



BUSINESS COUNCIL
OF ALABAMA

2011 Federal Legislative Agenda

112th Congress - 1st Session

Approved by the Board of Directors on March 22, 2011

>> 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 companies, 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 *Job Training Improvement Act of 2005* with guidelines that allow more flexible funding and responsiveness to critical training needs.

(Education / Workforce Development Agenda Continued)

- Support programs that will enlarge the pool of skilled workers for the manufacturing sector.

The BCA will monitor efforts to:

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

The BCA will oppose 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.

>> 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.

The BCA will monitor efforts to:

- 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.

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.

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 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.

>> 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.
- 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.

>> 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.

>> 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 and individuals who purchase or provide healthcare coverage, including prescription drugs, for their employees and them.
- 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.
- Support efforts to repeal the 1099 provision passed under the Patient Protection and Affordable Care Act.

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.

>> 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.