



# CONCRETE CAPITOL CONNECTION

## UPDATES ON LEGISLATION, REGULATION AND CASE LAW - June 2011

Dear Member:

Rally for Roads A Huge Success! On May 25<sup>th</sup>, in front of the U.S. Capitol, over 500 members of the transportation construction industry gathered to attend the "Rally for Roads" to call attention to the need for a new multi-year, fully funded transportation bill. The rally, held in conjunction with the Transportation Construction Coalition (TCC) Fly-In, featured twenty speakers including two U.S. Senators, seven U.S. Representatives, and eleven industry officials. The speakers all touted the importance a multi-year, robust transportation bill will have on jobs, the nation's economy, and international competitiveness. Principle sponsors of the rally were NRMCA and NSSGA along with NAPA, ARTBA, ACPA, PCA, CRSI, ACEC, ISEA, and AED. More on the rally can be viewed at: [www.transportationtv.org](http://www.transportationtv.org).

Transportation Debate Heats Up. On May 25<sup>th</sup>, just hours after the "Rally for Roads" ended, Senators Barbara Boxer (D-CA), James Inhofe (R-OK), Max Baucus (D-MT), and David Vitter (R-LA) made an announcement concerning their progress on a new six-year transportation bill. The group stated that although the bill is still being drafted, and should be released by the July 4<sup>th</sup> Congressional recess, they have agreed on a number of principles for the bill. Specifically, they plan on maintaining current transportation funding levels (roughly \$43 billion/yr for highways), eliminating earmarks, consolidating transportation programs, expanding the popular *Transportation Infrastructure Finance and Innovation Act* (TIFIA) program, and expediting projects. Senator Boxer suggested the price tag for the bill would total \$339.2 billion. However, determining exactly where the money will come from is still in question. As well, Boxer noted that in lieu of a six-year bill, a two-year bill totaling \$109.3 billion is also possible. The Senators' announcement further complicates the transportation debate since there are now three very different proposals/scenarios from all three relevant bodies. The White House has suggested a six-year \$556 billion bill (no suggested funding sources though), and the House constrained by its agreeing to Representative Paul Ryan's (R-WI) fiscal year 2012 budget resolution has limited itself to a bill that will need to be tailored around roughly \$27 billion per year. Lastly, to add insult to injury, these developments come on the heels of an Urban Land Institute study dated May 16<sup>th</sup> concluding that the U.S. needs a \$2 trillion investment in its crumbling infrastructure network.

Building Codes Study, NFIP Clear Committee. On May 13<sup>th</sup>, the House Financial Services Committee held a markup to consider H.R. 1309, the reauthorization of the National Flood Insurance Program (NFIP). H.R. 1309 was passed out of the committee after NRMCA drafted language was added as an amendment. The language specifically directs the Federal Emergency Management Agency (FEMA) to study the "impact, effectiveness, and feasibility" of including "widely used and nationally recognized building codes" as criteria for participation in the NFIP. The bill now moves to the full House for a vote yet to be scheduled. On the Senate side, the relevant committees are still drafting legislation.

Fly Ash Rule Highlighted During EPA Regulations Hearing. On May 12<sup>th</sup>, the House Small Business Committee Subcommittee on Investigations, Oversight and Regulations held a hearing titled, "*Green Isn't Always Gold: Are EPA Regulations Harming Small Businesses?*" Included on the witness panel was John Ward with Citizens for Recycling First, who testified on the Environmental Protection Agency's (EPA) proposed rule to regulate coal ash as a hazardous waste. Mr. Ward stated that, "In the Agency's single-minded quest to gain more enforcement authority over the disposal of coal ash, EPA appears resolved to ignore the negative impacts of its actions on an entire recycling industry and the small businesses that comprise it. If EPA succeeds in getting the regulations it wants, our nation will end up putting hundreds of millions of tons more material into landfills rather than safely recycling it - hardly a "green" result."

3% Withholding Provision Panned. On May 19<sup>th</sup>, the House Small Business Committee Subcommittee on Contracting and Workforce held a hearing to highlight the negative "effect of Section 511 of the *Tax Prevention and Reconciliation Act of 2005*, which will require federal, state and local governments to withhold 3% from all payments of goods and services to small businesses." All eight hearing witnesses testified that the provision, set to be enacted in early 2012, will reduce their profits, cut back the number of projects they bid on, potentially destroy their business, and amounts to an unfair, unjust loan to the federal government on the backs of small businesses. Bills to repeal the 3% withholding provision have been introduced individually by Representative Wall Herger (R-2-CA), and Senators David Vitter (R-LA) and Scott Brown (R-MA) (H.R. 674, S. 89, S. 164 respectively). For more information please visit: [www.withholdingrelief.com](http://www.withholdingrelief.com).

Sincerely,

*NRMCA Government Affairs*

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