

legislative issues, 2006

—by Laurence Socci



At the recent Joint Government Affairs Committee meeting, as part of ACSM's fall meeting in Virginia, the committee discussed many legislative issues relating to our members. The more we discussed the issues, the more it became clear that we have a full plate to deal with this year and the next. I want to use this column to go over some of the more important issues we'll be working on.

H. Res. 518—The National Surveyor's Week Resolution

For the past few years, we have asked the President of the United States to issue a Presidential Proclamation honoring National Surveyor's Week; the last President to issue such a proclamation was Ronald Reagan. Most recently, when we asked President Bush for a proclamation honoring National Surveyor's Week, the Proclamations Office told us that it would be easier for us to get a Presidential Proclamation if we got Congress to pass a Resolution recognizing National Surveyor's Week. H. Res. 518 is that resolution. Representative Adam Putnam (R-FL) and Representative Bennie Thompson (D-MS) are sponsoring it in the House of Representatives. On the Senate side, Senator George Allen (R-VA) and Senator Ted Stevens (R-AK) have agreed to sponsor the Resolution.

Federal Prison Industries Reform H.R. 2965, S. 749

Both the House and the Senate introduced legislation relating to Federal Prison Industries reform. Both bills contain a section relating to the Protection of Classified and Sensitive Information. ACSM feels that this language needs to stay in both bills. Additionally there is language in both bills requiring fair competition between FPI and the private sector. ACSM feels that this language needs to remain in both bills as well.

The legislation amends the Office of Federal Procurement Policy Act to require an executive agency, when procuring Federal Prison Industries (FPI) products or services, to: (1) use competitive procedures; or (2) make an individual purchase under a multiple award contract in accordance with applicable competition requirements. It also requires an agency to: (1) timely notify FPI of procurements; (2) consider a timely offer from FPI in the same manner as other offers; and (3) consider a timely

offer from FPI without limitation as to the dollar value, unless competition is limited to small business concerns. The Act outlines exceptions to the competitive procedures requirement; prohibits requiring a contractor to use FPI as a subcontractor or supplier; prohibits access to classified and sensitive information by an inmate worker; and establishes the Enhanced In-Prison Educational and Vocational Assessment and Training Program within the FPI.

Before the August recess, an amendment was introduced in the committee considering the House bill, H.R. 2965. This amendment, called the Chabot Amendment, called for a two-year study of FPI to see how it helped prisoners. While the study was going on, the bill would not be considered, and things have remained status quo. We are working to defeat this amendment.

Federal Land Asset Inventory Reform Act H.R. 1370 (The FLAIR Act)

The FLAIR Act is in line with the Executive Order signed by President Bush in February 2004, but it also expands the goals set forth in the Order. H.R. 1370 fills in the gaps of the Executive Order. H.R. 1370 was referred to the House Committee on Resources. There is NOT a similar bill in the Senate.

H.R. 1370 directs the Secretary of the Interior to develop a multipurpose cadastre of federal real property (an inventory of real property of the Federal Government developed through the collection of geographical and digital data depicting natural or man-made physical features, phenomena, and boundaries of the Earth and any related information) to assist with federal land management, resource conservation, and development of real property, including any federal land which is no longer required to be owned by the government.

The bill also requires the Secretary to submit a report on: (1) the existing real property inventories or any components of any cadastre currently authorized by law or conducted by the Department of the Interior; (2) the inventories and components that will be or will not be eliminated or consolidated into the multipurpose cadastre authorized by this Act; (3) the cost savings that will be achieved; and (4) recommendations for any legislation necessary to increase cost savings and enhance the effectiveness and efficiency of replacing, eliminating, or consolidating real property inventories or any components of a cadastre currently authorized by law or conducted by the Department of the Interior.

This bill is necessary to get an up-to-date inventory of federal real property so as to eliminate duplicate and inaccurate inventories. It will save the government money and make its land management more effective. It also addresses the need for a better land information system in the U.S. by helping to provide much needed information for resource management. We will continue to monitor this legislation and, in the meantime, if readers have any comments regarding this legislation, please let ACSM know.

Appropriations for the ACSM Trig-Star Program

The annual TrigStar Competition for high schools sponsored by the National Society of Professional Surveyors aims to promote skills in math, and specifically, practical application of trigonometry. The program recognizes the best students from high schools throughout the nation.

Currently, the Trig-Star Program is run on a very limited budget. Consequently, it is not reaching the number of students that it potentially could reach, and many students eligible to take part are left out of the program. We are asking for federal funding to make the program stronger and enable it to support as many students as possible. When this issue was broached with Members of Congress during our recent Lobby Day, it received wide support.

Surveying on the GSA Schedule

The GSA Federal Supply Schedule currently lists surveying along with other A/E services. Pursuant to the Brooks Act and FAR Part 36.6, these services are to be acquired through Qualifications Based Selection (QBS). We are working to try to find out why "surveying" is listed on the Schedule and whether it does indeed conflict with the Brooks Act.

As a bit of background, current law is intended to ensure that government projects use the most qualified professionals, including surveyors and mapping professionals. This goal may not always be achieved by using a selection method other than QBS. ACSM strongly supports the use of QBS for the procurement of professional surveying and mapping services for public projects, and we fought for the enactment of the Brooks Architect-Engineers Act of 1972.

There is no guarantee that if surveying and mapping remains on the GSA Schedule, agencies will use qualifications instead of price to award contracts.

The GSA Federal Supply Schedule does state at the end of the Engineering Schedule that "land surveying" must be purchased using QBS. However, by leaving "surveying" on the schedule, it becomes very confusing to companies trying to find work with the federal government, as well as to government

agencies trying to purchase surveying services. We would like to find out what our readers think. Do you use the GSA Schedule as a marketing tool, and if so, why? Your comments and input are appreciated.

We are working a few other issues; I'll discuss those in future *Bulletin* columns and *Government Affairs* updates. Also, as we move forward with these issues, we'll be asking members to help us by contacting their Members of Congress about these issues. By working together, we can turn the legislative outcomes on these issues to our favor. [Laurence Soggi can be contacted at Laurence@theclagroup.com.]

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