



NECA Discussion Topics for In-District Congressional Meetings – August 2023

Members of Congress will be back in their home districts for the month of August, and this is a great opportunity to reinforce your existing relationship or create a new one with a Member you have not yet met with. Provided below is a list of topics NECA Government Affairs is currently working on that you can discuss with your Member of Congress.

NECA 2023 August Recess Asks:

1. **Enact Permitting Reform to Ensure Timely Approval for Projects**

Permitting reform has long been a priority for NECA contractors nationwide. Despite efforts to address reforms to the system, the permitting process has continued to slow down projects of all sizes and scope. Federal permitting reform for energy, minerals, and infrastructure projects is imperative and would allow for projects to come online faster and provide much needed relief to NECA contractors performing this work.

- i. Set clear deadlines, require simultaneous agency reviews, and effectively communicate to applicants of required materials for certification. (Partial Enacted)
- ii. Codify key elements of the “One Federal Decision” framework. (Enacted)
- iii. Improve the Clean Water Act Section 401 certification process. (Passed House)
- iv. Shorten unnecessary litigation delays and judicial reviews. (Passed House)
- v. Improve the siting process.

Update on Permitting Reform:

The House of Representatives was able to pass H.R. 1 Lower Energy Costs Act on March 30th. The Fiscal Responsibility Act included provisions of permitting reform such as Codify ‘One Federal Decision’ framework, develop clear schedules of completion of environmental review, adds battery storage to covered projects, two-year limitation for EIS, and develops e-NEPA to help digitize the process. The legislation also studies electric transferability between energy grids.

Senate Ask: *The Senate has held multiple hearings on permitting reform but has yet to pass legislation out of committee. NECA asks the Senate to pass permitting reform that includes H.R 1, transmission, siting and FERC process.*

House Ask: *The House of Representatives has yet to address transmission, siting, and FERC process. NECA would like to see these policy issues addressed in the larger final package.*

2. **Support Modernization of Airport and Water Infrastructure**

Pass the Federal Aviation Administration (FAA) Reauthorization Act

- Provide funding to modernize our airports and air traffic infrastructure.
- Expand investments to the Airport Improvement Program (AIP).
- Increase the Passenger Facility Charges (PFCs).
- Support the Small Community Air Service Development Program (SCASDP).



Pass the Water Resources Development Act (WRDA)

- Support regular waterways authorizations to help meet the nation's economic, safety, and transportation needs.
- Invest in the Clean Water and Drinking Water State Revolving Funds (SRFs).

Update on FAA Reauthorization and WRDA: The FAA Reauthorization was passed out of the House of Representatives in July. The Senate will also pass their counter proposal in September.

Senate Ask: *The Senate has only passed their version of FAA reauthorization (S.1939 - FAA Reauthorization Act of 2023) out of committee. We urge the Senate to pass this legislation on the Floor so that they can formally negotiate a final bill with the House of Representatives.*

House Ask: *The House will pass their version of FAA Reauthorization (H.R. 3935 - Securing Growth and Robust Leadership in American Aviation Act) the week of July 17th. This authorization expires September 30th so remind the members to negotiate with the Senate to ensure no lapse in reauthorization.*

3. **Make the Tax Cuts and Jobs Act of 2017 Permanent**

NECA supported passage of this landmark tax legislation, the first time the tax code had a massive overhaul in 31 years. This legislation greatly benefits NECA contractors nationwide as it includes multiple provisions that simplified the tax code and keeps NECA contractors competitive. Most of these provisions are set to expire at the end of 2025.

- i. Make the 199A Pass-Through Deduction permanent.
- ii. Repeal the Estate Tax.
- iii. Repeal the Alternative Minimum Tax.
- iv. Reinstate 100% Bonus Depreciation.

Update on Tax Reform: The Ways and Means Committee recently passed three pieces of legislation that would reauthorize most of these provisions. NECA Government affairs is working with Members of Congress to reauthorize in full the 2017 TCJA.

- H.R. 3936 Tax Cuts for Working Families Act,
- H.R. 3937 Small Business Jobs Act,
- H.R. 3938 Build It in America Act.
- H.R X/ S. 1706 Main Street Tax Certainty Act

House Ask/Senate Ask: *The TCJA starts to expire in 2025. In order to provide certainty to businesses, the House should reauthorize the TCJA as soon as possible to ensure stability and tax certainty. The 'bonus depreciation' deduction has already begun to phase out from 100% to 80% in 2023.*

4. **Enact the Leveraging and Energizing America's Apprenticeship Programs (LEAP) Act**

H.R. 1536 sponsored by Rep. Nikki Budzinski (D-IL).

NECA contractors, both small businesses and major corporations, contribute approximately \$300 million annually to our apprenticeship and training programs across the country. A career in the



construction trades offers an opportunity for a substantive post-secondary education at a minimal cost to the participants and at no cost to the federal government. Congress should promote existing skilled apprenticeship programs as an option for post-secondary education that offers a real education, economic growth, and a debt-free pathway. Enact the Leveraging and Energizing America's Apprenticeship Programs (LEAP) Act to:

- Allow a one-time \$1,500 tax credit for hiring new apprentices.
- Encourage the creation of pre-apprenticeship programs that can provide a pathway to Registered Apprenticeship programs.

House Ask: We ask your Member of congress to cosponsor this legislation. To see if your Representative has already cosponsored the legislation [click here](#).

Senate Ask: This legislation has yet to be introduced. Your senator has an opportunity to introduce the senate companion bill.

5. Enact the Small Business Payment for Performance Act H.R. 2726 introduced by Congressman Pete Stauber (R-MN).

Changes to a contract, commonly known as "change orders," inevitably occur on construction projects. On federal projects, the government may issue change orders without the contractors' consent and often do not abide by change order rules, like formalizing change orders in writing. This often results in significant financial hardship to contractors, small and large alike, as they and their subcontractors must effectively finance the changed work until the agency agrees to the cost of that unilateral change.

- Ensure small business contractors are able to perform federal government construction projects by having an equitable adjustment policy in place.
- Ensure the federal government pays small business contractors upfront for change orders to ensure they are able to have the cash flow to do the extra work.

House Ask: The legislation has yet to have a hearing in the Committee of Small Business. NECA asks your Member of Congress to cosponsor the legislation. To find out if your Representative cosponsored the legislation [click here](#).

Senate Ask: This legislation has not yet been introduced in the Senate. Your senator has an opportunity to introduce the senate companion bill.