



CONCRETE CAPITOL CONNECTION

UPDATES ON LEGISLATION, REGULATION, AND CASE LAW - March 2016

Dear Member:

House Passed FEMA Disaster Bill With Building Code Study: On February 29, the House passed by voice vote [H.R. 1471](#) the FEMA Disaster Assistance Reform Act of 2015. The bill directs the Federal Emergency Management Agency (FEMA) to conduct a study through the National Advisory Council on disaster costs and losses. The study further examines specific disaster assistance available from federal sources and reviews where assistance has been allocated throughout different regions of the country. Lastly, the study will provide recommendations on ways to improve emergency response efforts and decision making for national disasters. NRMCA worked with the BuildStrong Coalition to include this study in the final bill.

Supreme Court Halts Obama's Clean Power Plan: On February 9, the U.S. Supreme Court ruled 5-4 to issue a stay on implementation of the [Clean Power Plan](#) while the rule is being challenged at the U.S. Court of Appeals for the District of Columbia Circuit. The Clean Power Plan mandates that states reduce carbon emissions from power plants 30 percent by 2030 using 2005 levels. The fundamental argument against the Clean Power Plan rule is that it's not legal under the Clean Air Act and that it's an extreme overreach of power by the executive branch. Despite the Supreme Court's ruling, the Environmental Protection Agency (EPA) Administrator Gina McCarthy continues to encourage states to move forward with their plans to reduce carbon emissions. Currently there are 27 states, 24 national trade associations, 37 rural electric cooperatives, and 3 labor unions challenging the legality of the Clean Power Plan. The D.C. Circuit is expected to rule on the case later this year, and a Supreme Court challenge of the decision is all but certain from either side. If the Supreme Court decides to take up the case then a final decision could come as soon as 2017 or 2018.

House Marks Up FAA Reauthorization Bill: On February 11 the House Transportation and Infrastructure (T&I) Committee marked up [H.R. 4441](#), the Aviation Innovation, Reform, and Reauthorization (AIRR) Act. The \$69 billion bill was approved in the T&I Committee by a vote of 32-26, but is currently on hold because of jurisdictional issues in the Ways and Means Committee on the Air Traffic Control reform component of the bill. Included in the bill is an hours-of-service provision that would restrict the ability of states to regulate truckers' on-duty time including meal and rest breaks. This language was also introduced as an amendment to the FAST Act but failed during the markup of the bill. It is uncertain at this point when the Senate will introduce their bill and with the looming deadline for current Federal Aviation Administration (FAA) authorization expiring March 31 another extension is likely.

Obama Unveils FY 2017 Budget with \$10-Per-Barrel Fee on Oil: On February 9, President Obama submitted his [FY 2017 budget](#) proposal to Congress. The \$4.1 trillion budget includes many past requests, but also several new proposals such as the \$10-per-barrel fee on certain oil transactions to fund the 21st Century Clean Transportation Plan. The plan aims to further promote President Obama's climate agenda by spending \$20 billion per year over ten years to reduce greenhouse gas emissions and find alternative and cleaner methods of transportation. The \$10.25 per-barrel fee would come from a tax on oil companies on domestic and imported oil. According to the Administration, the per-barrel tax would generate \$319 billion over 10 years; however, Treasury officials stated the tax would increase gasoline prices by roughly 20 cents a gallon.

Final Silica Rule Delayed Again: On February 22 a senior official with the Occupational Safety & Health Administration (OSHA) announced that the final [silica rule](#) will not come out as expected by the end of the month. In December, the Department of Labor sent the final rule to the White House Office of Management and Budget. The rule would lower the permissible exposure limit (PEL) to crystalline silica to 50 micrograms for the construction industry.

Ways and Means Committee Holds Hearing on International Tax Reform: On February 24, the House Ways and Means Committee held its first hearing on international tax reform for 2016. The hearing highlighted how the current tax environment is killing jobs and delaying the US economy from a full recovery. Passing comprehensive tax reform during an election year coupled with the current Administration will be extremely challenging, but Chairman Kevin Brady (R-08-TX) continues to move forward with his tax reform plans.

Sincerely,

NRMCA Government Affairs

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Notice:



NRMCA's 2016 Annual Convention will be held April 10-12 at the Loews Coronado Bay Resort in San Diego, CA.

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