



Federal Issues Report

October 1, 2009

This is a new e-newsletter of the West Virginia Chamber of Commerce. It is focusing on key 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.

Cap-And-Trade: Byrd, Rockefeller Opposing New Senate Bill

A new “cap-and-trade” bill has been introduced in the U.S. Senate. The measure, the [Clean Energy Jobs and American Power Act](#), was introduced yesterday by Senators Barbara Boxley (D-California) and John Kerry (D-Massachusetts). It 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:

Statement by Senator Robert C. Byrd:

“I am glad to see that Senators Kerry and Boxer included some of the provisions I and other Senators recommended related to carbon capture and storage. I am pleased that Senators Boxer and Kerry are placing a greater focus on clean coal technology. While this is an encouraging sign, we have a long way to go on this legislation. Many issues have yet to be addressed. There is still a tough road ahead.”

“I will continue to work with my colleagues to strike a balance that treats West Virginia’s interests fairly as the legislative process moves forward. However, I will actively oppose any bill that would harm the workers, families, industries, or our resource-based economy in West Virginia.”

Statement by Senator Jay Rockefeller:

“The climate legislation proposed today by Senators Boxer and Kerry is a disappointing step in the wrong direction and I am against it.

“Requiring 20 percent emission reductions by 2020 is unrealistic and harmful - it is simply not enough time to deploy the carbon capture and storage (CCS) and energy efficiency technologies we need. Period.

“Our nation cannot survive without energy from coal and any viable climate policy must solidify our future by focusing on technology to make coal cleaner faster.

“I will continue studying the bill and all of its implications for our state and the coal industry. This is by no means the defining word on climate legislation in the Senate.

“I remain adamant in my conviction not to support any bill that might threaten the economy, workers or families across West Virginia.

“We should take the time to approach these issues with absolute care and diligence - they require nothing less.”

West Virginia Chamber President Steve Roberts said, “we thank your U.S. Senators for all their work to preserve the all-important energy economy in West Virginia. We especially appreciate Senator Rockefeller’s strong actions associated with this newest assault on energy production.”

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

U.S. Chamber’s statement on climate change – [click to read](#)

[Coal Permits: EPA Halts 23 Permits In West Virginia](#)

The U.S. EPA has halted issuance of 79 federal surface mining permits and has directed that these go 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.” Governor Joe Manchin and members of the state’s Congressional Delegation have expressed their concerns about the latest action by the EPA. EPA said it “concluded that some applications are clearly not ready for processing, and that others are likely to be readily resolved upon further discussion with the Corps.”

[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>

[Health Care Reform Work Continues In Senate Committee](#)

The U.S. Senate Finance Committee resumed work this week on amendments to a proposed comprehensive national health care reform bill. Nearly 550 amendments are being considered by the committee. This health reform plan developed by Chairman Max Baucus includes a variety of new taxes to help pay for the plan’s \$900 billion in projected costs. The House version of national health care reform is [H.R. 3200](#).

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

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](#)

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

Background – [click to read](#)

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/>