



# THE CALIFORNIA INSTITUTE FOR FEDERAL POLICY RESEARCH

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## California Capitol Hill Bulletin

### Volume 16, Bulletin 9 – March 20, 2009

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 ISSA PATENT BILL

On Tuesday, March 17, 2009, the House passed H.R. 628, introduced by Rep. Darrell Issa (Vista) and co-sponsored by Rep. Adam Schiff (Burbank). The bill, passed under suspension by a vote of 409-7, encourages federal judges to become experts in patent law.

H.R. 628 establishes a pilot program in at least three U.S. circuits under which the chief judge would designate judges who wish to hear patent cases. The cases would continue to be randomly assigned to judges, but those who did not wish to hear patent cases would be allowed to decline a case. If a case is declined, it would then be randomly assigned to a judge who had been designated a patent case judge.

The bill is intended to encourage enhancement of expertise in patent cases among district judges. The Senate has a similar bill, S. 299, that has not been considered yet.

#### CRIME: JUDICIARY MARKS UP COPS REAUTHORIZATION BILL

On Wednesday, March 18, 2009, the House Judiciary Committee marked up H.R. 1139, the COPS Improvements Act of 2009. The bill sets an authorization level for the COPS on the Beat program of \$3.05 billion. Last year's authorization bill approved a level of \$1.15 billion.

During the markup the Committee approved two amendments *en bloc* making several changes in the bill. Among other changes, the bill: sets a target level of hiring 50,000 new police officers; increases funding for technology and prosecutorial assistance; provides incentives to hire veterans; and increases funding for training. The amendments were adopted by voice vote.

Rep. Adam Schiff (Burbank) offered an amendment to allow COPS grants to be used by local and state law enforcement officials to hire forensic analysts and other personnel to assist in eliminating the backlog in DNA testing. It was adopted by voice vote. He also withdrew another amendment, that would have required sharing jurisdiction with the Education and Labor Committee. The amendment would have allowed the matching of COPS funds with funds for the Juvenile Justice Prevention program (KIDS). Chair John Conyers (MI) committed to working with Rep. Schiff to pursue a joint authorization of the amendment with the Ed and Labor Committee.

The Committee was unable to report H.R. 1139, because it did not have a quorum, so it will bring the bill back up at a subsequent markup.

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

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## ENERGY: COMMITTEES DISCUSS OCS, NATURAL RESOURCES AND ENERGY

Both the House and Senate were actively exploring and discussing resources issues and energy development on the Outer Continental Shelf (OCS), this week. On March 17, 2009, both the Senate Energy and Natural Resources Committee and the House Energy and Mineral Resources Subcommittee held hearings on OCS resources and energy development.

The Senate Energy and Natural Resources Committee, led by Jeff Chairman Bingaman (NM), held “Energy & Natural Resources Public Lands and OCS Energy Development”, to explore and discuss energy development on public lands and the outer continental shelf. Witnesses included the Honorable Ken Salazar, Secretary, U.S. Department of the Interior; The Honorable Philip Moeller, Commissioner, Federal Energy Regulatory Commission; The Honorable Joanna Prukop, Cabinet Secretary, Energy, Minerals, and Natural Resources Department, State of New Mexico; Dr. Dan Arvizu, National Renewable Energy Laboratory; Mr. Robert Bryce, Author and Energy Journalist; Mr. George Cooper, Theodore Roosevelt Conservation Partnership; and Mr. Steve Kopf, Pacific Energy Ventures, LLC.

House Energy and Mineral Resources Subcommittee Chairman Jim Costa (Fresno) of the House Natural Resources Committee held a hearing entitled: “Leasing and Development of Oil and Gas Resources on the Outer Continental Shelf.” Witnesses included: Chris Oynes, Associate Director, Offshore Energy and Minerals Management Program, Minerals Management Service; Mary L. Kendal, Acting Inspector General, Interior Department; Frank Rusco, Director, Natural Resources and Environment Issues, Government Accountability Office; Tom Fry, President, National Ocean Industries Association; and James W. Farnsworth, President, Cobalt International Energy.

During the Senate ENR hearing, Secretary Salazar stated that “developing renewable resources requires a balanced and mindful approach that addresses the impacts of development on wildlife, water resources and other interests under the Department’s management jurisdiction.” He added that the US will likely be dependent on conventional sources (oil, gas, and coal) for a significant portion of energy for many years to come, but that the “implementation of the President’s energy plan will focus the nation on development of a new, green economy and [will] move us towards energy independence.”

More hearings on OCS and energy resource development are scheduled to occur in both the House and Senate, including a House Joint Subcommittee on Energy and Mineral Resources & Subcommittee on Insular Affairs, Oceans and Wildlife: Oversight Hearing on “Energy Development on the Outer Continental Shelf and the Future of our Oceans”, which is scheduled for March 24, 2009.

More information on these hearings, as well as witness testimony and archived webcasts can be found at: <http://resourcescommittee.house.gov/> and <http://energy.senate.gov/public/>

## CLIMATE: HOUSE ENERGY & COMMERCE SUBCOMMITTEE DISCUSSES “COMPETITIVENESS AND CLIMATE POLICY”

The House Energy and Commerce Subcommittee on Energy and Environment, chaired by Chairman Ed Markey (MA), held a hearing on “Competitiveness and Climate Policy:

Avoiding Leakage of Jobs and Emissions” on Wednesday March 18, 2009. The hearing addressed potential domestic legislative provisions to prevent the leakage of jobs and carbon emissions from the United States to countries that do not take similar action to curb greenhouse gas emissions. Witnesses included: Jack McMackin, Jr., on behalf of The Energy Intensive Manufacturers Working Group on Greenhouse Gas Regulation; Marty McBroom, Director of Federal Environmental Affairs, American Electric Power; Eileen Claussen, President, Pew Center on Global Climate Change; Richard Morgenstern, Senior Fellow, Resources for the Future; Paul Cicio, President, Industrial Energy Consumers of America; and Margo Thorning, Ph.D., Senior Vice President and Chief Economist, American Council for Capitol Formation.

More information can be found at: <http://energycommerce.house.gov/> .

## **ENERGY: HOUSE SCIENCE COMMITTEE DISCUSSES NEW DIRECTIONS FOR ENERGY RESEARCH AND DEVELOPMENT**

On March 17, 2009, Secretary of Energy Steven Chu testified before the Committee on Science and Technology. Secretary Chu testified about the Administration’s R&D objectives, priorities and activities, which, according to the Secretary will include: international collaboration; carbon capture and sequestration; disposal of nuclear waste, and climate change.

The Committee and Secretary Chu also discussed the \$39 billion dollars allocated to DOE in the Economic Recovery Act, about which Chairman Bart Gordon (TN) said: “the (Recovery Act) funding will make critical investments in a wide range of activities spanning the innovation spectrum from basic research to supporting the market for new energy technologies, (and) presents a historic opportunity to put people to work building a more sustainable future for the country.”

More information and Secretary Chu’s statement can be found at: <http://science.house.gov/> .

## **RESOURCES: SENATE AGAIN PASSES OMNIBUS LANDS BILL**

On Thursday, March 19, 2009, the Senate again passed an omnibus lands bill that has been held up in Congress since last year. The House, on March 11, 2009, fell two votes short of the two-thirds needed to pass the bill under suspension. The Senate has now attached the package to another House-passed bill, with the hope that the bill can be considered on the House floor and passed by a simple majority vote.

Among the many provisions included in the bill concerning California are the following:

- Designates the Eastern Sierra and Northern San Gabriel Wilderness area
- Designates the Riverside County Wilderness area
- Designates the Sequoia and Kings Canyon National Parks Wilderness area
- Directs the Secretary of the Interior to conduct a special resource study of the national significance, suitability, and feasibility of including the Tule Lake Segregation Center in Modoc County, California, in the National Park System.
- Declares that the Madera Water Supply Enhancement Project, California, is feasible and requires all planning, design, and construction of the Project to be undertaken in accordance with a cooperative agreement between the Secretary and the Madera Irrigation District.
- Amends the Reclamation Wastewater and Groundwater Study and Facilities Act (Reclamation Act) to authorize the Secretary, in cooperation with the Rancho California Water District, to participate in the design, planning, and construction of permanent facilities for water recycling, demineralization, and desalination and distribution of non-potable water supplies in Southern Riverside County, California.
- Authorizes the Secretary to construct, operate, and maintain a project to provide water for irrigation, municipal, domestic, military, and other uses from the Santa Margarita River, California, in accordance with the final feasibility report and environmental reviews for the project and this Act.
- Amends the Reclamation Act to authorize the Secretary, in cooperation with the Elsinore Valley Municipal Water District, California, to participate in the design, planning, and construction of permanent facilities needed to establish recycled water distribution and wastewater treatment and reclamation facilities to treat wastewater and provide recycled water in the District.

- Amends the Reclamation Act to authorize the Secretary, contingent upon a finding of feasibility and acting through a cooperative agreement with the state of California or a subdivision thereof, to enter into cooperative agreements with eligible entities in the North San Pablo Bay watershed located in Marin, Napa, Solano, and Sonoma Counties for the planning, design, and construction of water reclamation and reuse facilities and recycled water conveyance and distribution systems.
- Amends the Reclamation Act to authorize the Secretary: (1) in cooperation with the Orange County Water District (the District), to participate in the design, planning, and construction of natural treatment systems and wetlands for the flows of the Santa Ana River, California, and its tributaries into the Prado Basin; and (2) in cooperation with the Chino Basin Watermaster, the Inland Empire Utilities Agency, and the Santa Ana Watershed Project Authority, to participate in the design, planning, and construction of the Lower Chino Dairy Area desalination demonstration and reclamation project.
- Authorizes the Secretary, in cooperation with the Western Municipal Water District, Riverside County, California, to participate in the planning, design, and construction of the Riverside-Corona Feeder water supply project, which includes 20 groundwater wells, groundwater treatment facilities, water storage and pumping facilities, and 28 miles of pipeline in San Bernardino and Riverside Counties, California.
- Amends the Reclamation Act to authorize the Secretary to participate in the design, planning, and construction of Phase I permanent facilities for the GREAT project to reclaim, reuse, and treat impaired water near Oxnard, California.
- Authorizes the Secretary to convey all U.S. rights to the Goleta Water Distribution System of the Cachuma Project, California, consistent with the terms of the Agreement Between the United States and the Goleta Water District to Transfer Title of the Federally Owned Distribution System to the Goleta Water District.
- Amends the Miscellaneous Appropriations Act, 2001 to establish a 35% non-federal matching requirement for specified federal funds made available to: (1) the San Gabriel Water Quality Authority; and (2) the Central Basin Municipal Water District. Increases the authorization of appropriations for the San Gabriel Restoration Fund. Sets aside a specified sum to carry out the Central Basin Water Quality Project.
- Directs the Secretary, in cooperation with the state of California, to implement the Stipulation of Settlement dated September 13, 2006, in *Natural Resources Defense Council, et al. v. Kirk Rodgers, et al.*, United States District Court, Eastern District of California.
- Requires California Central Valley Spring Run Chinook salmon to be reintroduced into the San Joaquin River, contingent upon the Secretary of Commerce finding that a permit for such reintroduction may be issued under ESA.
- Directs the Secretary: (1) acting through the Bureau, to provide direct financial assistance to the California Water Institute to study coordination and integration of sub-regional integrated regional water management plans into a unified Integrated Regional Water Management Plan for the San Joaquin River Hydrologic Region and Tulare Lake Hydrologic Region
- Directs the Secretary to conduct feasibility studies in coordination with appropriate governmental authorities on improvements and facilities in the Friant Division
- Authorizes the Secretary to: (1) provide financial assistance to local agencies within the CVP for the planning, design, environmental compliance, and construction of local facilities to bank water underground or to recharge groundwater and that recover such water.

## **POPULATION: CENSUS BUREAU ESTIMATES POPULATION CHANGES FOR METRO AREAS**

On Thursday, March 19, 2009, the U.S. Census Bureau released detailed population estimates for the nation's metropolitan areas. The statistics are valuable for various purposes, including helping predict how redistricting and reapportionment may grow or shrink the political distribution of legislative seats. Areas with growth rates exceeding national or state averages may be expected to see greater representation in legislatures and in Congress after the decennial census in 2010, whereas areas experiencing below average growth may see compacted representation.

The Los Angeles-Long Beach-Santa Ana area grew at a 0.7% rate from 2007 to 2008, slightly less than the national rate of 0.8%. The state's five other large metro areas saw increases measurably above the nation's average growth rate. The San Francisco-Oakland-Fremont area increased 1.4%; the Riverside-San Bernardino-Ontario area increased 1.2%; the San Diego-Carlsbad-San Marcos area added 1.4%; the San Jose-Sunnyvale-Santa Clara area climbed by 1.8%; and the Sacramento-Arden-Arcade-Roseville area increased by 1.3%.

For the very largest metro areas, the Census Bureau breaks down the statistics slightly more. In the L.A. metro area, the population gain from 2007 to 2008 in the L.A. county core area (defined as Los Angeles-Long Beach-Glendale) was actually at a 0.6% pace that was below the national average of 0.8%, whereas the Orange County portion (the Santa Ana-Anaheim-Irvine area) grew almost twice as fast, increasing 1.1%, above the U.S. pace. In the San Francisco area, growth was more evenly spread, with the East Bay area (Oakland-Fremont-Hayward) rising 1.4% and the peninsula (San Francisco-San Mateo-Redwood City) growing 1.3%.

In total numeric increase in population for 2007-2008, the state's largest gains took place in the Los Angeles - Long Beach - Santa Ana metro area, which added 88,196 people and ranked 5th among total increases nationwide. (Larger total increases were estimated in Dallas, Houston, Phoenix, and Atlanta.) The L.A. metro area population estimate was raised to 12.9 million people.

Other California metro areas in the nation's top 25 population gainers were San Francisco-Oakland-Fremont at #9 with 58,406 added to bring the total to 4.3 million; the Riverside-San Bernardino-Ontario area at #13 with 49,298 added to reach 4.1 million; the San Diego-Carlsbad-San Marcos area at #17 with an additional 41,338 people bringing the total just above 3.0 million residents; the San Jose-Sunnyvale-Santa Clara area at #20 with 32,843 people added and a new total of 1.8 million people; and the Sacramento-Arden-Arcade-Roseville area at #24 with 27,646 new residents bringing the total to 2.1 million.

Percentage growth statistics are also provided for smaller metropolitan areas. Increases that exceeded the national rate were estimated for Bakersfield (1.7%), Chico (1.0%), El Centro (1.0%), Fresno (1.6%), Hanford-Corcoran (0.9%), Madera (1.8%), Merced (0.8%), Napa (1.3%), Oxnard-Thousand Oaks-Ventura (0.7%), Redding (0.6%), Salinas (0.9%), San Luis Obispo-Paso Robles (1.3%), Santa Barbara-Santa Maria-Goleta (0.8%), Santa Cruz-Watsonville (1.0%), Santa Rosa-Petaluma (1.0%), Visalia-Porterville (1.7%), and Yuba City (1.2%).

Increases at a pace below that of the nation as a whole were logged in only four California metro areas. These included Los Angeles (0.7%, as mentioned above) plus three smaller areas -- Modesto (0.3%), Stockton (0.7%), and Vallejo-Fairfield (0.1%).

Data were provided at the county level as well, though these had been reported previously. Among the 10 counties that added the largest number of residents during the period, four were in Southern California (Los Angeles, San Diego, Riverside and Orange). Los Angeles County is the nation's largest, housing 9.8 million people. Also in the nation's top 25 counties by population are the Counties of Orange (3 million), San Diego (3 million), Riverside (2.1 million), San Bernardino (2 million), Santa Clara (1.8 million), Alameda (1.5 million) and Sacramento (1.4 million).

It is important to note that these Census Bureau statistics are no more than educated guesses that extend the 2000 census counts via various statistical estimating methods. The 2010 decennial census will provide a complete from-scratch recount of the U.S. population, and these estimates may prove to have been off base.

Full data are available from the Census Bureau at <http://www.census.gov/popest/estimates.html>.

## **DEMOGRAPHICS: PPIC STATEWIDE SURVEY ON CALIFORNIANS AND POPULATION ISSUES FINDS PRO-CHOICE VIEWS PREVAIL, CONFUSION OVER POPULATION GROWTH**

A February 2009 Public Policy Institute of California (PPIC) report on Californians and Population Issues found that Californians strongly favor pro-choice policies: 66-percent do not want the U.S. Supreme Court to completely overturn *Roe v. Wade* and Californians are far more likely to say that the government should not interfere with abortion access (61%) than they are to favor more restrictions on abortion (35%). However,

since January 2000, the percentage of Californians who oppose limits on access to abortion has declined 10 points (71%)—while the percentage who back abortion restrictions has increased 8 points (27%). Residents split sharply on this question along both party and racial/ethnic lines. A majority (68%) of Californians do favor one type of abortion restriction: a state law that would require parents to be notified before a woman under 18 can get an abortion.

According to the survey, “While Californians overwhelmingly (89%) believe that access to birth control methods and contraceptives is important in reducing unplanned pregnancies, far fewer (46%) are aware that the government funds these services for lower-income residents. When asked whether they support government-funded programs that provide contraceptives to teens, 70 percent are in favor, down from 76 percent in December 2005. Three in four Californians are very (41%) or somewhat (35%) concerned about the impact on lower-income residents’ access to family-planning and birth control programs.”

Although California has significantly reduced teen pregnancies since the early 1990s, 77 percent of its residents say teen pregnancy is a big problem (42%) or somewhat of one (35%) in their regions. Latinos (62%) are far more likely than blacks (49%), whites (30%), and Asians (27%) to say it is a big problem. A strong majority of Californians (68%) say access to reproductive health care, birth control, and contraceptives is very important in preventing teen pregnancy in their region, and just 10 percent say it is not important. An even larger percentage of residents (78%) believe that giving teens comprehensive sex education, including information about abstinence, birth control, and healthy relationships is very important in preventing pregnancy.

HIV/AIDS prevention education is required in public middle and high schools, but sex education is not. School districts that provide sex education—most in the state do—must offer a comprehensive approach, rather than abstinence-only. Most Californians (76%) favor the comprehensive approach; 20 percent favor an abstinence-only program. And, although sex education is voluntary for school districts, 90 percent of residents view it as at least somewhat important to teach in local public schools. A strong majority (64%) say it should be taught in both middle and high school, while 19 percent say it should be required in high school only. Solid majorities across racial and ethnic groups favor offering it at both levels, with Latinos (76%) and blacks (75%) most likely to agree. Only 9 percent say schools are doing more than enough when it comes to teaching sex education; 37 percent say schools are doing just enough, 34 percent say they are not doing enough, and 20 percent are unsure. Across ethnic and racial groups, blacks (49%) are more likely than others to say that sex education is inadequate in their schools.”

The survey also found that half of Californians (50%) think illegal immigration contributes a lot to population growth. Residents in Orange and San Diego counties (59%) and the Inland Empire (55%) are more likely to say so than are residents in Los Angeles (49%), the Central Valley (47%), and the San Francisco Bay Area (41%). Half of Californians (52%) say the expected statewide population growth is a bad thing for them and their families, and only 13 percent call it a good thing..

This is the second PPIC Survey on Californians and Population Issues. The first was completed in 2005. More information and all PPIC surveys can be found at: <http://www.ppic.org> .

## **CENSUS: MARCH 23 HEARING TO ADDRESS CENSUS COUNTING AND UNDERCOUNTING**

On Monday, March 23, 2009, at 10:00 a.m. in Room 2154 of the Rayburn House Office Building, the House Information Policy, Census and National Archives Subcommittee will hold a hearing entitled, “Census 2010: Assessing the Bureau’s Strategy for Reducing the Undercount of Hard-to-Count Populations”.

The hearing will feature testimony from Thomas Mesenbourg, Acting Director of the U.S. Census Bureau; Robert Goldenkoff, Director of Strategic Issues at the U.S. Government Accountability Office (GAO); Lester Farthing, NY Regional Director for the Census Bureau; Tim Olson, Assistant Division Chief of Partnership for the Census Bureau; Stacey Cumberbatch, Census Coordinator for New York City; and Jeff Tarakajian, Executive Vice President of DRAFTFCB (a census contractor).

Housing a considerably above average portion of the nation’s immigrant population, both legal and not, California is affected more than most states if a decennial census undercounts populations.