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**Federal Issues Report**  
November 12, 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.

**With Passage In U.S. House, Health Delivery Reform Rests With Senate**

Federal health delivery/insurance reform now is in the United States Senate. This past weekend the U.S. House voted 220-215 to pass its version (HR 3962) of health reform. The Senate will consider key differences that exist between its version and those included in the House bill, including whether to have a public insurance option, individual coverage mandates and public funding for abortions. The Senate leadership has said it would like to have a bill ready by Christmas.

**AP sources: Reid eyes payroll tax hike on wealthy**

[http://news.yahoo.com/s/ap/20091112/ap\\_on\\_bi\\_ge/us\\_health\\_care\\_overhaul\\_260](http://news.yahoo.com/s/ap/20091112/ap_on_bi_ge/us_health_care_overhaul_260)

The West Virginia Chamber of Commerce has major issues with the House-passed bill, particularly since the legislation will drastically increase taxes and impose mandates without addressing fundamental problems with affordability and access. [Click to read the Chamber's statement.](#)

The West Virginia Chamber supports meaningful, workable health care reform measures and has spoken for reforms over the last three years. The West Virginia Chamber notes its concern that HR 3962 will impose higher costs on West Virginia by placing a partially unfunded mandate to expand Medicaid. The bill imposes new taxes, creates a new health choices czar and places new onerous mandates on employers.

Provided are two articles that discuss the “unresolved” issue of reducing growing health care costs:

***How To Control Rising Health Care Costs***

<http://roomfordebate.blogs.nytimes.com/2009/11/10/how-to-control-rising-health-care-costs/>

***Health savings? No one knows***

<http://www.politico.com/news/stories/1109/29421.html>

## **KEY FEDERAL ISSUES**

### **Card Check/EFCA**

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

The West Virginia Chamber and other national business groups continue to closely monitor legislation pending in Congress that would enact a “card check” system for unionization. The Employee Free Choice Act (HR 1409/S 560) is one of the major objectives of organized labor groups, and it continues to have the full backing of President Obama. 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](#)**

### **Election/Campaign Finance**

The West Virginia Chamber of Commerce continues to monitor decisions of the U.S. Supreme Court in re: Case -08-205, Citizens United v. Federal Election Commission. This case was orally argued on Sept. 9, 2009, and deals with a documentary about Hillary Clinton. This case challenges states’ abilities to restrict free speech with statutory restrictions in campaign financing. The decision of the U.S. Supreme Court may change the political playing field for corporations and how advocacy for candidates is handled by all stakeholders.

### **Senate Action On Climate Change May Wait Until 2010**

The Wall Street Journal reported earlier this week “that key Senate Democrats said it is unlikely there will be any more major committee action on climate-change legislation this year, the strongest indication yet that a comprehensive bill to cut greenhouse-gas emissions won’t be voted on until at least next year.”

[Click to read the entire story.](#)

#### **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](#)**

### **Elected Leaders, Coal Officials Meet To Present United Front**

Governor Joe Manchin convened a meeting on Monday of key state congressional representatives and coal company executives to establish a united approach regarding issues facing the state’s coal industry. The meeting, which took place at the W.Va. Capitol, included U.S. Senator Jay Rockefeller, Third District Congressman Alan Mollohan, Second District Congresswoman Shelley Moore Capito, representatives from U.S. Senator Byrd’s office, state legislative leaders, coal company executives, the UMWA and county commissioners. ([Click to see Daily Mail photo.](#)) The group would like the Obama administration, particularly the U.S. EPA, to provide timely clarification on the agency’s ongoing reviews of coal mining permits.

#### **Statement from Governor Manchin’s office:**

“Governor Manchin was very pleased with the productive meeting. It provided an opportunity for the counties that rely heavily on coal-related revenue to share their concerns firsthand with our Congressional delegation. He is hopeful that, working with our representatives in Washington, we can speak in a unified voice about our state’s important role in the nation’s energy future.”

**W.Va. leaders seek coal answers from White House**

<http://www.wvgazette.com/News/200911100860>

**Officials agree to halt bickering, fight for coal**

<http://www.dailymail.com/News/200911100976>

## **Editorial: Talking coal**

*(Editor's Note: Provided is an editorial that was published in the Bluefield Daily Telegraph on Nov. 7, 2009.)*

West Virginia Gov. Joe Manchin is hoping to have a face-to-face chat soon with President Obama. The topic of discussion will be coal. Specifically, Manchin is hoping to make his case for accelerating 23 delayed mining permits in the Mountain State.

The future of coal in West Virginia, including the impact on the industry from the delayed permits and the federal cap-and-trade legislation, has been a hot topic in recent months, particularly in the historic coalfields of southern West Virginia.

According to Manchin, the state's economy and revenues will "absolutely" suffer if the mining permits are held up much longer by the Environmental Protection Agency.

Manchin told the Register-Herald he has turned over a list of governors — representing both political parties — who expect a negative impact on their states if the coal industry is further restricted by the EPA's action.

The agency is holding 79 mining permits, including the 23 in West Virginia, in abeyance

"Right now, it's an economic downturn, so we have stockpile," Manchin said earlier this week. "If this economy turns around, we're going to be prepared to be back on the front line. With the restrictions being placed, we're not going to be able to keep this nation as secure and independent as it should be with the fuel that we have to offer. That's really the message I'm trying to get across."

While everyone seems interested in talking about health care reform in Washington at the moment, we believe a discussion about the future of coal is necessary and long overdue. We applaud Manchin for attempting to schedule this all-important, face-to-face meeting with Obama. As West Virginia's chief executive officer, we believe Manchin is the best person to spearhead this crucial discussion with the White House.

The governor has been an outspoken supporter of coal since day one, and we applaud him for his steadfast support of the region's industry. It is imperative to have support for coal in both Charleston and Washington, and Richmond for that matter.

Manchin, who spoke to reporters earlier this week, said his staff has been in communication with the Obama administration, adding it was vital for everyone to be on the same page. The governor also said it was "imperative" that Obama and his top aides understand the economic significance of coal.

We agree, and we welcome a meeting between Manchin and Obama.

We hope this meeting will be an important first step in communicating the importance of coal — our most abundant natural resource and our best chance for energy independence — to the administration and lawmakers in Washington.

## **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/>

## **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>

## **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/>