



CONCRETE CAPITOL CONNECTION

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

Congress Passes Short-Term Spending Bill to Avert Shutdown: On September 28, Congress passed a 10-week Continuing Resolution (CR) to fund the federal government until December 9. The CR includes \$1.1 billion to combat the Zika virus, \$500 million for flooding in Louisiana and other states and \$37 million for the opioid crisis. The CR passed the Senate 72-26 and in the House 342-85 and was signed by President Obama the following day. The passage of the CR comes just two days before the deadline and was stalled in the Senate over objections for funding the water crisis in Flint, Michigan.

Water Resources Bill Moves Closer to Conference: On September 28, the House passed [HR 5303](#), the Water Resources Development Bill of 2016. The bill authorizes \$9 billion for 31 Army Corps of Engineers projects and funding for the water crisis in Flint, Michigan. The House bill faced an obstacle when the bill was stripped of the Harbor Maintenance Trust Fund provision. This angered many members and threatened to derail the bill. When funding for the Flint water crisis was attached to the bill those members agreed to support passage of the bill. The bill passed the House 399-25 and will now head to a House and Senate conference for possible passage during a lame-duck Congress. NRMCA will advocate to have included its innovative materials study that was passed as part of the Senate mark.

Bill to Delay Overtime Rule Passes in House: On September 21, Representative Tim Walberg (R-MI) introduced [HR 6094](#), the Regulatory Relief for Small Businesses, Schools, and Nonprofits Act. The bill was swiftly sent to the House floor for a vote one week later and passed 246-177. The bill will delay by six months the implementation of the final overtime rule which is set to go into effect December 1. The final overtime rule was issued on May 19 and updates the regulations for which executive, administrative and professional employees "white collar" are entitled to minimum wage and overtime pay protections under the Fair Labor Standards Act. Specifically, the rule increases the salary threshold for overtime pay from \$23,660 to \$47,476 per year for these individuals. Currently, 21 states have filed suit against the overtime rule.

Senators Send Letter to Treasury on Estate Tax: On September 29, 41 GOP Senators sent a [letter](#) to the Treasury Department in response to last month's NPRM (notice of proposed rulemaking) on the estate tax. The proposed regulation would amend valuation discounts, which is the method used to fix the value on an interest in a business to determine estate tax liability. In the letter, Senators urge the Treasury to rework the proposed regulation by taking into consideration alternative methods to target abuses in the valuation discount for transferred interests. The proposed regulation would result in a direct increase in estate taxes on family businesses after the death of the owner. NRMCA is reviewing the NPRM to determine the impact on ready mixed concrete owners. We will submit comments once the impact is fully realized.

Clean Power Plan Court Challenge Begins: On September 27, oral arguments on the legality of the Obama Administration's Clean Power Plan began. Attorneys representing numerous industry stakeholders began making their case on why the CPP should be overturned to a panel of ten judges at the Court of Appeals District of Columbia. The CPP mandates that power plants reduce 32 percent of their carbon emissions by the year 2030. The main argument laid out in the case is that the CPP violates the Clean Air Act and the rights of states and businesses. This is a monumental case for both parties involved and will likely be headed to the Supreme Court for a final ruling. The CPP indirectly impacts the ready mixed concrete industry because if implemented the price to produce cement would drastically increase.

Bill to Block End-Of-Year Regulations Moves Closer to Passage: On September 28, the House Judiciary Committee voted 15-5 to move out of committee [HR 5982](#), the Midnight Rules Relief Act. The bill gives Congress more power to block the Obama Administration from issuing regulations during the final days of the 114th session. The Congressional Review Act (CRA) allows Congress to disapprove regulatory rules by passage of a joint resolution of disapproval. HR 5982 would amend the CRA to allow Congress to disapprove of regulations issued in the last year of a presidential administration with a single vote.

Sincerely,

NRMCA Government Affairs

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Notice: Conduct a Plant Tour



Congress is in recess until after the November election and now is the perfect time to schedule a plant tour with your Members of Congress to discuss issues impacting our industry such as the Timber Innovation Act (TIA). During these questionable economic times, and with mounting regulatory proposals, your Members of Congress need to hear from you!

Contact information for your Members of Congress can be found here for [Senate](#) or [House](#). As well, guidelines for conducting a successful plant tour can be found [here](#). For information on how to schedule and conduct a plant tour with your Representatives please contact Jill Landry at jlandry@nrmca.org.