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Federal Issues Report
November 19, 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.

Senate Majority Leader Unveils Latest Senate Health Care Bill

U.S. Senate Majority Leader Harry Reid unveiled yet another national health care reform plan and said this is the one he plans to place before the full Senate for a vote. Reid's proposal calls spending \$848 billion over the next ten years to provide insurance coverage for an additional 31 million Americans, increases the Medicare tax on those earning more than \$200,000 a year (\$250,000 for couples), taxes "Cadillac" health plans, requires individuals to get covered by a health insurance plan and creates a public option plan that will allow states to "opt out." Reid's bill contains a few key differences than the House-passed version, with the most striking being the fact that it does not ban public funding of abortions. That provision had to be inserted in the House version in order to garner enough House members to vote for passage.

Click to read a text of the new Senate bill – "Patient Protection and Affordable Care Act"
<http://democrats.senate.gov/reform/patient-protection-affordable-care-act.pdf>

Click to read details on the bill -
http://www.politico.com/livepulse/1109/Major_reforms_delayed_until_2014.html

Cap-and-Trade News

Provided are the latest developments on cap-and-trade/climate change:

Cap-and-trade to be delayed in U.S. Senate until Spring 2010 -

The Wall Street Journal reported this week that the U.S. Senate will delay action on a climate change bill until Spring 2010 -

http://online.wsj.com/article/SB125850693443052993.html?mod=WSJ_hpp_MIDDLETopStories

Coal state U.S. Senators send letter to Majority Leader Reid regarding climate change issues, concerns - <http://www.politico.com/news/stories/1109/29596.html>

Virginia Senator Webb comes out against Senate's climate change bill -

<http://www.costofenergy.org/articles/140-politics/303-politico-webb-bails-on-cap-and-trade.html>

President Obama unclear as to whether he will attend the United Nations Climate Change Conference in Copenhagen in early December -

<http://www.politico.com/news/stories/1109/29706.html>

Cap-and-Trade Cost Calculator

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

State Senator Ron Stollings Speaks Against Cap-and-Trade At D.C. Summit

West Virginia state Senator Ron Stollings (D-Boone) was the keynote speaker at the EmPower Consumers Congressional Policy Summit that was held Tuesday, November 17 at the United States Capitol Visitor's Center. The Summit convened consumer organizations, trade, labor and agricultural groups and elected officials to discuss pending climate legislation including effective ways to address consumer concerns. In his remarks Senator Stollings spoke against current climate change bills pending in Congress because they will increase energy costs, hurt consumers and endanger the nation's industrial competitiveness. [Click to read his full statement.](#)

U.S. EPA Continues Assault On Coal

1) Planning To Tighten SO2 Standards

For the first time in nearly 40 years, the U.S. EPA is proposing to tighten the nation's sulfur dioxide (SO2) air quality standard to "protect public health." This change will affect coal-fired power plants and other industrial facilities. Click to read more: <http://www.epa.gov/air/sulfurdioxide/actions.html#nov09>

2) Planning To Regulate Coal Combustion Byproducts As Hazardous

The U.S. Chamber is reporting that the U.S. Environmental Protection Agency is expected to issue a proposed rule regulating coal combustion byproducts (CCBs) as hazardous waste in the next few weeks. The rule is currently being reviewed by the Office of Information and Regulatory Affairs and the Small Business Administration. The Chamber said regulating CCBs as hazardous waste will have potentially devastating economic impacts on the economy. "Regulating CCBs as hazardous waste will increase the price of electricity for both businesses and consumers as power generators face higher compliance, transportation, storage, handling, and disposal costs," the U.S. Chamber said.

Editorial: The Assault On Coal

Logan Banner Editorial, November 16, 2009

It is obvious that President Barack Obama's administration has launched an assault on the coal industry. As we and other critics warned before the presidential election last fall, Obama and liberals in Congress have no intention of keeping promises to make coal an integral part of national energy policy.

A comprehensive attack on coal - too well-coordinated to be an accident - is under way. The White House and Congress continue to push for enactment of some form of "cap and trade" legislation. It is intended to make electric power generated from coal much more expensive, to the detriment of most Americans but particularly those of us in states such as West Virginia and Ohio.

At the same time, the Environmental Protection Agency is doing what it can to prevent the opening of new surface mines.

The process of obtaining federal permits for a mine is complicated and can involve years of effort. Like any other business, mining companies assume that once they have filed all the paperwork, complied with all the requirements and jumped through the bureaucracy's various hoops, they can proceed to mine coal.

Wrong, EPA officials have decided. They have ordered that permits for 79 mines, already well along in the federal approval process, be re-reviewed. Twenty-three of those permit requests involve West Virginia operations. At least one of them has been in the review process for 10 years.

In other words, the EPA is changing the rules in the middle of the game.

West Virginia Gov. Joe Manchin has called the decision “cruel and inhumane” - not just to mining companies but also to the thousands of men and women who depend upon them for work. To that we would add that hundreds of thousands, perhaps millions of Americans rely on low-cost electricity to be generated by coal from the mines in question.

At best, the EPA’s decision will delay opening of dozens of new mines. At worst, the agency will find excuses to deny permits altogether.

Manchin is right: What the EPA is doing is wrong - and officials in the agency and at the White House know it.

Nothing being done by the Obama administration and Congress in their assault on coal should be any surprise, however. Americans were warned. And no new scheme to harm the coal industry should be a surprise, either.

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.”

White House To Host Jobs Summit In Early December

The White House announced last week that President Obama will host a Jobs Summit in early December in Washington. Provided are official remarks by the President

“...in December, we’ll be holding a forum at the White House on jobs and economic growth. We’ll gather CEOs and small business owners, economists and financial experts, as well as representatives from labor unions and nonprofit groups, to talk about how we can work together to create jobs and get this economy moving again.

“It’s important that we don’t make any ill-considered decisions -- even with the best intentions -- particularly at a time when our resources are so limited. But it’s just as important that we are open to any demonstrably good idea to supplement the steps we’ve already taken to put America back to work. That’s what this forum is about.”

Here is a link to his full remarks:

<http://www.whitehouse.gov/the-press-office/remarks-president-economy-jobs-forum>

Congress Looking To Develop Jobs Legislation – Another Stimulus?

House Democratic leaders in Congress are looking into passage of another “stimulus” package to help create jobs now that the nation’s unemployment rate has risen above 10 percent.

<http://www.politico.com/news/stories/1109/29647.html>

<http://www.politico.com/news/stories/1109/29636.html>

Senator Byrd Calls on Obama Administration To Move Forward on New Long-Term Transportation Bill

Citing an urgent need to create jobs, infuse the economy and address our nation’s crumbling infrastructure, Senator Robert C. Byrd, D-W.Va., wrote a letter to President Barack Obama last week calling on his Administration to swiftly move forward with a long-term, comprehensive reauthorization of surface transportation and transit programs. The current authorization expired on Sept. 30, 2009, and Congress has passed a temporary extension of the programs until Dec. 18, 2009.

In a Nov. 10, 2009, letter to the President, Byrd wrote that, “Your Administration’s efforts to infuse stimulus funds into our ailing economy have been innovative and extensive. However, unless there is a prompt and comprehensive reauthorization of transportation legislation, we will have missed a great opportunity to further address the creation of much-needed jobs, and to put our country’s economy back on the path to prosperity.”

“In many ways, a reauthorization is the best mechanism we have in Congress to continue to address our ailing economy.”

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](#)

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.

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.

Other Federal Bills:

[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/>