



## Federal Issues Report

October 29, 2009

This is an e-newsletter of the West Virginia Chamber of Commerce focusing on key federal policy issues and bills. Provided are overviews and status updates on a number of major federal matters that are of concern to business and economic development in West Virginia.

### **Health Care Reform Battle To Intensify; Public Option Back In Play**

Democratic leaders in both houses of Congress say they are going to push for national health care reform legislation that will include a “public option” for health insurance. U.S. House Speaker Nancy Pelosi unveiled this morning the House version of a health care reform bill -- with a “moderate” version of public option. And, U.S. Senate Majority Leader Harry Reid announced earlier this week that he will push for a Senate version that includes a public option for health insurance, with an opt-out provision for states. The public opinion provision was rejected by the Senate Finance Committee, but Reid said he wants to the full Senate to take up the matter.

**W.Va. Chamber’s policy position in support of national health care reform – [click to read](#)**

### **NEWS:**

**Business Groups Push Hard Against the Senate Bill**

[Wall Street Journal, Oct. 29, 2009](#)

**Small Business Against Public Option**

[Wall Street Journal Video, Oct. 28, 2009](#)

### **Senate Committee Takes Up Climate Change Bill/ Public Support Waning**

The U.S. Senate Environment and Public Works Committee is holding hearings this week on climate change legislation, which is pending in the upper chamber. The committee is discussing the [Clean Energy Jobs and American Power Act](#), which was introduced in late September by Senators Barbara Boxer (D-California) and John Kerry (D-Massachusetts). Boxer is Chairperson of the Environment and Public Works Committee. The Senate bill contains more aggressive emission reduction goals than outlined in the House’s version (American Clean Energy and Security Act of 2009 - [HR 2454](#)). The Senate bill would require “carbon pollution” to be cut by 20 percent by 2020. West Virginia’s Senators Byrd and Rockefeller have issued statements against the Senate’s version. Boxley said she would like to have a committee vote in the coming weeks.

Also, Politico.com is reporting that the Senate Finance Chairman, Max Baucus (D-Montana), has “serious reservations” with provisions in the Senate version -- Clean Energy Jobs and American Power Act. According to a [story on Politico.com](#), “Baucus wants to weaken the short-term target for the legislation, currently set at reducing greenhouse gas emissions by 20 percent from 2005 levels by 2020. Legislation passed by the House in early June set a 17 percent target. President Barack Obama proposed a 14 percent

target in his budget last spring. He'd also like to include a pre-emption provision that would stop the Environmental Protection Agency from implementing a new rule that would allow the agency to regulate [greenhouse gas] emissions across a wide swath of industries.”

### **Public Support For Climate Change Legislation Wanes**

A recent NBC News-Wall Street Journal public opinion poll reveals that the U.S. public is losing support for paying higher utility bills because of climate change legislation – “By a narrow 48 percent to 43 percent, Americans said they'd support requiring companies to reduce greenhouse gas emissions even if that meant higher utility bills. In April 2009, Americans backed that idea by a more robust 53 percent to 40 percent.” Source: <http://www.cnn.com/id/33519471>

### **Cap-and-Trade Cost Calculator**

[Click to determine](#) possible cost impact on you.

**W.Va. Chamber's cap-and-trade policy paper** – [click to read](#)

**U.S. Chamber's statement on climate change** – [click to read](#)

## **W.Va. Chamber Continues Public Efforts Against Cap-And-Trade**

The West Virginia Chamber is continuing its efforts to defeat a proposed cap-and-trade bill in Congress. Earlier this week Chamber President Steve Roberts traveled to Bluefield to talk about the issue with the Bluefield Rotary and the Greater Bluefield Chamber of Commerce. Roberts' remarks were picked up by the local media. Two weeks ago Roberts was in Parkersburg and shared his concerns about cap-and-trade with members of the Mid-Ohio Valley Chamber of Commerce. The W.Va. Chamber also is generating cap-and-trade opposition letters from local chambers of commerce across the state. To date, nearly a dozen local chambers have prepared and sent letters to U.S. Senators Robert C. Byrd and Jay Rockefeller. “We want to impress upon Senators Byrd and Rockefeller that climate change legislation, with a cap-and-trade provision, will impose higher energy costs, particularly electricity rates, on small businesses all across our state,” Roberts said. “And, higher energy costs will only hurt our state's small businesses at a time when they are trying to maintain business operations and preserve jobs during these difficult economic times.”

## **OTHER KEY FEDERAL ISSUES**

### **Businesses, Elected Officials Encourage To Keep Pressure On EPA**

Business groups, employers and public officials are encouraged to continue to speak out against the U.S. EPA's actions that have halted issuance of 79 federal surface mining permits. The agency has sent these permits back for extensive reviews. This action affects 23 pending permits in West Virginia and is part of the Obama Administration's ongoing actions against domestic coal production. The permits represent all of the backlogged surface coal mining projects under review by the Army Corps of Engineers. “EPA believes that the majority of the permit applications recommended for further evaluation have not yet adequately demonstrated that anticipated environmental and water quality impacts have been fully avoided and minimized as required by guidelines,” according to an [EPA letter to the U.S. Corps of Engineers](#). The agency, which launched a review process back in April 2009, said it “remains concerned that all the 79 applications identified in the initial list involve surface coal mining projects raising potentially significant water quality and environmental issues.” The EPA said it wants “the mining companies to reduce anticipated environmental and water quality impacts.”

### **Petition Drive Underway To Support Coal**

W.Va. Chamber members are encouraged to add their names to an on-line petition that has been set up by State Senator Mike Green (D-Raleigh). The on-line petition drive aims to show support of West Virginia coal. The Raleigh county Senator, who chairs the Senate Committee on Energy and Mining, is petitioning the Administrator of the Environmental Protection Agency (EPA) and the Obama Administration to quickly review and approve the 23 pending West Virginia mine

permits the EPA has targeted and called for further review. Go to the following web site to add your name to this petition: <http://www.supportwvcoal.com/>

### **Groups, Businesses Urged To Provide Comments To U.S. Army Corps**

Trade groups, elected officials and businesses are urged to send comments to the U.S. Army Corps of Engineers and tell the agency that their communities and businesses depend on coal for economic activity, jobs and tax revenues, and that without NWP21, coal operations across Appalachia will be forced to cease. Tell the Army Corps that you OPPOSE its plan to suspend NWP 21. To submit your comments, you must use the online form at <http://www.regulations.gov/search/Regs/home.html#submitComment?R=09000064809f83d2>.

### **EPA Initiative Targets CO2 From Power Plants, Large Manufacturers**

The U.S. EPA has launched another regulatory initiative designed to “address greenhouse gas (GHG) emissions under the Clean Air Act.” The EPA’s latest proposal will require large industrial facilities, which emit at least 25,000 tons of GHGs, a year to obtain construction and operating permits covering these emissions. “These permits must demonstrate the use of best available control technologies and energy efficiency measures to minimize GHG emissions when facilities are constructed or significantly modified.” According to the EPA’s proposed rule, these large facilities would include power plants, refineries, and factories. Small businesses such as farms, restaurants and many other types of small facilities would not be included in these requirements. Click to see the proposed rules or for more information: <http://www.epa.gov/nsr>

### **Card Check/EFCA**

#### **Employee Free Choice Act (EFCA) ([H.R. 1409](#), [S. 560](#))**

A proposal to enact a “card check” system for unionization is still pending in the United States Congress. The Employee Free Choice Act is one of the major objectives of organized labor groups, and it continues to have the full backing of President Obama. Speaking recently at both a Labor Day union rally and at the AFL-CIO’s national meeting, the President expressed his continued support for seeing that this legislation be enacted. One new development related to the legislation is that the AFL-CIO has signaled it may be willing to accept an EFCA bill without a “card check” provision. However, anti-EFCA groups are wary that this represents any significant concession on the part of organized labor. W.Va. Chamber members, both large and small...and from all business sectors, continue to be overwhelmingly (85 percent) opposed to EFCA.

#### ***EFCA Positions of W.Va.’s Delegation:***

Congressmen Mollohan and Rahall are co-sponsors of HR 1409 ([Source: Thomas](#))

Congresswoman Shelley Moore Capito opposes HR 1409

Senators Byrd and Rockefeller are co-sponsors of S. 560 ([Source: Thomas](#))

**W.Va. Chamber’s EFCA policy paper – [click to read](#)**

### **Oppose the Consumer Financial Protection Agency Act**

Legislation is pending in Congress that would create a new government agency to regulate consumer financial products. The legislation is [H.R. 3126](#), the Consumer Financial Protection Agency (CFPA) Act. Unfortunately, this bill will do far more harm than good.

The bill would replace personal choice with federal bureaucrats who would decide the types of financial products and services that a person can choose to own, buy, or sell. Instead of a common sense approach to improving consumer protection, this proposal will restrict access to credit and affordable financial products, impose vast new regulations and costs on businesses, and ultimately harm the economy at exactly the time when signs of a recovery are on the horizon.

The bill also would affect virtually every business. If your business allows customers to pay with credit, to use a lay-away program, or even to pay in more than one installment, then your business would face significant new regulation. Even businesses that are indirectly related to consumer finance, such as sellers of gift cards, advertisers, accountants, homebuilders, utilities and internet providers, will be covered by this sweeping new law.

In addition, the bill would give the government authority to request and hold information about a person's bank accounts from financial institutions, including how much money is in each account. This is a drastic affront on the privacy and security of a person's financial information.

Efforts to enhance consumer protection should focus on weeding out fraudulent actors and predatory products and ensuring consumers have access to clear and concise information about the terms and conditions of products, and the risks they pose. However, this bill actually weakens consumer protection by allowing government to dictate the financial products you can choose, adding new layers of government bureaucracy, imposing new costs on taxpayers, consumers and businesses, and threatening the privacy of personal financial information.

[H.R. 12](#): Paycheck Fairness Act

[H.R. 635](#) – National Commission on State Workers' Compensation Laws Act of 2009

[H.R. 3042](#), S. 1374 -- Federal Oversight, Reform, and Enforcement of the WARN ("FOREWARN") Act

[H.R. 2460](#); S. 1152 -- The Healthy Families Act (Mandated Paid Sick Leave)

## **TAKE ACTION -- RESOURCES:**

Contact information for W.Va.'s Congressional delegation: [click to read](#)

*(Note: The most immediate way to get your voice heard is to call or send a fax to any of the D.C. offices.)*

Vote For Business: West Virginia - <http://www.wvbusinessvoice.com/>