

what have we been **WORKING** on?

—by Laurence Succi, The C.L.A. Group



As we get ready to close the books on the 109th Congress, let's take a look at some of the issues we've been working on for ACSM members during this Congressional session. We accomplished a lot; we had many successes and a few drawbacks. Here are some highlights.

Multi-Year Flood Hazard Identification Plan

As part of the FEMA Floodmap Modernization Coalition, we worked with other interested groups for the continued funding and operation of the FEMA Multi-Year Flood Hazard Identification Plan. The latest version of the Multi-Year Flood Hazard Identification Plan was released by FEMA recently, and it can be found at http://www.fema.gov/plan/pre-vfhm/mh_y1_6.shtm.

The Federal Emergency Management Agency recently issued a Mid Course Adjustment document which sets forth FEMA's view of what it accomplished thus far in the Map Modernization program, and what it hopes to accomplish during the remainder of the five-year program. Although we and other groups have asked FEMA to concentrate on creating accurate maps, rather than digitizing flood maps, the Mid Course Adjustment document suggests FEMA is still very concerned with than digitizing the maps. In fact, it estimates that at the end of the five-year program, digital flood maps will be available for 92% of the nation's population; 30% of the stream miles mapped will be based on "new, updated, or validated engineering analysis," affecting 40% of the nation's population; and digital flood map products will cover 65% of the land area of the continental United States.

There are two relevant bills in Congress relating to the Map Modernization program which we are monitoring. S. 3589, the Flood Insurance Reform and Modernization Act of 2006 contains language relating to datum and vertical positioning that we suggested is included in the bill. H.R. 4320, the National Flood Insurance Program Commitment to Policyholders and Reform Act of 2005, also contains language regarding map modernization, but it does not contain our proposed language.

Multi-Year Flood Hazard Identification Plan

Federal Prison Industries Reform

National Surveyors' Week Resolution

Trig-Star Funding

Small Business Health Plan Legislation:AHC

Brooks Act Violations

Abandoned Railroad Monumentation

Payments on Government Contracts

USGS Coalition

Federal Land Asset Inventory Reform

Surveying and Mapping on the GSA Schedule

Offshore Outsourcing of A/E Services

STB Filing re: Abandoned Railroads

Federal Prison Industries Reform

The Federal Prison Industries Reform legislation, H.R. 2965, finally passed the House of Representatives after much hard work by several organizations, including ACSM. We supported language in the legislation that prevented federal prisoners from having access to and digitizing sensitive property information, and we fought to keep the language in the legislation. H.R. 2965 passed the House with the language in the bill. The Senate version of the bill, S. 749, sponsored by Senator Carl Levin, has not been brought up for consideration yet. We are working for the passage of that legislation.

COFPAES

As a member of COFPAES (Council on Federal Procurement of Architectural and Engineering Services), we work with other A/E associations on issues important to our industry and our members. At the Spring COFPAES Delegates meeting, held on June 22, 2006, COFPAES discussed several important issues. One of those issues was the need to bring more sustaining members into COFPAES. Another topic was the idea of putting together a task force of government members to draw up a white paper on the implementation of A-76 to A/E services, which would be presented to OMB as well as OFPP. Each COFPAES member organization was invited to recommend people from their organizations to work on the task force. We also discussed the possibility of making changes to the Brooks Act. This has been a tricky issue because while most people agree that changes need to be made to the Brooks Act, most are also concerned about opening up the Brooks Act to Congressional scrutiny.

Of course, a big topic of discussion was the COFPAES lawsuit against the FAR; this is discussed in detail later in this report.

National Surveyors' Week Resolution

On January 31, 2006, the Senate passed S. Res. 361, the National Surveyor's Week Resolution, by unanimous consent. The House version of the Resolution, H. Res. 518 passed the House Government Reform Committee by unanimous consent but was not brought to the floor of the House because of a rule in the Government Reform Committee that requires any resolution that is brought to the floor must have 50 co-sponsors. H. Res. 518 currently has 22 cosponsors. We are working to get the rule waived, or to get 28 more co-sponsors of the Resolution.

Trig-Star Funding

Earlier this year I met with staff of several Members of the House Appropriations Subcommittee on Education to discuss getting an earmark for funding for Trig-Star. I was told by most of the staff I met with that earmarks are going to be extremely difficult to get this year, and most Members are only going after earmarks for their own districts. However, Representative Rosa DeLauro, (D-CT) has agreed to help us. Unfortunately, it does not look like Congresswoman DeLauro will be successful in getting the hoped-for Trig-Star funding.

Association Health Care—Small Business Health Plan Legislation

There are several bills relating to association and small business health plans currently in Congress. The Senate has two competing bills, one sponsored by the

Republicans and the other by the Democrats. Unfortunately, neither party will support the other party's bill, nor will either party compromise on their own bill. So, once again, Congress did not pass association and small business health plan legislation.

Brooks Act Violations

We recently received a number of notices from ACSM members around the country notifying us about RFQs they received that appear to violate the Brooks Act. In each case, we took a look at the circumstances of the RFQ and, if it appeared that the Brooks Act was violated, we passed the RFQ on to COFPAES for a letter to the agency explaining why we believe the Brooks Act was violated and requesting that the RFQ be withdrawn. In each case, the contracting officer agreed to pull the RFQ and resubmit it in compliance with the Brooks Act.

Proposed Legislation Regarding Abandoned Railroad Monumentation

At the last Joint Government Affairs Committee meeting, we briefly discussed the problem many surveyors are facing when abandoned railroads remove their tracks and do not place any type of monumentation where the tracks were located. We discussed the possibility of meeting with the Surface Transportation Board about the issue, as well as proposing federal legislation that would require railroads to place a marking when they remove their tracks. Since that time, we came across a few friends in Congress who might be willing to help us with the issue. I'm proposing to draft legislation, in our language, and find a sponsor in the House and Senate to champion the issue in Congress.

Three Percent Withholding of Payments on Government Contracts

The Tax Increase Prevention and Reconciliation Act of 2005 (P.L. 109-222 :: H.R. 4297) was recently passed by Congress and signed by the President in May 2006. The legislation contains a provision, Section 511, mandating that federal, state, and local governments withhold three percent from payments for goods and services. This new tax withholding requirement affects all government contracts, as well as any payment to any person for a service or product provided to a government entity. The withholding is based on revenues from government payments with no relationship to a company's taxable income.

Section 511 requires tax withholdings at a rate of three percent on all government payments for products and services provided by the federal government and state and local governments, equalling \$100 million or more. It affects payments for goods and services under government contracts as well as payments to any person for a service or product provided to a government entity. It applies to all payments starting in 2011.

ACSM recently joined a newly formed coalition called the Government Withholding Relief Coalition. The coalition is comprised of approximately 60 business associations working together to repeal Section 511 of the Tax Increase Prevention and Reconciliation Act of 2005. Senator Larry Craig recently introduced S. 2821, the Withholding Tax Relief Act of 2006, and on the House side, Rep. Wally Herger has agreed to sponsor similar legislation. We are asking Congress for support of both of these bills. In the alternative, and assuming that neither bill passes in this Congressional session, we are asking Congress

for legislation to be introduced in the 110th Congress which repeals Section 511 of the Tax Increase Prevention and Reconciliation Act of 2005.

USGS Coalition

We continue to work with other organizations in the USGS Coalition for federal funding and support for the U.S. Geological Survey. The USGS Coalition met recently with Acting Associate Director for Geology, Linda Gundersen, and USGS Associate Director for Geospatial Information, Karen Siderelis. Siderelis gave a background on the USGS Geospatial Office which was established in 2000. The responsibilities of the office include information technology and security; science information and education; and the National Geospatial Program. The GIO is facing a number of challenges, but one of the most important is drawing a line between allowing public access to geospatial data and keeping the data secure from unauthorized usage.

Siderelis also discussed the National Geospatial Program Office. The office will continue to house the National Map, Geospatial One Stop, and the Federal Geographic Data Committee, providing leadership and guidance to key stakeholders in the implementation of key components of the National Spatial Data Infrastructure.

The other topic of discussion was the reauthorization of the National Cooperative Geologic Mapping Program. This program, which is in all 50 U.S. States, consists of a geologic mapping component, a program that has provided over \$60 million to state geologic surveys through a competitive grant process and a training program for the next generation of geologic mappers. More than 600 students at over 130 universities have received

funds through this competitive grant program.

Federal Land Asset Inventory Reform Act, H.R. 1370

This bill directs the Secretary of the Interior to develop a multi-purpose cadastre of federal real property to assist with federal land management, resource conservation, and development of real property, including any federal land which may no longer be owned by the government.

The cadaster is envisioned as 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.

The Federal Land Asset Inventory Reform Act also authorizes the Secretary to enter into cost-sharing agreements with States to include any non-federal lands in a state in such a cadastre. It also limits the federal share of any such agreement to 50 percent of the total cost to a state for the development of the cadastre of the non-federal lands in a given state.

The Act requires the Secretary to submit a report to Congress 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 or will not be eliminated or consolidated into the multi-purpose 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.

We discussed this legislation before; it is necessary to get an up-to-date inventory of federal real property. The bill is moving very slowly through the House and just went through a markup in early March. There is not a similar bill in the Senate at this time.

Surveying and Mapping on the GSA Schedule

COFPAES staff met recently with GSA Inspector General's Office to discuss A/E services on the Federal Supply Schedule in violation of the Brooks Act. While the Inspector General's Office agreed to look into the matter, it would like to hear from us on the issue, particularly specific instances of A/E services being purchased off the Schedule that affected public health and safety. We were asked to get some examples of instances where surveying and mapping appear on the Schedule.

Offshore Outsourcing of A/E Services

COFPAES staff recently met with Bradley Knox, Chief Counsel for the House Small Business Committee, to discuss the issue of sending A/E work offshore. Laurence Socci stated ACSM's position on the issue as being opposed to offshoring the creation of data or production of work for which professional oversight is required. Additionally, ACSM is opposed to outsourcing sensitive information related to land use and ownership. This is very similar to our stand with regard to the Federal Prison Industries Reform. In the case of FPI reform, we are concerned with federal prisoners having access to sensitive land-use data. In the case of sending A/E services

offshore, we are concerned with sensitive data falling into the hands of people hostile to the U.S., and that there would not be professional oversight to the use of the data. Mr. Knox suggested that a request be made to the General Accounting Office to do a study on the issue and report back to Congress.

STB Filing Regarding Abandoned Railroads

ACSM recently filed comments with the Surface Transportation Board regarding an issue that has long eluded us. As many of you know, several years ago, ACSM and NSPS met with the ICC (now the STB), but didn't get anywhere with our suggestion that railroad companies be required to leave some type of monumentation behind when abandoning a rail line and tearing out the tracks. We were able to address that issue once again through our recently filed comments. We plan to follow-up our comments with a request for a meeting on the issue.

The Association of American Railroads submitted a "reply comment" to the comments submitted by various organizations concerned by the issue. AAR specifically responded to the comments made by ACSM, opposing our suggestion that railroad leave some type of monumentation behind when abandoning a rail line and tearing out the tracks. We have a couple of options at this point, including taking a legislative route on the issue.

To view our comments and those of other interested parties, go to <http://www.stb.dot.gov/filings/all.nsf/ByFilingDate?OpenView> and scroll down to 03/06/2006, EP_647_0.

As you can see, we've been busy. Many of the issues we worked on this year will be addressed again next year. The fight continues ...

