



THE CALIFORNIA INSTITUTE FOR FEDERAL POLICY RESEARCH
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California Capitol Hill Bulletin

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To expand communications between Washington and California, the California Institute provides periodic news bulletins regarding current activity on Capitol Hill that directly impacts the state. Bulletins are published weekly during sessions of Congress, and occasionally during other periods.

EDUCATION: COLLEGE AFFORDABILITY ACT OF 2007 PASSES HOUSE

On February 7, 2008, the House passed The College Affordability Act of 2007 by a vote of 354 to 58. The bill, HR 4137, was reported to the Floor on a bi-partisan basis with a vote of 45-0 from the Education and Labor Committee, chaired by Rep. George Miller (Martinez).

The legislation seeks to encourage colleges to rein in price increases and provide consumers with helpful information; restore integrity and accountability to student loan programs; simplify the federal student aid application process; make textbook costs more manageable; and strengthen America's workforce and competitiveness.

Miller said that this bill will "ensure the doors of college are still open to all qualified students...[by] addressing tuition increases...and maintaining maintenance of effort (MOE) funding mechanisms in higher education."

A closed rule was proposed that allowed Republicans only 4 amendments. Rep. Howard McKeon (Santa Clarita), the ranking Education and Labor Committee Republican, protested the rule. He commented: "I would expect nothing less than an open debate [on this bipartisan measure]. This is an unreasonable rule that taints the bipartisanship of the underlying bill." Members adopted the rule by 214 to 190. The House heard 27 proposed amendments to the legislation.

A manager's amendment by Chairman Miller would tweak the way state contributions - dubbed the "maintenance of effort" provision - are calculated by exempting funds that are spent on research or capitol improvement. Rep. Howard McKeon (Santa Clarita) offered an amendment 4137 to require the U.S. Secretary of Education to contract with the National Research Council to conduct a study of the amount and scope of all Federal regulations and reporting requirements that have been imposed on institutions of higher education. The amendment was adopted by voice vote.

Another consideration was the Hastings-Sanchez amendment, proposed by Rep. Linda Sanchez (Lakewood). The amendment would create a grant program to Community Colleges to develop agreements with juvenile detention centers and other local agencies, including law enforcement, to offer educational opportunities, vocational training and counseling to youth offenders up to age 25. The amendment was adopted by voice vote.

Also, included in the bill is a provision modeled after Rep. Xavier Becerra's (Los Angeles) Librarian Incentive to Boost Recruitment and Retention in Areas of Need. It would reward librarians who work in

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underserved communities with student loan forgiveness over a period of five years of service.

A motion to recommit the bill failed 194-216.

For more information visit www.house.gov.

ECONOMY: REVISED ECONOMIC STIMULUS PACKAGE HEADS TO PRESIDENT

After dropping several provisions espoused by the Senate Finance Committee and senior Democrats, the Senate on February 7, 2008 passed H.R. 5140, the economic stimulus package, clearing the way for the House to repass the bill as amended and send it on to the President for signature.

Bowing to fiscally conservative Republicans, the Senate dropped provisions from its bill to extend unemployment compensation benefits, increase low-income heating assistance, and provide tax breaks to housing and energy interests. Instead, it passed an amendment to the House-passed stimulus bill to make about 20 million low-income senior citizens and 250,000 veterans and surviving spouses eligible who would otherwise have insufficient earned income to qualify for a tax rebate under the House-passed bill. The proposal also ensures that undocumented immigrants will not receive rebate checks. The amendment passed 91-6. The Senate then passed the package by a vote of 81-16.

The package would provide \$600 rebates to individuals (\$1200 to couples), with eligibility phasing out starting at \$75,000/\$150,000 in adjusted gross income. An additional \$300 rebate per child is also included. The bill also provides enhanced depreciation, expensing, and depreciation provisions for U.S. companies.

On Wednesday, Feb. 6th, the Senate leadership had been unable to garner the sixty votes needed to move forward on the Finance Committee bill. The vote to limit debate failed 58-41, with eight Republicans joining the Democrats. (The actual tally was 59 votes to invoke cloture, as Senate Majority Leader Harry Reid (NV) switched his vote to "no" at the end for procedural reasons.)

Minority Leader John Boehner (IN) said he expected President Bush to sign the amended package.

SCIENCE: HOUSE SCIENCE SUBCOMMITTEE REPORTS BORDER TECHNOLOGY/OTHER BILLS

The House Science Subcommittee on Technology and Innovation favorably reported H.R. 3916 on February 7, 2008. The bill is intended to provide for the next generation of border and maritime security technologies at both land and sea ports, by improving long term planning for research and development at the Department of Homeland Security (DHS), especially in the area of border and maritime security technology. It also authorizes specific border security technology programs, and instructs the DHS Science & Technology office to improve processes for setting research priorities and serving the needs of technology end users. During the markup, the Subcommittee accepted an amendment that provides for a study of the need for next generation global positioning system technology, as it relates to border security.

The Subcommittee also favorably reported two other bills:

- H.R. 5161, The Green Transportation Infrastructure Research and Technology Transfer Act, which authorizes research and education programs within the Federal Highway Administration (FHWA) and Research and Innovative Technology Administration (RITA)'s University Transportation Centers; and
- H.R. 4847, United States Fire Administration Reauthorization Act of 2007, which reauthorizes the U.S. Fire Administration (USFA) to allow continued federal government support for the nation's fire service community.

For more information, go to: <http://science.house.gov> .

IMMIGRATION: SCIENCE SUBCOMMITTEE ASSESSES FOREIGN STUDENT VISA SITUATION

On February 7, 2008, the House Science and Technology Subcommittee on Research and Science Education held a hearing to review the status of visas and other policies governing the entry into the U.S. of foreign students and scholars and to examine any ongoing impediments to the policies as well as the impact that such impediments may be having on the U.S. scientific enterprise.

The witnesses were: Stephen A. "Tony" Edson, Deputy Assistant Secretary for Visa Services, Bureau of Consular Affairs, Department of State; Dr. Harvey V. Fineberg, President, Institute of Medicine, The National Academies; Dr. Allan E. Goodman, President and CEO, Institute of International Education; and Ms. Catheryn Cotten, Director, International Office, Duke University.

In his opening remarks, Chair Brian Baird said: "In addition to improving our standing and reputation in the world, foreign students and scholars play an important role in our universities' science and engineering departments. They help fill the talent pools that fuel innovation and keep the U.S. competitive. While all of us on this Committee, particularly Chairman Gordon and Dr. Ehlers, are committed to increasing the pipeline of U.S. students in science and engineering fields, we also recognize that this does not necessarily mean that we should turn away the best and brightest from other countries."

Secretary Edson testified that foreign students contribute over \$13 billion to the U.S. economy annually. He was pleased to note that in 2007, State issued ten percent more student, business, and exchange visitor visas than in 2006, and that the visas issued have now surpassed the 2001 level by 90,000, or 16 percent. Almost 344,000 J-1 visas were issued in 2007. Edson detailed for the Subcommittee the steps that State is taking to ensure that it can respond to the higher number of applications it expects to receive. Among them are:

- a consolidated visa system to improve information and workflow data reporting and streamline the visa processing system; and
- an all online application process, which will allow security and fraud screening in advance.

Ms. Cotton spoke of the importance of foreign students to universities and to STEM (science, technology, engineering, and mathematics) fields, in particular. She noted that of the 2,800 international students and scholars at Duke, most are in STEM fields. She testified that the foreign student admissions and the visa process have improved since September 11, 2001. She pointed out that State now has a policy giving priority to foreign student interviews process and that the system has become more regularized, communications among the various agencies has improved, processing times have become shorter and more predictable, and DOS has developed processes for investigating and resolving most serious delays. Nevertheless, she said, universities still must wait at least three months before inquiring about a security check that seems to be stuck in the system. She also noted the problems surrounding the implementation of the Student and Exchange Visitor Information System (SEVIS) developed after 9/11, and was encouraged that now DHS "is and has been working diligently with the educational community to add and upgrade SEVIS functionality."

For the testimony of all the witnesses, go to: <http://democrats.science.house.gov> .

TRANSPORTATION: SENATE ENVIRONMENT & PUBLIC WORKS COMMITTEE CONTINUES HEARINGS ON SURFACE TRANSPORTATION

On Wednesday, February 6, 2008, the Senate Environment and Public Works Committee, chaired by Senator Barbara Boxer, heard testimony on the Surface Transportation Commission Report. The hearing,

"Perspectives on the Surface Transportation Commission Report," featured testimony from individuals and groups affected by the implementation of the Commission's recommendations.

Among other recommendations, the report suggests "A significant increase in public funding is needed to keep America competitive. Our Nation will need to put more emphasis on transit and intercity passenger rail and make them a priority for our country. A cultural shift will need to take place across America to encourage our citizens to take transit or passenger rail when the option is given. It is also important to increase the market share for freight rail, and to make significant increases in highway investment as part of developing a robust surface transportation network."

Mary E. Peters, Secretary of the U.S. Department of Transportation; and, Janet F. Kavinoky, Director, Transportation Infrastructure, U.S. Chamber of Commerce, delivered the key testimony.

Peters testified that "[T]he central problem in transportation is not how much we pay for infrastructure, but how we go about paying for it. Our current transportation policies provide the wrong incentives and signals to both users and owners of the system.

"I agree with those who call for greater Federal leadership, as the Commission Report does. I do not concede, however, that Federal leadership simply implies substantially greater Federal spending and dramatically higher fuel taxes. In fact, it is far more critical that the Federal government establish clear policies, providing appropriate incentives and allocating resources more efficiently than it is for substantial increases in total Federal spending." In a plea for more intergovernmental cooperation, she stated "It is essential that we on the Federal level work together and demonstrate this type of leadership."

In further testimony, Secretary Peters argued against increasing gasoline taxes, which she claimed "Americans overwhelmingly oppose." She asserted, "Over the past 25 years, despite substantial increases in Federal, State, and local transportation spending -- much of it from fuel taxes -- we have witnessed a rapid growth in highway congestion. In the last 25 years, highway funding has increased 100%, yet congestion over the same period has increased 300%. This systemic failure is impacting our families, our businesses, and our environment.

"Federal transportation programs should be re-focused on two basic objectives. First, we should reward, not constrain, State and local leaders who are willing to stand up, acknowledge the limitations of our current policies and pursue fundamentally different strategies to financing and managing their transportation systems. Second, the Federal government's investment strategy should be completely re-written to emphasize the interstate system and other truly nationally significant priorities--including the escalating urban congestion that is choking our metropolitan areas--based on clear, quantitative parameters, not politically contrived ones."

Ms. Kavinoky of the U.S. Chamber testified: "We -- Congress, state and local governments, and the private sector -- cannot treat infrastructure like other problems or programs where you can wait until the very last minute and then write a big check. Infrastructure projects require foresight and years of careful planning.

Focusing on a vitally important topic for California, Kavinoky praised the fact that the NSTPRSC "calls for a transportation system that explicitly values freight movements." She pointed out that, "Manufactured goods and cargo move through the United States on a system primarily consisting of ports, roads, rail, and inland waterways. On a typical day, about 43 million tons of goods valued at \$29 billion, moved nearly 12 billion ton-miles on the nation's interconnected transportation network. Bridges serve as critical links in the system. To keep competitive domestically and internationally, many U.S. businesses have developed complex logistics systems to minimize inventory and ensure maximum efficiency of their supply chains. However, as congestion increases throughout the U.S. transportation system, these supply chains and cargo shipments are frequently disrupted and the cost of doing business increases. The growth in international trade is overwhelming U.S. intermodal freight capacity." In few areas are these factors more clearly evident than in Southern California, where the goods that flow to so much of the rest of the U.S. are offloaded and transported through the heavily overburdened infrastructure surrounding the Ports of Long Beach and Los Angeles.

Ms. Kavinoky continued, "The fastest growing segment of our economy is the services industry, for which human capital is essential. Employers rely on transportation systems to connect them to their workforce, and to connect that workforce with suppliers and customers around the country and the world. Unfortunately, increasing congestion is disrupting these important connections and imposing additional costs on the workforce and employers alike. State and local chambers of commerce remind us constantly that the citizens in their communities need transportation choices, and those options are a valued aspect of economic development strategies. Public transportation, such as buses, rapid transit, and commuter rail systems, are important solutions to the growing congestion crisis in the United States, but chronic under-investment is leaving these systems strained under increasing use. Americans took 10.1 billion trips on local public transportation in 2006. From 1995 through 2006, public transportation ridership increased by 30%." California continues to receive a relatively large proportion of its federal transportation funding via transit accounts.

For more information visit www.epw.senate.gov .

EDUCATION: CALIFORNIA SCHOOL BOARDS ASSOCIATION HOSTS BRIEFING

On Friday, February 1st, 2008, the California Schools Boards Association (CSBA) and the California Institute hosted a briefing on education policy issues relating to California. Presenting on behalf of CSBA were Rick Pratt, Assistant Executive Director of Government Relations, and Erika Hoffman, Principal Legislative Advocate.

Pratt discussed monetary concerns stemming from the budget crisis in California. The Governor's budget predicts a \$14.5 billion shortfall, and as part of the solution there are significant cuts in funding from K-12 education, roughly \$4.8 billion. Pratt said the Proposition 98 funding mechanism "operates as much as a ceiling as it does as a floor" for K-12 funding.

The potential impact of this funding situation is that School Boards throughout California may not be able to meet their current year budget levels, which will put many districts into deficit spending, possibly requiring a cut of 50% this fiscal year. The difficulty in making this cut, for example, is that teachers are a school's single largest expense, and they cannot be released unless they were given notice by March 15, 2007.

Hoffman discussed federal issues relating to education, including recommendations for improving No Child Left Behind (NCLB). She commented: "School boards welcome and support accountability. However, after six years of implementation, there are many issues that still pose critical challenges." CSBA's "FIX NCLB-Phase II" campaign lays out a number of issues and possible solutions that address various concerns, including:

- Adequate Yearly Progress
 - AYP must be revised to include growth and index models.
- Highly Qualified Teachers (HQT)
 - HOT must be amended to reflect local realities - California has an evolved credentialing system that emphasizes testing, course work and pedagogy. States are in the best position to determine whether their teachers are "highly qualified."
 - Special Education Students / English Learners – HQT must allow special education, English language learner, career technical education, alternative education and middle school teachers who are fully credentialed by their state to be considered "highly qualified."

For more information visit www.csba.org .

IMMIGRATION: CENTER FOR IMMIGRATION STUDIES QUESTIONS ACCURACY AND EXTENT OF FARM LABOR SHORTAGE

The Center for Immigration Studies has a November 2007 report entitled "*Farm Labor Shortages: How Real? What Response?*" -- authored by Dr. Philip Martin -- that concludes "In a market economy, the usual responses to shortages are price or wage adjustments. . . . The earnings data reported by farmers to USDA do

not suggest significant farm labor shortages, especially in California and Florida, where farm worker earnings have been rising more slowly than in the United States as a whole. The production of labor-intensive fruits and vegetables has expanded, suggesting that fears of labor shortages have not acted as a brake on farmers' plans for production."

Among Martin's other findings are:

- Farm workers earnings have risen more slowly in California and Florida, the states with the most fruit and vegetable production, than they have in the United States as a whole.
- Consumers spend about \$1 a day on fresh fruits and vegetables. A very small share of their spending, \$0.18, goes to farmers, and an even smaller share, \$0.06, goes to farm workers.
- Raising farm worker wages 40 percent, as occurred in the mid-1960s after the Bracero program ended, would cost the average household \$8 a year.

Professor Martin is a professor of agricultural and resource economics at the University of California, Davis. To get the full report, go to: <http://www.cis.org>.

CALIFORNIA INSTITUTE QUICK LOOK AT PRESIDENT BUSH'S FY 2009 BUDGET PROPOSAL AVAILABLE FOR VIEWING/DOWNLOAD

On February 4, 2008, President George W. Bush released the Administration's Budget Proposal for Fiscal Year 2009, which will begin October 1, 2008. The Budget proposes FY 2009 spending of \$3.1 trillion, a 0.3 percent increase in non-defense discretionary spending, a growth rate that is less than the rate of inflation for domestic programs. The Administration also projects a deficit of \$410 billion, a significant increase over the FY07 deficit of \$162 billion. A portion of the deficit increase is attributable to an economic stimulus package that Congress is expected to approve in the near future.

In nearly 3,000 pages, the budget documents outline the Administration's recommendations for discretionary and mandatory spending, as well as its revenue proposals. The California Institute has prepared a California-oriented analysis of the Administration proposal. The full report is available from the Institute's website at <http://www.calinst.org/pubs/budget2009/Budget2009All.shtml>. In addition, the budget analysis is available as a set of section links at <http://www.calinst.org/pubs/Budget2009.shtml>, or in pdf format at <http://www.calinst.org/pubs/Budget2009.pdf>.

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CALIFORNIA STATE SOCIETY'S “AHHHSCAR” NIGHT GALA: MONDAY, FEBRUARY 11

From 6 to 9 pm on Monday night, February 11, 2008, the California State Society will hold its highly popular “Ahhhscar” Night party -- a pre-80th Academy Awards celebration in the nation’s capital. Among many other features will be food & drinks inspired by the 5 “Best Picture” nominees and a themed silent auction.

Logistical details include the following:

Monday, February 11, 2008 - 6:00 pm to 9:00 pm
Andrew W. Mellon Auditorium
1301 Constitution Avenue, NW, Washington DC
(Metro: Federal Triangle station)

It should be noted that all tickets must be pre-sold for the event and will be held at will-call -- no tickets may be purchased at the door. The ticket price is \$50. To preview the event and purchase tickets online, visit: <http://www.californiastatesociety.org> .