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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.*

### TECHNOLOGY: HOUSE PASSES NATIONAL NANOTECHNOLOGY INITIATIVE BILL

By a vote of 407-6, the House on Thursday, June 5, 2008 passed H.R. 5940, the National Nanotechnology Initiative Amendments Act of 2008, which reauthorizes and refines the National Nanotechnology Initiative (NNI).

The bill is aimed at ensuring that the federal interagency nanotechnology research program puts in place a well designed, adequately funded, and effectively executed research program focused on the environmental and safety aspects of nanotechnology. H.R. 5940 assigns responsibility to a senior White House official to ensure that a detailed implementation plan for Environmental, Health, and Safety (EHS) research is developed and executed. The plan must specify both near-term and long term objectives, provide a timeline for achieving the near-term objectives, and identify the funding, by objective and by agency, necessary to carry it out. The legislation also requires the plan to be responsive to recommendations from the NNI external advisory committee and requires the development of a publicly accessible database containing every EHS research project supported under the NNI.

In addition to the emphasis on environmental and safety research, the bill requires the NNI to increase its emphasis on ways for moving basic research results out of the laboratory and into commercial products, materials, and devices. The bill also creates new nanotechnology education programs to attract secondary school students to science and technology studies and to help prepare the nanotechnology workforce of tomorrow.

For more information, visit the committee's website at: <http://science.house.gov> .

### RESOURCES: GOVERNOR DECLARES STATEWIDE DROUGHT

On June 4, 2008, California Governor Arnold Schwarzenegger issued executive order S-06-08, declaring a statewide drought and ordering state agencies to take action to address the crisis.. Schwarzenegger cited increasingly dry conditions and court-ordered restrictions on water deliveries.

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“For the areas in Northern California that supply most of our water, this March, April and May have been the driest ever in our recorded history,” Schwarzenegger said. “As a result, some local governments are rationing water, developments can’t proceed and agricultural fields are sitting idle. We must recognize the severity of the crisis we face.”

The governor also renewed his call for the Legislature to act on a comprehensive water bond package for the November ballot to improve the state’s water supply system.

The Association of California Water Agencies (ACWA) applauded the Governor’s declaration and announced a partnership to promote conservation. ACWA Executive Director Timothy Quinn announced plans to partner with the Department of Water Resources and the California Water Awareness Campaign to conduct an aggressive public outreach effort on the need to conserve water.

“Today’s announcement sounds the alarm that we are in a precarious situation this year,” Quinn said. “The governor is doing the right thing by declaring a statewide drought and sending a strong message that action is needed. This is not a case of crying wolf.”

ACWA will be working with member agencies throughout the state to help raise public awareness and coordinate efforts to urge more conservation. A special drought section on ACWA’s Web site has been created to provide information on conditions around the state.

For more information visit see the Governors Executive Order at <http://gov.ca.gov/executive-order/9797/> or visit ACWA at [www.acwa.com](http://www.acwa.com).

## HOUSING: HOUSE SMALL BUSINESS APPRAISES TAX INCENTIVES FOR HOUSING CRISIS

The House Small Business Committee held a hearing on “The Housing Crisis – Identifying Tax Incentives to Stimulate the Economy” on Thursday, June 5, 2008. Witnesses included: Mr. Dale Leppo, Chairman, Leppo Rents/Bobcat of Akron, Tallmadge, OH, on behalf of the Associated Equipment Distributors; Mr. John Puffer, Chairman and President, Pilot Bank, Tampa, FL, on behalf of the Independent Community Bankers of America (ICBA); Mr. Joe Robson, Robson Companies, Broken Arrow, OK, on behalf of the National Association of Home Builders (NAHB); Mr. James L. Helsel, Jr., RSR Realtors, Lemoyne, PA, on behalf of the National Association of Realtors (NAR); and Mr. Gary V. Engelhardt, Professor of Economics, Maxwell School of Citizenship and Public Affairs, Syracuse University, Syracuse, NY.

Mr. Puffer testified that to address the collapse in the housing sector and the economic damage it is causing, ICBA recommends additional tax incentives, such as property tax relief, to help struggling homeowners, jumpstart home sales, and strengthen the housing sector, credit markets, and small businesses. These policy changes are warranted because the ongoing stress in the housing sector is damaging the labor markets and the entire economy. Puffer stated that the decline in housing construction has subtracted 1.25 percentage points off GDP growth in the fourth quarter of 2007 and 1.17 percentage points off 2008 first quarter growth. Among the tax incentives ICBA supports are: a one-year, first-time homebuyer federal tax credit of \$5,000; and an immediate increase in the annual issuance limitation for qualified tax-exempt muni-bond obligations from \$10 million to \$30 million. ICBA also supports the recently passed

congressional housing bills: H.R. 3221, the American Housing Rescue and Foreclosure Prevention Act of 2008 that passed the full House on May 8 and the Federal Housing Finance Regulatory Reform Act of 2008 that cleared the Senate Banking Committee on May 20.

Mr. Helsel testified that NAR also supports a temporary first-time homebuyer tax credit; however, it opposes including a proposed mechanism that in effect turns the credit into an interest free loan that must be repaid to the IRS over 15 years. NAR also supports a property tax holiday, a special property tax deduction or special mortgage interest deduction, and the increased tax-exempt mortgage revenue bonds authority provided in H.R. 3221.

Mr. Robson of NAHB reiterated the need for a first-time homebuyer's tax credit, and for expanding and modifying the Mortgage Revenue Bond (MRB) program. NAHB also supports expansion of the Net Operating Loss deduction carryback for homebuilders, and modernizing the Low Income Housing Tax Credit to ensure its ability to respond to current and future affordable housing needs.

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

### **IMMIGRATION: HOUSE IMMIGRATION SUBCOMMITTEE INVESTIGATES QUALITY OF DETAINEE MEDICAL CARE**

On Wednesday, June 4, 2008, the House Judiciary Subcommittee on Immigration heard testimony on the medical treatment of detainees by Immigration and Customs Enforcement (ICE). The hearing, "Problems with Immigration Detainee Medical Care," was held to investigate reports of non-compliance with standards established by ICE in light of recent reports of misconduct.

Charwoman Zoe Lofgren (San Jose) said that this was the second hearing on the issue, prompted by new media reports of misconduct. She commented: "As was the case eight months ago, a string of recent news reports have severely shaken our confidence in the health care system used by ICE. The reports recount story after story of detainees receiving inadequate care, or no care at all...But this time, those stories are not just reports. The Washington Post and 60 Minutes support their stories with internal government documents and what appear to me many interviews with government whistle blowers who uncovered severe problems and desperately want to see them fixed." She added that the results of the misconduct include reports of the "suffering and death" of detainees while in ICE's care.

Richard A. Stana, Director of Homeland Security and Justice Issues at the Government Accountability Office, reported on the GAO's findings in a recent investigation. Julie Meyers, Assistant Secretary of ICE with the Department of Homeland Security, used her testimony to rebuff the claims and outline improvements in ICE's medical care.

Stana reported on GAO's visits to detention facilities under ICE , and stated: "At the time of its visits, GAO observed instances of noncompliance with ICE's medical care standards at 3 of the 23 facilities visited. These instances related to staff not administering a mandatory 14-day physical exam to approximately 260 detainees, not administering medical screening immediately upon admission, and first aid kits not being available as required. However, these instances did not show a pervasive or persistent pattern of noncompliance across all 23 facilities...GAO [also] observed instances where detainees were receiving specialized care at the facilities visited." Stana also cited various other example of non-compliance that were non-medical in nature.

Assistant Secretary Meyers argued that the ICE medical facilities were in fact in compliance with ICE's standards, and that ICE has taken additional steps to improve medical care for detainees. She commented: "Beyond merely complying with our standards, we have also undertaken a complete review of the existing National Detention Standards...We believe we can further ensure we meet our obligations by updating policies and procedures to performance based standards that reflect past experiences, agency practices, and protocols."

Meyers went on to outline spending and showed that deaths had declined over the last few years in proportion to the growth in the detainee population. According to ICE's calculation, "ICE spent almost \$100 million on detainee health care last fiscal year, double the funding of just five years ago. During that same

period, the number of detention beds managed by ICE has grown by approximately 30 percent. Though the ICE detainee population has increased by more than 30 percent since 2004, the actual number of deaths in ICE detention has declined from 29 in 2004 to 7 last year. There have also been no suicides in the last 15 months,” she said.

She also cited the success of current screening practices: “Last year, 34 percent of detainees screened were diagnosed with, and treated for, preexisting chronic conditions, such as hypertension and diabetes. Many of these detainees would not have identified their medical ailment or received medical care and treatment were it not for the comprehensive health screening they received.

Meyers acknowledged, however, that improvements needed to be made. “Despite these many accomplishments,” she said, “ICE has recognized the need for a variety of both medical and administrative oversight revisions. Among them was the need to strengthen the suicide prevention process. The reality is that since 2003, suicides have accounted for 18 percent of the 74 deaths of detainees in custody. Even one preventable death is too many. Accordingly, over the past two years, ICE instituted an extensive suicide prevention program.”

Committee members were interested in the non-suicide deaths, and the situations resulting from the non-compliance found by GAO’s investigation. Meyers agreed to provide more information about the detainees that died in custody.

The committee also heard from past detainees, family members of deceased detainees, and ICE medical facilities workers, all of whom agreed that the conditions were more egregious than Meyers’ claims. For more information visit [www.judiciary.house.gov](http://www.judiciary.house.gov)

## **TRADE: USTR FILES WTO CASE CHALLENGING EU TARIFFS ON SOME TECHNOLOGY PRODUCTS**

On May 28, 2008, United States Trade Representative Susan C. Schwab announced that the United States has requested World Trade Organization (WTO) dispute settlement consultations with the European Union (EU) regarding the duties they are imposing on certain products that should be duty-free under the WTO Information Technology Agreement (ITA). Japan has also requested dispute settlement consultations with the EU on this issue.

The EU over the several years has imposed new duties on imports of specific high-tech products – such as, cable and satellite boxes that can access the internet, flat panel computer monitors, and certain computer printers that can also scan, fax and/or copy. Although these products were included in the 1996 ITA multilateral agreement that eliminated duties and/or import tariffs on most information technology products, the EU claims it can now charge duties on them simply because they incorporate newer technologies or additional features.

According to the USTR, the United States has raised its concerns with EU officials numerous times over the last 20 months, and the issue has been the subject of at least four rounds of informal discussions under the auspices of the WTO ITA Committee in Geneva over the previous year. The first step in a WTO dispute is for both parties to formally consult. If consultations fail to resolve the dispute within 60 days, the United States will be entitled to request that a panel be established to determine whether the EU is acting consistently with its WTO obligations.

House Ways and Means Chairman Charles B. Rangel (NY) and Trade Subcommittee Chairman Sander M. Levin (MI) applauded the USTR’s decision and said they have repeatedly urged the Bush administration to pressure the EU to eliminate these tariffs, and had written the President to urge action. The leaders also said they would consider proposing enforcement legislation in the near future.

For further information, go to: <http://www.ustr.gov> .

## **EDUCATION: HOUSE APPROVES SCHOOL CONSTRUCTION AUTHORIZING MEASURE**

On Wednesday, June 4, 2008, the US House of Representatives passed H.R. 3021, the 21st Century Green High-Performing Public School Facilities Act, by a 250-164 margin. The bill authorizes \$6.4 billion for school construction projects for school modernization, renovation, and repair initiatives across the country in fiscal year 2009, and also authorizes \$500 million over five years for public schools in the Gulf Coast region that were damaged by Hurricanes Katrina and Rita. (As with all authorizing bills, funds would still need to be separately appropriated.)

The formula for allocating the \$6.4 billion would apply the same percentage of funds to states and school districts that they receive under Part A of Title I of the Elementary and Secondary Education Act, except that no district would receive less than \$5,000.

Touting recent research showing a correlation between school facility quality and student achievement and teacher retention, bill proponents point out that since 2001 the federal government has provided almost no direct aid to help states and schools pay for school construction and repair. Modernizing school buildings, they say, would also create jobs in the construction industry, one of the industries hit hardest by the recent economic downturn -- having lost 457,000 jobs since September 2006.

In addition, the bill provides a number of incentives for employing green technology and to help school districts create schools that are energy efficient and more reliant on renewable energy. The bill calls for school districts to use funds to meet one of three widely recognized "green building" standards or equivalent state or local standards; provides states with funding to develop a plan to create a statewide database of schools' facilities, modernization and repair needs, energy use, carbon footprint, and a school energy efficiency quality plan; allows school districts to waive the green building standards where circumstances make them impracticable, but ensures that at least 90 percent of funds will be used for green projects by 2013; and requires school districts to publicly report the educational, energy and environmental benefits of projects, how they meet green building standards, and the percentage of funds used for projects at low-income and rural schools.

"Substandard conditions in many schools make it harder for teachers to teach and children to learn," said U.S. Rep. George Miller (Martinez), the chairman of the House Education and Labor Committee. "We must invest in making every school building a place that communities can be proud of and where children will be eager to learn. This legislation begins to make that investment, and at the same time, it boosts the economy by creating new construction jobs and helps the environment by making our schools more energy efficient. This legislation is a win for children, workers, and the planet."

Republican members of the Committee expressed concerns about several aspects of the bill, however, some of which are addressed in a staff report entitled "It Doesn't Add Up: The Dangers of a Federal School Construction Mandate" that is available from the committee's minority site. "The burdens of a federal school construction program stand in stark contrast with our commitment to promote flexibility and local control in education," said Ranking Member Buck McKeon (Santa Clarita). "Just as we reject a one-size-fits-all approach to student academic standards, we must also reject any effort to federalize the building and maintenance of the school facilities that play such an integral role in individual communities across this nation. The federal investment in education must remain focused on ensuring educational opportunity and excellence for all students."

For more information, visit <http://edlabor.house.gov> and <http://republicans.edlabor.house.gov>.

## **TRANSPORTATION: HOUSE TRANSPORTATION PANEL ADDRESSES MAINTENANCE OF HIGHWAY AND TRANSIT INFRASTRUCTURE**

On Thursday, June 5, 2008, the House Transportation Subcommittee on Highways and Transit heard testimony regarding the investment levels and federal policies necessary to maintain the nation's existing highway and transit infrastructure. The hearing, "Maintaining Our Nation's Highway and Transit Infrastructure," is one of several hearings being held to better inform the committee of the issues they must address as they prepare for the reauthorization of federal surface transportation programs.

Witnesses delivering testimony represented various transit agencies throughout the country, including Stephen Schlickman, Executive Director of the North Eastern Illinois Regional Transit Authority, which includes Chicago. Among the points raised by witnesses were:

- The 100 largest metropolitan areas are economic powerhouses, covering just 12 percent of land area, but generating 75 percent of gross domestic product. Their continued success and economic growth is essential to our nation's global competitiveness. Unfortunately, worsening congestion threatens the economic efficiency and livability of these regions. The Texas Transportation Institute estimates that areas over one million people have the worst congestion, averaging 44 hours of delay per person per year. This translates into billions of dollars a year in lost productivity.

- Skyrocketing gas prices have led a growing number of people in metropolitan regions to try mass transit and many systems are bursting at the seams due to this new demand. The availability of transit service is critical if we are to give commuters an alternative to growing road congestion and rising gas prices.

- Transit use reduces travel in the U.S. by 102 billion vehicle miles each year. This directly results in petroleum savings of 1.4 billion gallons a year. When accounting for the effect of public transportation on land use patterns and the carryover effect on travel patterns from effective land use, transit saves the equivalent of 4.2 billion gallons of gasoline each year. This reduces greenhouse gas emissions by 37 million metric tons. Climate change is a significant issue facing the nation, and increased use of mass transit must be part of the solution.

Schlickman made the following recommendations for the reauthorization:

- Increase transit capital funding enough to allow the large older transit systems to address significant capital needs so that they can continue to make transit an increasingly attractive transportation alternative.

- Federal funding for transit must increase, and the share of that funding going to transit systems in major metropolitan areas must increase. This will allow large urban transit systems to eliminate the backlog of necessary capital investments in order to bring the infrastructure of the older rail systems to a state of good repair, while addressing core capacity needs.

- Newer systems and smaller systems also have important funding needs and the only way to address this problem is to significantly increase the funding for transit programs as part of the next transportation bill.

For more information visit [www.transportation.house.gov](http://www.transportation.house.gov) .

## **IMMIGRATION: PPIC RELEASES REPORT ON PATHWAYS TO LEGAL RESIDENCE; CONGRESSIONAL BRIEFING TO FOLLOW**

The Public Policy Institute of California released a report on June 4, 2008, entitled *Immigrant Pathways to Legal Permanent Residence: Now and Under a Merit-Based System*, authored by Laura Hill, PPIC research fellow, and PPIC research associate Joseph Hayes.

The report finds that many immigrants who recently became legal permanent residents first lived in the United States illegally, and that is particularly true in California, where more than half lived in the state illegally before getting green cards. The report analyzes the pathways immigrants take to become legal permanent residents and finds them far from straightforward. It also found that rather than being new arrivals, most immigrants have lived in the United States for some time when they get their green cards, the official identification of a legal permanent resident.

Among the author's findings:

- Fewer than four in 10 (38%) legal permanent residents were new to the United States when they got their green cards and many had lived here illegally for at least some time. In California, more than half (52%) had lived in the country illegally. They either crossed the border illegally (35%) or violated the terms of their visas by overstaying a tourist visa or by working when they were not authorized (18%). In the United States, about four in 10 (42%) first lived in the country illegally. This group was more evenly divided between those who crossed the border illegally (20%) or violated their visa terms (22%).

- In the nation as a whole, the pathways that immigrants – whether legal or illegal – took to legal residency differed significantly according to their home countries. Those who came from Asia and the Pacific

were more likely to be new arrivals to the U.S. (53%). Those who came from Latin America and the Caribbean were more likely to have crossed the border illegally (41%) than immigrants from other regions. Those who violated their visa terms at some point before getting green cards were more likely to have come from the Mideast/North Africa (31%) or Europe/Central Asia (27%).

- In the U.S. overall, immigrants who crossed the border illegally before becoming legal permanent residents were likely to be less educated and less proficient in English than recent permanent residents overall, but they were much more likely to be currently employed (72% vs. 56%). Immigrants who had violated the terms of their visas before becoming legal permanent residents were more educated, more likely to speak English well or very well, and also more likely to be currently employed than recent legal permanent residents overall (66% vs. 56%).

Laura Hill, co-author of the report, will brief the California congressional delegation staff and other interested parties on her findings at a lunch briefing on Capitol Hill on June 23, 2008. Complete details will be forthcoming shortly.

For more information, go to: <http://www.ppic.org> .

### **BRIEFING: CALIFORNIA HEALTHCARE INSTITUTE TO HOLD BRIEFING ON VALUE OF NATIONAL INSTITUTES OF HEALTH**

On Wednesday, June 11, 2008, from 9:00 a.m. – 10:00 a.m., the California Health Care Institute (CHI) will host a briefing unveiling its new report addressing the importance of National Institutes of Health (NIH) research to advances in healthcare innovation and public health.

The report features perspectives of California's biomedical industry leaders, who focus on the state's groundbreaking work and its implications. The report includes articles highlighting technology transfer success stories and innovations founded in academic research, achieving commercial success and improving public health. Finally, the report illustrates why NIH funding is critical to California's continued global leadership in biomedical research, development and innovation.

California's academic research institutions lead the world in investigating potential cures for hundreds of diseases that affect billions of people. Researchers in the state have made countless breakthrough discoveries that have increased the body of scientific knowledge, advanced medical practice, and led to the development of new and improved therapies, devices and diagnostics to prevent, treat and cure human diseases. Their labs attract the most promising science, engineering and medical students, furthering the future of biomedical science and extending California's leadership in education as well as research.

This event will be held in B-339 Rayburn House Office Building and is open to all parties who would want to attend. Please RSVP to Tiffany Taluban at 858-551-6677 or [taluban@chi.org](mailto:taluban@chi.org).

### **IMMIGRATION: PEW HISPANIC CENTER EXAMINES IMPACT OF ECONOMIC DOWNTURN ON IMMIGRANTS**

Pew Hispanic Center on June 4, 2008 released *Latino Labor Report, 2008: Construction Reverses Job Growth for Latinos*. Using data through the first quarter of 2008, the report finds the economic downturn having a disproportionate impact on Hispanic workers. From an historic low in late 2006, the unemployment rate for Latinos rose sharply in 2007 and currently stands well above the rate for non-Latinos, Pew finds.

Immigrant Hispanics, especially Mexican immigrants and recent arrivals, have been hurt the most by the slump in the construction industry, the report states. Weekly earnings for most groups of Hispanic workers, particularly construction workers, also slipped backward in the past year. There are no signs Latino immigrants are leaving the U.S. labor market but they now play a smaller role in the growth of the Hispanic workforce than in recent years, Pew concludes.

To obtain the report, go to: <http://www.pewhispanic.org> .

## **ENVIRONMENT: BROOKINGS INVESTIGATION FINDS CALIFORNIA METROPOLITAN AREAS AMONG NATION'S LOWEST IN PER CAPITA EMISSIONS**

On Thursday, May 29, 2008, the Brookings Institution released a report concluding that the West Coast's metropolitan areas had among the lowest carbon emissions per capita in the country in 2005, according to a new ranking of 100 urban areas. The report, "Shrinking the Carbon Footprint of Metropolitan America", found that the area including Los Angeles and Orange Counties ranked second among metro areas with the lowest per capita emissions, coming in just behind Honolulu, Hawaii.

The report cites reasons such as the region's mild climates, hydropower and aggressive energy-reduction policies as contributing to the smaller average carbon footprint of its residents.

The report also finds that prohibitive federal policies actually hinder metropolitan areas' ability to further reduce emissions. According to the report, "Policy impediments include a bias against public transit, inadequate federal leadership on freight and land-use planning, failure to encourage energy- and location-efficient housing decisions, and the fragmentation of federal transportation, housing, energy, and environmental policies."

The report outlines several policy proposals that can help reduce the carbon footprint for more urban areas.

For more information visit: <http://www.brookings.edu> .

## **HOMELAND SECURITY: HHS ANNOUNCES FY 2008 ALLOCATIONS FOR TWO BIOTERRORISM GRANT PROGRAMS**

On Tuesday, June 3, 2008, the Department of Health and Human Services issued its FY 2008 allocations for \$1.1 billion in funding for two related programs that seek to help state and local governments and health care facilities prepare for and deal with bioterror and other public health emergencies.

The Centers for Disease Control and Prevention state and local grant program provides funds to states and territories as well as separately to four expressly delineated local areas -- the District of Columbia, New York City, Chicago, and Los Angeles County. Funds help states and localities develop emergency public health departments, address health needs of at-risk individuals, and help develop coordination among neighboring jurisdictions. Of the national total of \$705 million, California and Los Angeles County together will receive \$73 million, or approximately 10.4 percent. (The state of California will receive \$50.1 million and Los Angeles County will receive \$22.9 million.)

The other grant that HHS announced was \$398 million for the Hospital Preparedness Program under the HHS Assistant Secretary for Preparedness and Response (ASPR) - formerly the Health Resources and Services Administration (HRSA). The hospital grant helps hospitals and other health care provider organizations prepare for potential bioterrorism incidents by improving interoperability of communication systems, systems to track available hospital beds, improved advanced registration of volunteer health professionals, evacuations or sheltering-in-place procedures, and fatality management techniques. Of the nation's \$398 million, California will receive \$32.6 million and Los Angeles County \$12.3 million, for a total of \$45 million, or 11.2 percent of the U.S. total.

## **Upcoming Event: U.C. Alumni Reception for Jackie Speier on June 11**

On Wednesday, June 11, 2008, the Alumni Associations of the University of California, as well as the Washington DC Chapter of the UC Davis association, are hosting a reception in honor of Jackie Speier and her election to Congress. Elected to represent California's 12th Congressional District, Rep. Speier is an alumna of UC Davis. The reception will take place from 5:30 pm to 7:30 pm on June 11 in Room B-354 of the Rayburn House Office Building in Washington, DC. To attend or for additional information, go online to [ucalumni.net](http://ucalumni.net) , send email to [events@ucop.edu](mailto:events@ucop.edu) , or call 202/974-6300.