



2016 AGC PAC Candidate Questionnaire

To be completed by the candidate or authorized campaign staff

Name of Candidate

Political Party

State-District

Name of Campaign Committee

FEC ID

Address of Campaign (Physical Address; non P.O. Box)

City

State

Zip code

Name of Campaign Manager

Email

Name of D.C. Fundraiser

Return to:

David Ashinoff

Director of AGC PAC & Political Advocacy

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Email: ashinoffd@agc.org

This questionnaire may be used in AGC voter education and Get-Out-the-Vote activities.

CANDIDATE INFORMATION

Do you have a personal and/or professional connection to the construction industry?

Check any boxes that apply:

- Yes**, I have worked in the construction industry.
- Yes**, I have worked in real estate development.
- Yes**, I have familiarity with construction-related issues as a result of being a local or state official.
- No**, I am unfamiliar with the construction industry.

If “yes,” please explain:

Do you have personal or professional connection to an AGC chapter or AGC member company?

Check any boxes that apply:

- Yes**, I have worked with an AGC chapter in my state.
- Yes**, I have worked with an AGC member company in my state.

If “yes,” please explain:

INFRASTRUCTURE INVESTMENT

ISSUE BACKGROUND

The federal government invested in important transportation, water, flood control, energy, and public buildings. Access to reliable and affordable power, clean water systems, and a transportation network that for much of the 20th century was the envy of the world has given American businesses a significant competitive advantage in international markets. However, that competitive advantage is being undermined by the failure of the federal government continuing to under prioritize the maintenance and modernization of federal infrastructure.

As a result, our nation's infrastructure has been allowed to age and deteriorate to the point where its operational effectiveness and security are in question.

AGC POSITION

The federal government must not allow our infrastructure to continue to deteriorate and become even more outdated or become unusable. AGC supports increasing and prioritizing direct federal investment in infrastructure and advocates for increased use of innovative financing mechanisms such as infrastructure funds, Private Activity Bonds, and Municipal Bonds to incentivize public private partnerships.

CANDIDATE POSITIONS

Infrastructure investment (check one box):

- I **SUPPORT** prioritizing government funding for the purposes of investment in maintenance and modernization of public infrastructure. (i.e., transportation, water resources, water infrastructure, public buildings, etc.).
- I **OPPOSE** prioritizing government funding for the purposes of investment in maintenance and modernization of public infrastructure. (i.e., transportation, water resources, water infrastructure, public buildings, etc.).
- OTHER**, please explain:

Incentivizing public-private partnerships for Infrastructure investment (check one box):

- I **SUPPORT** increasing the use of loan guarantees, infrastructure banks and tax exempt debt instruments like private activity bonds and municipal bonds to increase investment in maintenance and modernization of public infrastructure. (i.e., transportation, water resources, water infrastructure, public buildings, etc.).
- I **OPPOSE** increasing the use of loan guarantees, infrastructure banks and tax exempt debt instruments like private activity bonds and municipal bonds to increase investment in maintenance and modernization of public infrastructure. (i.e., transportation, water resources, water infrastructure, public buildings, etc.).
- OTHER**, please explain:

COMMENTS:

HIGHWAY TRUST FUND

ISSUE BACKGROUND

The Highway Trust Fund (HTF) is the principal mechanism for funding the construction of federal-aid highway and transit systems. User fees including federal gas and diesel taxes provide the majority of revenue for the HTF. Currently, these fees consist of 18.3 cents/gallon on gasoline and 24.4 cents/gallon on diesel fuel. These levels have not been increased for over 20 years, so the taxes no longer provide the trust fund with the same buying power. In fact, the purchasing power of every trust fund dollar has decreased by 80% since the gas and diesel taxes were last increased in 1993.

Last year's surface transportation bill provides five years of funding for the HTF, but fails to address its long-term solvency. For this reason, Congress must find a sustainable funding solution for the HTF in the next five years. Failure to fix the structural deficiencies that have plagued the HTF will impact every part of the country because every state relies heavily on federal transportation funding as a major portion of their highway and bridge capital improvement budget. Ten states rely on federal funds for as much as 65% of their annual highway capital budgets. Thirty-one states rely on federal funds for 25 to 45% of their state's annual highway capital investment budgets.

AGC POSITION

AGC strongly believes that there is a direct federal role in providing for a safe and efficient national transportation network. We support a user pays system – one in which the users of our transportation network pay for the maintenance and increased capacity necessary to meet the demands of a growing population. The simplest, most efficient way to fix the HTF is to increase the user fees that fund the system like the federal gas and diesel taxes. Absent that, Congress needs to identify new user fees or other funding mechanisms to provide for the long-term solvency of the HTF.

CANDIDATE POSITIONS

The Highway Trust Fund (check one box):

- I **SUPPORT** addressing the solvency of the HTF through an increase in user fees, new funding mechanisms, or a combination of both.
- I **OPPOSE** addressing the solvency of the HTF through an increase in user fees, new funding mechanisms, or a combination of both.

Check any of the following funding mechanisms that you support?

- | | |
|--|--|
| <input type="checkbox"/> National sales tax on motor fuels | <input type="checkbox"/> Driver's license surcharge |
| <input type="checkbox"/> Increased tolling | <input type="checkbox"/> Imported oil fee |
| <input type="checkbox"/> Mileage-based user fee | <input type="checkbox"/> Oil exploration and/or extraction fee |
| <input type="checkbox"/> National registration fee | <input type="checkbox"/> Customs fees |
| <input type="checkbox"/> Per barrel oil fee | <input type="checkbox"/> Transit tax |

COMMENTS:

HEALTH CARE

ISSUE BACKGROUND

The Patient Protection and Affordable Care Act (ACA) was enacted in 2010. The law included employer responsibility mandates which require “large” employers to provide health care benefits to their full-time employees or pay a penalty. Under the act, full-time employees are defined as those with 30 hours of service per week. The law included insurance reforms and modifications to benefit plans as well as reforms and modifications on how employers purchase coverage. The ACA was financed with \$437.8 billion in new taxes that did not directly impact health care. The ACA also sets minimum standards for wellness and prevention programs and includes special considerations for collectively-bargained employees.

It also imposed a “Cadillac Tax,” a nondeductible 40-percent tax, which applies to the cost of “applicable employer-sponsored coverage” in excess of certain thresholds (\$10,200 for employee-only coverage and \$27,500 for family coverage) and is indexed for inflation. The date of implementation for the tax has been delayed until 2020.

AGC POSITION

AGC opposed the Patient Protection and Affordable Care Act because it did not create a framework that would reduce health care costs. AGC was concerned that the act would increase the cost of providing health care while limiting health care options. AGC is continuing to explore ways to replace the law with preferable legislation, or at the very least repeal parts of the law that are particularly problematic.

AGC also opposes the current 30 hour “full-time” employee definition. It is below the 40-hour standard many employers use today, and is not in line with current workforce practices. Therefore, it should be repealed and replaced with the more traditional 40-hour work week definition.

Lastly, AGC believes the Cadillac Tax’s 40-percent tax on the cost of employer-sponsored coverage will increase the cost of health care. It should be repealed.

CANDIDATE POSITIONS

Patient Protection and Affordable Care Act (check one box):

- I **SUPPORT** repealing elements of the Patient Protection and Affordable Care Act that increase costs, increase complexity, and reduce coverage options in the marketplace.
- I **OPPOSE** repealing elements of the Patient Protection and Affordable Care Act that increase costs, increase complexity, and reduce coverage options in the marketplace.

Full-time employee definition (check one box):

- I **SUPPORT** raising the full-time employee definition to 40 hours per week.
- I **OPPOSE** raising the full-time employee definition to 40 hours per week.

Cadillac Tax (check one box):

- I **SUPPORT** permanent repeal of the Cadillac Tax.
- I **OPPOSE** permanent repeal of the Cadillac Tax.

COMMENTS:

FEDERAL TAX REFORM

ISSUE BACKGROUND

In 2015, a package of expired tax provisions was signed into law. The combined omnibus and tax extenders package ([H.R. 2029](#)) addressed all of AGC’s nine expired tax priorities (e.g. Section 179 expensing, 5-year recognition period for built-in-gains) in some form or fashion. The law included a renewal of all expired business provisions. At the same time, it made permanent certain tax incentives, while proposing a two-year extension for some, and a one-year retrospective for 2015 and one-year prospective for 2016 for the remaining provisions. Addressing these perennially delayed provisions allowed Congress to focus on broader reforms (e.g. lowering the statutory tax rate on firms) and provided construction firms with greater certainty.

This year, however, tax reforms will likely focus only on large multinational corporations, and not pass-through entities which make up the majority of the AGC membership.

AGC POSITION

AGC believes that comprehensive corporate tax reform and spending policy should promote long-term economic growth, simplify and instill certainty in the tax code (i.e. including indexing threshold amounts to inflation to guard against inadvertent tax increases), promote investment in our nation’s critical infrastructure (e.g. tax exempt bonds; depreciation and enhanced capital expenditures), and extend the solvency of Medicare and Social Security for future generations.

Tax reform should address not only large multi-national corporations, but should also concurrently address closely-held businesses to ensure that the individual rate is not made uncompetitive for the majority of businesses that file. If Congress can substantially reduce rates, AGC would be in a better position to support giving up tax incentives that currently reduce the effective tax rate of our member companies. If Congress cannot deliver on reducing rates, AGC wants to retain a number of tax policies that affect construction companies’ investment, hiring, and cash-flow decisions.

CANDIDATE POSITIONS

Tax reform (check one box):

- I **SUPPORT** tax reform that would decouple corporate tax reform from individual tax rates, and lower the rate for selected industries (e.g. manufacturing, technology/research companies).
- I **OPPOSE** picking winners and losers based on how companies are organized as legal structures; and believe effective rate parity should be narrower among industries.

Alternative Minimum Tax (check one box):

- I **SUPPORT** a total elimination of the Alternative Minimum Tax (AMT) for corporations and individuals, as well as reducing and making permanent the current long-term capital gains and qualified dividends for all rate payers.
- I **OPPOSE** elimination of AMT and reducing and making permanent the current long-term capital gains and qualified dividends for all rate payers.

Tax depreciation system (check one box):

- I **SUPPORT** increased capital expenditure levels, as well as expanding and making permanent cost recovery methods (e.g. bonus depreciation, Domestic Production Activities Deduction, 179 expensing).
- I **OPPOSE** the current tax depreciation system used to recover the basis of most business and investment property, as well as deductions for the construction industry.

Independent contractors (check one box):

- I **SUPPORT** preserving legitimate independent contractor relationships and oppose unnecessary administrative burdens and recordkeeping requirements for employers.
- I **OPPOSE** the status of independent contractors by companies and believe the Department of Labor should issue regulations that classify them as part-time employees.

COMMENTS:

IMMIGRATION

ISSUE BACKGROUND

The current immigration system is broken. It provides little opportunity for legal immigration, has created a permanent underclass of illegal workers, fails to utilize the latest technology to verify work status, and has created a patchwork of ordinances that creates uncertainty for employers trying to comply with competing federal, state, or local ordinances.

Currently, there is no legal option for low skilled guest workers operating in in-demand occupations to meet projected future workforce needs.

AGC POSITION

AGC supports immigration that strengthens national security, creates a fair and efficient employment verification system, creates a program for temporary guest workers to meet future workforce needs in the less-skilled sectors, and finds a reasonable and rational way of dealing with the current undocumented population in the United States.

AGC supports a new guest worker visa program with visas valid long enough to ensure that the employer's training investment is not lost and employer needs are met and are renewable. Employers should be able to sponsor employees for permanent residency during the term of the guest worker visa and the cap should be flexible and based on the needs of the marketplace, not arbitrary restrictions on

the construction industry. Finally, guest workers should enjoy the same labor and employment law protections as other employees.

CANDIDATE POSITIONS

Immigration reform (check one box):

- I **SUPPORT** immigration reform that strengthens national security, creates a fair and efficient employment verification system, and finds a reasonable and rational way of dealing with the current undocumented population in the United States.
- I **OPPOSE** immigration reform that strengthens national security, creates a fair and efficient employment verification system, and finds a reasonable and rational way of dealing with the current undocumented population in the United States.

Low-skilled guest worker program (check one box):

- I **SUPPORT** a low-skilled guest worker program for the construction industry.
- I **OPPOSE** a low-skilled guest worker program for the construction industry.

COMMENTS:

MULTI-EMPLOYER PENSION PLANS

ISSUE BACKGROUND

Multi-employer pension plans differ vastly from single-employer and public-employee defined benefit plans. They are jointly administered by the employers who pay into the funds and the union employees who are covered by the funds. It is time to modernize multi-employer plans. The composite plan model for multiemployer plans will modernize multi-employer plans by creating a hybrid between a defined benefit and defined contribution or 401(k) plan. It more equally distributes some of the risks associated with retirement plans so an employer doesn't have to face the potential of having to shoulder the burden of every employee in a multiemployer plan. A composite plan limits potential withdrawal liability for employers while providing a lifetime of income for participants.

The Pension Benefit Guaranty Corporation (PBGC) is the insurer of last resort for multiemployer pension plans and has reported significant funding shortfalls. Defined benefit plans pay a yearly insurance premium to the PBGC on a per participant basis.

AGC POSITION

AGC supports the new composite plan design because it is essential to the shared goal of protecting both those who earn benefits and those employers that contribute retirement benefits to those plans.

The PBGC premiums should not increase. AGC questions some of the PBGC's own estimates on the fiscal solvency of the organization and whether its financial models are accurate. The premiums were increased by 100% in 2014 and those premium increases are only now being collected by the PBGC and should help further fund the PBGC. The Multiemployer Pension Reform Act provides plans otherwise

headed toward insolvency tools to remain solvent. If those plans use the tools from MPRA, the PBGC's exposure will be further minimized.

CANDIDATE POSITIONS

Composite plans (check one box):

- I **SUPPORT** the adoption of Composite Plans.
- I **OPPOSE** the adoption of Composite Plans.

PBGC premiums (check one box):

- I **SUPPORT** increases in PBGC premiums.
- I **OPPOSE** increases in PBGC premiums.

COMMENTS:

LABOR & EMPLOYMENT

ISSUE BACKGROUND

Under the Obama Administration, the National Labor Relations Board (NLRB) has been involved in controversial decisions and rulemakings that have favored unions. The 2015 NLRB rule on representation-case procedures, also known as the "ambush election" or "quickie election" rule, expedites the union representation election cycle to as little as 14 days.

Additionally, the NLRB issued a decision in the Browning-Ferris case last year that relaxed the standard for determining when separate companies are "joint employers" under the National Labor Relations Act. Under the new standard, an employer may be deemed a "joint employer" of another company's employees not only if it exercises direct control over terms and conditions of employment, but also if it exercises indirect control or has an unexercised right to control.

AGC POSITION

AGC opposes the "quickie election" rule because it denies employers due process and ample time to prepare. It effectively limits workers' access to information and provides an inadequate opportunity to consider information from both their employer and the union before a vote takes place. AGC urges union election procedures revert back to the process that has stood in place for decades because of the particularly difficult application in the construction industry. This difficulty is due to the complexity of identifying the appropriate bargaining unit and determining voter eligibility, as well as the decentralized nature of construction workplaces operated by the same employer. The rule is even bad for union contractors.

AGC opposes the NLRB's new joint employer standard, and supports restoring the longstanding "joint employer" standard through legislation such as the Protecting Local Business Opportunity Act ([S.2015](#)).

CANDIDATE POSITIONS

Ambush elections (check one box):

- I **SUPPORT** legislation to block the "ambush/quickie election" rule.
- I **OPPOSE** legislation to block the "ambush/quickie election" rule.

Joint employer standard (check one box):

- I **SUPPORT** legislation such as the Protecting Local Business Opportunity Act to stop the new joint employer standard.
- I **OPPOSE** legislation such as the Protecting Local Business Opportunity Act to stop the new joint employer standard.

COMMENTS:

PROJECT LABOR AGREEMENTS (PLAs)

ISSUE BACKGROUND

A project labor agreement (PLA) is a pre-hire collective bargaining agreement between a general construction company with one or more labor organizations that establishes the terms and conditions of employment for a specific construction project. On February 6, 2009, President Obama issued [Executive Order 13502](#) encouraging government agencies to mandate PLAs for large-scale federal construction projects where the total cost to the government is \$25 million or more. Government mandates and preferences for PLAs can restrain competition, drive up costs, cause delays, lead to jobsite disputes, and disrupt local collective bargaining.

Government-mandated PLAs can have the effect of limiting the number of competitors on a project. This is because government mandates for PLAs typically require contractors to make fundamental, often costly changes in the way they do business. For example, a PLA may require a contractor to recognize the local unions as the representatives of their employees on that job; use the union hiring hall to obtain workers; reintroduce inefficient work rules that have been abandoned over the course of collective bargaining; and pay into union benefit and multi-employer pension plans that nonunion employees will never be able to access, forcing non-signatory employers to pay twice for retirement and health care benefits.

In cases where use of a PLA would benefit a particular project, the construction contractors otherwise qualified to perform the work would be the first to recognize that fact and to adopt a PLA voluntarily. They would also be the most qualified to negotiate the terms of such an agreement.

To ensure no preference is given, the Government Neutrality in Contracting Act ([H.R. 1671/S. 71](#)) was introduced this Congress. This legislation sought to preserve open competition and federal government neutrality by prohibiting the government from requiring or prohibiting PLAs on federal and federally funded construction projects.

AGC POSITION

AGC strongly believes that the choice of whether to adopt a collective bargaining agreement should be left to the contractor-employers and their employees, and that such a choice should not be imposed as a condition to competing for, or performing on, a publicly-funded project. AGC neither supports nor opposes contractors' voluntary use of PLAs on government projects, but strongly opposes any government mandate for contractors' use of PLAs.

AGC is committed to free and open competition for publicly funded work, and believes that the lawful labor relations policies and practices of private construction contractors should not be a factor in a government agency's selection process.

CANDIDATE POSITIONS

Government-Mandated Project Labor Agreements (check one box):

- I **SUPPORT** Government-Mandated PLAs.
- I **OPPOSE** Government-Mandated PLAs.

Government neutrality (check one box):

- I **SUPPORT** legislation like the Government Neutrality in Contracting Act.
- I **OPPOSE** legislation like the Government Neutrality in Contracting Act.

COMMENTS:

PRIOR APPROVAL

ISSUE BACKGROUND

The Federal Election Campaign Act of 1971 requires that corporate member trade association PACs, like AGC PAC, must obtain separate and specific approval in writing from member corporations before talking in depth about the PAC and/or soliciting their executive and/or administrative staff (or in very rare instances, shareholders). Furthermore, the regulation states that a corporate member may approve solicitations by only one trade association per calendar year.

AGC POSITION

The prior approval process is an anachronism that serves no substantive purpose, and only functions to drain association resources and limit our effectiveness. Requiring trade associations to seek prior approval is inequitable and restricts First Amendment rights. No other class of political action committee, including corporate, labor union, and individual membership association PACs, is subject to the prior approval requirement. AGC recommends repeal of the prior approval restrictions on corporate trade associations.

CANDIDATE POSITION

Prior Approval/Authorization (check one box):

- I **SUPPORT** efforts by the trade association community to repeal the prior approval requirement.
- I **OPPOSE** efforts by the trade association community to repeal the prior approval requirement.

Signature of candidate or authorized campaign representative | Date