ENERGY & ENVIRONMENT: CALIFORNIANS & OTHERS PROPOSE WEST COAST DRILLING BAN

Senators Barbara Boxer and Dianne Feinstein, along with all four Senators from Washington and Oregon, have introduced legislation to ban oil drilling off the Pacific Coast. West Coast Democrats in the House have also proposed re-instituting the ban.

The legislation comes in response to the recent explosion of the Deepwater Horizon drilling rig in the Gulf of Mexico and the massive oil spill that has yet to be contained. “We simply cannot afford the risk posed by oil drilling off our magnificent coast. Nearly 570,000 jobs and our vital coastal economy would not survive an environmental disaster like the one we’re seeing now along the Gulf Coast,” Senator Boxer said.

Senator Feinstein added: “In 1969 we had a massive oil spill off the Santa Barbara coast caused by a drilling disaster not much different than the one taking place in the Gulf of Mexico. Tides washed ashore thick black tar along 40 miles of pristine coastline. Dead seals, dolphin, wildlife, fish — beaches were closed for 3 months. Now we’re seeing these same identical images along the Gulf Coast.”

The West Coast Ocean Protection Act would prohibit the Department of the Interior from issuing “a lease for the exploration, development, or production of oil or natural gas in any area of the outer Continental Shelf off the coast of the State of California, Oregon or Washington.”

In the House, Rep. Lois Capps (Santa Barbara) introduced the California Ocean and Coastal Protection Act in April to ban drilling off the coast of California. H.R. 1906 has been co-sponsored by 28 members of the California congressional delegation.

EDUCATION: COMPETES PULLED FROM CONSIDERATION

On May 11, 2010, the House Leadership pulled H.R. 5116, the America COMPETES Reauthorization Act of 2010, from floor consideration after the Minority succeeded in passing a Motion to Recommit that cut funding for the basic research programs. The cut was on top of the 10.3 percent reduction already adopted during the Science and Technology Committee’s markup. The measure defunded the
Advanced Research Projects Agency for Energy (ARPA-E), which is aimed at developing new clean energy technology and eliminated programs to support economic development and job creation. The Motion to Recommit was adopted by a vote of 292 – 126, after over fifty amendments had been considered and adopted by the House. The House may bring the bill back to the floor next week for further consideration.

For more information, visit: http://clerk.house.gov/floorsummary/floor.html.

RESOURCES/ENVIRONMENT: KERRY, LIEBERMAN INTRODUCE CLIMATE LEGISLATION

Senators John Kerry (MA) and Joseph Lieberman (CT) released their climate change legislation, the American Power Act, on May 12, 2010. The bill would reduce greenhouse gas emissions to 17% below 2005 levels by 2020, 42% below by 2030, and 83% below by 2050. Specifically, the bill establishes a greenhouse gas permit price in the range of $12 to $25 per ton of emissions. Only sources that emit more than 25,000 tons of greenhouse gases annually would be required to buy these permits. Emissions restrictions would take effect in 2013 for power plants and transportation fuels and in 2016 for manufacturers.

Two-thirds of the revenue generated from the sale of greenhouse gas permits that are not allocated to reducing the nation’s deficit would be remitted to consumers through energy bill discounts and direct rebates under the legislation. By 2035, after deficit reduction, 100% of the revenue would be directed back to consumers. The bill also includes provisions requiring states and metropolitan planning organizations (MPOs) to address transportation-related greenhouse gas emissions by including emission reduction targets and strategies to meet those targets. The Department of Transportation would also be required to distribute allowances to state and MPOs for approved transportation greenhouse gas emission reduction programs.

Other provisions would direct some of the revenue raised from the sale of pollution credits to producers and importers of refined petroleum fuel to the Highway Trust Fund (HTF). It is estimated that about $6 billion annually would be available for transportation infrastructure projects that promote safety, effectiveness, and transportation through measures that are consistent with transportation efficiency planning.

Also included in the bill are provisions prohibiting states from operating their own cap and trade programs for greenhouse gas emissions; allowing states to proceed with offshore drilling but giving veto power to states that would have their shorelines fouled in the event of a spill; and establishing a domestic offset program to provide incentives for farmers to reduce emissions on their land.

For more information, visit: http://kerry.senate.gov/.

JUSTICE ISSUES: JUDICIARY COMMITTEE CONSIDERS STATE GRANTS FOR CRIMINAL JUSTICE PROGRAMS

On May 11, 2010 the Crime, Terrorism and Homeland Security Subcommittee of the House Judiciary Committee held a hearing on pending legislation. Rep. Adam Schiff (Pasadena) provided
testimony to the Committee about proposed legislation aimed at addressing issues in the criminal justice system. Schiff and the Committee discussed two specific pieces of legislation:

- **HR 4080** - A bill to establish a criminal justice reinvestment grant program to help states and local jurisdictions reduce spending on corrections, control growth in the prison and jail populations, and increase public safety. The bill authorizes the Attorney General to make grants to states, local governments, territories, or Indian tribes to: (1) analyze and improve the cost-effectiveness of state and local spending on prisons, jails, and community corrections; and (2) assist in managing the growth in spending on corrections and increase public safety.

- **HR 4055** - A bill to authorize a national HOPE Program to reduce drug use, crime and the costs of incarceration. The Honest Opportunity Probation with Enforcement (HOPE) Initiative Act of 2009 authorizes the Attorney General to award grants for probation demonstration programs that reduce drug use, crime, and recidivism by requiring swift, predictable, and graduated sanctions for noncompliance with conditions of probation. The bill requires that grant funds be used for specified purposes, including: (1) identifying high risk probationers; (2) monitoring probationers for illicit drug use; (3) responding to probation violations with immediate arrest; (4) rewarding probationers who comply with probation rules; and (5) providing for substance abuse treatment. It also requires the Attorney General to annually evaluate probation programs for cost savings and to select an evaluation coordinator for such programs.

Schiff testified that a recent PEW study shows that 1 in 31 adults is currently under correctional control, compared to 1 in 77 in 1982. Over the past two decades, corrections has been the second fastest growing area of state expenditures, second only to Medicaid. State corrections costs now top $50 billion, consuming one in every 15 discretionary dollars, a significant increase from the $10.6 billion spent some 20 years ago. Budget cuts and prison overcrowding are creating a crisis situation in many states. In California, Schiff said, prisons house over 171,000 inmates, nearly twice their operating capacity, and the state spends almost 10% of total general fund expenditures on corrections. Because of unacceptable overcrowding, he said, California is now faced with a judicial order to release about 25% of the prison population. Data-driven “justice reinvestment” strategies can assist policymakers in California to reduce spending on corrections while increasing public safety, Schiff argued. Noting that promising results have been seen in Texas, Kansas, and other jurisdictions after such strategies have been implemented.

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

**IMMIGRATION: SENATE JUDICIARY HOLDS OVERSIGHT HEARING ON CITIZENSHIP & IMMIGRATION SERVICES**

On May 11, 2010, the Senate Judiciary Committee held an oversight hearing on U. S. Citizenship and Immigration Services. Alejandro Mayorkas, Director of USCIS, was the witness.

Among the issues Director Mayorkas addresses were:

- USCIS’s response to the Haitian earthquake and granting Temporary Protected Status to Haitian refugees;
- creation of a new fraud detection and national security directorate at USCIS;
- eliminating the backlog in responses in the FBI National Name Check Program;
- creation of a Customer Service Directorate; and
- reduction in the processing time for all immigration form types, including applications for naturalization and registration as a permanent resident, and petitions for immigrant workers.

More information on the hearing can be found at: [http://judiciary.senate.gov](http://judiciary.senate.gov).

**INFRASTRUCTURE: HOUSE WAYS AND MEANS SUBCOMMITTEE DISCUSSIRES CREATION OF INFRASTRUCTURE BANKS**

On May 13, 2010 the Select Revenue Measures Subcommittee of the House Ways and Means Committee held a hearing on proposals to invest in large infrastructure projects with significant national or regional economic benefits, such as roads, airports, levees, and drinking water systems. The hearing focused
on creating infrastructure banks, financing mechanisms that may increase or decrease tax revenues, and impacts on the Federal debt.

Last year, the American Society of Civil Engineers reviewed America’s infrastructure in 15 different categories, including roads, airports, levees, and drinking water, and gave the U.S. overall infrastructure a cumulative grade of D. Delayed maintenance and chronic underfunding were contributing factors. Some have advocated for innovative financing to supplement investment in infrastructure, including the creation of infrastructure banks.

The President’s FY 2010 budget included the creation of a National Infrastructure Bank to invest in large infrastructure projects with significant national or regional economic benefit. The President’s FY2011 budget requests $4 billion with the intention of spending a total of $25 billion over the next five years. Last December, the President’s Economic Recovery Advisory Board also recommended the creation of such a bank. Additionally, several legislative proposals have been filed.

Mayor Antonio Villaraigosa (Los Angeles) highlighted his efforts to create local, sustainable infrastructure solutions and supported a national infrastructure bank for its ability to help stretch local dollars.

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

RESOURCES: SUBCOMMITTEE CONSIDERS ASSISTANCE, QUALITY AND AFFORDABILITY ACT

On May 13, 2010, the Energy and Environment Subcommittee of House Energy and Commerce Committee held a hearing on the Assistance, Quality and Affordability Act. Witnesses included: Cynthia Dougherty, Director, Office of Water United States Environmental Protection Agency; Roger Crouse, Director. Drinking Water Program, Maine Department of Health and Human Services; Stephen Estes-Smargiassi, Director of Planning, Massachusetts Water Resources Authority; Sarah Janssen, Staff Scientist, Natural Resources Defense Council; and Steve Levy, Executive Director, Maine Rural Water Association.

The Assistance, Quality, and Affordability Act of 2010 will reauthorize the drinking water state revolving fund (SRF) and amend the Safe Drinking Water Act (SDWA) to increase assistance to States, water systems, and disadvantaged communities, encourage good financial and environmental management of water systems, strengthen Environmental Protection Agency (EPA) enforcement authority, reduce lead in drinking water, and strengthen the Endocrine Disruptor Screening Program.

The nation’s water systems serve over 272 million people, and, according to the most recent needs survey carried out by EPA, are facing infrastructure bills with the potential to climb to $334 billion over the next 17 years as our existing infrastructure ages. The drinking water SRF provides an important funding source to help meet those needs. Funds from the SRF are allotted to the states based on a needs survey, with no state receiving less than 1% of the fund. Each state then administers its fund according to an approved intended use plan, providing loans to public water systems at below-market interest rates. The priorities for these funds under existing law are addressing the most serious risks to human health, ensuring compliance with SDWA requirements, and assisting systems most in need on a per household basis.

Specifically, the legislation will reauthorize the SRF and amend SDWA to do the following:
- Reauthorize the drinking water state revolving fund (SRF);
- Establish that projects designed to improve the sustainability and long-term viability of water systems should get priority for funding through the SRF;
- Encourage public water systems to improve their managerial capacity and reduce their environmental impact;
- Ensure that technical assistance funds for small water systems are awarded through a competitive process;
- Establish that the first priority for SRF funds should be water systems serving disadvantaged communities that cannot afford to comply with new drinking water standards;
- Strengthen the endocrine disruptor-screening program by outlining transparent procedures for requiring testing and updating methods;
- Change the legal definition of “lead-free” for pipes and fixtures from 8% lead to 0.25% lead in wetted surfaces; and
- Strengthen enforcement of the Safe Drinking Water Act by clarifying requirements for technical assistance and follow up inspections.

During the hearing, Rep. Lois Capps (Santa Barbara), sitting in for the Chair, pointed out that there was “troubling evidence that the chemicals EPA doesn’t regulate are polluting our water supply” and urged EPA to continue moving forward with its endocrine disrupter screening program.

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

NATURAL DISASTER ISSUES: SUBCOMMITTEE EVALUATES STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT

On May 12, 2010 the Disaster Recovery Subcommittee of Senate Homeland Security and Governmental Affairs Committee held a hearing titled “Stafford Act Reform: Sharper Tools for a Smarter Recovery.” The purpose of the hearing was to evaluate the Robert T. Stafford Disaster Relief and Emergency Assistance Act and proposals for its reform.

The Stafford Act authorizes various forms of federal assistance to state and local governments, certain nonprofit organizations, and individuals and households in the event of a Presidentially-declared emergency or disaster. Since its enactment in 1988, it has been significantly revised by the Disaster Mitigation Act of 2000 and the Post-Katrina Emergency Management Reform Act of 2006. While these amending statutes respectively strengthened FEMA’s capacity to support hazard mitigation and emergency response, Hurricanes Katrina and Rita have revealed inadequacies in the Act’s ability to support comprehensive disaster recovery, according to the Committee.

Numerous legislative recommendations have been proposed over the last several years. The FEMA National Advisory Council has recommended policy and regulatory changes linked to the Act, and FEMA Administrator Fugate has launched a comprehensive review of internal policies that accompany the Act. Some of the pilot programs authorized by PKEMRA have expired, and the DHS Inspector General has issued relevant reports on a number of Stafford Act programs. The Subcommittee indicated it is considering legislative proposals to amend the Act from these and other organizations, including the U.S. Conference of Mayors, the National Commission on Children and Disasters, the Association of State Floodplain Managers, and numerous university research teams.

Witnesses and the committee reviewed the vast array of recommendations for reform and discussed the ways that the Act, and its accompanying regulations, policies, and procedures, can be improved to better support response, recovery, and mitigation.


For more information, visit: http://hsgac.senate.gov.

INFORMATION TECHNOLOGY: NATIONAL BROADBAND PLAN SUBJECT OF SUBCOMMITTEE HEARING

On May 13, 2010, the Communications, Technology and the Internet Subcommittee of House Energy and Commerce Committee held a hearing titled “The National Broadband Plan: Promoting Broadband Adoption.” Witnesses included: Carol Mattey, Deputy Chief, Wireline Competition Bureau, Federal Communications Commission; Rachelle Chong, Special Counsel, Office of the Chief Information Officer, State of California; Rivkah Sass, Director, Sacramento Public Library System; C. Howie Hodges II,
Senior Vice President, Government Affairs, One Economy; and Laura Taylor, Chief Policy Officer, Connected Nation.

As part of the American Recovery and Reinvestment Act (ARRA), Congress required the Federal Communications Commission (FCC) to submit to Congress a National Broadband Plan (NBP) to ensure that every American has “access to broadband capability.” On March 16, 2010, the FCC released the plan, which made numerous recommendations for action by the FCC, the Executive Branch, Congress, and state and local governments. On March 25, 2010, the Subcommittee on Communications, Technology, and the Internet held its first oversight hearing to explore the NBP. Since that time, the Subcommittee has held two subject-matter specific hearings concerning the means to promote greater deployment of last mile facilities and stimulation of innovation in and competition in the market for set-top boxes and other video navigation devices.

This hearing explored certain recommendations contained in Chapter Nine of the NBP relating to broadband adoption.

Ms. Chong discussed California’s efforts to close the digital divide. She stated that California has “44,000 square miles of unserved area, the size of Kentucky. We have 1.4 million rural residents without access, the population of Maine. We have 12.9 million urban residents not connected, the population of Illinois. We have 1.9 million people with disabilities not connected, the population of New Mexico. We have 68,000 Native Americans not connected, the population of Alaska. So the number of "unconnected" Californians on the other side of the Digital Divide is the equivalent to having five other states inside our boundaries. This is why California has been working with great focus and effort on broadband adoption since 2006.”

Ms. Sass discussed the importance of libraries in closing the digital divide and supported the NBP’s recommendation to create a Digital Literacy Corps, with libraries at the forefront of that effort.

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

ENERGY: SUBCOMMITTEE DISCUSSES RURAL ENERGY SAVINGS

On May 12, 2010, Congressman Tim Holden (PA), Chairman of the House Agriculture Committee’s Subcommittee on Conservation, Credit, Energy, and Research, held a hearing to review the Rural Energy Savings Program Act. The bill would amend the miscellaneous rural development provisions of the Farm Security and Rural Investment Act of 2002 to authorize the Secretary of Agriculture to make loans to certain entities that will use the funds to make loans to consumers to implement energy efficiency measures involving structural improvements and investments in cost-effective, commercial off-the-shelf technologies to reduce home energy use.

The Rural Energy Savings Program Act, H.R. 4785, was introduced by House Majority Whip James Clyburn (SC) and Congressman Ed Whitfield (KY), who also testified on the bill at the hearing. The bill would allow the U.S. Department of Agriculture’s Rural Utilities Service to make interest-free loans to certain organizations that would then make loans available to qualified consumers who want to implement energy efficiency measures.

Written testimony provided by the witnesses is available on the Committee website: http://agriculture.house.gov/.