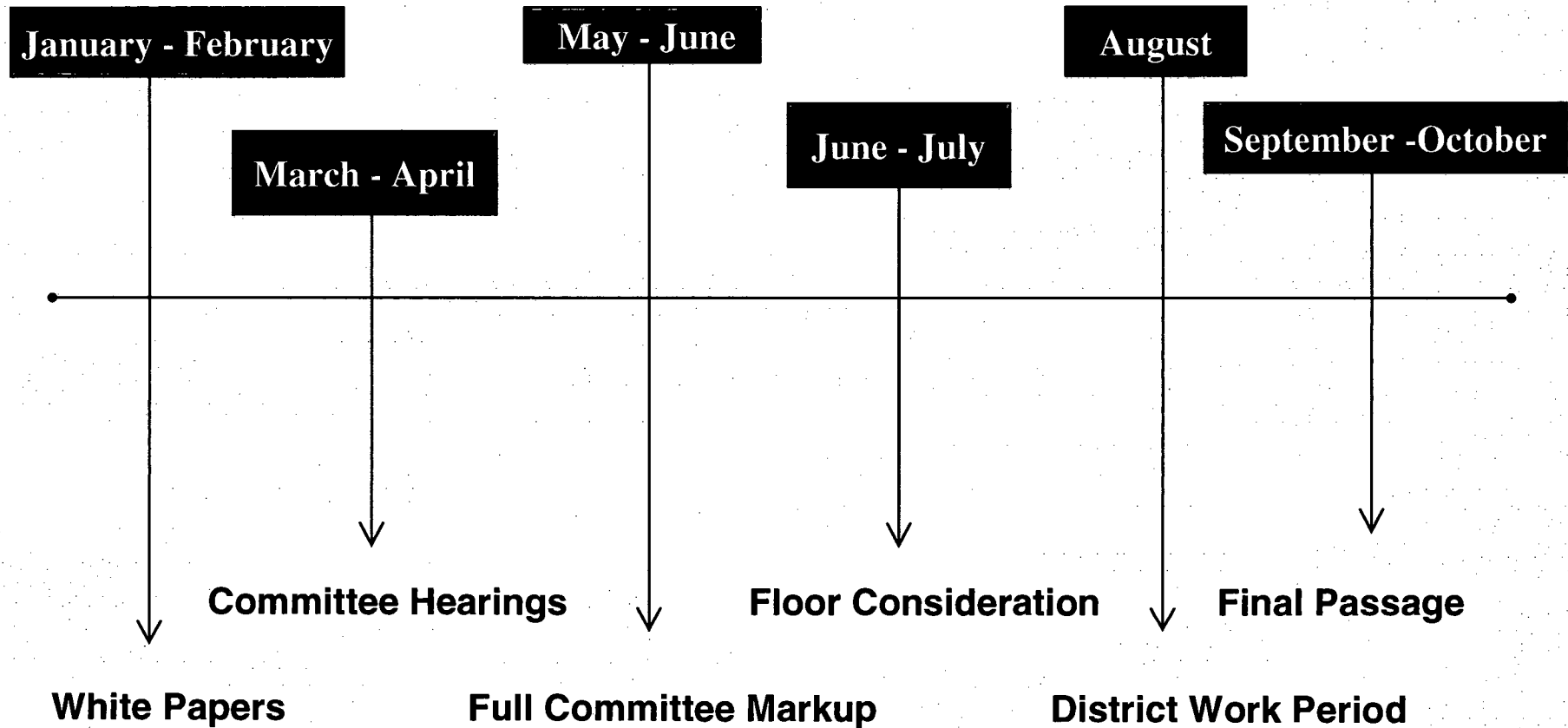
Managing the Process *cont...*

- Draft letter to Member/Senator to Subcommittee
- Fill out Member/Senator forms and/or help staff fill out Subcommittee forms
- Testify at Subcommittee hearing?
- Draft suggested bill or report language?
- Maintain contact with office and Subcommittee staff
 - ◆ Timing is everything
 - ◆ Check in and be sure things are ok; don't become a pest

Keys to Success:

- Plan accordingly
- Know the realities of your request
- Know the realities of the political situation in Washington
- Know the key players, Members and staff
 - ◆ Try to find champions
- Know the basics of the Appropriations process
 - ◆ Monitor steps in the process and be flexible
- Know the congressional schedule and appropriations schedule

Appropriations Timeline



Final Thoughts

- Deadlines are often missed
- Omnibus bills or mini-buses are most likely here to stay
- Appropriators do authorize
- Authorizer vs. Appropriator tensions
- Appropriator vs. Leadership tensions
- Highly competitive process: know that you don't automatically get a check