



Federal Issues Report

September 24, 2009

The West Virginia Chamber of Commerce is starting a new e-newsletter for its members and for local chambers that will focus on federal policy issues and bills pending in the U.S. Congress. Provided are overviews and status reports on a number of major federal matters that are of concern to business and economic development in West Virginia.

National Health Care Reform

The U.S. Senate Finance Committee has begun work on a proposed comprehensive national health care reform bill that has been developed by its Chairman, Senator Max Baucus (D-Montana). More than 500 amendments have been submitted for the committee's consideration, including several from Senator Jay Rockefeller, who is the second-ranking Democrat on the Finance Committee. Senator Rockefeller's amendments include ones to cap itemized deductions for high-cost health insurance plans, many of which are provided under labor contracts, as an alternative to the proposal's insurance tax. Rockefeller told [W.Va. Public Broadcasting](#) that the Baucus bill's proposed 35 percent excise tax would be "disastrous for coal miners." The latest news reports indicate the committee will continue work on considering amendments until early next week. The House version of national health care reform is [H.R. 3200](#).

Positions of W.Va.'s Delegation:

Congresswoman Shelley Moore Capito opposes the Democrat's version of national health care reform. Senator Rockefeller supports national health care legislation that contains the public option and many of the other provisions being sought in the Democrat's proposals.

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

Cap-and-Trade Tax

American Clean Energy and Security Act of 2009 - [HR 2454](#)

President Obama and administration officials continue to call for climate change legislation and enactment of the proposal "cap-and-trade" tax. The United States Senate has not indicated when it may start work on so-called climate change legislation, which was enacted earlier this summer by the U.S. House of Representatives. The measure, HR 2454, would enact provisions aimed to reduce carbon dioxide emissions. The American Clean Energy and Security Act of 2009 (ACES Act) was passed narrowly (219-212) by the U.S. House back earlier this summer. The House bill will impose new regulations, destroy jobs and lead to substantial hikes in energy prices, particularly for electricity generated from coal-fired power plants.

Positions of W.Va.'s Delegation:

West Virginia's three Representatives – Alan Mollohan, Shelley Moore Capito and Nick Rahall – voted against passage of HR 2454.

Senator Byrd has indicated he is opposed to the House bill, and Senator Rockefeller said he has serious concerns about some of the provisions in HR 2454.

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

Related News:

Commentary: Cecil E. Roberts: UMWA fighting for better cap-and-trade bill
[The Charleston Gazette, Sept. 19, 2009](#)

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.

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](#)

EPA Mining Permit Review

The U.S. EPA has extended its timeline for reviewing federal permits for mining activities, particularly those involving the coal industry and mountaintop removal. ([Click to read EPA announcement.](#)) Governor Joe Manchin and members of the state’s Congressional Delegation have expressed dismay over the latest move by the EPA. In early summer of this year the agency said it was initiating a review of pending federal 404 permits. Nearly 200 pending permits were affected by this decision. Then, in mid-September the agency announced it was going to undertake additional scrutiny of 79 of these permits, most of these in the Appalachian coal-producing area.

OTHER KEY FEDERAL ISSUES PENDING IN CONGRESS

[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)

[H.R. 3126](#) - Consumer Financial Protection Agency Act of 2009

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.)

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