



## **Federal Issues Report**

November 5, 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.

### **Rockefeller: Climate Change Vote May Wait Until After 2010 Election**

Politico.com reported yesterday that Senator Jay Rockefeller is suggesting that full U.S. Senate action on climate change legislation may not take place until after the 2010 election. Read more - <http://www.politico.com/news/stories/1109/29099.html> Last week, another influential Senate Democrat, Max Baucus (D-Montana), raised serious reservations to the cap-and-trade legislation. Baucus is Chairman of the U.S. Senate Finance Committee.

### **U.S. Senate Committee Preparing To Vote On Cap-and-Trade Bill**

According to news report, the U.S. Senate Environment and Public Works Committee is getting ready to vote on a cap-and-trade/climate change bill based on 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. However, Republican committee members are boycotting the committee's work. ([Click to read Washington Post article.](#)) 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.

#### **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 Urges Senate To Take Different Climate Change Approach**

The U.S. Chamber issued a press release this week that calls on the U.S. Senate to take a different approach in considering any climate change legislation. The organization reiterated its call for "a fresh approach that strikes the right balance between new and conventional sources of energy to smoothly transition to a low-carbon future—a win for the economy and the environment."

"The Chamber believes the Senate has an opportunity to promote a workable bottom-up plan that starts by addressing the fundamental building blocks—rather than the top-down approach of targets and timetables it has taken thus far," said Bruce Josten, U.S. Chamber executive vice president for government affairs.

U.S. Chamber letter on climate change - <http://www.chamberpost.com/2009/11/climate-change---a-different-approach.html>

### **EPA Lawyers Criticize Cap-and-Trade Scheme**

Provided is a link to a blog [item](#) (Nov. 2, 2009) in The New York Times that points out that two EPA lawyers have written an open letter to Congress and have published an anti-cap-and-trade op-ed in The Washington Post ([click to read op-ed](#)).

### **Local Chambers Voicing Objections To Cap-and-Trade**

The West Virginia Chamber is continuing its efforts to defeat a proposed cap-and-trade bill in Congress. The W.Va. Chamber is generating cap-and-trade opposition letters from local chambers of commerce across the state. To date, the following local chambers have prepared and sent letters to U.S. Senators Robert C. Byrd and Jay Rockefeller: Greater Bluefield Chamber of Commerce, Elkins/Randolph County Chamber of Commerce, Greater Greenbrier County Chamber of Commerce, Huntington Area Chamber of Commerce, Logan County Chamber of Commerce, Chamber of Commerce of Martinsburg/Berkeley County, Morgantown Chamber of Commerce, Summersville Area Chamber of Commerce and Weirton Chamber of Commerce.

### **EPA Cancels Meeting With Congresswoman Capito**

The EPA has cancelled a meeting that Congresswoman Shelley Moore Capito was scheduled to have this morning with the head of the U.S. Environmental Protection Agency, Lisa Jackson – [click to read more](#). Capito had planned to discuss the EPA's ongoing "review" of mining permits. Capito's office said they will work to reschedule the meeting.

### **W.Va. Senate Majority Leader Calls On President Obama To Support Coal**

W.Va. Senate Majority Leader Truman Chafin is the latest high-ranking Democrat to call for the Obama Administration to help the state's coal industry. [Click to read more](#).

### **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). Go to the following web site to add your name to this petition: <http://www.supportwvcoal.com/>

### **Senate's Health Care Reform May Wait Until Early 2010; House Set To Vote**

Media reports this week are indicating that U.S. Senate Majority Leader Harry Reid is uncertain as to whether the Senate will vote on health care reform by the end of this year. However, House Democratic leaders are working to have a vote on the House version by this weekend.

The Republicans issued their national [health care reform plan](#) this week. The GOP said its plan would lower costs and provide innovation and incentives for states to reduce the number of uninsured, limit damages (caps non-economic jury awards in medical malpractice cases at \$250,000) in medical malpractice lawsuits and allow small businesses to join together and buy insurance across state lines. The GOP's 230-page bill does not include mandates on individuals to get coverage nor on employers to provide health insurance benefits. However, unlike the Democrat's bill, the GOP version also does not require that insurance companies provide coverage in spite of pre-existing conditions. (Read more.) <http://www.nytimes.com/2009/11/04/health/policy/04health.html?scp=1&sq=%2b%22health+care+costs%22&st=nyt>

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

### **Mini-Stimulus Moving In Congress; Loss Carryback Provision Included**

The U.S. Senate has passed legislation that will extend federal unemployment compensation benefits and the first-time homebuyer's tax credit. The U.S. House is expected to pass the bill. The legislation also contains a business tax relief in the form an added five-year carry-back provision. Read more: <http://thehill.com/homenews/senate/66429-democrats-poised-to-move-33b-business-tax-provision>

## **OTHER KEY FEDERAL ISSUES**

### **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/>