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**Governor Manchin, Senate President, House Speaker To Attend
West Virginia Chamber's 2010 Legislative Issues & Outlook Conference**

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Federal Issues Report
December 10, 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.

Governor Manchin Responds To Senator Byrd's Coal Comments

Provided is a reprint of a MetroNews story from December 9, 2009.

Click to hear radio interview of Governor Manchin -
<http://www.wvmetronews.com/mediaplayer.cfm?storyid=34045>

Governor Joe Manchin says he's asking for clarity. The Governor says he talked with staff members in U.S. Senator Robert Byrd's Office this week, calling for as a much, almost a week after the Senator released an [opinion piece titled 'Coal Must Embrace the Future.'](#)

"I think it caught us all by surprise, I really do," Governor Manchin said on Wednesday's MetroNews Talkline of the way Senator Byrd addressed the problems facing the coal industry in that piece.

"Senator Byrd really truly deserves the opportunity, if there's any misunderstanding, and right now there is misunderstanding, does he support mountaintop (removal mining) or does he wish to have mountaintop (removal mining) abolished?"

In the opinion piece, Senator Byrd said the following: "The most important factor in maintaining coal-related jobs is demand for coal. Scapegoating and stoking fear among workers over the permitting process is counter-productive."

The Senator continues, "There is strong bi-partisan opposition in Congress to the mountaintop removal method of mining it (coal). We have our work cut out for us in finding a prudent and profitable middle ground -- but we will not reach it by using fear mongering, grandstanding and outrage as a strategy."

Some have taken offense to that. Governor Manchin says it's up to Senator Byrd to clarify. "Is the Senator against certain types of mining because he's trying to preserve the traditional minings that we have? Or he thinks that we can bring everybody together to where we can find a balance to do a little of everything?" he asked.

Senator Byrd said “Change has been a constant throughout the history of our coal industry. West Virginians can choose to anticipate change and adapt to it, or resist and be overrun by it.”

Media Reaction:

So, What Does Byrd Mean?

Hoppy Kercheval, MetroNews -- December 10, 2009

<http://www.wvmetronews.com/index.cfm?func=displayfullstory&storyid=34054>

Editorial: A breakdown in communications

Charleston Daily Mail, Dec. 6, 2009

<http://www.dailymail.com/Opinion/Editorials/200912060475>

Businesses Urged To Keep Pressure On EPA

With job losses in the coal industry starting to become a sad reality, business groups, employers and public officials are encouraged to continue to speak out against the U.S. EPA’s ongoing actions involving coal permits and regulations. To get contact information for W.Va.’s Congressional delegation: [click here to get information](#) (Note: The most immediate way to get your voice heard is to call or send a fax to any of the D.C. offices.)

Senate Democrats Moving Away From Public Option

The Senate has begun to move away from having a government-run, public insurance option as part of its national health care reform legislation and is now replacing that with a national insurance program that would be provided by private insurers. The new Senate Democratic proposal also would include a Medicare “buy-in” for people as young as 55. However, according to an article today on Politico.com, “a public option could be ‘triggered’ within a new national insurance program if private insurers do not step in and offer adequate choices. The inclusion of a public option in the House bill ensures it will be an issue during the conference committee.” Even Senator Rockefeller seemed to be accepting the latest concept. “While I firmly believe a strong public option is the best and right solution, there are other ways to solve the core problems of affordability and accountability in our broken health care system,” Rockefeller is quoted in a story on Politico.com. Click to read story - <http://www.politico.com/news/stories/1209/30424.html>

Democratic leaders are awaiting cost estimates on the latest proposal from the Congressional Budget Office.

Climate Change Will Cost Trillions

Last week the CBO stated that cap-and-trade will be a burden on the economy, and this week we are finding out just how much. In the December 9 edition of The New York Times, it was reported that trillions of dollars will be needed to meet climate change requirements.

If negotiators reach an accord at the climate talks in Copenhagen it will entail profound shifts in energy production, dislocations in how and where people live, sweeping changes in agriculture and forestry and the creation of complex new markets in global warming pollution credits. So what is all this going to cost?

The short answer is trillions of dollars over the next few decades. It is a significant sum but a relatively small fraction of the world’s total economic output. In energy infrastructure alone, the transformational ambitions that delegates to the United Nations climate change conference are expected to set in the coming days will cost more than \$10 trillion in additional investment from 2010 to 2030, according to a new estimate from the International Energy Agency.

Click to read entire story -

http://www.nytimes.com/2009/12/09/science/earth/09cost.html?_r=2&hp

Cap-and-Trade Cost Calculator

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

EPA Deems CO2 A Threat To Public Health

The U.S. Environmental Protection Agency announced December 7, 2009 that it had declared greenhouse gas emissions (GHGs), including carbon dioxide, threaten the public health and welfare of the American people. The announcement is the prerequisite for “strong new emissions standards,” according to the EPA. Here is a link to the EPA announcement:

<http://yosemite.epa.gov/opa/admpress.nsf/bd4379a92ceceecac8525735900400c27/08d11a451131bca585257685005bf252!OpenDocument>

Media Reaction:

An Over Zealous EPA

Hoppy Kercheval, MetroNews -- December 9, 2009

This week’s announcement by the EPA that it’s beginning a process that will ultimately lead the agency to curb greenhouse gas emissions represents one of the great overreaches of federal authority in our time. EPA Administrator Lisa Jackson stated Monday that the agency is taking “reasonable, common-sense steps” to cut the release of carbon, methane and other gases that many scientists believe are causing the planet to warm. If the EPA’s decision is truly “reasonable” then Lord help us when the agency decides to take radical steps. ([Click to read the entire commentary.](#))

Obama Suggests Second Stimulus, Small Business Tax Breaks

President Obama announced this week that he is considering providing small businesses with added tax breaks and pumping more federal dollars into infrastructure projects. Here are some details of the President’s latest “jobs” proposals:

“Obama is calling for a one-year elimination of the tax on capital gains from new investments in small business stock, and the extension of a stimulus bill provision that allows small businesses to immediately expense up to \$250,000 of qualified investment. And the president would like to see another provision extended that accelerates the rate at which business can deduct the cost of capital expenditures. Obama also proposed a short-term tax incentive to encourage small business hiring and eliminating fees for businesses that take Small Business Administration loans in 2010.” Source: Politico.com - http://www.politico.com/news/stories/1209/30347_Page2.html

House Votes to Extend Tax Breaks—For Now

http://online.wsj.com/article/SB126039125069884187.html?mod=WSJ_hpp_MIDDLETopStories

Bipartisan Commission Advocated To Tackle Nation’s Debt

The following item was in the December 9 edition of the Wall Street Journal:

A group of senators introduced legislation Wednesday that would create a bipartisan commission to tackle the country's long-term fiscal imbalances, and they threatened to vote against an increase in the debt ceiling unless the commission is enacted. The lawmakers are led by Sens. Kent Conrad (D., N.D.) and Judd Gregg (R., N.H.), the chairman and ranking minority member of the Senate Budget Committee respectively. There are already 27 backers of the bill.

<http://online.wsj.com/article/SB126038556277483853.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](#)

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/>