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Let's Get Government Out of the Way of Education and Jobs By Representative John Kline (R-Min)

Editor's Note: ACPPA periodically invites leading members of Congress to write columns for Actionline on legislative topics to allow our readers to hear directly from people making decisions on Capitol Hill. This month's guest columnist is [Rep. John Kline](#) (R), who is serving his fifth term representing Minnesota's second congressional district. He serves as chair of the Education & the Workforce Committee and is a member of the Armed Services Committee. The views expressed by Rep. Kline do not necessarily reflect those of ACPPA.



Rep. John Kline (R-MN)

I am honored to have been selected by my colleagues to serve as Chairman of the House Education and the Workforce Committee for the 112th Congress. It may be difficult to understand combining education and workplace issues in a single congressional committee. What does a third-grade classroom have in common with a small business? As unlikely a duo as these issues seem, they are actually closely related.

Both education and our work force are vital to America's economic success. Both require flexibility, adaptability and innovation to keep pace with rapid changes. And both are harmed by excessive federal intervention. When the new Congress convenes, our guiding principle must be for the federal government to do no harm in our schools or on our job sites.

Education reform is a pressing concern. Too many parents are denied real choices about where and how their children are educated. Too many schools are failing to prepare children for success. And too many teachers, principals, and state leaders feel unable to improve the status quo because of layers of bureaucracy and onerous federal mandates.

Many wonder why we even have a federal Department of Education. What makes us think federal bureaucrats can manage our classrooms more effectively than teachers and local school boards? This frustration is natural in a system that has grown in size and cost but yielded few meaningful rewards.

As we evaluate the challenges and opportunities for improving schools, consider the parallels for the work force. Just as quality schools are necessary for future economic success, safe and productive workplaces are a prerequisite for current economic success.

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However, entrepreneurs and business operators are often stymied in their efforts to create jobs because of uncertainty about regulations, tax increases, and red tape handed down from Washington.

The federal government cannot legislate nor regulate its way to job creation or economic recovery, but Congress can help foster a climate of workplace certainty. Removing the threat of anti-job policies will help job creators put Americans back to work.

Although most of the hard work will be done outside of Washington, Congress can help improve our schools and workplaces by thoroughly examining the benefits and consequences of federal programs and interventions.

With myriad federal education programs already on the books, it is only reasonable to ask what specific and necessary function every individual program or initiative is serving. Is every program delivering results? How much time must school administrators spend writing reports for the federal government? Would education improve if federal policies were simpler and more narrowly focused?

Likewise, we can analyze the limitations the federal government has imposed on our workplaces. We can examine the complex system of federally governed worker protections and ask whether current rules help or hinder individuals and our economy.

Employer-provided health care and retirement benefits are inexorably linked to the success of our work force, which is why these issues will be central to any discussion about job creation and economic recovery.

Are the rules providing necessary protections to workers or creating animosity between government and free enterprise? Are regulations governing the work force sensible or arbitrary? How can we better understand and protect the interests of workers and employers alike?

As Republicans prepare to lead, we recognize the trust and responsibility given to us by the American people. We are eager to govern in a way that always considers the interests of children and families, workers and retirees, and the taxpayers to whom we are accountable.

These interests will be met through restrained federal involvement that fosters the creativity and ingenuity of the American people -- making clear the connection between education and work-force policy. I look forward to working with the American Concrete Pressure Pipe Association to enact pro-growth policies to get our economy going and put people back to work.

A New Congress Comes to Town

The new year brings a new dynamic to Washington. A divided Congress presents new opportunities and challenges for ACPPA as we work to secure support for robust infrastructure investments and tax code certainty.

In the House, there are 96 new members. Of these members, 87 are Republican (that's roughly a third of the GOP caucus!). The Senate has 13 new members (12 of whom are Republican), not including three senators who completed unfinished terms at the end of the last Congress. ACPPA's first challenge will be educating these new lawmakers about the importance of infrastructure investments and bringing them to speed on issues surrounding federal water and highway funding. With approximately three-quarters of these members affiliated with the Tea Party, ACPPA must demonstrate the critical need for these projects and the federal role in funding infrastructure projects.

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So far, there are encouraging signs. Rep. John Mica (R-FL), the new chair of the Transportation & Infrastructure Committee, has signaled a desire to move quickly on legislation funding surface transportation investments (but at what level, remains unclear). Mica has also expressed a desire to reinstate the successful Build America Bond program, which expired at the end of 2010, and implement other public-private partnerships. In the Senate, Environment & Public Works Chair Barbara Boxer (D-CA) has laid out an ambitious timeline to have a highway bill out of committee by Memorial Day. However, a House rule that risks secure highway funding points to the challenges that could lie ahead. The association looks forward to working with Congress to find fiscally responsible ways to increase investments in our national infrastructure.

While members cheered the expansion of the depreciation bonus to 100 percent through 2011, our efforts to create a pro-growth tax code are far from over. The temporary extension of the 2001 and 2003 Bush-era tax cuts need to be made permanent. The association will also continue the charge to repeal the three percent government contract withholding tax that is scheduled to begin in 2012.

ACPPA is also pleased to see the return of oversight to Washington. After two years of regulatory onslaught, particularly in the health and labor sectors, the association is heartened by House Oversight & Government Reform Chair Darrell Issa's (R-CA) commitment to ease the burden on business. Like the rest of the business community, ACPPA welcomes House efforts to replace the health care law with market-based reforms.

ACPPA's legislative program's success is based on member involvement. Stay tuned to www.ACPPA-action.org for steps you can take to promote ACPPA's legislative agenda and enhance the association's political clout.

Water Infrastructure Outlook for the 112th Congress

ACPPA recently sat down with Eben Wyman, vice president of government relations for the [National Utility Contractors Association](#) (NUCA), to pick his brain about the outlook for water infrastructure legislation in the 112th Congress. NUCA leads the [Clean Water Council](#) (CWC) (of which ACPPA is a top member) and is one of ACPPA's key allies in advocating for substantial and sustained infrastructure investments.

Actionline: What is your outlook for reauthorization of the clean water and drinking water state revolving fund (SRF) programs in the 112th Congress?

Wyman: The political environment for SRF reauthorization is a lot worse in the 112th Congress than in past years. Although problems in the past have dealt with labor issues and how to adjust the SRF allocation formula, the big hurdle this year will be spending. Because SRF dollars come from general fund revenues, any reauthorization bill without "offsets" will immediately be wearing a bull's eye. We still fully support the SRF program and will support reauthorization bills, but clearly, we will need to focus on opening doors for other sources of investment.

Actionline: Last Congress, we came close to enacting legislation to eliminate the cap on private activity bonds (PABs) for water infrastructure projects. Will a PAB bill get across the finish line in the 112th Congress?

Wyman: Recognizing the increasing challenges facing traditional funding programs, we are redoubling our efforts to pass PAB legislation, now referred to as exempt facility bond (EFB) legislation. We were very close to passing the EFB provision in last year's tax extenders package. As a strong member of the CWC, ACPPA played a major role in helping rally and build support for this measure.

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While our language was stripped in the 11th hour of debate, we have hit the ground running early in the 112th Congress to keep the momentum going. We're hopeful that Rep. Bill Pascrell (D-NJ) will reintroduce the measure in the near future, and we're reaching out to all of the cosponsors of the previous bill. The facts make a very good case.

Firstly, water infrastructure projects have a strong track record of success in job creation and generation of significant economic activity. Secondly, state budgets have gone from bad to worse, and many are now in crisis mode. Finally, the EFB provision has the potential to allow for \$5 billion annually in private investment, in this market, at the low cost to the government of approximately \$370 million over 10 years.

Because this bill makes sense, especially with the continued devastating 20 plus percent unemployment rate in construction and the overwhelming economic benefits versus costs, I'm very optimistic we can get this bill attached to one of the many tax measures coming down the pike in the 112th Congress.

Actionline: Are there any other proposals to increase water infrastructure investment that could get some traction?

Wyman: NUCA and the CWC are refocusing our efforts to concentrate on increasing opportunities for public-private partnerships (PPPs) in the water and wastewater infrastructure market. Given the continued lack of public dollars, there is clearly a role for the private sector to play. We'll keep pushing the EFB measure, and look for other legislative vehicles to promote PPPs. Legislation to establish a national infrastructure bank could be another bill we'd see in this Congress that would include a strong PPP component.

Actionline: What can ACPPA's members do to move the needle on water infrastructure investment during the 112th Congress?

Wyman: Get involved! Being an association member is great—being an active one makes all the difference in the world. Contact your lawmakers about the EFB issue and other water bills that are coming our way. ACPPA is an active member of the CWC—the more grassroots support from “real people” out there doing the work, the better.

Actionline would like to thank Wyman for taking the time to answer our questions. For more on how you can get involved and advance efforts on water infrastructure investment in Congress visit www.ACPPA-action.org.

House Votes to Repeal Health Care Reform

The GOP-led House voted on Jan. 19 to scrap the 2010 health care law (the Patient Protection and Affordable Care Act or “PPACA”). The Repealing the Job Killing Health Care Law Act ([H.R. 2](#)) passed by a vote of 245-189, mostly along party lines.

The move was a quick step to fulfill a major Republican campaign promise of 2010. The vote however, is largely a symbolic expression of GOP discontent as the bill is dead on arrival in the Democrat controlled Senate. Additionally, President Obama has vowed to veto any legislation altering the health care law.

Having gone on record in favor of wholesale repeal, the lower chamber plans to continue the debate over the law's merits. House committees are expected to draft new health care provisions to replace key measures in the

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PPACA. The hope is to find areas of bipartisan dissatisfaction with the law, such as the IRS 1099 reporting requirement, and use them to weaken the law's overall impact.

ACPPA, along with the rest of the business community, believes that Congress must enact real, market-based reforms to control skyrocketing health care costs for businesses.

Labor Board Proposes New Posting Requirements

On Dec. 22, 2010, the National Labor Relations Board (NLRB) [proposed a rule](#) that would vastly expand an employer's responsibility to inform employees of their rights to unionize under the National Labor Relations Act (NLRA).

The rule is similar to a requirement for federal contractors on which ACPPA reported last June. This latest proposed rulemaking broadens the companies that must post notices informing their employees of their rights under the NLRA. The public may comment on the impact of the posting requirements until Feb. 22.

The Board's actions are the latest in the Obama administration's pro-union regulatory assault. With big labor's clout dwindling in Congress, we expect the NLRB to continue to implement the union agenda through regulation. Stay tuned for further updates.