



## ACEC "CITIZEN LOBBYISTS" HELP HIGHWAY FUNDING MOVE FORWARD IN CONGRESS

### A Step Closer on Highway Funding

On May 14, the House overwhelmingly approved legislation to restore a looming \$4.4 billion cut in federal highway funding. The 410-5 vote to pass The Highway Funding Restoration Act (H.R. 3694) was the result of hundreds of ACEC's "citizen lobbyists" who, during Consulting Congress Day in March, stormed Capitol Hill to press lawmakers to restore needed transportation funding. ACEC members also generated over 2,000 letters to Congress in support of H.R. 3694 and its counterpart in the Senate (S. 1917).

As of this writing, Congress is in the process of passing a supplemental appropriations bill for 2002, and it appears that this legislation will serve as a vehicle for restoring highway funding. The House-passed appropriations bill would bring highway funding up to at least \$27.7 billion, the level authorized in TEA-21. The Senate's supplemental bill, which was cleared on June 7, sets a floor of \$27.7 billion and allows for the possibility of up to \$28.9 billion in highway funding.

### ACEC Promotes Procurement Reforms Within DoD

At a May 15 hearing of the House Small Business Committee, ACEC offered the design community's perspective on the Department of Defense's (DoD) contracting policies with small business. Cathy Ritter of Constellation Design Group testified on behalf of ACEC's Small Firm Council, and stated that DoD's indiscriminate use of contract bundling eliminates prime contracting opportunities for small firms. Though consolidating contracts may make sense in some cases, it should not be employed for the purpose of administrative convenience. Ideally, agencies should employ a variety of contracting methods and sizes to ensure that companies of all sizes can compete. She added that the continued use of Indefinite Delivery/Indefinite Quantity Contracts (ID/IQ) also hurts businesses, especially smaller ones, since many of these contracts are "hollow," leading to few, if any, bidding opportunities.

The testimony also emphasized ACEC's strong support for outsourcing, noting that it "is a proven management tool that directly contributes to enhanced performance through improved quality, reduced standby costs, increased innovation, and access to technical expertise not available in-house." ACEC also went on record in support of the president's small-business agenda, which calls for a reduction in contract bundling and an increased use of the private sector to complete work that is not inherently governmental.

### Another Anti-Outsourcing Amendment Killed

ACEC and its allies scored again recently, successfully killing

another effort by public employee unions to attach TRAC-like amendments to the DoD's F.Y. 2003 authorization bill. Under the amendment introduced by Reps. Tom Allen (D-Maine) and Robert Andrews (D-N.J.), DoD's market for engineering services (\$2.1 billion last year) would be severely reduced. The goal of their amendment was straightforward: to hinder DoD's ability to contract with the private sector, including engineering services.

ACEC launched a full-scale effort, including faxes and phone calls from member companies to Congress and meetings with congressional staff, in order to beat back the Allen/Andrews amendment. The battle continues, however, as pro-TRAC forces are expected to offer similar amendments in the coming weeks. Sen. Ted Kennedy (D-Mass.) is expected to offer an amendment identical to Allen/Andrews when the Senate bill moves to the floor.

### Water Infrastructure Bill Moves Ahead

The Senate Environment and Public Works Committee passed legislation that authorizes \$41.5 billion for needed improvements to wastewater and drinking water systems around the country. The Water Investment Act (S. 1961) reauthorizes the federal Clean Water and Safe Drinking Water State Revolving Fund (SRF) programs.

The measure also revises the funding formula for the states and includes changes to assist disadvantaged communities faced with significant and costly water infrastructure upgrades. ACEC has made the passage of a comprehensive water bill a top priority for this session of Congress.

A vote on the Senate floor is expected this summer. The House Transportation and Infrastructure Committee has already adopted

ISSUE ON THE MOVE	WHAT'S NEXT
Highway funding restoration	House-Senate conference
Allen/Andrews, Kennedy anti-outsourcing amendments	Win in House; fight looming in Senate
Water Investment Act	Vote on Senate floor this summer
FLSA reform	Bush, Sen. Gregg take up reform

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similar legislation. A number of issues remain unresolved that may hamper further progress, including the application of the federal Davis-Bacon prevailing wage law to subsequent rounds of SRF loans. ACEC is working with both sides to broker a compromise, and is also pushing legislative language to require the use of QBS in all federally funded water projects.

### **ACEC-Backed Streamlining Bills Advance**

The House Transportation and Infrastructure (T&I) Committee has taken steps to address one of ACEC's top priorities, expedited project review, on two fronts in recent weeks.

The Aviation Subcommittee approved legislation in April that would streamline the environmental review process for airport improvement projects. The Airport Streamlining Approval Process Act of 2002 (H.R. 4481) aims to reduce airport delays and congestion by directing the Federal Aviation Administration to promote runway expansions and other projects that would increase airport capacity.

ACEC President David A. Raymond testified before the Aviation Subcommittee in May of last year, urging lawmakers to pass legislation that would create a coordinated review process. H.R. 4481 would do exactly that (see "Rep. Mica Spearheads Airport Streamlining Legislation," p. 14).

In a related development, the committee is circulating draft legislation that will codify many ACEC-supported reforms in the environmental review process for highway projects. T&I Chairman Don Young (R-Alaska) planned to introduce this legislation,

known as the Expediting Project Delivery to Improve Transportation and the Environment Act (ExPEDITe), in late June. Committee Counsel Greg Cohen briefed members of ACEC's Transportation Committee on the draft legislation at their recent meeting in Las Vegas, and asked for ACEC's help in building support for the bill.

### **ACEC's FLSA Bill Gains Attention in Senate, Administration**

ACEC's legislation to reform the Fair Labor Standards Act (FLSA) has caught the attention of Sen. Judd Gregg (R-N.H.), the ranking member of the Senate committee that has jurisdiction over FLSA. ACEC's staff recently briefed Gregg's committee counsel and discussed strategy options for moving the bill forward in the Senate. Sen. Gregg has indicated that FLSA reform is a major priority for him.

The Bush administration has also expressed interest in ACEC's proposal. The Department of Labor is working with ACEC to explore administrative reforms to accomplish the goals set forth in the Council's legislation. ACEC's Government Affairs team is pursuing both legislative and regulatory reforms that will clarify the act's coverage of engineering professionals and protect member firms from unfair enforcement actions.

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