Agriculture: California Farmers, Producers Discuss 2010 Farm Bill

On May 3, 2010, the House Agriculture Committee held a field hearing on U.S. agriculture policy in advance of the 2012 farm bill at Fresno City Hall in Fresno California. Witnesses included: Jamie Bledsoe, dairy producer, Riverdale; Tony Campos, almond producer, sheller and shipper, Caruthers; John Diener, almond, grape, wheat, alfalfa, sugar beet, tomato and spinach producer, Five Points; Kevin Kester, cattle and grape producer, Parkfield; Jon Reelhorn, nursery plant producer, wholesaler, and retailer, Fresno; Frank Rehermann, rice producer, Live Oak; David Roberts, orange, lemon and grapefruit producer, Visalia; Jamie Strachan, vegetable producer and shipper, Salinas; John Teixeira, organic tomato, eggplant, bell pepper, melon and corn producer, Firebaugh; Paul Van Konynenburg, peach, apple, cherry, apricot, almond, and walnut producer, Modesto; and Justin Parnagian, peach, nectarine, plum, grape, apricot, and citrus producer, packer and shipper, Fresno. This is the third in a series of hearings scheduled across the country to consider new ideas regarding federal food and farm policy. Seven Members of Congress attended the hearing and heard testimony from the witnesses on a variety of farm policy issues.

Witnesses highlighted the financial challenges facing farmers, particularly those in California. They encouraged the Committee to increase funding through the Farm Bill reauthorization process.

“The size and scope of agriculture in California is unmatched, and the views of farmers and ranchers in California offer an important and diverse set of perspectives that will be very useful as we write the next Farm Bill,” Chairman Peterson said. “Capturing the spirit of innovation and excellence that we’ve seen reflected by the witnesses testifying at the hearing today will be essential as we write the next Farm Bill.”

California is the nation’s top agriculture producing state and is the nation’s largest producer of many agricultural products, including fruit, vegetables, nursery crops, milk and other dairy products, grapes and almonds. More than one million acres of land in California are enrolled in USDA conservation programs.

“Agriculture is a major industry in California and today offered Committee members the opportunity to hear input from a variety of producers,” said Agriculture Committee Ranking Member Frank Lucas of Oklahoma. “Farm policy plays a vital role in sustaining American agriculture for both our state and national
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INFO RKATION TECHNOLOGY: HOUSE JUDICIARY HOLDS OVERSIGHT HEARING ON PATENT AND TRADEMARK OFFICE

The House Judiciary Committee, on May 5, 2010, held an oversight hearing on the operations of the U.S. Patent and Trademark Office. Witnesses were: the Hon. David J. Kappos, Undersecretary of Commerce for Intellectual Property; and Director of the U.S. Patent and Trademark Office; Robert D. Budens, President, Patent Office Professional Association; James H. Johnson, Board Member, Trademark Public Advisory Committee, Southerland Asbill & Brennan, LLP, Atlanta, GA; and Damon C. Matteo, Chairman, Patent Public Advisory Committee (PPAC), Alexandria, VA.

Undersecretary Kappos explained that the President’s budget requests $2.322 billion for the USPTO, and it projects that fee collections of $2.098 billion will be yielded by the current fee schedule. The estimated additional $224 million would be generated by an interim patent fee increase, Kappos testified. The budget supports a five-year plan designed to:

- reduce the average time to first office action on the merits for patent applications to 10 months by 2014;
- reduce total average pendency for patent applications to 20 months by 2015; and
- invest in IT infrastructure and tools to achieve end-to-end electronic processing in patent and trademark IT systems.

In addition, the USPTO is developing an option to provide end-to-end processing within 12 months for those patent applicants who desire it.

economies. It is important that we understand how the 2008 farm bill programs are working for our producers and what we can do to improve them.”

About 160 members of the community attended the hearing, including local agriculture producers and leaders. In addition to the Chairman and Ranking Member, House Agriculture Committee Members attending the hearing included: Congressman Dennis Cardoza (Atwater), who is Chairman of the Agriculture Committee’s Subcommittee on Horticulture and Organic Agriculture; Congressman Jim Costa (Fresno); Congressman Walt Minnick of Idaho; and Congressman K. Michael Conaway of Texas, who serves as the Ranking Member of the Agriculture Committee’s Subcommittee on Rural Development, Biotechnology, Specialty Crops and Foreign Agriculture. Congressman Devin Nunes (Tulare), who serves on the House Ways and Means Committee and House Budget Committee, also attended the hearing.

“The Farm Bill is of the utmost importance to California agriculture interests and to those I represent. I could not be more pleased that we were able to conduct this hearing in the San Joaquin Valley, a region where we grow more than 350 different crops and provide half of our nation’s fruits, vegetables and tree nuts,” said Congressman Cardoza. “The information received today will be critical to our efforts as we move forward in developing the 2012 Farm Bill.”

“Agriculture is the engine of the San Joaquin Valley’s economy,” said Congressman Costa. “Today, the Committee heard first hand from our farmers, ranchers, and dairymen why the Valley is a leader in providing healthy and nutritious foods for America’s dinner table. The next farm bill must build upon the progress we have made in supplying Valley farmers with the tools to innovate and expand markets, and grow our economy.”


INFORMATION TECHNOLOGY: HOUSE JUDICIARY HOLDS OVERSIGHT HEARING ON PATENT AND TRADEMARK OFFICE

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To achieve these goals, Kappos said, the USPTO plans to:

- recruit and hire 1,000 patent examiners (projected to be a net increase of 400 to 500) annually during FY 2011 and FY 2012; and

- re-engineer many USPTO management and operational processes to gain efficiency. Kappos stated that its current efforts to optimize examination capacity, pursue compact prosecution, revise the patent examiner production system (“count system”), prioritize incoming work, and increase international work sharing will contribute to yield efficiency gains to help achieve these goals.

To address the patent application backlog (which currently stands at approximately 700,000 applications), the USPTO is reforming the patent examiner count system, Kappos testified. The changes will increase the overall time examiners have for examination to improve the quality of their work. The new system also provides incentives and modified work-credits which provide more time up-front for the First Office Action to allow any issues to be addressed early in the examination process. Implementation of the new count system, Kappos said, is a primary reason the patent application backlog was reduced by approximately 10,000 cases in March 2010.

Damon Matteo stated that PPAC understands the continued budget shortfalls that USPTO is facing and discussed several approaches to remedy that situation. Among those recommendations is giving the USPTO temporary administrative fee-setting authority. However, it called for setting the parameters of that authority both in its duration and the scope of fees.

PPAC also supports legislation to permanently end fee diversion and/or earmarks that shifts USPTO revenues from its operations to other non-related government operations.

For the testimony of all the witnesses, go to: [http://judiciary.house.gov](http://judiciary.house.gov).

**EDUCATION:** **House Witnesses Emphasize Greater Investment in Teachers, School Leaders**

In advance of the reauthorization of the Elementary and Secondary Education Act, the House Education and Labor Committee (Chairman George Miller, Martinez) held a hearing on May 4, 2010 titled “Supporting America’s Educators: The Importance of Quality Teachers and Leaders.” Witnesses included: Deborah Ball, Dean, School of Education, University of Michigan, Ann Arbor, Mich.; Randi Weingarten, President, American Federation of Teachers; Chris Steinhauser, Superintendent, Long Beach Unified School District, Long Beach, Calif.; and others.

“An investment in teachers is an investment in the future of our students and our country,” said Chairman Miller. “Teachers play an absolutely critical role in shaping our next generation of engineers, innovators and entrepreneurs. If we’re serious about closing the achievement gap, ending the high school dropout crisis, and regaining our global competitiveness, then we have to be serious about supporting teachers.” Witnesses urged the Committee to make reforms that support teachers and leaders, focus on training and development and use all available resources to help ensure every student has access to a highly effective teacher.

According to the Committee, studies indicate that teachers are the single most important factor in determining the success of children in school. School leaders are the second most important factor. “Students will not do well in school if they are not taught by well-prepared and engaged teachers,” said Randi Weingarten, President of the American Federation of Teachers. “At the same time, neither students nor their teachers can succeed unless the teachers are supported by competent administrators who understand not simply the value but also the necessity of collaboration; the environment in which they are asked to learn and teach is safe, appropriately staffed and equipped; and there is shared responsibility—not top-down accountability.”

More than 200,000 teachers complete a teacher preparation program each year, but little comprehensive data exists on the effectiveness of these programs. Witnesses testified that teacher preparation programs and schools of education need to do a better job to properly train teachers.

“We need to build a system so that all beginning teachers can perform competently from their first day in the classroom, no matter how they enter teaching,” said Dr. Deborah Ball, Dean of the School of...
Education at the University of Michigan. “Right now, teachers are considered ‘qualified’ simply by virtue of graduating from an accredited program or competing a major in the subject they teach. This sidesteps the real issue, for it relies on poor proxies for teaching effectiveness instead of demonstrated capacity to do the actual work that will help students learn. This is perilous for our students.” Although professional development is a key component of teacher success, the U.S. lags behind other countries in required teacher professional development. Research shows that in order for professional development to be successful, it must be intensive, ongoing and connected to practice.

In Long Beach Unified School District, where students speak 38 languages and nearly three quarters of students receive a free or reduced price lunch, students are achieving at high levels. Christopher Steinhauser, Superintendent of Schools for the district, explained that these students are succeeding because teachers are supported at every level. “New teachers are not simply left to sink or swim in Long Beach,” said Steinhauser. “They’re supported by new-teacher coaches, and with ongoing training on how to use data to continually improve instruction throughout the school year.”

Miller and witnesses also emphasized that supporting teachers has to start with ensuring teachers and leaders still have jobs. By the end of this school year, as many as 300,000 may be laid off because of the budget crises facing districts across the country.

For more information, visit: http://edlabor.house.gov.

TRANSPORTATION: IMPACT OF CLEAN TRUCK PROGRAMS ON SOUTHERN CALIFORNIA PORTS

On May 5, 2010 the Highways and Transit Subcommittee of the House Transportation and Infrastructure Committee held a hearing on the impacts of clean truck programs at the Port of Los Angeles and the Port of Long Beach. Witnesses included: Captain John Holmes, Deputy Executive Director, Operations, Port of Los Angeles; Mr. J. Chris Lytle, Deputy Executive Director, Port of Long Beach; Mr. Jose M. Covarrubias, Independent Truck Driver; Mr. Robert Digges, Jr., Vice President & Chief Counsel, American Trucking Associations, Inc.; Mr. James Jack, Executive Director, Coalition for Responsible Transportation; Mr. Frederick H. Johring, President, Golden State Express, Inc. and Golden State Logistics, Inc.; Ms. Melissa C. Lin Perrella, Staff Attorney, Natural Resources Defense Council; Mr. Fred Potter, International Vice President and Port Division Director, International Brotherhood of Teamsters; and Mr. Joe Rajkovacz, Director of Regulatory Affairs, Owner-Operator Independent Drivers Association.

The Ports of Los Angeles and Long Beach are adjacent port facilities located on San Pedro Bay in southern California, that together, constitute the fifth busiest port complex in the world, moving some $315 billion in total trade, including handling 11.8 million 20-foot containers (twenty-foot equivalent units or TEUs) in 2009. Together, these ports handle over 40 percent of all the containers entering the United States.

In 2007, the Alameda Corridor Transportation Authority released a comprehensive trade impact study that highlighted the role played by the Ports of Los Angeles and Long Beach in the regional, national, and global economy. This study found that more than 886,000 jobs in California are directly or indirectly related to the international trade activities at the two ports. Furthermore, the report found that trade activities at the ports generated 3.3 million jobs nationwide.

The Ports of Los Angeles and Long Beach are located in the South Coast Air Basin air district, as designated by the State of California to monitor air quality pursuant to the requirements of the Clean Air Act. This air district is consistently rated as having some of the worst air quality in the nation. To address these environmental and public health concerns and in order to allow the ports to continue to grow, in November 2006, the Ports of Los Angeles and Long Beach adopted a plan, entitled the San Pedro Bay Ports Clean Air Action Plan, for reducing emissions of air pollutants at the ports. The plan’s components are expected to cut diesel particulate matter emissions from port-related sources by 47 percent within five years. The plan also expected to reduce emissions of NOx by 45 percent, and reduce emissions of SOx by 52 percent. On October 1, 2008, as a component of the Clean Air Action Plan, the Ports of Los Angeles and Long Beach each launched clean truck programs. The goal of these programs is to reduce the emissions of trucks servicing the ports by more than 80 percent below pre-program emissions levels by 2012. These
reductions are to be achieved through a phased-in ban of older, polluting trucks that have not been retrofitted with emissions control technologies.

Witnesses discussed the successes and failures of the clean truck programs at the Ports, and highlighted the legal challenges that have been associated with the programs. Captain John Holmes, Deputy Executive Director, Operations, Port of Los Angeles urged the committee not to develop one plan or strategy for all ports. "We do not support a “one size fits all” approach to ports. Ports, and the risks and challenges that they face, are not the same. Federal law should recognize and provide flexibility with respect to the types of measures local entities like ports have at their disposal to address these challenges," he stated.

Witnesses representing truck drivers highlighted the financial challenges facing independent truck drivers, and costs associated with clean air programs. Mr. Fred Potter, International Vice President and Port Division Director, International Brotherhood of Teamsters "urged the committee to pass legislation freeing local and state ports authority from preemption under the Federal Motor Carrier Act, so that port area communities can breathe freely, that the industries who profit by trade pay the environmental costs of moving goods, that taxpayers can rest assured that they will not have to subsidize the freight transportation industry indefinitely, and that low income drivers have a shot at the American Dream."

More information and witness testimony can be found at: http://Transportation.house.gov.

REPORT: PEW REPORTS ON DISCRIMINATION AGAINST HISPANICS

According to a Pew Research Center survey, more Americans believe that Hispanics are the targets of a lot of discrimination in American society than say the same about any other major racial or ethnic group. The survey was taken prior to the recent enactment of an immigration enforcement law by the state of Arizona. These findings from the Pew Research Center's November 2009 survey are included in a new Pew Hispanic Center fact sheet that covers a range of issues, attitudes and trends related to the new Arizona measure and its potential impact on the Latino community and on the enforcement of the nation's immigration laws.

Major findings include:
- nearly one-in-four (23%) Americans said Hispanics are discriminated against “a lot” in society today.
- nearly six-in-ten (57%) Latinos, in a 2008 Pew Hispanic Center survey, said they worried that they themselves or a family member, or a close friend may be deported.
- only 45% of Latinos said they had a great deal or fair amount of confidence that police officers in their communities would treat Latinos fairly.
- eight-in-ten Hispanics say local police should not be involved in identifying undocumented or illegal immigrants.

For more information, visit www.pewhispanic.org.

REPORT: PPIC REPORTS ON CALIFORNIA EDUCATION VIEWS

According to an annual survey released by the Public Policy Institute of California, concern has grown considerably among the state’s residents about the consequences of spending cuts on kindergarten through 12th grade education. The survey, "Californians and Education," is an annual survey on issues relating to California and education and includes the following significant findings:
- Most Californians (62%) believe there is not enough state funding going to their public schools (26% just enough, 6% more than enough), a 12-point increase since April 2009.
- When asked how they feel about some potential ways schools may deal with decreased funding, an overwhelming number of Californians say they are very concerned (73%) or somewhat concerned (19%) about teacher layoffs.
- Most Californians (85%) think that the quality of K–12 education is a problem, with a slim majority (53%) viewing it as a big problem. Just over half have said that education quality is a big problem since 2007 (52% in 2007, 53% in 2008, 51% in 2009). Blacks (68%) and whites (60%) today are far more likely than Asians (48%) and Latinos (41%) to see education quality as a big problem.
- When it comes to three particular issues—the high school dropout rate, student achievement, and teacher quality—Californians are most likely to see the dropout rate as a big problem (69%).

- Most Californians favor merit pay for teachers (62% favor, 26% oppose), although they are less likely than adults nationwide to support this proposal (72% favor, 21% oppose in a 2009 national Phi Delta Kappa/Gallup poll).

- Despite their concerns about K–12 spending, Californians are divided in their willingness to pay higher taxes to maintain current levels of funding (49% yes, 47% no), similar to last year (48% yes, 49% no).

- Nearly nine in 10 parents of public school children would like their youngest child to graduate from college (43%) or earn a graduate degree (44%).

- An overwhelming majority of Californians (80%) say schools in poor neighborhoods lack the same resources—including good teachers and enough classroom materials—as their counterparts in more affluent areas. Half support the concept of paying higher salaries to teachers to work in these schools (51% yes, 44% no).

For more information, please visit: http://www.ppic.org

REPORT: RAND FINDS IMPROVING PATIENT SAFETY HAS THE POTENTIAL TO BENEFIT BOTH PATIENTS AND PROVIDERS

A RAND Corporation study released in May 2010 focuses on California, which adopted statutory reforms 35 years ago to discourage malpractice lawsuits. As a result, recent changes in the volume of malpractice litigation are unlikely to be attributable to the impact of tort reform. The study examines state administrative safety data for hospitals from 2001 through 2005 and related those data to the volume of malpractice claiming, by county and by year, over the same period. Specifically, it applies Patient Safety Indicators developed by the Agency for Healthcare Research and Quality—indicators that capture 20 distinct classes of in-hospital events and complications with the potential to harm patients—to statewide hospital encounter data for California. The report also includes a database of malpractice claims from four of the largest physician medical liability carriers in California, covering the same five-year period.

In terms of broad California trends in adverse safety outcomes and malpractice claiming, the study indicates that both declined slightly statewide over the five-year period, but there was considerable variation across California's counties and from year to year. As for the relationship between safety outcomes and malpractice claims, the study found a highly significant correlation between the frequency of adverse events and malpractice claims: A county with a decrease of 10 adverse events in a given year would also see a decrease of 3.7 malpractice claims; and conversely, a county with an increase of 10 adverse events in a given year would also see an increase of 3.7 malpractice claims.

According to the research, nearly three-fourths of the variation in within-county annual malpractice claiming can be accounted for by the changes in patient safety outcomes. The study also showed that similar correlations hold true when the results are broken out for surgeons, nonsurgical physicians, and obstetrician/gynecologists. According to RAND, the key policy implication of this work is that improving patient safety has the potential to benefit both patients and providers. Ultimately, research may be able to link specific safety practices to improved health outcomes and reduced malpractice claiming. In the meantime, the focus on patient safety could garner support from both sides of the highly politicized debate over medical malpractice policy and health care reform more generally, the report argues.

For more information, go to: http://www.rand.org.

REPORT: DHS REPORT ON PERFORMANCE OF 287(G) AGREEMENTS AMONG FEDERAL, STATE AND LOCAL AGENCIES FINDS NON-COMPLIANCE

The Department of Homeland Security’s Immigration and Customs Enforcement delegates federal immigration enforcement authorities to state and local law enforcement agencies through its authority under section 287(g) of the Immigration and Nationality Act. The law requires that this delegation of immigration enforcement authorities be executed through formal, written agreements. The Department of Homeland
Security’s Inspector General recently released a report on the performance of 287(g) agreements.

In the report, the IG observed instances in which Immigration and Customs Enforcement and participating law enforcement agencies were not operating in compliance with the terms of the agreements. They also noted several areas in which Immigration and Customs Enforcement had not instituted controls to promote effective program operations and address related risks. The report makes 33 recommendations for Immigration and Customs Enforcement to strengthen management controls and improve its oversight of 287(g). Immigration and Customs Enforcement concurred with 32 of the recommendations.

To obtain the report, go to: http://www.dhs.gov.