INTELLECTUAL PROPERTY: HOUSE JUDICIARY UNVEILS PATENT LAW BILL; HOLDS HEARING

On March 30, 2011, the House Judiciary Subcommittee on Intellectual Property, Competition and the Internet held a hearing on H.R. 1249, the “America Invents Act,” a draft patent law reform bill introduced on the same day by Judiciary Chairman Lamar Smith (TX). The bill was co-sponsored by Rep. Darrell Issa (Vista), as well as Rep. Bob Goodlatte (VA).

Witnesses were: The Honorable David Kappos, Under Secretary of Commerce for Intellectual Property, Director of the United States Patent and Trademark Office; The Honorable Steve Bartlett, President and Chief Executive Officer, The Financial Services Roundtable; Steven W. Miller, Vice President and General Counsel for Intellectual Property, Procter & Gamble Company; Mark Chandler, Senior Vice President, General Counsel and Secretary, Cisco Systems, Inc.; and John Vaughn, Executive Vice President, Association of American Universities.

Some of the major provisions contained in the bill include:

- First Inventor to File: Adopts the first-inventor-to-file standard for awarding patents rather than the current first-to-invent standard.

- Post-Grant Review: Establishes a new administrative procedure called post-grant opposition that allows disputes involving patent quality and scope to be resolved after the patent has been granted.

- Business Method Patents: Authorizes a special ex parte reexamination of business-method patents. The process will allow business method patents to be re-examined using the best prior art as an alternative to litigation.

- Third-Party Submission of Prior Art: Permits third parties to submit information regarding a patent application that may be relevant for the patent examiner to review.

- PTO Fee-Setting Authority & Revenue Retention: Authorizes the PTO Director to establish patent and trademark fees to recover the costs of services rendered to inventors and trademark filers. Allows the
PTO to retain revenue generated by these fees in order to hire new examiners and address the patent backlog.

- Best Mode: Retains the best mode requirement for purposes of submitting an application, but prevents a defendant from claiming that a plaintiff failed to comply with the best mode requirement when filing for a patent.

In his testimony, Under Secretary Kappos stated that the PTO supports the major provisions of the bill. Regarding whether the current prior user defense available under the statute should be expanded to all areas of technology, he said: “The House bill includes an exemption for when this defense is raised in litigation against a university to address concerns the university community has raised. Expanding the prior user defense, I believe, is pro-manufacturer, pro-small business, and, on balance, good policy. I am also aware of the university community’s concerns and would like to work with you and the university community to address their concerns.”

Mr. Chandler’s testimony represented the views of Cisco and the Coalition of Patent Fairness, which consists of hundreds of technology industry members, including Apple, Dell, Google, Intel, Oracle, and Symantec. He said that Smith’s bill improves on the Senate bill, S.23, which they did not support, but urged the Committee to go even further in promoting innovation by making several additional changes. First, he stressed that the prior user rights defense contained in the House bill must remain in the final legislation, despite the concerns of some university licensing organizations. He noted that “[n]early all stakeholders agree that a first-to-file system must have a prior user defense.”

Regarding the inter partes review process, he stated that the House bill improves on S.23 by retaining the “substantial new question of patentability” threshold necessary to institute a review; and by extending the deadline from six months to nine months within which defendants in district court patent litigation may seek inter partes review. Nevertheless, Chandler testified, the bill still imposes standards on inter partes review that are more restrictive than current law and he called for changes to the bill, including: providing more than nine months for a defendant in district court litigation to file for inter partes reexamination; striking the provision limiting an accused infringer’s ability to petition for inter partes reexamination; providing for a mandatory stay of the district court litigation if requested by any party petitioning for inter partes reexamination; and striking or substantially amending the supplemental examination section of the bill.

Mr. Vaughn also testified in support of the major provisions of the bill, but laid out two serious concerns: (1) the expansion of prior-user rights, and (2) the lowering of the threshold to initiate an inter partes review. He stated that “universities believe that expanding prior-user rights is an unwise expansion of immunity from the assertion of patent rights. Such an expansion would degrade the patent system overall by substantially reducing patent certainty, and any reduction in patent certainty could seriously impair the process by which universities transfer their discoveries into the commercial sector for development.”

Regarding the standard for initiating inter partes review, Vaughn urged the Committee to adopt the higher standard included in S. 23 – i.e., “a reasonable likelihood that the petitioner will prevail with respect to at least one of the claims challenged in the petition.”
TRADE: HOUSE WAYS & MEANS SUBCOMMITTEE ASSESSES PANAMA FTA

The House Ways and Means Subcommittee on Trade held a hearing on March 30, 2011 on the pending Free Trade Agreement with Panama. This is the second of three hearings the subcommittee plans on the pending FTAs with Korea, Panama, and Colombia. Witnesses at the hearing were: Ambassador Miriam Sapiro, Deputy U.S. Trade Representative, Office of the United States Trade Representative; Doug Oberhelman, Chairman and Chief Executive Officer, Caterpillar Inc., on behalf of the U.S. Chamber of Commerce, the National Association of Manufacturers, the Business Roundtable and the Latin America Trade Coalition; Gary LaGrange, President and Chief Executive Officer, Port of New Orleans; Doug Wolf, President, National Pork Producers Council; Jasper Sanfilippo; President and Chief Operating Officer, John B. Sanfilippo & Son, Inc.; and Hal S. Shapiro, Partner, Akin Gump Strauss Hauer & Feld LLP.

Ambassador Sapiro reiterated the Administration’s goal to have all three agreements, with their outstanding issues addressed, approved by Congress as early as possible this year, and that USTR is now ready to begin drafting the implementing bill for the Korea FTA with the Committee.

On Panama, the Ambassador said that Panama has taken most steps to resolve concerns the Administration had regarding labor and tax transparency issues, and is in the process of completing work on the last few steps. She believes that Panama can accomplish these last actions quickly and once done it will help ensure bipartisan support for the agreement.

Chairman Brady called on the Administration to come up with “a concrete plan now . . . for moving forward with the Panama agreement to allow Congressional consideration of all three pending trade agreements by July 1.”

For the testimony of the witnesses, go to: http://waysandmeans.house.gov.

IMMIGRATION: HOUSE JUDICIARY HEARING HELD ON H-1B VISAS

On March 31, 2011, the House Judiciary Subcommittee on Immigration Policy and Enforcement, chaired by Rep. Elton Gallegly (Simi Valley) held a hearing entitled "H-1B Visas: Designing a Program to Meet the Needs of the U.S. Economy and U.S. Workers." Witnesses were: Donald Neufeld, Associate Director of Service Center Operations, U.S. Citizenship and Immigration Services; Bo Cooper, Partner, Berry Appleman & Leiden LLP; Ron Hira, Ph.D, Associate Professor of Public Policy, Rochester Institute of Technology; and Bruce A. Morrison, Chairman, Morrison Public Affairs Group.

Issues discussed at the hearing included:
- the extent to which H-1B holders are paid less than American workers and how to ensure pay equity;
- the need to improve the system to encourage U.S.-educated foreign nationals to stay and work in the United States after graduation;
- the reasons why the number of H-1B visas available annually are sometimes not used;
- the need for more effective enforcement of fraud and abuse in the H-1B program; and
- the extent to which some firms use loopholes in the H-1B system to bring in foreign workers, train them, and then move them into offshore outsourced positions.

The testimony of the witnesses can be obtained at: http://judiciary.house.gov.

NATURAL DISASTERS: EMERGENCY MANAGEMENT PROGRAMS ASSESSMENT

On Wednesday, March 30, 2011, the Economic Development, Public Buildings and Emergency Management Subcommittee of the House Transportation and Infrastructure Committee held an oversight hearing entitled, "Improving the Nation's Response to Catastrophic Disasters: How to Minimize Costs and Streamline Our Emergency Management Programs." The Subcommittee received testimony from the
Federal Emergency Management Agency (FEMA), the U.S. Forest Service, the Nuclear Regulatory Commission (NRC) as well as the American Red Cross and state and local emergency managers. Issues discussed at the hearing were: catastrophic disaster assistance programs, preparedness and nuclear reactors, preparedness and wildfires, and FEMA's 2011 National Exercises.

Chairman Jeff Denham (Modesto) stressed the importance of proper planning and coordination in order to prepare for disasters. "While it is not possible to prevent most disasters, proper preparedness will save lives, minimize costs, and ensure our response and recovery is not bogged down in bureaucratic red tape," stated Denham. In 2010, the President issued 81 major disaster declarations and 9 emergency declarations. Last Congress, members of the House Transportation and Infrastructure Committee included provisions in the Disaster Response, Recovery, and Mitigation Enhancement Act of 2009 that were intended to streamline the recovery process following a wide spread disaster.

Chairman Denham expressed his concern with risk assessment in California's emergency response operations, and stressed the need to put human life above environmental concerns when it comes to risk assessment and emergency preparedness. He highlighted concerns of earthquake hazards and forest fire devastation in California, and the importance of increased coordination between the California Emergency Management Agency and the USDA Forest Service, both witnesses at the hearing. With floods constantly threatening his district, Denham also stressed the importance of improving flood control systems in order to appropriately handle future floods.

Mr. Brendan Murphy testified to the Subcommittee on behalf of the California Emergency Management Agency (CalEMA). According to Murphy, CalEMA and their local partners have taken steps to enhance California's emergency notification systems; create a disaster exercise program that tests operational capabilities; launch a program to get families involved in disaster preparedness and create resiliency in communities; create an environment whereby businesses can partner with government; focus planning on the unique challenges of catastrophic disasters; and reinforce efforts to support the state's mutual aid system.

Senators Barbara Boxer and Dianne Feinstein have introduced the National Hazards Risk Reduction Act of 2011, with the goal of improving preparedness for earthquakes and violent windstorms, including supporting research into advance warning systems, improved building codes and other efforts to reduce risks and damage from natural disasters. According to CalEMA, California has developed a warning system for tsunamis in California, but unlike Japan, does not have a fully integrated early warning system for earthquakes. The Boxer/Feinstein legislation would also reauthorize the National Earthquake Hazards Reduction Program (NEHRP), which assesses new and existing earthquake hazards, improves building codes and works to decrease the damage of seismic activity by assessing our overall vulnerability. According to Mr. Murphy, a FEMA-commissioned study concluded that for each dollar spent on mitigation activities, an average of $4 in post-disaster costs is saved.

For more information, go to: http://transportation.house.gov/.

**TRANSPORTATION: HOUSE DEBATES SURFACE TRANSPORTATION OVERHAUL**

The House Transportation and Infrastructure Subcommittee on Highways and Transit Subcommittee held hearings titled "Improving and Reforming the Nation's Surface Transportation Programs" on March 29-30, 2011. The hearings are part of the Committee's effort to reauthorize Federal surface transportation programs under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). These programs expired on September 30, 2009, but have been extended through September 30, 2011.

The Subcommittee heard views from approximately 40 witnesses in the surface transportation community including: William Millar, President, American Public Transportation Association; Barbara Windsor, President and CEO, Hahn Transportation Inc., representing American Trucking Associations;
Capt. Steve Dowling, California Highway Patrol, representing Commercial Vehicle Safety Alliance; and Kurt Nagle, CEO and President, American Association of Port Authorities. Issues discussed at the hearings included programmatic reform, performance standards, innovative financing, time delays and inefficiencies in project delivery, and the Highway Trust Fund Solvency.

In his opening statement, Chairman John Duncan (TN) said, "One of the key initiatives that the Subcommittee will focus on is streamlining the project delivery process. Time delays and inefficiencies in project delivery not only postpone needed improvements in our Nation's transportation infrastructure but also result in increases in the cost of projects." Chairman Duncan also urged his colleagues to take a hard look at the number of federal surface transportation programs. "Today, there are more than 100 highway, transit and highway safety programs. We should consolidate duplicative federal programs to eliminate waste and eliminate programs that do not serve a national need."

In his testimony on behalf of the Commercial Vehicle Safety Alliance, Capt. Steve Dowling of the California Highway Patrol discussed the flexibility and streamlining of Motor Carrier Safety Grant Programs, bus safety, carrier exemptions from motor carrier safety regulations, truck size and weight, motor carrier safety technologies, as well as carrier registration, credentialing and data integrity.

Mr. Kurt Nagle testified on behalf of the American Association of Port Authorities (AAPA) that seaport access is undeniably a federal interest. According to Nagle, more than a quarter of the United States GDP is accounted for by international trade. America's seaports support the employment of 13.3 million U.S. workers, and seaport-related jobs account for $649 billion in annual personal income, he said. "For every $1 billion in exports shipped through seaports, 15,000 U.S. jobs are created," Nagle testified. AAPA urged Congress to consider requiring in the reauthorization legislation that a minimum of 25 percent of available funding be dedicated to port-related infrastructure needs.

Mr. Miller testified on behalf of the American Public Transportation Association that further delay in passing an authorization bill will force private sector businesses in the transit industry and other industries to lay off employees and to invest overseas. According to Miller, every $1 billion invested in public transportation creates or support 36,000 jobs.

Over the past month, the Committee has conducted a series of 16 field hearings and listening sessions around the country to gather similar input from states and local communities. Following this week’s hearings, work will begin on writing a six-year reauthorization bill.

For more information: http://transportation.house.gov.

HOMELAND SECURITY: SENATE COMMITTEE REVIEWS BORDER SECURITY

The Senate Homeland Security and Government Reform’s Ad Hoc Subcommittee on Disaster Recovery and Intergovernmental Affairs held a hearing on March 31, 2011 to explore “Drug Gangs’ Ever-Evolving Tactics to Penetrate the Border and the Federal Government’s Ability to Stop Them.”

The hearing examined new tactics being employed by Drug Trafficking Organizations (DTOs) to penetrate the southwest border of the United States, and efforts of the Department of Homeland Security (DHS) and other law enforcement agencies to stop them. In recent months, reports have surfaced of DTOs outfitting vehicles to make them indistinguishable from those used by both Mexican law enforcement and U.S. border agents. In some cases, according to Committee documents, DTOs have carried out assassinations in Mexico disguised as Mexican military personnel. Still in other cases, DTO’s have used catapults to fire contraband over the border between Mexico and Arizona.

Commissioner Bucella detailed the steps that the federal government has taken since the launch of the Southwest Border Initiative in March 2009. Since then the size of the Border Patrol has increased to more than 20,700 agents today, more than double the size it was in 2004. DHS also quintupled deployments of Border Liaison Officers to work with their Mexican counterparts and began screening more vehicle traffic and 100 percent of southbound rail to look for illegal weapons and cash that, when smuggled across the border, help to fuel the cartel violence in Mexico, she said.

CBP is also continuing to add technology, manpower, and infrastructure to the Southwest border, including 1,000 new Border Patrol agents; 250 new CBP officers at ports of entry (POEs); improving our tactical communications systems; and adding two new forward operating bases to improve coordination of border security activities. Funding under the 2010 Border Security Supplemental also provided CBP with two new Unmanned Aircraft Systems (UAS), which now cover the Southwest border from the California-Arizona border to the Gulf of Mexico in Texas. CBP has also constructed 649 miles of fencing of the 652 miles that Border Patrol field commanders determined are operationally required, including 299 miles of vehicle barriers and 350 miles of pedestrian fence.

Issues discussed at the hearing, included:

- the latest tactics DTOs are using to smuggle drugs across the border and effective means of thwarting these tactics;
- additional manpower, technology and resource needs that could be used on the border;
- the increasing influence of Mexican DTOs over U.S. gangs and the impact that is having on the drug trade both here and in Mexico; and
- the level of cooperation and coordination among federal, state, and local authorities and possible steps to improve that partnership.

The testimony of the witnesses can be found at: [http://hsgac.senate.gov](http://hsgac.senate.gov).

**RESOURCES: COURT ISSUES FINAL ORDER ON DELTA SMELT**

U.S. District Court Judge Oliver Wanger issued his final judgment on March 28, 2011 in a long-running suit concerning the protection of Delta smelt. The Judge had decided in December 2010 that the U.S. Department of Interior’s Bureau of Reclamation and the U.S. Fish and Wildlife Service had violated federal laws, including the National Environmental Policy Act, in issuing a biological opinion that did not adequately justify the need to place restrictions on Delta water pumping in order to protect the smelt. That biological opinion had resulted in significant reductions in water deliveries for customers of the State Water Project and the Central Valley Project over the past three years.

The Court’s final judgment requires the agencies to revise the biological opinion, in keeping with its findings, by December 15, 2011.

**SCIENCE: CLIMATE CHANGE POLICY ISSUES DISCUSSED AT SCIENCE HEARING**

The House Science, Space and Technology Committee held a hearing titled "Climate Change: Examining the Processes Used to Create Science and Policy," on March 31, 2011. The purpose of the hearing was to examine processes used to generate key climate change science and information used to inform policy development and decision-making. Witnesses included: Dr. Richard Muller, Professor, University of California, Berkeley, and Faculty Senior Scientist, Lawrence Berkeley Laboratory; Dr. J. Scott Armstrong, Professor, Wharton School, University of Pennsylvania; Dr. John Christy, Director, Earth System Science Center, University of Alabama; Dr. David Montgomery, Economist; Dr. Kerry A. Emanuel, Professor, Massachusetts Institute of Technology; and Mr. Peter Glaser, Troutman Sanders LLP.

Dr. Richard Muller testified on behalf of the University of California, Berkeley. He explained that the Berkeley Earth Surface Temperature project was created to make the best possible estimate of global temperature change using as complete a record of measurements as possible and by applying novel methods
for the estimation and elimination of systematic biases. Berkeley Earth has assembled 1.6 billion temperature measurements, and will soon make these publicly available in a relatively easy to use format. Berkeley Earth hopes to complete its analysis including systematic bias avoidance in the next few weeks. According to Dr. Muller, the organization is studying new approaches to reducing biases from: urban heat island effects, time of observation bias, station moves, and change of instrumentation.


**SMALL BUSINESS: HOUSE SCIENCE COMMITTEE EXAMINES SBIR/STTR**

On March 31, 2011, the House Science, Space and Technology Subcommittee on Technology and Innovation held a hearing titled "The Role of Small Business in Innovation and Job Creation: The Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) Programs."

Witnesses included: Donald Siegel, Dean and Professor, School of Business, University at Albany, State University of New York; Sally Rockey, Deputy Director, National Institutes of Health; and Doug Limbaugh, CEO, Kutta Technologies. Witnesses discussed their experience with the SBIR and STTR Programs and provided advice on areas of potential improvement in promoting innovation.

The SBIR program requires federal departments with an extramural research budget of $100 million or more to set aside 2.5% of their agency's overall research budget and award technology development contracts to small firms. The purpose of the SBIR program is to increase government funding of small, innovative companies for the performance of research and development with commercial potential. The objectives of the SBIR program include stimulation of technological innovation in the small business sector, increased use of this community to meet the government's diverse R&D needs, additional involvement of minority and disadvantaged individuals in the process, and expansion of commercialization of the results of federally funded R&D.

The Small Business Technology Transfer Program (STTR) is a program that expands funding opportunities in the federal innovation research and development arena. Central to the program is expansion of the public/private sector partnership to include the joint venture opportunities for small businesses and the nation's premier nonprofit research institutions. STTR is a highly competitive program that reserves a specific percentage of federal R&D funding for award to small businesses and nonprofit research institution partners.

The Subcommittee examined several aspects of the SBIR and STTR programs including: whether the SBIR and STTR Programs are effectively promoting innovation and job creation; whether firms that are majority-owned by venture capital operating companies should be eligible to apply for program funding; whether the current extramural research set aside of 2.5 percent for SBIR programs is adequate; whether the current guidelines on award sizes is appropriate and to what extent agencies should have flexibility in determining award sizes; whether there is significant geographic concentration among award recipients and, if so, what accounts for this concentration; whether there is evidence to suggest that a significant number of companies receive multiple SBIR awards with unusually low commercialization rates; and whether the management and coordination of the program across the federal government needs to be improved.

As part of the 2000 reauthorization of the SBIR program, Congress directed the National Research Council (NRC) of the National Academies to conduct a comprehensive evaluation the SBIR program. The NRC report, published in 2008, found the SBIR program to be "sound in concept and effective in practice" while also recognizing areas of potential improvement. The NRC found that the "SBIR program is making significant progress in achieving the congressional goals for the program," though it also noted that more regular evaluations are needed, since "insufficient data collection, analytic capability and reporting requirements, together with the decentralized character of the program mean there is limited ability to make connections between program outcomes and program management and practices."
According to the NRC Firm Survey, over 20 percent of companies indicated that they were founded entirely or partly because of an SBIR award. On average, companies that responded to the survey reported adding 29.9 full-time equivalent employees since receipt of their SBIR award. Comprehensive data on commercialization rates is inconsistent across federal agencies, but respondents to the survey indicate that just under half of the projects do reach the marketplace.

The SBIR program has been reauthorized several times since its creation and was scheduled to terminate on September 30, 2008. While SBIR and STTR have not been specifically reauthorized since then, they are temporarily extended through May 31, 2011.

The Senate took up debate on their version of the SBIR/STTR reauthorization (S 493) on March 9, 2011 and is currently debating several extraneous amendments including EPA greenhouse gas regulations and ethanol subsidies. Repeal of a 1099 information reporting requirement for businesses and real estate owners in the recent health care law is also pending to the Senate’s SBIR/STTR bill.

For more information: http://science.house.gov/.

TRADE: SENATE FINANCE DISCUSSES UPCOMING APEC MEETING

On Thursday, March 31, 2011, the Senate Finance Committee held a hearing titled, "Asia-Pacific Economic Cooperation (APEC) 2011: Breaking Down Barriers, Creating Economic Growth." Witnesses included: Ambassador John Veroneau, Partner, Covington & Burling; Ambassador Peter Scher, Executive Vice President for Global Government Relations and Public Policy, JPMorgan Chase; Bert Robins, Vice President and Co-Founder, SeaCast, Inc.; and Richard M. Hartvigsen, Vice President, Global Government Affairs, Nu Skin International, Inc.

In his opening statement, Chairman Baucus (MT) explained that APEC is a group of 21 Asia-Pacific member economies who have joined together to facilitate economic growth, cooperation, trade and investment in the Asia-Pacific region. Together, these APEC members represent nearly 55 percent of the world economy and nearly 45 percent of world trade. In 2009 alone, trade with the APEC region pumped approximately one trillion dollars into the U.S. economy. This May, Montana will host the APEC Trade Ministers and Small and Medium-Sized Enterprises meetings to discuss how to eliminate the economic barriers that divide us, Baucus said.

APEC has been extremely successful in reducing tariff barriers. According to Baucus, the average APEC tariff fell to a remarkably low five percent in 2010. And as tariffs decreased, exports increased as the United States nearly doubled its goods exports to the APEC region in the last 15 years, from $400 billion in 1994 to almost $800 billion in 2010. However, onerous non-tariff barriers remain. Taiwan continues to impose a web of restrictions that effectively block U.S. beef exports. China uses subsidies and local content requirements to stymie U.S. green technology and other exports, Baucus said. "The Trans-Pacific Partnership free trade agreement (TPP) is a step in the right direction," he added.

Ranking Member Orrin Hatch (UT) said, "If we use APEC effectively, we can steer the direction of world trade well into the future." He urged the committee to keep the following issues at the top of the Committee's agenda in regards to APEC: examine protecting intellectual property rights, harnessing the power of global and regional supply chains, enhancing trade facilitation, and responding to the rise of state-owned and state-assisted enterprises.

For more information and the testimony of the witnesses, go to: http://finance.senate.gov/

REPORT: PEW ANALYZES GROWTH OF HISPANIC POPULATION

The Pew Hispanic Center released a report on March 24, 2011 analyzing 2010 Census data for the Hispanic population in the U.S., the 50 states and the District of Columbia. The report includes state rankings and totals for the size, share and percent growth of the overall Hispanic population and the population of Hispanic children under age 18. The report, Hispanics Account for More than Half of Nation’s Growth in Past Decade, was authored by Jeffrey S. Passel, D’Vera Cohn, and Mark Hugo Lopez.
The 2010 Census counted 50.5 million Hispanics in the United States, making up 16.3% of the total population. The nation's Latino population, which was 35.3 million in 2000, grew 43% over the decade. The Hispanic population also accounted for most of the nation's growth – 56% – from 2000 to 2010. Among children ages 17 and younger, there were 17.1 million Latinos, or 23.1% of this age group, according to Pew's analysis. The number of Latino children grew 39% over the decade. In 2000, there were 12.3 million Hispanic children, who were 17.1% of the population under age 18.

Geographically, most Hispanics still live in nine states that have large, long-standing Latino communities – Arizona, California, Colorado, Florida, Illinois, New Mexico, New Jersey, New York and Texas – but the share living in other states has been growing. In 2010, 76% of Latinos lived in these nine states, compared with 81% in 2000 and 86% in 1990. (In 2000, 50% of Hispanics lived in California and Texas alone. In 2010, that share was 46%.) Despite the pattern of dispersion, however, there are more Latinos living in Los Angeles County (4.7 million) than in any state except California and Texas.

California’s Hispanic population grew from 10,967,000 in 2000 to 14,014,000 in 2010. In growth rate of the Hispanic population, however, California ranks 48th in 2010, as the growth rate in Southern and Southeastern states exploded over the past decade. South Carolina, for example, ranked number one in growth with a 148 percent increase in its Hispanic population.

The report can be obtained at: http://pewhispanic.org.

**REPORT: PPIC RELEASES LATEST STATEWIDE SURVEY**

The Public Policy Institute of California released its latest Statewide Survey in March 2011. The survey covered numerous state and federal issues.

On state issues, it found that public support for a June special election on Governor Jerry Brown’s plan to extend temporary tax and fee increases has declined since he proposed it in January. While two-thirds of all adults (67%) and likely voters (66%) said in January that a special election was a good idea, this recent survey found that only 54 percent of all adults and 51 percent of likely voters support it now.

Nationally, PPIC found, economic policy and the federal deficit are the focus of debate. About half of Californians (48%) say that if they were setting priorities, the focus would be on spending to help the economy recover, and 44 percent say it would be on reducing the federal deficit. Likely voters feel differently: 36 percent would spend to help the economy and 58 percent say reducing the deficit is a higher priority.

On who is doing the better job at resolving the federal budget impasse, 48 percent of Californians say the president and the Democrats in Congress, with only 25 percent saying the Republicans in Congress. Also, while a majority of Californians (56%) and likely voters (52%) approve of the president’s job performance (38% all adults, 44% likely voters disapprove), most Californians (58%) and likely voters (69%) disapprove of Congress’s job performance, with 61 percent of Democrats, 66 percent of Republicans, and 68 percent of independents disapproving. Regarding their own members of Congress, however, Californians are more positive: half (50% all adults, 50% likely voters) approve of their own Member; 32 percent of all adults and 37 percent of likely voters disapprove. Senator Barbara Boxer gets a 45 percent approval rating from all adults and likely voters, while Senator Dianne Feinstein’s performance is approved by 48 percent of all adults and 51 percent of likely voters.

To view the full survey, go to: http://www.ppic.org.

**REPORT: CALIFORNIA HEALTHCARE FOUNDATION EXAMINES AFFORDABLE CARE ACT**

On March 28, 2011, the California Healthcare Foundation (CHCF) released the report *Implementing National Health Reform in California: Opportunities for Improved Access to Care*. The report is the second in a series of CHCF reports in partnership with Manatt Health Solutions that examines what's ahead for California under the Affordable Care Act (ACA). According to the report, estimates are that once the law is fully implemented, 94% of the state's population will be covered by a health plan, through either an
employer, a new health insurance exchange market, or expansions to public benefit programs such as Medi-Cal.

The report addresses provisions of the ACA that invest in the health care delivery workforce and infrastructure and that realign resources to enhance access to care. According to the report, the expansion in health insurance coverage alone will certainly influence access to care in California. The Affordable Care Act expands Medicaid and California's Medi-Cal program to guarantee coverage eligibility for the majority of Californians under 133% of the federal poverty level. It also establishes health insurance exchanges, and offers premium subsidies to provide affordable, comprehensive coverage to another population of Californians who traditionally have difficulty obtaining coverage (those who work in small businesses or who must buy coverage on their own). The report explains that after the law is fully implemented in 2014, there will be an increased demand for health care services as the newly insured seeks care, often with greater unmet needs requiring more intense interventions. Specific provisions in the ACA are meant to ensure access to care (greater investment in primary, community-based care); funding for uncompensated care directed to certain safety-net providers; and new funding streams to support health care workforce development in California, according to the California Healthcare Foundation. These are analyzed individually, highlighting state concerns in the area of access. In concluding, the report finds that although increased investment in community-based care will be available, whether the growth in services will keep up with the demand and whether it will fully offset the losses in Medicare and other federal payments cannot be determined yet.

For more information: http://www.chcf.org/.