FRESNO COG MONTHLY LEGISLATIVE REPORT
October 2011

FEDERAL

H.R. 2887: Surface and Air Transportation Programs Extension Act of 2011 (SAFETEA-LU)
The last version of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), H.R. 662, was set to expire on September 30, 2011. To avoid a default in transportation programs and projects, this bill, H.R. 2887, was introduced to provide an extension of the programs for 6 months. The overall extension passed favorably in Congress and was signed by President Obama on September 20, 2011. The bill extends federal fuel taxes and surface transportation programs at current levels through March 31, 2012. The federal fuel tax is 18.4 cents per gallon of gasoline and 24.4 cents per gallon of diesel and is the main revenue source for the highway trust fund, which pays for about $35 billion a year in transportation work. SAFETEA-LU is currently on its eighth extension.

H.R. 2608, the "Continuing Resolution Act, 2012"
As the end of fiscal year (FY) 2011 was coming to an end, House and Senate leaders spent more than a week struggling with the continuing resolution (CR) that was needed to keep the government running as of October 1st when FY 2012 began. To date, none of the FY12 appropriations bills have been passed by Congress, which leads to the need to have a CR.

The initial proposed CR (H.R. 2608) that passed the House encountered resistance in the Senate because of the objections to offset disaster relief spending. As a result, the upper chamber cleared two different measures the evening of September 26 – a longer-term CR (H.R. 2608) that would last through November 18 and a very short-term CR (H.R. 2017) that would last through October 4.

On October 5th, President Barack Obama signed the stopgap measure to keep the federal government funded, officially known as H.R. 2608, the "Continuing Resolution Act, 2012". The signed version of H.R. 2608 extends funding at a rate of $1.043 trillion, per the budget agreement reached in the debt reduction package this summer (see below) through November 18. H.R. 2608 includes $2.65 billion in disaster relief funding for FY 2012, similar to the House-passed CR. However, the additional $1 billion in supplemental disaster funding for FY 2011 in the House bill – the source of the controversial offsets – was left out of the Senate CR. This decision was reached after the Federal Emergency Management Agency (FEMA) said that its Disaster Relief Fund had enough money for the remainder of FY 2011, negating the need for the additional $1 billion.

The stop-gap measure gives Congress additional time to complete action on legislation that would provide funding for FY 2012 in its entirety – either via regular stand-alone appropriations bills or a comprehensive omnibus appropriation measure that would encompass all or most appropriations bills, that is, it would roll the budgets for all government agencies into a single piece of legislation . House and Senate Appropriators will now try to complete as many of the FY2012 appropriations bills as they can before the CR ends. To date, the House has passed six appropriations bills and the Senate has passed one bill. They have less than seven weeks and that is probably not enough time for Congress to pass and send to the president twelve separate appropriations bills. So, in the coming weeks, there will likely be a proposal to have a FY2012 omnibus appropriations bill that includes some or maybe all twelve bills.

Reauthorization of the Transportation Bill (House and Senate Proposals)
The House and Senate are proposing drastically different versions of the legislation. The House Transportation Committee Chairman John Mica (R-FL) released a 22-page draft proposal outlining a six-year, $230 billion bill, which would spend about $35 billion per year on transportation. This bill would cut current programs by 34 percent based on the outlines of the House budget agreement, limit transportation spending to available trust fund dollars, and consolidate many of the current transportation programs into one flexible grant for states. Chairman Mica had been instructed by his leadership to draft reauthorization legislation that did not exceed the anticipated revenues to be derived from the Highway Trust Fund for the next six years. However, House Republican leaders have recognized that funding for infrastructure will be the key element to stimulating the economy through jobs creation and have allowed him to search for an additional $15 billion per year, but with the caveat that it would not be through an increase in gas taxes. This would mean that the reauthorization measure would be estimated at about $300 billion to make up for the inflation since the last reauthorization in 2005. The draft bill also includes a series of regulatory streamlining proposals and calls for expanding federal transportation credit programs. No official legislative language has been released, nor any time frame confirmed for consideration by the Committee or the full House.

The Senate's Environment and Public Works Committee released a two-year $109 billion bill that would spend about $54 billion per year on roads and highways. The two-year authorization proposal calls for maintaining the program at current levels, plus inflation, and greatly expanding federal credit programs. The bill has bipartisan support from Democratic and Republican committee leaders but an obstacle to the proposal moving forward is that it falls $12 billion short of the revenues needed to meet the proposed funding levels, the source of which has not been identified, to reach the proposal's authorization levels.
Despite their differences, both the House and Senate proposals are far smaller than the $556 billion Obama called for investing in transportation at the beginning of the year.

Debt Ceiling
The House, Senate, and the President reached an agreement that raises the nation's debt-ceiling and puts in place new mechanisms to control spending and reduce the federal deficit. The Budget Control Act of 2011, P.L. 112-25, became law on Tuesday, August 2. With fiscal year 2011 ending September 30, Congress must complete the fiscal year 2012 appropriations process with a new spending limit. The Budget Control Act set a spending limit that is $24 billion higher than the cap the House was using to prepare its spending bills, and the Senate is likely to push for funding programs at the higher level. In addition, the law establishes a 12-member joint deficit reduction committee *"super committee"* that will be tasked with finding an additional $1.5 trillion in spending cuts and to send their report to Congress for a December vote. If Congress fails to approve the cuts, automatic spending cuts totaling $1.2 trillion in discretionary and mandatory spending cuts will take effect.

President Releases Deficit Plan
Last week, President Obama released the details of his plan to reduce the deficit by $3.5 trillion over the next decade. The President outlined a mix of tax increases and spending cuts to achieve his goal - $580 billion in cuts from and reform to mandatory spending programs ($248 billion from Medicare and $72 billion from Medicaid), $1.1 trillion draw down of military in Iraq and Afghanistan, and tax increases of $1.5 trillion. This plan serves as guidelines to the super deficit committee that is undertaking efforts.

The American Jobs Act
On September 8, 2011, President Obama proposed a new $447 billion economic stimulus package - *"The American Jobs Act"* - with significant provisions for infrastructure and local government. The President said that Congress should pay for his economic plan by boosting the amount of deficit savings that the Super Committee, created last month by the debt and deficit deal, should derive. The President also said he would provide specifics of the plan to the Congress on September 19. Enclosed is an overview of the Jobs Act for your review. The main items in the plan include:

(1) extension and increase in payroll tax break for workers ($175 billion);
(2) payroll tax cut for employers ($65 billion);
(3) aid to states to help prevent teacher/police layoffs ($35 billion);
(4) spending to modernize schools ($30 billion); infrastructure spending ($50 billion);
(5) investments in vacant/foreclosed properties ($15 billion);
(6) summer jobs/worker training ($5 billion);
(7) national infrastructure bank ($10 billion);
(8) unemployment extension ($49 billion); and tax credits for long-term unemployed ($8 billion).

H.R. 658 – FAA Reauthorization and Reform Act of 2011 (Mica)
Terminates the Essential Air Service (EAS) Program on October 2013 in all states except Alaska and Hawaii. EAS provides federal subsidies to approximately 140 rural communities across the country that otherwise would not receive any scheduled air service. Bill includes other proposals. Passed the House April 1st. Senate's version increases spending for EAS. Apr 7, 2011, bill passed in the Senate and House with changes by Unanimous Consent. May 9, 2011: Senate action sent to the House. The bill will now proceed to a conference committee of senators and representatives to work out differences in the versions of the bill each chamber approved.

H.R. 760- San Joaquin Valley USDA Rural Definition Inclusion Act (Nunes)
Authorizes the Secretary of Agriculture to designate certain parts of the San Joaquin Valley as rural area for purposes of programs under the Consolidated Farm and Rural Development Act. Includes the counties of Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus and Tulare. Currently in House Committee. Introduced Feb. 17, 2011and Referred to the House Committee on Agriculture.

H.R. 761- San Joaquin Valley Transportation Enhancement Act of 2011 (Nunes, McCarthy, Denham)
Allow federal funding provided to the State of California as a result of the American Recovery and Reinvestment Act of 2009 for the purpose of developing the high-speed rail service be used for a project or activity to improve or maintain California State Route 99. Bill includes other proposals. Bill is now in House Sub-Committee. Introduced on Feb. 17, 2011 and Referred to House Committee on Transportation and Infrastructure: Referred to the Subcommittee on Highways and Transit on Feb 18, 2011. Apr 18, 2011: House Committee on Transportation and Infrastructure: Referred to the Subcommittee on Highways and Transit.

H.R. 1585 – Funds in Lieu of Participating in Federal Program (Lankford)
Introduced March 15, 2011. This bill would allow States to elect to receive contributions to the Highway Trust Fund in lieu of participating in the Federal aid highway program or certain public transportation programs. As of April 18, 2011, it is in the House Committee on Transportation & Infrastructure: Referred to Subcommittee on Highways and Transit.

H.R. 1582 – Commonsense Ozone Regulations Act (McCarthy, Denham, Issa, Nunes)
Gives the San Joaquin Valley and the Los Angeles area a five-year pass from stricter limits on ground-level ozone – the main ingredient in smog. Would eliminate a $29 million fine by eliminating EPA's one hour ozone standard, which was put in place in 1979 and vacated when a tougher eight-hour standard was issued. Apr 25, 2011: House Committee on Energy and Commerce: Referred to the Subcommittee on Energy and Power.

H.R. 1604 – Alleviate Extra Regulatory Burdens and Reduce Costs (Denham, Cardoza, Herger, McCarthy, Nunes)
Would streamline processes for federally funded construction projects in the Central Valley. Streamlining would eliminate the duplication of efforts in satisfying environmental review processes, allowing the federal requirements of the National Environmental Protection Act (NEPA) to be satisfied with the completion of the California Environmental Quality Act (CEQA). Last action: Currently in House Judiciary: Referred to the Subcommittee on Courts, Commercial and Administrative Law on July 11, 2011.

H.R. 2389 - Environmental Review Cooperation Act (Miller, co-sponsored by: Denham, Issa, Cardoza, Bilbray, Thompson, Rohrabacher, Calvert, and McCarthy.
Introduced on Jun 24, 2011: Referred to the House Committee on Transportation and Infrastructure. The bill would create a new pilot demonstration program whereby States and local governments could carry out the responsibilities of the Secretary of Transportation with respect to highway projects through implementation of State environmental laws instead of Federal laws. Referred to the Subcommittee on Highways and Transit on June 27, 2011

S. 198 & 199 – Redistribution of Unspent Earmarks Act of 2011 & Use it or Lose it Act of 2011 (Casey)
Returns and redistribute funds made available from the Highway Trust Fund through an earmark for fiscal year 2008 or preceding fiscal year that remain unobligated as of the date of enactment to the State in which earmarked funds were directed to be used. NOTE: **S. 199** would set a timeframe for all future Highway Trust Fund earmarks to be obligated within 3 years. If not obligated within the time frame, funds would be returned to the State with jurisdiction over the original earmark. Apr 19, 2011: House Natural Resources: Referred to the Subcommittee on Water and Power.

(S. 1621) - Livable Communities Act of 2011 (Menendez)
The Livable Communities Act would formally authorize the Housing and Urban Development (HUD) Office of Sustainable Housing and Communities and its Regional Planning and Community Challenge grant programs to restore funding for its programs to 2010 levels. According to the author, these programs support community efforts to establish and implement a locally-defined vision for future growth and redevelopment through comprehensive planning and capital improvement programs. The bill directs the HUD Office of Sustainable Housing and Communities coordinate interconnected housing issues, transportation, and environmental efforts in cooperation DOT and EPA. In addition, it would create a loan program for infrastructure improvements in preparation for transit oriented development. The bill also proposes alignment of policies, programs and regulations to improve the way federal agencies with jurisdictional overlap work together. Along with coordination, the bill directs agencies to streamline requirements, reduce redundancy, and eliminate red tape to become more efficient in both their internal operations and their engagement with communities in the field. The bill would authorize these activities at $880 million over five years, which is roughly equivalent to FY10 funding levels. The $880 million is mostly for Regional Planning Grants ($600 million) with $180 million for Challenge Grants and $100 million for TOD loans. Fifteen percent of funds are destined for rural area. Introduced, Sep 22, 2011: Read twice and referred to the Committee on Banking, Housing, and Urban Affairs.

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10/6/2011

AB 16 **(Perea D) High-Speed Rail Authority.**

Introduced: 12/6/2010

Status: 9/9/2011-Ordered to inactive file at the request of Senator Rubio.

Location: 9/9/2011-S. INACTIVE FILE

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Would require the authority to make every effort to purchase high-speed train rolling stock and related equipment that are manufactured in California, consistent with federal and state laws.

Position

Notes 1: Similar Bill: AB 1830 (Jones, 2010)- Vetoed by Governor on Sept. 30, 2010

AB 101 **(John A. Pérez D) Child care: family child care providers: bargaining representative.**

Introduced: 1/10/2011

Last Amend: 9/2/2011

Status: 10/4/2011-Vetoed by the Governor

Location: 10/4/2011-A. VETOED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Current law authorizes employees of public schools to form, join, and participate in the activities of an employee organization for the purpose of representation on matters of employer-employee relations, including terms and conditions of employment. This bill would authorize family child care providers, as defined, to choose whether to be represented by a single provider organization, as defined, that would be designated pursuant to a specified petition and election process overseen by the Public Employment Relations Board or a neutral 3rd party designated by the board. This bill contains other related provisions and other current laws.

Governor's Message: Maintaining the quality and affordability of childcare is a very important goal. So too is making sure that working conditions are decent and fair for those who take care of our children. Balancing these objectives, however, as this bill attempts to do, is not easy or free from dispute. Today California, like the nation itself, is facing huge budget challenges. Given that reality, I am reluctant to embark on a program of this magnitude and potential cost. I am returning Assembly Bill 101 without my signature. Sincerely, Edmund G. Brown Jr.

Position

Notes 1: AB 101 was being tracked because it was originally related to the budget act and redevelopment agencies. Since its introduction, it has been amended as follows:
1. Committee on Budget
2. Redevelopment
3. Health and human services.
4. Child care: family child care providers: bargaining representative.

AB 145 **(Galgiani D) High-speed rail.**

Introduced: 1/13/2011

Last Amend: 7/13/2011

Status: 8/26/2011-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/16/2011)

Location: 8/26/2011-S. 2 YEAR

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Would repeal all of the provisions of the California High-Speed Rail Act. The bill would enact a new California High-Speed Rail Act . The bill would continue the High-Speed Rail Authority in existence with limited responsibilities and would place the authority within the Business, Transportation and Housing Agency . The 5 members of the authority appointed by the Governor would be subject to Senate confirmation, but current members could continue to serve the remainder of their terms. The bill would authorize the authority to appoint an executive director, and would provide for the Governor to appoint up to 6 additional individuals exempt from civil service as authority staff. The bill would require the authority to adopt policies directing the development and implementation of high-speed rail, prepare and adopt a business plan and high-speed train capital program, establish a peer review group, select alignments for the routes of the high-speed train system established by law, adopt criteria for the award of franchises, and set fares or establish guidelines for the setting of fares. The bill would enact other related provisions.

Position

Notes 1:

AB 208 **(Fuentes D) Land use: subdivision maps: expiration dates.**
Introduced: 1/31/2011
Last Amend: 4/7/2011
Status: 7/15/2011-Chaptered by the Secretary of State, Chapter Number 88, Statutes of 2011
Location: 7/15/2011-A. CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: The Subdivision Map Act vests the authority to regulate and control the design and improvement of subdivisions in the legislative body of a local agency, and sets forth procedures governing the local agency's processing, approval, conditional approval or disapproval, and filing of tentative, final, and parcel maps, and the modification thereof. The act generally requires a subdivider to file a tentative map or vesting tentative map with the local agency, as specified, and the local agency, in turn, to approve, conditionally approve, or disapprove the map within a specified time period. The act requires an approved tentative map or vesting tentative map to expire 24 months after its approval, or after an additional period of time prescribed by local ordinance, not to exceed 12 months. However, the act extends the expiration date of certain approved tentative maps and vesting tentative maps, as specified. This bill would extend by 24 months the expiration date of any approved tentative map or vesting tentative map that has not expired as of the effective date of this act and will expire prior to January 1, 2014. By adding to the procedures that local agency officials must follow, this bill would impose a state-mandated local program. This bill contains other related provisions and other current laws.

Position

Notes 1:

AB 209 **(Ammiano D) Environment: CEQA: lead agency: documents.**
Introduced: 1/31/2011
Last Amend: 3/31/2011
Status: 8/4/2011-Chaptered by the Secretary of State, Chapter Number 171, Statutes of 2011
Location: 8/4/2011-A. CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Would require that an environmental impact report or a negative declaration as defined by CEQA include a description of how the draft environmental impact report or negative declaration can be provided in an electronic format. Because a lead agency would be required to provide this description in the notice, this bill would impose a state-mandated local program. This bill contains other related provisions and other current laws.

Position

Notes 1:

AB 231 **(V. Manuel Pérez D) Economic development: economic development areas.**
Introduced: 2/2/2011
Last Amend: 6/7/2011
Status: 6/8/2011-Re-referred to Com. on J., E.D. & E.
Location: 6/8/2011-A. J., E.D. & E.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Would rename the Enterprise Zone Act as the California Economic and Community Development Zone Act. This bill contains other related provisions and other current laws.

Position

Notes 1:

AB 296 **(Skinner D) Building standards: cool pavement.**
Introduced: 2/9/2011
Last Amend: 6/21/2011
Status: 8/26/2011-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 7/11/2011)
Location: 8/26/2011-S. 2 YEAR

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Would establish the Cool Pavements Research and Implementation Act and would encourage the Department of Transportation to consult and coordinate with specified state agencies, to implement the act. The bill would require the department to publish or make available on the department's Internet Web site, by January 1, 2014, a Cool Pavements Handbook to detail specifications, testing protocols, and best practices for cool pavements. This bill contains other related provisions and other current laws.

Position

Notes 1:

AB 492 **(Galgiani D) High-Speed Rail Authority.**

Introduced: 2/15/2011

Last Amend: 6/27/2011

Status: 6/27/2011-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on RLS.

Location: 6/27/2011-S. RLS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Would require the High-Speed Rail Authority to consider, to the extent permitted by federal and state law, the creation of jobs and participation by small business enterprises in California when awarding major contracts or purchasing high-speed trains . The bill would require the authority to appoint a small business enterprise advisory committee.

Position

Notes 1:

AB 615 **(Lowenthal, Bonnie D) High-speed rail.**

Introduced: 2/16/2011

Last Amend: 9/2/2011

Status: 9/22/2011-Enrolled and presented to the Governor at 12:30 p.m.

Location: 9/22/2011-A. ENROLLED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Would supplement these Budget Act appropriations by appropriating $4,000,000 from the High-Speed Passenger Train Bond Fund to the authority for the Los Angeles to San Diego segment, subject to similar conditions and provisions. This bill contains other current laws.

Position

Notes 1:

AB 710 **(Skinner D) Local planning: infill and transit-oriented development.**

Introduced: 2/17/2011

Last Amend: 8/18/2011

Status: 9/9/2011-From inactive file. Senate Rule 29 suspended. (Ayes 24. Noes 12. Page 2453.) Ordered to third reading. Read third time. Refused passage. (Ayes 18. Noes 19. Page 2474.).

Location: 9/9/2011-S. THIRD READING

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Would state the findings and declarations of the Legislature with respect to parking requirements and infill and transit-oriented development, and would state the intent of the Legislature to reduce unnecessary government regulation and to reduce the cost of development by eliminating excessive minimum parking requirements for infill and transit-oriented development. This bill would also express a legislative finding and declaration that its provisions shall apply to all cities, including charter cities. This bill contains other related provisions.

Position

Notes 1:

AB 716 **(Dickinson D) Transit districts: prohibition orders: Sacramento Regional Transit District: Fresno Area Express: San Francisco Bay Area Rapid Transit District.**

Introduced: 2/17/2011

Last Amend: 8/18/2011

Status: 9/13/2011-Enrolled and presented to the Governor at 11 a.m.
Location: 9/13/2011-A. ENROLLED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Current law makes a person guilty of a misdemeanor if the person enters or remains upon any rail transit-related property, as defined, owned or operated by a county transportation commission or transportation authority without permission or whose entry, presence, or conduct upon the property interferes with, interrupts, or hinders the safe and efficient operation of the railline or rail-related facility. This bill would instead make it a misdemeanor if a person enters or remains upon any transit-related property, as defined, that is used to provide public transportation by rail or passenger bus, without permission or whose entry, presence, or conduct upon the property interferes with, interrupts, or hinders the safe and efficient operation of the railline or rail-related or transit-related facility. This bill contains other related provisions and other current laws.

Position

Notes 1:

AB 892 **(Carter D) Department of Transportation: environmental review process: federal pilot program.**
Introduced: 2/17/2011
Last Amend: 7/13/2011
Status: 8/31/2011-Enrolled and presented to the Governor at 1:30 p.m.
Location: 8/31/2011-A. ENROLLED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Current law gives the Department of Transportation full possession and control of the state highway system. Current federal law requires the United States Secretary of Transportation to carry out a surface transportation project delivery pilot program, under which the participating states assume certain responsibilities for environmental review and clearance of transportation projects that would otherwise be the responsibility of the federal government. Current law requires the department to submit a report to the Legislature regarding state and federal environmental review. Current law requires the report to be submitted no later than January 1, 2009, and again, no later than January 1, 2011. This bill would, instead, require the report to be submitted no later than January 1, 2016. This bill contains other related provisions and other current laws.

Position
Support

Notes 1: Sent letter of support

AB 1164 **(Gordon D) Federal transportation funds.**
Introduced: 2/18/2011
Last Amend: 9/1/2011
Status: 10/2/2011-Chaptered by the Secretary of State, Chapter Number 406, Statutes of 2011
Location: 10/2/2011-A. CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Current law generally provides for programming and allocation of state and federal transportation capital improvement program funds pursuant to the state transportation improvement program process administered by the California Transportation Commission. This bill would enact similar provisions authorizing the department, until September 30, 2015, to make loans from the State Highway Account of other specified federal transportation funds to fund bond-funded projects pursuant to the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, if the department has determined the loans will not impact the funding of other programs or projects, as specified, and only under circumstances in which federal funds might otherwise be lost, as specified. The bill would appropriate those federal transportation funds in the State Highway Account for these purposes and would require those funds to be obligated to fund the bond-funded projects, as specified. The bill would require the loans to be repaid to the State Highway Account within 3 years from the proceeds of bonds sold pursuant to the bond act and would provide for the appropriation of those repaid funds to the department for use on projects in the state highway operation and protection program or the local assistance program, as specified. The bill would require the department to report to the Joint Legislative Budget Committee each year that federal transportation funds are loaned pursuant to these provisions. This bill contains other current laws.

Position

Notes 1:

AB 1229 **(Feuer D) Transportation: financing: federal highway grant anticipation notes.**
Introduced: 2/18/2011

Last Amend: 6/21/2011
Status: 8/26/2011-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/16/2011)
Location: 8/26/2011-S. 2 YEAR

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Current law continuously appropriates the amounts specified in the annual Budget Act as having been deposited in the State Highway Account from federal transportation funds, and pledged by the California Transportation Commission, to the Treasurer for the purposes of issuing federal highway grant anticipation notes, commonly known as GARVEE bonds, to fund transportation projects selected by the commission. This bill would provide that an "eligible project" may include projects programmed by a regional transportation planning agency using its share of apportionments of federal regional surface transportation program funds or congestion mitigation and air quality funds, as specified. The bill would authorize no more than 50% of bonding capacity of GARVEE bonds from being made available for these projects and would require the commission to require a regional transportation planning agency to commit to repaying the state for debt service if that agency's share of federal regional surface transportation program funds or federal congestion mitigation and air quality funds is insufficient to repay the GARVEE bonds or if a portion of the project costs is ineligible for federal funding. The bill would, for such a repayment by a regional transportation planning agency, authorize the commission to amend into the State Transportation Improvement Program some or all of the funds necessary for the repayment to be counted against the county share of State Transportation Improvement Program funds for the county in which the project is located. By expanding the types of projects for which GARVEE bonds may be used, the bill would make an appropriation.

Position

Notes 1:

AB 1411 **(V. Manuel Pérez D) Economic development: enterprise zones.**
Introduced: 3/10/2011
Last Amend: 8/15/2011
Status: 8/26/2011-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. on 8/15/2011)
Location: 8/26/2011-S. 2 YEAR

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Would revise various definitions for purposes of the Enterprise Zone Act and modify specified requirements for designating and administering enterprise zones, LAMBRAs, and G-TEDAs collectively. The bill would impose new requirements on the Department of Housing and Community Development with respect to the enterprise zone program and modify department and Franchise Tax Board reporting requirements.

Position

Notes 1:

ABX1 2 **(Logue R) State Air Resources Board: alternative actions to assessing penalties.**
Introduced: 12/6/2010
Status: 9/12/2011-Died at Desk.
Location: 9/12/2011-A. DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Would authorize the State Air Resources Board, in lieu of assessing penalties for a violation of an air pollution control law administered by the state board, to require a person who has violated that law to spend an amount equivalent to the amount that would have been assessed for the violation toward actions to comply with the air pollution control law that was violated or toward a supplemental environmental project, as defined. This bill contains other related provisions and other current laws.

Position

Notes 1:

Notes 1:

ABX1 8 **(Ma D) Transportation bond funds.**
Introduced: 12/6/2010

Status: 9/12/2011-Died at Desk.
Location: 9/12/2011-A. DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Current law, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, authorizes the issuance of general obligation bonds for various transportation purposes. Current law requires that $1,000,000,000 of those funds be deposited in the Transit System Safety, Security, and Disaster Response Account, administered by the California Emergency Management Agency (Cal EMA), for capital projects that provide increased protection against a security and safety threat, and for capital expenditures to increase the capacity of transit operators to develop disaster response transportation systems, as specified. Current law requires 25% of the available funds to be allocated to certain regional public waterborne transit agencies. Current law requires entities receiving funds from the account to expend those funds within 3 fiscal years of the fiscal year in which the funds were allocated and requires that funds remaining unexpended after those 3 years revert to Cal EMA for reallocation in subsequent fiscal years. This bill would declare that it is to take effect immediately as an urgency statute. This bill contains other current laws.

Position
Watch

Notes 1:

ABX1 11 **(V. Manuel Pérez D) Economic development: enterprise zones: targeted employment areas.**
Introduced: 2/2/2011
Status: 9/12/2011-Died at Desk.
Location: 9/12/2011-A. DEAD

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: The Enterprise Zone Act provides that its purpose is to stimulate business and industrial growth in the depressed areas of the state by relaxing regulatory controls that impede private investment. The act defines a targeted employment area as an area composed solely of those census tracts in which at least 51% of the residents of those census tracts, determined as specified, are of low- or moderate-income levels. This bill would modify the definition of a targeted employment area, as specified. This bill contains other related provisions and other current laws.

Position

Notes 1: Relates to AB 231 and AB 232

SB 16 **(Rubio D) Renewable energy: Department of Fish and Game: expedited permitting.**
Introduced: 12/6/2010
Last Amend: 8/25/2011
Status: 9/22/2011-Chaptered by the Secretary of State, Chapter Number 311, Statutes of 2011
Location: 9/22/2011-S. CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Would require the Department of Fish and Game to take prescribed procedural steps regarding applications for certain eligible renewable energy projects, including determining whether the application is complete or incomplete, notifying the applicant of its determination, and approving or rejecting an incidental take permit application for an eligible project within specified timeframes. The bill would require the department to provide an accounting to the Legislature on incidental take permit applications for eligible renewable energy projects, and to report to the Legislature on the extent to which it arranges for entities other than itself to provide all or part of the environmental review of eligible renewable energy projects. This bill contains other related provisions and other current laws.

Position

Notes 1:

SB 46 **(Correa D) Public officials: compensation disclosure.**
Introduced: 12/9/2010
Last Amend: 6/2/2011
Status: 8/22/2011-In Assembly. Read first time. Held at Desk.
Location: 8/22/2011-A. DESK

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Would, commencing on January 1, 2013, and continuing until January 1, 2019, require every designated employee and other person, except a candidate for public office, who is required to file a statement of economic interests to include, as a part of that filing, a compensation disclosure

form that provides compensation information for the preceding calendar year, as specified. This bill contains other related provisions and other current laws.

Position

Notes 1:

SB 77 **(Committee on Budget and Fiscal Review) Community redevelopment.**

Introduced: 1/10/2011

Last Amend: 3/15/2011

Status: 7/5/2011-Reconsideration granted. (Page 2185.) Ordered to inactive file on request of Assembly Member Allen.

Location: 7/5/2011-A. INACTIVE FILE

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	**Floor**	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: The Community Redevelopment Law authorizes the establishment of redevelopment agencies in communities to address the effects of blight, as defined. Current law provides that an action may be brought to review the validity of the adoption or amendment of a redevelopment plan by an agency, to review the validity of agency findings or determinations, and other agency actions. This bill would revise the provisions of law authorizing an action to be brought against the agency to determine or review the validity of specified agency actions. This bill contains other related provisions and other current laws.

Position

Notes 1:

SB 81 **(Committee on Budget and Fiscal Review) Transportation.**

Introduced: 1/10/2011

Last Amend: 3/14/2011

Status: 3/14/2011-From committee with author's amendments. Read second time and amended. Re-referred to Com. on BUDGET.

Location: 3/14/2011-A. BUDGET

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	**Policy**	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: In fiscal years 2010-11 and 2011-12, would require the Controller to transfer specified amounts of revenues deposited in the State Highway Account from vehicle weight fees to the Transportation Debt Service Fund to be used for reimbursement of the General Fund for payment of current general obligation bond debt service for specified voter-approved transportation bonds, in lieu of the previously authorized gasoline excise tax revenues and Public Transportation Account revenues. In subsequent years, the bill would require all vehicle weight fee revenues to be transferred for this purpose. The bill would make appropriations in this regard. The bill would require the Department of Finance to notify the Controller of the amount of debt service relating to expenditures for eligible mass transit guideway projects that may be paid from revenues restricted by Article XIX of the California Constitution. This bill contains other related provisions and other current laws.

Position

Watch

Notes 1:

SB 126 **(Steinberg D) Agricultural labor relations.**

Introduced: 1/27/2011

Last Amend: 9/2/2011

Status: 9/16/2011-Enrolled and presented to the Governor at 3 p.m.

Location: 9/16/2011-S. ENROLLED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	**Enrolled**	Vetoed	Chaptered
	1st House				2nd House							

Summary: Would provide that if the Agricultural Labor Relations Board refuses to certify an election regarding certification of a labor organization because of employer misconduct that, in addition to affecting the results of the election, would render slight the chances of a new election reflecting the free and fair choice of employees, the labor union shall be certified as the exclusive bargaining representative for the bargaining unit. This bill contains other related provisions and other current laws.

Position

Notes 1: SB 126 was being tracked because it was introduced as a bill that would change the

California Transportation
Commission (CTC)guidelines and public review process. There was previously identical version of bill vetoed. Last year an identical bill, SB 1348 (Steinberg), unanimously passed this committee and both houses of the Legislature. Governor Schwarzenegger vetoed the bill. In his veto message he wrote, "This bill is unnecessary as it establishes a formal process which is very similar to the process already used by the CTC."

SB 126 was then amended as an Agricultural labor relations bill.

SB 325 **(Rubio D) Central California Railroad Authority.**
Introduced: 2/14/2011
Last Amend: 6/9/2011
Status: 9/6/2011-Chaptered by the Secretary of State, Chapter Number 234, Statutes of 2011
Location: 9/6/2011-S. CHAPTERED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Would enact the Central California Railroad Authority Act to create the Central California Railroad Authority as an alternative for ensuring short-line railroad service in the Counties of Kern, Kings, Tulare, Fresno, and Merced. The bill would require the authority to be governed by a board of directors who would be appointed by the council of governments or county association of governments within the Counties of Kern, Kings, Tulare, Fresno, and Merced, thereby imposing a state-mandated local program. The bill would authorize the Counties of Madera, Stanislaus, and San Joaquin to elect to join the authority. The bill would set forth the powers and duties of the authority, as specified. The bill would require the authority to conduct its first meeting not later than 120 days after abandonment or discontinuance of service on, or the bankruptcy or sale of, the short-line railroads in the member counties if the members have formed a joint exercise of powers agreement to implement and manage the authority. The bill would authorize the authority to acquire and operate railroads or select a franchisee to operate a rail transportation system, to prepare a plan for acquisition and operation of specified railroad lines, and establish criteria for the award of a franchise for the acquisition, financing, and operation of the railroad system. The bill would further authorize the authority to issue revenue bonds pursuant to the Revenue Bond Law of 1941. The bill would provide that the state is not liable for any contract, debt, or obligation of the authority. The bill would prohibit the authority from being a claimant for Transportation Development Act funds or from receiving funds from the Public Transportation Account. The bill would also state the intent of the Legislature in enacting the authority. This bill contains other related provisions and other current laws.

Position
Support

Notes 1:

SB 475 **(Wright D) Infrastructure financing.**
Introduced: 2/17/2011
Last Amend: 6/20/2011
Status: 7/8/2011-Failed Deadline pursuant to Rule 61(a)(10). (Last location was L. GOV. on 6/29/2011)
Location: 7/8/2011-A. 2 YEAR

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Current law authorizes a governmental agency, as defined, to solicit proposals and enter into agreements with private entities for the design, construction, or reconstruction by, and lease to, private entities, for specified types of fee-producing infrastructure projects. Current law permits these agreements to provide for infrastructure facilities owned by a governmental entity, but constructed by a private entity, to be leased to or owned by that private entity for a period of up to 35 years, after which time the project would revert to the governmental agency. This bill would authorize a local governmental agency to enter into an agreement with a private entity for financing for specified types of revenue-generating infrastructure projects. The bill would require an agreement entered into under these provisions to include adequate financial resources to perform the agreement, and would additionally permit the agreements to lease or license to, or provide other permitted uses by, the private entity.

Position

Notes 1:

SB 582 **(Yee D) Commute benefit policies.**
Introduced: 2/17/2011
Last Amend: 7/7/2011
Status: 8/1/2011-Vetoed by the Governor
Location: 8/1/2011-S. VETOED

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Beginning on January 1, 2013, subject to certain exceptions, this bill would authorize a metropolitan planning organization jointly with the local air quality management district or air pollution control district to adopt a commute benefit ordinance that requires covered employers operating within the common area of the organization and district with a specified number of covered employees to offer those employees certain commute benefits. The bill would require that the ordinance specify certain matters, including any consequences for noncompliance, and would impose a specified reporting requirement. The bill would provide for the 8 metropolitan planning organizations within the region served by a specified air district to adopt the ordinance only after the district first acts to adopt the ordinance. The bill would exclude from its provisions an air district with a trip reduction regulation initially adopted prior to the federal Clean Air Act Amendments of 1990 as long as it continues to have a regulation that allows trip reduction as a method of compliance. The bill would make its provisions inoperative on January 1, 2017.

Governor's Message: I am returning Senate Bill 582 without my signature. This bill authorizes a regional planning organization, under certain conditions, to require businesses with 20 or more employees to offer commute benefits. City and county governments already can mandate programs of this type-and some have. While I support the goal of reducing vehicle trips, this bill would impose a new mandate on small businesses at a time of economic uncertainty. Sincerely, Edmund G. Brown Jr.

Position

Notes 1:

Total Measures: 26
Total Tracking Forms: 27

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Washington Friday Report

Volume XIII, Issue 38 September 30, 2011

INSIDE THIS WEEK

1 **FY12, Transportation Momentum, Brownfields**

2 **COPS, No Child, Back to School, FCC Outreach**

2 **Broadband, CGI, Congestion, Shannon & VP**

Happy New Fiscal Year! That's right, September 30 is the last day of federal Fiscal Year 2011 and Saturday begins Fiscal Year 2012. We may be another fiscal year older, but whether we are a fiscal year wiser remains to be seen! Here are some highlights of the last week in Washington!

CR: Shutdown Avoided

As of this writing it looks like any government shutdown over FY12 funding has been averted and that a "Continuing Resolution" to keep the government afloat until November 18 will be enacted. For a few days late last week and over the weekend it didn't look like that would be possible but calmer (and creative) voices prevailed and a solution was found. Ultimately, the Senate passed, by 79-12, a stopgap funding bill to keep the government running through November 18. The measure does not include disaster funding for the current fiscal year or offsets, the two issues which had created the controversy almost leading to the shutdown. The House agreed to the Senate action. As the Senate reached agreement, Rep. **Norm Dicks** (WA) Ranking Minority Member of the House Appropriations Committee noted: *"I am encouraged by the news of the Senate agreement to approve a version of a continuing appropriations bill to fund the government through Nov. 18th and avoid any suggestion of a shutdown. This was the right thing to do and it also eliminates the need to cut an important program in the Department of Energy budget that would have cost thousands of jobs at this precarious time"*.

However, it appears that just as one dispute looks to have ended, another one is about to begin. The House Appropriations Committee has released the *Subcommittee* version of Committee reports so that they would be available for future consideration in the House-Senate compromise that will eventually lead to an FY12 "Omnibus Appropriation". In previous years, that would not have been done until the bills had passed the *full* appropriations Committee and all members had a chance to review and offer amendments. This did not sit well with Ranking Minority Member Dicks who noted: "*By posting report language without even scheduling a full committee markup, the Majority leadership has short-circuited any opportunity for Members of the full Committee to review, offer amendments, or add views. This is a significant departure from standard committee procedure and has relegated the remaining members of our committee, on both sides of the aisle, to the position of bystanders."* Click on Ranking Minority Member Dicks to read his full statement. We'll report back on how this develops.

New Transportation Momentum?

There are reports afoot of new momentum in the quest for a reauthorization of surface transportation programs. House Transportation and Infrastructure Chairman **John Mica** had been instructed all year by his leadership to draft reauthorization legislation that did not exceed the anticipated revenues to be derived from the Highway Trust Fund for the next six years – a figure which doomed the transportation program to actual *decreases* since the Trust Fund has been declining for a variety of reasons.

But House Republican leaders -- perhaps in response to the interest in infrastructure created by the President's proposed *"American Jobs Act"* -- are now allowing him to search for additional revenue for the bill. We are told that the working figure is an additional $15 billion per year which would put a reauthorization measure well above $300 billion and guarantee some *growth* in the program sufficient to make up for the inflation since the last reauthorization in 2005 that authorized highway and surface transportation programs. Chairman Mica's spokesperson noted: *"The leadership has committed to him that we will look at our options for additional revenue,"* but made clear that a gas tax increase would not be part of the mix. Interestingly though, when Speaker **John Boehner** spoke on September 15 to the Washington Economic Club, he discussed the possibility of linking expanded American energy production with increased transportation funding. Senate Democrats are working on a $109 billion, two-year bill that would maintain current levels of spending plus inflation. The Senate Environment and Public Works Committee is finished with its draft version of their surface transportation bill and awaits word from the Senate Finance Committee on how to come up with funding to fill the $12 billion gap between what they want to spend and Highway Trust Fund revenues. *We'll keep you updated.*

Brownfield Grants Opportunity

EPA has announced a new round of funding available for its Brownfields Assessment, Revolving Loan Fund, and Brownfield Cleanup programs. These grants may be used to

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address sites contaminated by petroleum and hazardous substances, pollutants, or contaminants (including hazardous substances co-mingled with petroleum). Opportunities for funding are as follows: Brownfields Assessment Grants (each funded up to $200,000 over three years; coalitions are funded up to $1,000,000 over three years), Brownfields Revolving Loan Fund (RLF) Grants (each funded up to $1,000,000 over five years) and Brownfields Cleanup Grants (each funded up to $200,000 over three years). The proposal deadline is November 28, 2011.

Here are some important links for the program: (1) Final FY2012 Brownfields Assessment Grant Guidelines (PDF) (2) Final FY2012 Brownfields Revolving Loan Fund Grant Guidelines (PDF) (3) Final FY2012 Brownfields Cleanup Grant Guidelines (PDF) (4) Frequently Asked Questions (PDF) *We've done a separate memo for many of you. Please let us know if you would like an copy or if we can help in any other way.*

COPS Grants Announced

The COPS Office has announced the award of 238 FY 2011 COPS Hiring Program (CHP) grants for approximately $240 million. CHP provides funds directly to law enforcement agencies to hire new and/or rehire career law enforcement officers, and to increase their community policing capacity and crime prevention efforts. Click on COPS Grants for the details.

New "No Child" Flexibility

The Administration has announced new flexibility for the "No Child Left Behind" education law. Click on NCLB for more.

Back to School

On an additional education note**, President Obama** delivered his third annual "Back to School" speech on Wednesday, this time at Benjamin Banneker High School in D.C. There was a heavy emphasis in the speech on STEM - Science, Technology, Engineering, and Math - which, according to the White House, *"today permeate the classroom, the home, the boardroom, manufacturing services, and even entertainment. The information revolution, spawned by striking scientific and technological advances, has triggered profound social and economic changes throughout the world, resulting in an intensely competitive global marketplace, with prime job opportunities increasingly available only to those with technical and critical thinking skills."* Click on Back to School for more information on the speech.

FCC Webinar

The FCC Office of Intergovernmental Affairs (IGA) is hosting a webinar on October 5, 2011 from 2:00 to 4:30 PM EDT which will cover the following topics: the November 9th National EAS test, Spectrum Reallocation, Pole Access, the Broadband Acceleration Initiative, as well as cramming and prepaid calling cards enforcement. The webinar will be streamed live at www.fcc.gov/live, and viewers/listeners will be able to send comments and questions during the event to livequestions@fcc.gov. Click on FCC Webinar for more.

Broadband and the 21st Century

In another telecom area, the FCC Chairman spoke this week on how broadband will contribute to the U.S. economy and culture in the 21st century. As the Commission noted, his speech focused on how broadband and high-speed Internet are creating jobs in large numbers across sectors, boosting opportunity, and driving global competitiveness. Click on FCC Broadband for more.

HUD – Clinton Global Initiative Partnership

HUD has forged a new partnership focused on the use of competitions and networks to discover and disseminate the most imaginative solutions for creating sustainable and livable communities. The "Commitment to Action" was announced at the CGI annual meeting in New York City. Known as Innovation 10 Thousand or "I-10-K," this CGI commitment and the supporting partnership have been crafted to develop a replicable platform to engage sustainable development innovators towards the goal of creating new housing and employment opportunities in urban locations. Click on HUD-CGI for more information.

Congestion Costs $100 Billion

The House Transportation and Infrastructure Committee minority members have released a new study which shows that the cost of congestion is over $100 billion annually. Said Ranking Minority Member **Nick Joe Rahall**, *"The cost of congestion continues to cripple our Nation's economic competitiveness and productivity, causing companies and consumers to needlessly lose billions of dollars stuck in traffic each year… The TTI report confirms that our Nation's arteries of commerce remain clogged with congestion, making it more difficult for American businesses to compete in the global economic market."* Click on Congestion to look at the Report.

Shannon and Friend

Most of you have worked with or know **Shannon Long,** a hard working and very capable member of the COPS office team (and of course, our great colleague from 2002-2008). We thought you would enjoy seeing this wonderful picture of her with Vice President **Joe Biden** at a COPS grants ceremony from earlier this week. Vice President Biden, was the author of the 1994 Crime Bill, which created the COPS program. Thank you, Mr. Vice President, and Shannon too!

Please contact Len Simon, Brandon Key, Rukia Dahir and Stephanie Carter with any questions.

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