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Congress's Latest Assault on the EPA

by Ronald White

On July 9, Rep. Sam Graves (R-MO) introduced [H.R. 5034](#), the Stop the EPA Act of 2014. Incorporating the worst aspects of [previous attempts to undermine the ability of federal agencies to address needed public protections](#), this bill would require a joint resolution of congressional approval for any standard developed by the U.S. Environmental Protection Agency (EPA) with an estimated economic impact of more than \$50 million. It also would halt implementation of all existing major EPA rules that were not submitted to Congress, along with detailed benefit-cost analyses, for approval within six months of adoption of the bill. This would essentially slam the brakes on EPA's efforts to develop new rules while it complied with the bill's mandates, hampering the agency's ability to protect Americans from emerging threats and hazards.

The bill is just the latest chapter in what has become a never-ending effort by anti-regulatory members of Congress to politicize and demonize efforts by the EPA to address needed safeguards that address essential public health and environmental issues such as climate change and protecting the country's air and water quality.

The same day the Graves bill was introduced, the House Appropriations Subcommittee for Interior, Environment and Related Agencies passed a [budget for fiscal year 2015](#) that included a nine percent cut in the EPA's overall budget. EPA's budget has already suffered [significant cuts](#) over the past several years when adjusted to 2012 dollars, so this latest attempt to hamper EPA's ability to function as an effective agency adds insult to injury. Accompanying the funding cut were 23 legislative riders and funding limits that would undermine environmental laws, threaten public health and safety, and deny the impact of greenhouse gases on climate change. These include removing EPA's authority to regulate greenhouse gases as well as clarifying the ["waters of the U.S." rule](#) that addresses protection of our nation's lakes, rivers, and streams.

While neither the Graves legislation nor the House subcommittee appropriations bill is likely to pass the Senate as drafted, they signal the need for vigilance on efforts to undermine EPA's ability to fulfill its congressionally created mission to protect public health and the environment.

EPA Addresses Misinformation Surrounding Proposed "Waters of the U.S." Rule

by July Tran

In April, the EPA introduced a [proposed rule](#) that clarifies what bodies of water are "waters of the U.S." and are covered by the Clean Water Act. The proposed rule is projected to provide \$388 million to \$514 million in benefits each year as a result of filtering pollution, providing wildlife habitat, reducing flooding, recharging groundwater, and supporting hunting and fishing. The costs are [estimated](#) at a smaller \$162 million to \$278 million a year. Opponents of the rule, ignoring the significant benefits the rule will deliver to the American people, have launched a misinformation campaign that is muddying the waters on this important issue.

Background

The 1972 Clean Water Act established pollution control and permitting programs to preserve the quality of the "waters of the U.S." and protect them from harmful pollutants. Wetlands, tributaries, and some ditches feed into large bodies of water to create a vast, interconnected water system. Ensuring the quality of these waters is crucial to protecting human health and the wildlife present in these areas. However, there has been recent confusion over which waters are "waters of the U.S." protected under the Clean Water Act. Split rulings in U.S. Supreme Court cases in [2001](#) and [2006](#) added to that confusion.

A lack of clarity about what waters are under the jurisdiction of the Clean Water Act has [prevented the protection](#) of numerous bodies of water from dangerous pollutants. For instance, a large animal feeding operation in Georgia discharged liquid manure into tributaries flowing into Lake Blackshear, an area

frequently used for recreation. The cost and challenge of proving Clean Water Act authority over the tributaries [delayed enforcement](#). As a result, harmful levels of viruses and bacteria were found in the lake, exposing water skiers, swimmers, and others to risks of illness and disease.

Opposition and Legislative Actions

Opponents of the proposed rule [claim](#) the EPA is expanding the definition of “waters of the U.S.,” not clarifying it, and they argue that the rule will result in increased fees, delays for farmers, and restrictions on local land use. The EPA [recently addressed](#) these misleading claims, pointing out that they are not true due to the exemptions for farming and other text in the rule.

Despite these facts, 30 Republican senators recently [introduced](#) a bill that prevents the EPA from finalizing the rule. Ten Republican senators also [sent a letter](#) to EPA Administrator Gina McCarthy outlining their concerns.

EPA leaders are [meeting with farmers](#) and agricultural interest groups in an effort to further clarify the proposed rule and encourage formal comments.

The proposed rule is open for public comment until [Oct. 20, 2014](#).

What is this Country about Anymore?

by Katherine McFate

This op-ed was originally published by [OtherWords](#)

Meet Mark. He's a 58 year old, college-educated veteran who lives in Oregon.

He was laid off last September and has been unable to find work since. Mark's state unemployment benefits ran out in May. Since funding for the federal Emergency Unemployment Compensation program was cut last December, Mark and more than three million other Americans, including nearly 300,000 veterans, have been denied access to a second six months of support — a vital financial lifeline in this tough economy. Mark is way behind in his rent, is selling everything of value he owns, and fears he will be homeless soon.

"We spend trillions bailing out banks, and provide Wall Street bonuses for those that created this challenging economy, but for a highly skilled worker, a veteran with a family, this country has nothing," writes Mark. "What is this country about anymore? Our military service personnel risk their lives to save and protect the freedoms of our country and this land, but when we need help there isn't enough?"

My organization, the Center for Effective Government, is collecting stories from people like Mark reporting how the loss of emergency unemployment benefits is wrecking their lives. Unemployment benefits only provide about \$300 a week, barely enough for the rent or mortgage in many places, but it keeps the utilities on, pays for a phone, gas money, and an internet connection — so the job search can continue. Employers won't hire someone without an address and phone number.

The stories follow a common trajectory. First, families drain their savings. Then, their retirement accounts to keep paying rent or the mortgage. That's followed by resorting to credit card debt to buy food, keep the phone and utilities on, and pay for gas money. As families become more desperate, they start selling their possessions and move in with friends and relatives, if they have that option.

Some families end up sleeping in tents and cars, leaving parents to worry that the authorities will take away their children until they're back on their feet.

Almost all our stories end with some version of Mark's question, especially the stories from veterans: What is this country about anymore? They feel betrayed by elected officials who put partisan politics above their needs, betrayed by the nation that ignores their plight.

In April, the Senate passed a retroactive extension of emergency unemployment assistance. House leaders refused to allow a vote on the bill, so it expired.

A more modest proposal has emerged: It would provide assistance to those who apply for emergency aid in the future. It would provide no retroactive relief to the millions of workers who have exhausted their resources as they continue to search for work. But those jobless Americans need retroactive benefits to catch up on the rent and pay off their credit card debt.

It looks like this bipartisan new bill co-sponsored by Reps. Dan Kildee (D-MI) and Frank LoBiondo (R-NJ) could garner a House majority. That would mark a step forward.

But this "half a loaf" won't be enough to stabilize the lives of the millions of Americans who worked hard, played by the rules, took care of their families, and have been felled by a poor economy.

This Independence Day, let's all ask ourselves: "What is this country about anymore?" What country allows almost 300,000 unemployed veterans and their families (and another 2.9 million Americans) to sink into poverty?

The Declaration of Independence begins by asserting our right to "life, liberty and the pursuit of happiness." For the long-term unemployed, the ending may be more relevant: "we mutually pledge to each other our lives, our fortunes, and our sacred honor."

The pledge to support and protect each other captures the essence of patriotism. This Independence Day, we need to open our hearts to our neighbors and honor our common humanity by extending a hand to our fellow Americans as they struggle to navigate our tough economy.

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Bipartisan Unemployment Benefits Bills in Both Houses

by Jessica Schieder

Sens. Jack Reed (D-RI) and Dean Heller (R-NV) have introduced a bill ([S. 2532](#)) in the Senate to extend benefits for the long-term unemployed for five months. Reps. Dan Kildee (D-MI) and Frank LoBiondo (R-NJ) have introduced companion legislation ([H.R. 4970](#)) in the House of Representatives.

For the first time in months, there is legislation in both houses of Congress to extend the Emergency Unemployment Compensation (EUC) program, which could provide some needed relief for more than 3.3 million Americans who have been unemployed for more than six months despite actively searching for jobs.

While there is widespread [skepticism](#) that both bills will pass, the legislation's introduction has added fresh momentum to the call for extended unemployment benefits.

Similar to the five-month extension bill that expired at the end of May, the new legislation is completely paid for and will not add to the deficit. The [\\$9.7 billion cost](#) of the bills is offset by customs fees and a reduction in the tax-deductible pension fund contributions that corporations must make.

Disappointingly, the bills contain no retroactive pay for people who were cut off from EUC in December 2013. For these folks – many of whom have depleted their retirement savings, have been forced to sell their valuables, and have lost their homes – the bills offer only forward-looking support.

Being without emergency unemployment benefits for up to six months has left many families deep in debt, from which they might never emerge without the assistance provided by retroactive benefits. The failure of some in Congress to act on behalf of these individuals with urgency will likely continue to haunt them in the form of forfeited educational opportunities and bad credit.

- For Pamela in Glenn Springs, South Carolina, who is now three months behind on her mortgage, there will be no money to help her catch up and save her home.
- For Donna in New York, New York, whose eldest child dropped out of college as her mother became homeless, there will be no relief or help to get her child back into a Bachelor's degree program.
- For Sharon in Louisville, Kentucky, who says she won't be able to retire until she's 70 because she's depleted her 401(k), there will be no assistance that allows her to replenish her savings.

The exclusion of retroactive benefits will have these and other long-term impacts, which will reduce the security of working families and tax revenue for the government for years to come. According to the [National Employment Law Project](#), "It appears that it's been deemed politically impossible to include the fully retroactive provisions contained in the earlier Senate-passed extension. That is not merely unfortunate – it's truly tragic."

The Center for Effective Government will continue to host weekly [Witness Wednesdays: Voices of the Unemployed](#) events in July. The events start up again on July 9 at 12:30pm at the House Triangle at the foot of the Capitol building in Washington, DC. Events on July 16, July 23, and July 30 will be held at the same time and in the same location.

Along with our partners – the Coalition on Human Needs, the National Women’s Law Center, and the National Employment Law Project – we have welcomed more than a dozen members of Congress, numerous faith leaders, several labor leaders, and more than a handful of nonprofit leaders to read aloud stories from individuals and families who have fallen through the cracks. These stories have shattered stereotypes and have demonstrated that long-term unemployed Americans want the chance to roll up their sleeves, get back to work, and provide for their families.

For videos from the three June events, click [here](#). Live-streaming of the July events will be provided on the Witness Wednesdays page, www.witnesswednesdays.org.

For additional information on the [Witness Wednesdays: Voices of the Unemployed](#) events, click the logo below.



New York State’s High Court Upholds Towns’ Right to Ban Fracking

by Amanda Frank

The New York State Court of Appeals [issued a decision](#) on June 30 that will shape the future of natural gas fracking in the state. In a vote of 5-2, the court ruled that local townships have the right to ban hydraulic fracturing within their borders. The decision upheld earlier rulings by the state’s lower courts that recognized the rights of the towns of Dryden and Middlefield to issue moratoriums on fracking.

History

Neither Dryden nor Middlefield had oil and gas extraction operations prior to the expansion of fracking, a drilling technique that injects water and chemicals into bedrock to release trapped oil and gas deposits. With this technique, natural gas contained in shale rock formations like the Marcellus region (which lies beneath [parts of New York](#), among other states) became lucrative sites for gas drilling.

When gas companies began acquiring leases in the state, Dryden and Middlefield each held public meetings to discuss the practice and, based on local citizens' concerns that fracking would threaten public health and destroy the character of the towns, issued moratoriums on fracking. Both towns concluded that fracking falls outside of permissible land uses based on local zoning ordinances and subsequently amended their zoning laws to ban fracking.

The gas companies that had acquired leases filed separate suits against Dryden and Middlefield, arguing that the towns' zoning ordinances are preempted by New York's [Oil, Gas, and Solution Mining Law](#), and therefore, towns are not permitted to issue moratoriums. New York's lower courts ruled in favor of Dryden and Middlefield, and the gas companies appealed those decisions to the Court of Appeals, the highest court in the New York judicial system.

The Court of Appeals upheld the decision of the lower courts, stating that the towns were acting within their powers and declaring that state law "does not preempt the home rule authority vested in municipalities to regulate land use." This is a landmark decision that should allow other towns and cities in the state to decide whether to ban fracking within their borders.

A Victory for Local Communities

The decision will not have an immediate effect on fracking in the state, as New York issued a [state-wide moratorium](#) on the practice as it awaits the release of a [public health review](#) by the New York State Department of Health. Even so, opponents of fracking [celebrate this decision](#) as a triumph of local communities over oil and gas companies. The ruling upholds local communities' rights to govern land use and protect citizens from the public health risks associated with fracking.

Dryden and Middlefield are just two of [more than 170 towns in New York](#) that have issued fracking moratoriums to date. While New York has seen more local measures on fracking than any other state, communities from Pennsylvania to Hawaii have also passed resolutions to [ban the practice](#). Their action speaks to the desire of local communities to make their own decisions regarding the fate of fracking in their towns. To see whether measures have been proposed or passed in your area, visit an [interactive map](#) produced by Food & Water Watch.

Campaign Transparency Efforts Continue in Congress and the FCC

by Lukas Autenried

Amid growing concerns about untracked spending on elections, two different efforts are underway to try to shed new light on this critical aspect of our democracy. First, Sen. Sheldon Whitehouse (D-RI) on

June 24 reintroduced the [DISCLOSE Act](#), which would require groups trying to influence elections to disclose their funding sources. Second, the July 1 [reporting deadline](#) for the Federal Communications Commission's (FCC) [online political file rule](#) has arrived. The rule requires broadcast television stations to post information online about political advertisements.

These moves are especially important in the wake of the U.S. Supreme Court's 2010 ruling in [Citizens United v. Federal Election Commission](#), which opened the floodgates for wealthy donors and corporations to channel unlimited funds through Super PACs. One result of the ruling has been a large spike in political advertising funded by unknown donors. The DISCLOSE Act and the FCC file rule would provide greater transparency, which can deter corruption and inappropriate influence. The data also provides voters with important information to evaluate political candidates.

DISCLOSE Act

The Democracy is Strengthened by Casting Light on Spending in Elections (DISCLOSE) Act was first introduced in 2010 as a direct [response](#) to the *Citizens United* ruling. The legislation would require any entity spending \$10,000 or more on elections to publicly report to the Federal Election Commission (FEC). Those organizations, such as Super PACs, would also have to disclose the identity of any donor who gave \$10,000 or more and list their top funders in their political ads. Additionally, the bill would prevent donors from using shell organizations to hide their contributions by requiring transfers of campaign funds to be disclosed.

The DISCLOSE Act responds to the fact that, even though the Supreme Court has weakened campaign finance rules in other ways, the Court has consistently upheld disclosure laws, including [in its Citizens United ruling](#). Justice Anthony Kennedy, writing for the Court in that case, [said](#), "Transparency enables the electorate to make informed decisions and give proper weight to different speakers and messages." In 2010's [Doe v. Reed](#), Justice Antonin Scalia echoed a similar thought in a concurrence, writing, "Requiring people to stand up in public for their political acts fosters civic courage, without which democracy is doomed."

Therefore, disclosure remains one sure way to help address the [harmful effects of big money in politics](#). While *Citizens United* opened up new ways for corporations and wealthy donors to seek to influence elections, it failed to establish any new transparency to accompany the expanded spending. The DISCLOSE Act would ensure that the transparency standards that apply to traditional PACs and campaigns also apply to Super PACs.

The bill garnered a majority of votes in the Senate in both 2010 and 2012, but it [failed to reach](#) the requisite 60 votes needed to overcome a filibuster. Along with Whitehouse, the reintroduced DISCLOSE Act has [50 co-sponsors](#). The Senate is [expected to vote](#) on the legislation later this year.

FCC File Rule

In exchange for their right to transmit across public airwaves, licensed broadcasters are responsible for serving their communities and are subject to certain obligations established by Congress and the FCC. One of those requirements is to maintain a public file that provides certain information about programming and operations, including political ad buys.

While stations have traditionally maintained these files on paper, only available for the public to inspect in person, a recent modernization [rule](#) requires the files to be digitized and will soon come into full force. As of today, TV stations are required to post these public files to an [online database](#) maintained by the FCC and to link from their websites to their public inspection files.

Since 2012, stations affiliated with the top four networks broadcasting in the 50 largest market areas were required to post their files online. Now all licensed TV broadcasters will have to meet the same requirement and post their respective files. The rule should help shed greater light on the political advertisements purchased throughout the country by Super PACs and other third-party organizations. Since the *Citizens United* decision, political ad buying has skyrocketed, so the data should be revealing.

While the new rule is a positive step toward greater transparency, it does have [limitations](#). The FCC has already experienced [problems with compliance](#) from stations currently subject to the rule. Some stations responsible to report for the first time may fall short of the requirements, as well.

Campaign Finance Reform as an Ongoing Effort

Campaign finance disclosure promotes more open and honest government. Providing the public with access to information about the flow of money in politics enables oversight and accountability by informing voters about potential influences on public officials. These efforts come while the Senate is also [considering a constitutional amendment](#) to put further campaign finance reforms on more solid footing. As part of the broader movement to curb the influence of money in politics, opening campaign finance to greater public scrutiny through policies such as the DISCLOSE Act and the new FCC file rule mark important milestones.



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