

# KEY VOTE **ALERT!**

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Congressional & Public Affairs  
U.S. Chamber of Commerce  
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202/463-5600

TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES:

The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses and organizations of every size, sector, and region, strongly supports several provisions of H.R. 1, the "Full-Year Continuing Appropriations Act, 2011," which would implement important policy changes at various federal agencies. Moreover, the Chamber believes that the policy-related components of H.R. 1 could be improved by addressing other policy issues.

Specifically, the Chamber strongly supports existing provisions of H.R. 1, including:

- Section 1746, which would limit the ability of the Environmental Protection Agency (EPA) to regulate greenhouse gas emissions under the Clean Air Act. By actively moving forward with regulation of stationary greenhouse gas emitters, EPA has assumed the role of legislator and is infringing on responsibilities of Congress. EPA's actions have caused tremendous regulatory uncertainty for businesses, many of whom are afraid to invest in a project that, on account of its greenhouse gas emissions, might not receive a permit. There is broad consensus that the Clean Air Act is not an appropriate tool for addressing climate change. These provisions would help limit the damage EPA's regulatory overreach has caused.
- Section 1747, which would prohibit EPA from expanding the jurisdiction of the Clean Water Act (CWA) to waters the law was never intended to cover. Ignoring the fact that recent Congresses have failed to take action on legislation to expand the scope of the law by expanding the CWA's jurisdiction from "navigable waters of the United States" to all "waters of the United States," EPA has sought to implement a change in scope of the existing law through the regulatory process. In mid-2010, EPA declared the concrete-lined Los Angeles River—of *Grease* and *Terminator 2* car chase fame—to be "navigable." In coming weeks, EPA plans to release guidance further stretching its regulatory reach. Section 1747 is a sensible provision to limit the damage such a radical reinterpretation of the CWA could cause.
- Section 1419, which would limit the Nuclear Regulatory Commission's (NRC) ability to take any further action related to closure of the Yucca Mountain geologic repository until it reverses the pending Atomic Safety

Licensing Board's finding that the Department of Energy has no legal mechanism to withdraw its license application. The NRC has delayed its decision for more than seven months without providing a legal explanation. This inaction calls into question the Commission's integrity and creates greater uncertainty as to how the federal government will meet its legal obligation to collect and manage the tens of thousands of metric tons of commercial and defense waste stored in 39 states.

In addition, the Chamber urges you to include additional provisions to implement important policy changes. The Chamber would support amendments, if offered, to:

- Prevent the Department of Education from using any funds to implement the proposed gainful employment regulation. Such an amendment, which may be offered by Education and Workforce Committee Chairman Kline, would prevent the significant impact of the gainful employment rule: a chilling effect on students' access to post-secondary education, an estimated 100,000 jobs lost, and a \$5.3 billion burden on taxpayers.
- To limit funding for the National Labor Relations Board to prevent the Board from modifying the standard it uses to determine what constitutes an appropriate bargaining unit for union organizing and collective bargaining. The Board is considering significant changes to its policy in this area in the case *Specialty Healthcare and Rehabilitation Center of Mobile and United Steelworkers, District 9*, 356 NLRB No. 56 (Dec. 22, 2010). Although there is no evidence that existing policy has proven problematic, the Board is considering creating a new rule that would lead to the proliferation of fragmented and micro-units that unions could use to force their way in to an employer's business.
- To improve accountability congressional oversight of the Bureau of Consumer Financial Protection (BCFP) by ensuring that this Bureau, which was created in the recently enacted Dodd-Frank law, would be funded through the traditional appropriations process. Pursuant to Dodd-Frank, BCFP is funded with a virtually unconstrained appropriation. It is imperative that Congress assert its traditional oversight role to ensure that BCFP is accountable and is operating in an efficient and effective manner, and an amendment on this issue is expected to be offered by Rep. Garrett.

**The Chamber will consider including votes on, or in relation to, these important policy issues—including votes on amendments—in our annual *How They Voted* scorecard.**

Sincerely,



R. Bruce Josten