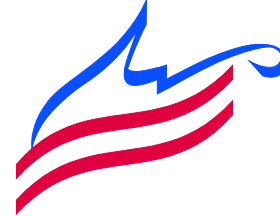


Last Week To Register
West Virginia Chamber's 2010 Legislative Issues & Outlook Conference

[Click for details and a registration form](#)

Hear 2010 Election Outlook From National Political Commentator – Charlie Cook



WEST VIRGINIA CHAMBER

Federal Issues Report

January 8, 2010

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.

State's Coal Industry Receives Welcome News **Efforts By Elected Leaders, Communities Having An Impact**

The past two weeks brought some welcome good news for the state's coal industry and its workers. Elected leaders, business groups (including the West Virginia Chamber) and community officials have been expressing their displeasure with efforts by EPA and others to hinder the state's coal industry and put jobs and tax revenues at risk.

First, on December 29 a federal judge ruled that a Consol surface mine along the Nicholas-Clay county line could continue to operate past January 23, which was the date when the mine was going to have to cease operations and shutdown. The shutdown of the mine was being prompted by a legal challenge by environmentalists. The judge's ruling will allow the mine to continue production while the challenge is heard in court. The mining operation employs about 500 workers.

Second, the U.S. EPA announced January 5 that it was approving the issuance of a permit needed by Patriot Coal's Hobet surface mine in Lincoln County. The permit will allow the mine to continue with production activities and preserve about 500 jobs. The permit is among 23 in West Virginia (79 in the U.S.) that is being held up by the EPA for further review and consideration. [Click to read the January 5 statement from the EPA](#)

Also, the EPA announced the same day that U.S. District Judge Robert C. Chambers had approved the government's motion to allow for more time to negotiate a deal on a permit issue related to Arch Coal's Spruce Mine in Logan County. The agency announced last fall that it was planning to revoke a 2007 water quality permit issued for the coal mine operation. According to the EPA, the company "agreed to ask for the extension in order to continue discussions to determine if a revised mining plan can be developed that will comply with the Clean Water Act. After close study, EPA determined that the proposed mine raised significant environmental and water quality concerns."

Congressional Reaction

Provided below is a MetroNews story that contains comments from members of the state's congressional delegation about the recent EPA action:

<http://www.wvmetronews.com/index.cfm?func=displayfullstory&storyid=34505>

Governor's Reaction

Provided is a statement issued Jan. 5, 2010, from Governor Manchin regarding Patriot Coal Corp.'s Hobet 45 permit:

"I was extremely pleased to hear that the EPA has dropped its objections to the issuance of Patriot Coal Corp.'s Hobet 45 permit," Gov. Joe Manchin said. This permit directly affected about 500 workers, so it is really good news for the men and women who worked there and for the economy of southern West Virginia.

"While we will continue to seek clarity from the EPA on mine permitting issues, including the Spruce No. 1 mine, we thank the EPA for working with our operators to resolve the questions they have raised. In addition, I thank our congressional delegation for their work in Washington on the issue of energy.

"West Virginia is an energy state, but it is also a beautiful state, so it is essential we find the balance between jobs and the environment. Energy independence remains a top issue for our nation. West Virginia has produced the energy needed to get this country through two world wars and a great depression, so I am confident that West Virginia will continue to be a major player in our nation's energy future. My administration will continue to stand up for our coal miners and their families. Our state's future depends on theirs."

Businesses, Groups Urged To Keep Pressure On EPA

While the new year is bringing some initial good news about coal mine permits, much more still needs to be done. Business groups, employers and public officials are encouraged to continue to speak out about 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.*)

Bingaman: Cap-And-Trade Not Likely In 2010

Another influential Democratic Senator is predicting that passage of cap-and-trade legislation is fairly unlikely in 2010. Sen. Jeff Bingaman, D-N.M. and the chairman of the U.S. Senate Energy and Natural Resources Committee, is quoted in an Associated Press story this week saying "it's unclear whether Congress will be able to pass cap and trade legislation aimed at reducing greenhouse gas emissions this year." The story indicated that Bingaman says there is "no consensus" on key cap-and-trade provision. http://news.yahoo.com/s/ap/20100105/ap_on_bi_ge/us_energy_bingaman_new_mexico_1

Cap-and-Trade Cost Calculator

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

Health Care Reform Tax Hikes Coming – House vs. Senate

As currently drafted, federal health care reform will include increases in taxes. The only question is who will be paying these higher taxes. The U.S. House bill would impose a surtax on high-income individuals and couples, while the U.S. Senate version will increase Medicare taxes on people who earn more than \$200,000 (\$250,000 on families) and new taxes on "Cadillac" health insurance plans. Provided is a link to an overview and comparison of the tax provisions in both bills:

http://money.cnn.com/2009/12/31/pf/taxes/health_reform_taxes/index.htm

OTHER KEY FEDERAL ISSUES

Banking/Financial Reform

Now that the U.S. House has passed its version of financial/banking regulatory reform (Financial Regulatory Reform Bill -- H.R. 4173), the action now moves to the U.S. Senate. Both the U.S. Chamber and the American Bankers Association are unhappy with the bill passed by the House.

U.S. Chamber's statement – [click to read](#)

ABA's Statement – [click to read](#)

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 is continuing to monitor campaign finance decisions of the U.S. Supreme Court, particularly regarding 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. A 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/>