



WATERWORKS

A special update brought to you by Oregon Water Resources Congress

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(Editor's Note: This is the first of a new Quarterly effort from Peter Carlson, OWRC's Washington D.C. based Government Affairs Consultant, to help demystify how Washington, D.C., the Congress and the Administration work and how OWRC engages in the effort.)

Updates in this newsletter



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reginfo.gov

Office of Information and Regulatory Affairs

The Congressional Cycle



OWRC engages annually in the Congressional Budget and Appropriation process by making the needs of our membership known to the Oregon Congressional Delegation, the respective Senate and House of Representatives Appropriation Subcommittees for the Federal Agency programs we have an interest in, other trade associations, the Federal agency's themselves and to our State offices. These efforts are informed by feedback from you, our members, so it is crucial to let OWRC know about your district's specific funding needs at the beginning of each year.

The Budget Cycle. The President is required to submit to Congress a proposed budget by the first Monday in February. Although this budget does not have the force of law, it is a comprehensive examination of federal revenues and spending, including any initiatives recommended by the President, and is the start of extensive interaction with Congress. Within six weeks of the President's budget submission, congressional committees are required to submit their "views and estimates" of spending and revenues within their respective jurisdictions to the House and Senate Budget Committees. These views and estimates, along with information from other sources, are then used by each Budget Committee in drafting and reporting a concurrent resolution on the budget to its corresponding house. Other information is gathered by the Budget Committees in reports and hearing testimony. That information includes budget and economic projections, programmatic information, and budget priorities, and comes from a variety of sources, such as CBO, OMB, the Federal Reserve, executive branch agencies, and congressional leadership.

Although it also does not have the force of law, the budget resolution is a central part of the budget process in Congress. As a concurrent resolution, it represents an agreement between the House and Senate that establishes budget priorities, and defines the parameters for all subsequent budgetary actions. The spending, revenue, and public debt legislation necessary to implement decisions agreed to in the budget resolution are subsequently enacted separately. Discretionary spending, in the form of appropriation bills, involves annual actions that must be completed before the beginning of a new fiscal year on October 1. Changes in direct spending or revenue laws may also be a part of budgetary actions in any given year. When these changes are directly tied to implementing the fiscal policies in the budget resolution for that year, the reconciliation process may be used. Reconciliation typically follows a

timetable established in the budget resolution. Other budgetary legislation, such as changes in direct spending or revenue laws separate from the reconciliation process, changes in the public debt limit, or authorizing legislation, are not tied directly to the annual budget cycle. However, such legislation may be a necessary part of budgetary actions in any given year.

The Appropriations Process. The annual appropriations process provides funding for discretionary spending programs through regular annual appropriations bills. Congress must enact these measures prior to the beginning of each fiscal year (October 1) or provide interim funding for the affected programs through a “continuing resolution.” By custom, appropriations bills originate in the House, but may be amended by the Senate, as other legislation. The House and Senate Appropriations Committees are organized into subcommittees, each of which is responsible for developing an appropriations bill. Appropriations bills are constrained in terms of both their purpose and the amount of funding they provide. Appropriations are constrained in terms of purpose because the rules of both the House (Rule XXI) and the Senate (Rule XVI) generally require authorization prior to consideration of appropriations for an agency or program. Constraints in terms of the amount of funding exist on several levels. For individual items or programs, funding may be limited to the level recommended in authorizing legislation. The overall level of discretionary spending provided in appropriations acts is limited by the allocations from the budget resolution made to the Appropriations Committees under Section 302(a) of the Budget Act. These allocations provide limits that may be enforced procedurally through points of order in the House and Senate during consideration of legislation. In the absence of a final agreement on a concurrent resolution on the budget, the House or Senate may adopt a “deeming resolution” to establish provisional enforcement levels. Section 302(b) of the Budget Act further requires the House and Senate Appropriations Committees to subdivide the amounts allocated to them under the budget resolution among their subcommittees. These suballocations are to be made “as soon as practicable after a concurrent resolution on the budget is agreed to.” Because each subcommittee is responsible for developing a single general appropriations bill, the process of making suballocations effectively determines the spending level for each of the regular annual appropriations bills. Legislation (or amendments) that would cause the suballocations made under 302(b) to be exceeded is subject to a point of order. The Appropriations Committees can (and do) issue revised subdivisions over the course of appropriations actions to reflect changes in spending priorities effected during floor consideration or in conference.

The goal (that is often missed) is to have all these Appropriation bills passed and enacted into law by the beginning of the Fiscal Year - October 1. If not, some agencies may find themselves operating under a Continuing Resolution - typically at the previous year's funding levels - for days, weeks, months or possibly a whole fiscal year.

The Federal Cycle



Why we do what we do. OWRC has a continual eye on Administration Policies and Regulations. We track and engage with the Department of the Interior Agencies - Bureau of Reclamation, U.S. Geological Survey and the Fish and Wildlife Service, U.S. Army Corps of Engineers, the Natural Resources Conservation Service at the Department of Agriculture, the Environmental Protection Agency Office of Water, the Commerce Department through National Oceanic Atmospheric

Administration and the National Weather Service and the Department of Energy's Bonneville Power Administration. The issues OWRC engages in are strategically guided by our Federal Affairs Committee which meets monthly. This Committee also recommends priorities for the federal program that are adopted by the OWRC Board in January each year.

We read the Federal Register every day, (you can see the monthly accumulations of items of interest to OWRC in the Four Corner Press) for new rules and regulations that may affect our members. We also engage in new policy development and guidance as a result of legislation passing Congress and being signed into law. The biennial Water Resources Development Act for the U.S. Army Corps of Engineers is a good example of OWRC's engagement in the federal legislation process. Changes to the Reclamation Manual being another example.

Below are descriptions of the two major White House entities that drive much of this work. As you will see new Initiatives emerge throughout the course of an Administration. Meetings occur in Washington, D.C. and with the Regional Offices of Federal agencies here in the Northwest so they understand OWRC priorities and possible concerns so we can continue to deliver value to our membership.

In addition to the Initiatives, OWRC engages in commenting on proposed Federal regulations. The Office of Management and Budget's Office of Information and Regulatory Affairs (OIRA) provides the window for delivering our comments.

CEQ Initiatives (from [CEQ website](#))



One of the major duties of the White House Council on Environmental Quality is to develop and recommend to the President national policies to foster and promote the improvement of environmental quality to meet the conservation, social, economic, health, and other requirements and goals of the Nation.

Through interagency working groups and coordination with agencies and other White House offices, CEQ works to advance the President's agenda. It also balances competing positions, and encourages government-wide coordination, bringing federal agencies, state and local governments, and others together on matters relating to the environment, natural resources and energy.

Please view our current initiatives:

- Climate Change Resilience
 - State, Local, and Tribal Leaders Task Force
- Federal Sustainability
 - GreenGov
 - Sustainability Plans
 - OMB Scorecards
 - GHG Accounting and Inventories
 - Sustainable Locations
 - Landscaping Guidance
- NEPA
 - Steps to Modernize and Reinvigorate NEPA
 - Guidance for Programmatic NEPA Reviews
 - Guidance for GHG Emissions
 - Guidance on Categorical Exclusions
 - Guidance for Mitigation and Monitoring
 - NEPA Handbooks
 - NEPA Pilot Program
 - Retrospective Regulatory Review Plan
 - Review of MMS NEPA Procedures for OCS Oil and Gas Exploration and Development
- Recovery Through Retrofit
- Commitment to Clean Water
- Interagency Rapid Response Team for Transmission
- Gulf Coast Ecosystem Restoration
- Updated Principles and Guidelines for Water and Land Related Resources Implementation Studies (P&G)
- Interagency Carbon Capture and Storage Task Force
- America's Great Outdoors Initiative
- National Ocean Council
 - National Ocean Policy Implementation Plan

OMB - Office of Information and Regulatory Affairs (from [OMB website](#))



The Office of Information and Regulatory Affairs (OIRA) is a statutory part of the Office of Management and Budget within the Executive Office of the President. OIRA is the United States Government's central authority for the review of Executive Branch regulations, approval of

Government information collections, establishment of Government statistical practices, and coordination of federal privacy policy. The office is comprised of five subject matter branches and is led by the OIRA Administrator, who is appointed by the President and confirmed by the United States Senate.

In addition to reviewing drafts of proposed and final regulations under a variety of statutory and Executive Order authorities, OIRA also coordinates retrospective review of regulation under Executive Order 13610, reviews and approves Government collections of information from the public under the Paperwork Reduction Act, and oversees the implementation of government-wide policies in the areas of information policy, privacy, and statistical policy. OIRA also coordinates agency implementation of the Information Quality Act, including the peer review practices of agencies, and participates in implementation of the Small Business Regulatory Enforcement and Fairness Act (SBREFA). Finally, OIRA coordinates the Administration's efforts under Executive Order 13609 to improve regulatory cooperation with our key trading partners, including Canada and Mexico.

To learn more about the Office of Information and Regulatory Affairs, click [here](#).

Rules under review. Information about the Administration's regulatory actions can be found on www.reginfo.gov, a website that makes information about OIRA's review of regulations under Executive Order 12866 and Executive Order 13563 available to the public and features information about public meetings that OIRA conducts under Executive Order 12866.

Reginfo.gov includes a Regulatory Review Dashboard that graphically presents information about rules under OIRA review through an easy-to-use interactive display. The Dashboard allows the public to sort rules by agency, length of review, stage of rulemaking, economic significance, and international impacts.

The website also presents an Information Collection Request (ICR) Dashboard, which provides the public with direct access to agency information collection requests sent to OIRA for review under the Paperwork Reduction Act.

Participate in rulemaking. Regulations.gov is the source for information on the development of Federal regulations and other related documents issued by the U.S. Government. Through this site, the public can find, read, and comment on proposed regulations and related documents published by the U.S. Federal Government, and learn more about regulatory issues.

OIRA Governing Authorities and Key Guidance

- Executive Order 12866 - Improving the planning and the coordination of Federal regulation.
- Executive Order 13563 - Improving Regulation and Regulatory Review
- Executive Order 13579 – Regulation and Independent Regulatory Agencies
- Executive Order 13609 - Promoting International Regulatory Cooperation
- Executive Order 13610 - Identifying and Reducing Regulatory Burdens
- Circular A-4, "Regulatory Analysis" - Increasing the transparency of both the benefits and the costs of Federal regulation.
- 5 U.S.C. § 552a - Privacy Act
- 5 U.S.C. Chapter 8 - Congressional Review Act
- 44 U.S.C. Chapter 35 - Paperwork Reduction Act, C.F.R. Part 1320 - Controlling Paperwork Burdens on the Public
- Title V of the E-Government Act of 2002, Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA)
- Small Business Regulatory Enforcement and Fairness Act
- Information Quality Act, Section 515(a) of the Treasury and General Government Appropriations Act for Fiscal Year 2001

Conclusion

The key to our success at the federal level is communication. Your needs and OWRC's priorities are conveyed through the conduit of Congress and the Administration annually and throughout the year. This is all done in a way that ensures that OWRC's Federal Affairs Committee, our Washington D.C. representation, our partner associations and Oregon's Congressional Delegation are strategically poised to act on opportunities as they arise. Thanks for the reading, thinking, writing, emailing, and traveling that you do that allows OWRC to be so effective for today, tomorrow and foundationally for the future generations.

As you see, some of this material was pulled directly from Administration websites and from the Congressional Research Service. In order to provide the best examples and most accurate description of the process so you can appreciate the steps OWRC engages in for its' membership. We hope you find this information helpful and appreciate your engagement on federal issues.

Next Issue: The New Congress and the New Administration (February D.C. Edition)

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