



Plenitude of lobby issues in 2007

—by Laurence Socci

Now that we are in August, it's a good time to talk about what the ACSM Joint Government Affairs Committee has been working on during the first half of

the year. We started the year with a new Democrat-controlled Congress. We did not expect the Democrats to have the same agenda as the previous Republican-controlled Congresses; and we were right. But many of the same issues raised during the last Congress are back. Here is a look at some of them.

3% Withholding Tax on Government Contracts: Late last year, we learned about a plan in Congress to withhold 3% of payment on government contracts. As a bit of a background, last year President Bush signed into law the Tax Increase Prevention and Reconciliation Act of 2005 (P.L. 109-222). Section 511 of the Act calls for federal, state and local governments to withhold 3% of payments for goods and services. The withholding tax will also affect Medicare payments, farm aid and certain grants. Federal, state and local governments with expenditures of \$100 million or more can take the tax, and for now, it applies to all payments starting in 2011 (although the starting date may be earlier). The money withheld will be attributed to the company's overall tax liability. For example, if a company has \$100 withheld and owes a total of \$120 in taxes then they would owe the government \$20 dollars. If a company had \$100 withheld and owes a total of only \$90 in taxes then the company would get a refund of \$10. Supporters of Section 511 argue that imposing withholdings on non-wage payments made by Federal, state and local governments would improve taxpayer compliance, reduce the tax gap and promote fairness in the tax system. Opponents of the withholding tax argue that there are many harmful consequences to businesses, particularly small businesses, if Section 511 is not repealed. Recently, legislation was introduced in the House and the Senate that would repeal Section 511. Both of those bills are moving forward.

Association Health Plan Legislation: We are watching three bills relating to Association Health Plans that were recently introduced in the House of Representatives.

H.R. 241, the Small Business Health Fairness Act of 2007 was introduced by Rep. Sam Johnson (TX); its purpose is to "amend Title I of the Employee Retirement Income Security Act

of 1974 to improve access and choice for entrepreneurs with small businesses with respect to medical care for their employees."

H.R. 324, the Working Families Wage and Access to Health Care Act was introduced by Rep. Buck McKeon (CA); its purpose is "to increase the minimum wage, to provide access to healthcare coverage to employees of small businesses and to preserve American jobs."

H.R. 1012, the Small Business Growth Act of 2007 was introduced by Rep. Vern Buchanan (FL); its purpose is to "reform laws and procedures affecting small business."

Although all of these bills generally apply to different issues relating to small business, they all contain the same language advocated the development of association health plans. All of these bills are being considered at the committee level.

President's FY08 Budget Cuts Funding for Several Federal Surveying and Mapping Programs: The President's FY08 budget made funding cuts to several agency programs that affect surveying and mapping professionals. We took action, either alone or with a coalition of other affected associations, to try to get some budget cuts restored. Here are the agency cuts that we are working on:

Bureau of Land Management (BLM). The President's budget reduces funding for the BLM Alaska Conveyance program by \$1.8 million and the Cadastral Survey program by \$3.2 million. The budget narrative explains that the Cadastral Survey decrease reflects a reduction of BLM survey work. The program will continue to focus efforts on providing core functions and oversight of approving surveys, addressing public inquiries, boundary consultation, guidance and oversight and Geographic Coordinate Database management. We met with several Members of Congress and wrote an issue paper requesting that the budget cuts be restored.

USGS Geography Program. The President's FY 2008 budget request represents a net decrease of \$1.7 million below the 2007 level for the USGS Geography Program. In 2007, funding for the Geographic Research, Investigations, and Remote Sensing Cooperative Topographic Mapping Program was moved to the National Geospatial Program. That program received an increase of \$1.6 million over 2007 amount. For the second year in a row, there was no request for funding for the Cooperative Topographic Mapping Program. The Land Remote Sensing Program saw a decrease of \$323,000 from

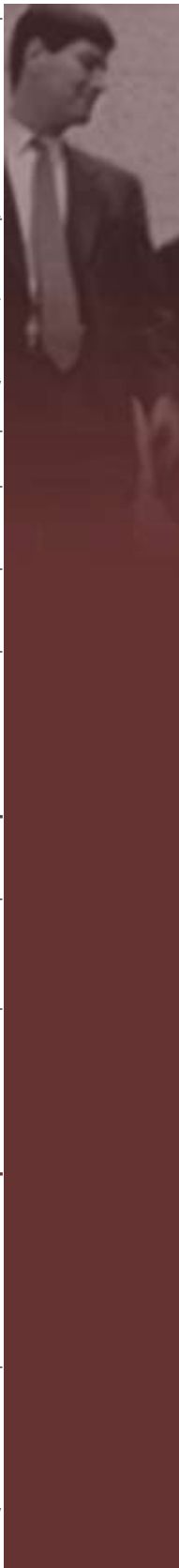
the 2007 request and the Geographic Analysis/Monitoring Program saw a decrease of \$1.3 million from the 2007 request. We worked with the USGS Coalition to request that some cuts be restored in the Congressional budget. Congress is now considering those requests.

FEMA Flood Map Modernization Program. The President's FY08 budget request of \$195 million for the Flood Map Modernization Program is a decrease of \$8 million from the 2007 level. There have been many complaints from flood map modernization stakeholders that FEMA has done a poor job with this program. In particular, many users have complained that the maps being produced under the program were inaccurate and were often just a digitized version of old, outdated map. A decrease in funding certainly will not help fix the problem and may, in fact, exasperate the problem. We worked with the FEMA Flood Map Modernization Coalition to get flood map modernization funding restored and recently learned that the House passed its Dept. of Homeland Security Appropriations bill with \$230 million for flood map modernization. The Senate version, which is still in committee, has \$200 million for flood map modernization.

Federal Railroad Administration Nationwide Differential GPS. NDGPS provides precise positioning information and integrity monitoring of the GPS constellation for all transportation modes. The President made no funding request for this program in the FY08 budget. The funding that was to go to this program will be moved to the Research and Innovative Technology Administration.

We spoke with several Members of Congress regarding these budget cuts and asked that they be restored.

FEMA Flood Map Modernization Coalition Update: Coalition members met with staff from FEMA to discuss progress on the Flood Map Modernization Project. Doug Bellomo, the Acting Division Director of the Risk Analysis Division, outlined where FEMA is on the project, what changes were made based upon previous meeting with the Coalition, and where the project is going in Phase 2, which starts in 2009. Bellomo noted that FEMA recognizes the need for quality over quantity regarding the flood maps that are being produced. FEMA expects that in FY08, 70 percent of the population will have digital GIS flood data available online and 50 percent





of the population will have effective maps that meet FEMA's Floodplain Boundary Standard. FEMA's "Mid Course Adjustment" was also discussed. These are changes to the Map Modernization Plan that FEMA made as a result of evaluating the progress of the program. So far, 30 percent of mapped stream miles have validated new or updated engineering analysis and 40 percent of the population is covered by maps with validated, new or updated engineering analysis.

The Multi-Year Flood Hazard Identification Plan (MHIP) Version 2.5 was recently introduced. The MHIP (1) describes FEMA's strategy for updating NFIP flood maps; MHIP (2) builds on recommendations from stakeholders; MHIP (3) is developed and updated through a collaborative process with local, state and national participants; and MHIP (4) contains a schedule for the production of digital flood hazard maps.

Under Phase 2 of the project, FEMA will implement a strategy to ensure the benefits of Map Mod Phase 1 are sustained. This strategy will include an assessment of the integrity and updating of flood hazard data, and it will address flood mapping needs not met and improve the quality and precision of flood hazard data. FEMA will increase the quantity of digital flood data and maps to 95 percent of the Nation's population. Digital standards and delivery systems will be enhanced to reduce the demand for paper maps, and FEMA will continue to collaborate with impacted communities, states, and capable mapping partners. ACSM submitted comments on the MHIP which FEMA recently reviewed. We are expecting to meet with FEMA to discuss our suggestions and comments.

FGDC Steering Committee Meeting. Curt Sumner, ACSM Executive Director, attended the May 23 meeting of the Federal Geographic Data Committee (FGDC) Steering Committee. The issue discussed that is currently of most interest to ACSM is that of the National Geospatial Advisory Committee (NGAC). The NGAC is being established by FGDC through the Federal Advisory Committee Act (FACA) as a means of providing for input to the FGDC from non-government entities. The committee will be comprised of approximately 25 individuals. The committee members will be appointed by the Office of the Secretary of the Interior. ACSM has asked each of its four Member Organizations to submit nominations; these were submitted through ACSM by the due date of June 28.

One point that was raised during the meeting with regard to the proposed composition of the NGAC is that the current plan will place approximately five (5) individuals that would represent federal agencies on the committee. The question that was raised is whether it is appropriate to place those representing federal agencies on a committee that is intended to provide input from non-federal entities. The answer given in response was that those federal agency representatives on the committee could serve to address some committee issues directly. The counter argument from the questioner was that it is not fair for federal agency representatives to be voting members on a committee that would decide by vote which questions or suggestions would be forwarded to FGDC.

Although not specified within the guidelines of the FGDC criteria for submission of nominee qualifications, a group of stakeholder organizations headed by NSGIC is seeking to have the respective organizations submit their nominees' qualifications to the other stakeholder organizations for review and potential joint endorsement. The logic for this effort is that it could assist in the appointment of a committee whose members are likely to work well together.

ACSM Testifies at Congressional Hearing: Curt Sumner, ACSM Executive Director, testified before the House Financial Services Subcommittee recently on H.R. 1682 the Flood Insurance Reform and Modernization Act of 2007. He spoke of ACSM's strong support of H.R. 1682 in general, but had some comments and concerns about the sections of the bill relating to flood map modernization. He called for language in the bill that would define updating as more than simply digitizing old outdated maps. He also suggested language in the bill calling for the development of a plan for how and when to produce new geo-referenced maps, using appropriate technological advancements, and setting minimum standards for accuracies as appropriate for the situation. In addition, Sumner discussed the need for the reestablishment of the Technical Mapping Advisory Council and voiced ACSM's concern that the language relating to the TMAC in H.R. 1682 may not provide sufficient authorization to the Council to allow it to function in the same manner as the previous council. Sumner's testimony as an expert witness on behalf of ACSM, shows the importance Members of Congress place on the expertise of ACSM and its member organizations. An archived webcast of the hearing along with copies of the written testimony of all witnesses can be found at the House Financial Services Committee website at: www.house.gov/apps/list/hearing/financialsvcs_dem/ht2061207.shtml.

Judge Rules in the COFPAES Case: In June, the judge issued a ruling in the COFPAES lawsuit against the FAR Council. The judge dismissed all plaintiffs in the case for lack of standing. He immediately dismissed COFPAES, NSPE, and ASCE as plaintiffs because no evidence appeared in the record concerning any injury to any plaintiff other than MAPPs; therefore, the other plaintiffs lacked standing. He eventually dismissed MAPPs as well because none of the evidence presented by MAPPs showed an injury to individuals or MAPPs' member firms.

H.R. 2067—Good Samaritan Protection for A/E Volunteers: Legislation was recently introduced in the House that would give liability protection to A/E volunteers. The Good Samaritan Protection for Construction, Architectural, and Engineering Volunteers Act, H.R. 2067 grants construction companies and architectural and engineering firms and their employees immunity from liability for negligence, except for gross negligence or willful misconduct, when providing emergency assistance on a voluntary basis in response to a declared emergency or disaster, in good faith, and without expectation of compensation. ACSM is in the process of working to have surveyors included in the bill.

COFPAES Semi Annual Delegates Meeting, June 26: The morning Federal A/E Forum consisted of a number of interesting speakers and subjects. Lawrence Roth, Deputy Executive Director of ASCE, spoke about what went wrong with the New Orleans levees during Katrina. A panel discussed the new concept of "Building Green in the Federal Government," a discussion of environmental friendly practices in the construction of federal buildings. The third speaker was Laura Auletta, Management Analyst from the Office of Federal Procurement Policy. She spoke about Acquisition Advisory Panel Recommendations and Implementation. In the afternoon, the COFPAES Delegates met. ACSM's COFPAES Delegate, Rick Allen, could not attend the meeting; Curt Sumner attended in his place. Among the items discussed was the MAPPs/COFPAES lawsuit regarding FAR Part 36. The attorney representing MAPPs and COFPAES spoke about the judge's decision and offered options to move forward. If the plaintiffs choose to appeal the case, they have 60 days from the date of the decision to do so.

Lobby report, p. 42, 2nd col.

ACSM/THSOA Hydrographer Certification Program

The ACSM/THSOA Hydrographer Certification Program is designed for hydrographers with at least five years of experience. The certification authenticates your work experience and gives credence to your resume. Examinations are offered nationwide.

The ACSM/THSOA Hydrographer Certification Program is recognized by many federal, State and local agencies, as well as private firms seeking subcontractors when evaluating technical proposals for marine engineering, surveying, and construction. The certification program is endorsed by The Hydrographic Society of America.

For program details and application, visit our website: <http://www.npsmo.org> or contact Lee Canfield at 240-632-9716, ext.112, lee.canfield@acsm.net.

Lobby report, from p. 41.

The other option is to file a new lawsuit. The delegates agreed to discuss this issue with their respective organizations and come to a decision in the near future. Another important topic was the removal of A/E services from the GSA Schedule. Under the law, A/E services, including surveying and mapping, must be procured pursuant to the Brooks Act and FAR Part 36 and should not be on the GSA Schedule. This is because the Brooks Act requires A/E services to be purchased through Qualifications Based Selection where price is not a deciding factor. Under the GSA Schedule, price can be a deciding factor. It was agreed that the COFPAES members would ask their respective state licensing boards to send letters to GSA on the issue. The Delegates also discussed several important pieces of legislation recently introduced in Congress, including legislation relating to the Federal Prison Industries and sending A/E work offshore.

COFPAES Federal Markets Conference: COFPAES is proposing a Federal Markets Conference to take place in October, 2007. Each of the COFPAES member organizations (ACSM, ASCE, MAPPS, AIA, and NSPE) will bring in speakers from federal associations with whom they work. ACSM's topic is "natural resources," and we will work on getting representatives from the National Park Service, the Bureau of Land Management, the USGS, the USDA Natural Resources Conservation Services, the U.S. Forest Service, and NOAA to speak about how each agency procures A/E services. The event is still in the early planning stages and a date has not been finalized.

Federal Prison Industries Legislation Introduced: The Senate recently introduced legislation relating to purchases from Federal Prison Industries. The legislation (which is similar to legislation introduced in the Senate last year) contains language proposed and supported by ACSM to specifically protect classified and private geographic data. The language, in Section 43 (f) of the legislation, reads as follows:

(f) Protection of Classified and Sensitive Information—The head of an executive agency may not enter into any contract with Federal Prison Industries under which an inmate worker would have access to:

- (1) Any data that is classified or will become classified after being merged with other data;
- (2) Any geographic data regarding the location of:
 - (A) Surface or subsurface infrastructure providing communications or water or electrical power distribution;
 - (B) Pipelines for the distribution of natural gas, bulk petroleum products, or other commodities; or
 - (C) Other utilities; or
- (3) Any personal or financial information about any individual private citizen, including information relating to such person's real property however described, without the prior consent of the individual.

ACSM will continue to monitor this legislation and will propose similar language in any similar legislation introduced in the House.

ACSM Provides Input to Senate Floodmap Legislation: ACSM was recently asked to review and provide input to a soon to be introduced bill regarding floodmap modernization in the Senate. The bill will be introduced by Senator Jack Reed of Rhode Island, who introduced a similar bill in the 109th Congress. ACSM contributed relevant language to that bill as well.

All of these issues, and more, will be addressed during **ACSM's Lobby Day on Capitol Hill**, which will take place on Thursday, September 27, right before the Fall Conference. **Please make plans to attend.**

Retro HP 35s

HP unveiled a new calculator in commemoration of the original HP-35, the world's first handheld scientific calculator launched 35 years ago, on July 12.

Retro HP 35s is HP's most advanced scientific programmable calculator, featuring ample memory for keystroke programming, equation solving and more than 800 storage registers; 100 built-in functions; and a large, two-line display with adjustable contrast to easily view entries.

As part of its year-long 35th anniversary celebration of the company's entry in the handheld calculator business, HP also named the winners of its nationwide calculator video contest. The winners were presented by Sean Gullette, star of the award-winning movie "pi".

