



BUSINESS COUNCIL  
OF ALABAMA

# THE BUSINESS COUNCIL OF ALABAMA'S 2012 FEDERAL LEGISLATIVE AGENDA



*BCA Partners:*



Chamber of Commerce



Association of Alabama



NATIONAL ASSOCIATION OF  
Manufacturers



## ECONOMIC DEVELOPMENT

*The BCA will support efforts to:*

- Secure federal contracts and support and enhance federal programs leveraging Alabama's military, defense and aerospace, biotech and medical research, and research and development opportunities.
- Advocate changes and improvements to Sarbanes-Oxley to reduce the negative impact to business created by the existing statute by providing further clarification to the existing law in order to eliminate several unintended consequences; to reduce the disproportionate costs of compliance; and to ensure the U.S. markets are not at a competitive disadvantage to foreign markets.
- Support the development of a heavy-lift launch vehicle to keep our nation the world leader in the human exploration of space.
- Preserve, promote and protect the integrity and viability of the federal government's small business programs in order to ensure that work awarded under such programs is performed to the maximum extent possible by authentic small businesses that legitimately comply with applicable size standards established by the Small Business Administration

## EDUCATION/WORK FORCE DEVELOPMENT

*The BCA will support efforts to:*

- Federally fund the needed resources to expand the Alabama Reading Initiative beyond grades K-3.
- Work with the Department of Defense to rebuild the "compact" between the military and employers so that companies, especially small and midsize com-

panies, continue to hire members of the National Guard and Reserve in this era of increased call-ups for citizen-soldiers.

- Reform immigration policy to strengthen our national security, including increasing protection of our borders, while providing a supplemental workforce for American businesses and industry. Simplify and expand the caps in the H2B program to make it an effective tool in offsetting the growing workforce shortages in various sectors of the U.S., and in particular Alabama's economy, wherein there are no qualified Americans willing and able to take positions and that the temporary worker must intend to return to their homeland once their visa is expired.
- Reauthorize the Workforce Investment Act of 1998 and the Job Training Improvement Act of 2005, to: 1) accelerate the training for high growth, high wage technical careers; 2) promote seamless articulation over the course of defined career pathways that lead to the attainment of recognized credentials and 3) allow greater funding flexibility, further streamline administration and ensure that the one-stop delivery system is employer-driven.
- Support programs that will enlarge the pool of skilled workers for the manufacturing sector.
- Increase funding for pre-kindergarten educational programs administered by certifiably trained staff, and ensure that the programs demonstrate student academic preparedness for kindergarten through required appropriate accountability measures.

*The BCA will monitor efforts to:*

- Reauthorize the No Child Left Behind Act (also known as the Elementary and Secondary Edu-



Suzanne Respass, chair of BCA's Federal Affairs Committee and vice president of government relations for Children's Health System, presents the 2012 Federal Legislative Agenda to the BCA Board of Directors.

cation Act) in order to strengthen and improve its provisions and funding, while respecting the fundamental features of this historic law that are designed to raise student achievement and close achievement gaps.

## ENVIRONMENT AND ENERGY

*The BCA will support efforts to:*

- Amend the Federal Water Pollution Control Act (commonly known as the Clean Water Act) to provide that civil penalties assessed and collected by the United States in connection with the Deepwater Horizon oil spill will be equally disbursed to the five affected Gulf Coast states for the purpose of economic, environmental, ecological, and public health recovery and restoration.
- Ensure that Alabama has adequate water to meet the state's needs for municipal and industrial water supply, navigation, energy production, economic development, irrigation and recreational uses.



BCA Chairman Terry Kellogg talks with U.S. Rep. Robert Aderholt and BCA 1st Vice Chairman Carl Jamison in the U.S. Capitol.

- Delay implementation of EPA's greenhouse gas regulations under the Clean Air Act.
- Increase royalties for offshore drilling for Gulf Coast states.
- Base environmental legislation and regulation on sound scientific study and provide safeguards to the environment without hindering economic development or imposing undue regulations on the business community.
- Reduce America's dependence on foreign energy sources and increasing reliance on domestic energy sources; promote energy conservation; encourage research and investment, and enact incentives in developing clean energy sources, clean coal, nuclear power, and advance gas technology.
- Invest federally in carbon capture and sequestration technology and efforts such as the Asia-Pacific Partnership on Clean Development and Climate to reduce greenhouse gas emissions.
- Ensure that any clean energy

mandate includes hydroelectricity, nuclear, and coal with carbon capture and sequestration, and natural gas along with all other clean energy technologies so that the most affordable clean energy solutions can be deployed in Alabama.

- Encourage sustainable business practices such as life cycle costing in public sector procurement for water projects.
- Remove water and sewage projects from the annual private activity bond volume caps in order to allow local water utilities attract private capital to finance water and wastewater infrastructure projects.
- Ensure that coal combustion by-products (CCBs) are not regulated as a hazardous waste, and thereby avoid discouraging the many beneficial uses of CCBs (including agricultural and construction uses) and amend the Resource Conservation and Recovery Act to explicitly authorize the right of states to implement a solid waste disposal program for CCBs.

- Ensure a proper understanding of the impact of the EPA's Utility Maximum Achievable Control Technology (MACT) final rule on electric grid reliability and the associated costs to ratepayers, support judicial review of the MACT rule, and obtain appropriate extensions of the MACT rule compliance deadlines.

*The BCA will monitor efforts to:*

- Impose regulations or fiscal policy that threaten the drilling and completion of domestic oil and gas wells.
- Impose mandates related to the production of alternative fuels, and alternative and renewable energy.
- Establish caps or taxes on carbon emissions, which would put Alabama businesses in a competitive disadvantage with other nations.
- Expand the jurisdiction of the Clean Water Act to allow federal agencies to regulate ditches, culverts and pipes, desert washes, sheet flow, erosional features, and



farmland and treatment ponds as “waters of the United States,” subjecting such waters to all of the requirements of the CWA (as proposed by EPA in recent draft guidelines presently under review by the Administration).

- Reduce or withdraw the state’s delegated authority to administer the federal Clean Water Act in Alabama.
- Regulate coal combustion by-products (CCBs) as a hazardous waste.
- Mandate costly regulations pursuant to Section 316(b) of the Clean Water Act for all cooling water intake structures at electric generating facilities in an attempt to further reduce impingement and entrainment of aquatic organisms.

### FINANCIAL SERVICES

*The BCA will support efforts to:*

- Represent the interests of its bank and financial services members by working closely with the Senate Banking Committee and the House Financial Services Committee to ensure that the

regulations under the newly enacted Dodd-Frank Wall Street Reform and Consumer Protection Act are implemented in a reasonable and proper manner to ensure the stability of the financial services industry and the availability of credit to consumers.

- Support uniform national standards in the regulation of financial services and products in the areas of information security and consumer privacy.
- Enact legislation to increase customer access to services from banks and trust companies on an interstate basis, while strengthening the traditional dual banking system.

### HEALTH CARE

*The BCA will support efforts to:*

- Repeal the Patient Protection and Affordable Care Act in its entirety.
- Maintain equitable funding and formulas for the Medicare and Medicaid programs (wage index language, federal funds designated to states, sustainable growth rate, etc).

- Fund graduate medical education (adult and pediatric) and medical research.
- Ensure all employers, regardless of size, have vehicles (tax incentives, etc) to provide affordable health care coverage for their workforce.
- Repeal the Patient Protection and Affordable Care Act excise tax on health insurance premiums.

*The BCA will oppose efforts to:*

- Change, through legislation or regulation, the federal funding formula that would negatively impact the state-federal Medicaid and Medicare programs and providers.
- Create new mandated benefits.
- Weaken workers’ compensation requirements.
- Increase the cost of health care or liability to the employer or weaken the Employee Retirement Income Security Act (ERISA).
- Implement a national single payer health care plan.

U.S. Sen. Jeff Sessions updated BCA leadership and members of the BCA Manufacturing Advocacy Council on what is happening in Congress as BCA President and CEO William J. Canary listens.



*The BCA will monitor efforts to:*

- Contain health care costs through medical malpractice reforms, technology, quality, and safety initiatives.

## LABOR RELATIONS

*The BCA will support efforts to:*

- Protect right-to-work statutes.

*The BCA will monitor:*

- Efforts of the National Labor Relations Board with respect to unionization.

*The BCA will oppose efforts to:*

- Legislate, regulate or implement any provision of the Employee Free Choice Act (as enrolled in the 111th Congress as S. 560 and H.R. 1409).

## LEGAL REFORM

*The BCA will support efforts to:*

- Reform asbestos litigation to ensure fair treatment of victims



MAC co-chair Doug Mannion of Rheem Water Heating in Montgomery chats with BCA Senior Vice President for Intergovernmental Affairs, Advocacy and Communications/ Legal Advisor Anita L. Archie.

and end the pervasive, growing problem posed by a \$250 billion present and future liability for manufacturers.

- Enact civil justice reform, including reform of the collateral source rule; punitive damage awards; damages from non-economic loss; comprehensive product liability; and medical liability as well as abolition of the rule of joint and several liability and

adoption of a rule of pure and several proportionate liability.

*The BCA will oppose efforts to:*

- Erode the Federal Arbitration Act.

*The BCA will monitor efforts to:*

- Protect the right to free speech in the judicial process.

## REGULATORY REFORM

*The BCA will support efforts to:*

- Provide regulatory relief by advocating the review and repeal of outdated, unnecessary regulations.
- Require proposed regulation additions and changes are based on sound science and subject to impartial scientific peer review, risk assessment, and cost/benefit analysis, which places the least burden on sustainable economic development.

*The BCA will oppose efforts to:*

- Efforts of the administration and federal departments/agencies with respect to overregulation and overreach as it relates to the



(From left) Ronnie Boles, MAC co-chair and president of General & Automotive Machine Shop in Huntsville; Ray Perez, general counsel and division manager for Honda Manufacturing of Alabama; Carl Jamison, BCA 1st Vice Chairman and shareholder with JamisonMoneyFarmer PC; House Speaker Mike Hubbard and Denson Henry, vice president of Henry Brick Company, Inc. in Selma, visit with U.S. Rep. Martha Roby in the U.S. Capitol.



ability of businesses to expand. The uncertainty created by these burdensome regulations has created an environment where investment and job creation will not reach full potential and slow economic recovery efforts.

### OSHA

*The BCA will support efforts to:*

- Implement more scientific research and emphasis on current best practices before new ergonomics regulations are issued.
- Adopt new occupational safety and health standards and regulations through the current statutory and regulatory framework that both Congress and the Executive branch have established, thereby preserving for all stakeholders a voice in the process of developing new standards and regulations.
- Review current occupational safety and health standards and regulations so that they are working as intended. Prior to any new rulemaking, OSHA should practice due diligence in reviewing whether existing standards and regulations address emerging safety and health issues. OSHA should work to limit the regulatory burden on employers whenever possible.



U.S. Rep. Jo Bonner congratulates the Alabama's 2011 Manufacturers of the Year (from left): Bonner; A. Ray Shirley Jr.; owner and founder of Applied Chemical Technology, Inc.; Y.D. Lim, Hyundai Motor Manufacturing Alabama president and CEO; and Randy Johns, training coordinator for Lafarge North America.

- Allow employers to stay abatement requirements, pending the full completion of a challenge to the citation through the Occupational Safety and Health Review Commission; should they choose to do so.

### TAX

*The BCA will support efforts to:*

- Permanently repeal both the Estate Tax and the Alternative Minimum Tax (AMT).
- Create tax credits and incentives for small businesses that provide healthcare coverage, including

prescription drugs, for their employees.

- Enact the Business Activity Tax Simplification Act (BATSA) to clarify the requirement of physical presence as the nexus standard governing the assessment of corporate income taxes and comparable taxes.
- Make research and development tax credits permanent.
- Implement accelerated depreciation for capital investment.
- Streamline and simplify our sales/use tax system so that in-state and out-of-state retailers are on a level playing field.
- Repeal the 1099 provision passed under the Patient Protection and Affordable Care Act.
- Pass comprehensive tax reform that will lower the corporate tax rate enabling American companies to compete for investment across the globe and not stand idle, while other nations move into those markets.

U.S. Rep. Terri Sewell visits BCA leadership and staff in the U.S. Capitol. Pictured (l to r) are: Congresswoman Sewell, BCA Board member and MAC Co-Chair Ronnie Boles, Sewell's chief of staff, Nichole Reynolds, and BCA Senior Vice President for Intergovernmental Affairs, Advocacy and Communications/Legal Advisor Anita L. Archie.



*The BCA will oppose efforts to:*

- Impose retroactive tax increases on American businesses through modifications of tax rules applicable to closed or existing multi-year transactions.
- Change congressional tax policy where “revenue offsets” are used to underwrite the projected cost of tax cuts, and those offsets result in undue tax increases or undue new taxes on businesses
- Alter the tax consequences of existing corporate compensation plans, including but not limited to: taxing non-qualified deferred compensation plans and limiting deductions for compensation to business executives.
- Repeal the inventory method known as Last-In, First-Out (LIFO), which many manufacturers and retailers have employed for decades.

## TRADE

*The BCA will support efforts to:*

- Enact fair trade initiatives that will enhance Alabama’s growth and export capability in the globally competitive marketplace.
- Reauthorize the U.S. Export-Import Bank agency prior to its charter expiring on May 31, 2012, to enable thousands of large and small American exporters, including many in Alabama, to compete more effectively as they market their products to international customers.

## TRANSPORTATION AND INFRASTRUCTURE

*The BCA will support efforts to:*

- Enact a need-based multi-year federal transportation program as soon as possible.
- Continue to expand, update and strengthen Alabama’s multi-

modal transportation infrastructure.

- Ensure that the reauthorization of the federal transportation program does not change the current balance of funding for roads and bridges versus other modes of transportation.
- If necessary, transfer money to the Highway Trust Fund from the general fund to maintain Highway Trust Fund solvency while Congress completes work on a multi-year highway bill.
- Invest in the Nation’s water infrastructure through increased funding for the Clean Water and Drinking Water State Revolving Funds, and the removal of limits on private activity bond financing for water and wastewater projects.

*The BCA will monitor efforts to:*

- Address future Inland Waterways Trust Fund shortfalls.



## Your BCA Advocacy Team



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