

JOINT GOVERNMENT AFFAIRS COMMITTEE REPORT

Spokane, WA, March 5, 2008

This report covers the six-month period between JGAC's last meeting in Arlington, Virginia, in the fall of 2007 and its meeting in Spokane, Washington, on March 5, 2008. During this time, we had a successful Lobby Day, we worked with several coalitions on issues important to our members, and we got our National Surveyor Week Resolution introduced in the House and Senate. We also fought back legislation that would give landscape architects the ability to do surveying and mapping work, and we saw our COFPAES Delegate, Rick Allen, elected Chairman of COFPAES for 2008. This year, we are once again facing an uphill battle with Small Business and Association Health Plan legislation and we will most likely have to work on Federal Prison Industries reform legislation some more. In addition, we are facing new challenges regarding budget cuts in several federal agencies with surveying programs working on such issues as height modernization and flood map modernization. In addition we plan to actively pursue funding for Trig-Star. In this report I focus on issues we will likely work on for the better part of 2008.

Multi-Year Flood Hazard Identification Plan

Earlier this year, ACSM commented on a "concept paper" developed by FEMA as a road map for the implementation of the remainder of the Map Modernization project. In addition, FEMA published on February 20th a draft Risk MAP (Mapping, Assessment, and Planning) Strategy whose purported goals are to:

- Continue to focus on improving and maintaining flood hazard data and maps—the foundation of both flood risk assessment and flood mitigation planning
- Deliver quality products and services to the right audience, using the right methods, at the right time;
- Reduce losses of life and property through continuous improvement of mitigation plans; and
- Increase local mitigation action.

ACSM will review the Risk Map document and make comments as appropriate.

With regard to bills introduced regarding the FEMA Map Modernization program, ACSM was able to get favorable language in all these bills. H.R. 3121 and S. 2284 (both entitled the Flood Insurance Reform and Modernization Act of 2007), are likely to move forward. Both of these bills contain language establishing the Technical Mapping Advisory Council and call for a member of the council to be from a "recognized professional surveying association" and another member from a "recognized professional mapping association." Both bills call for

appropriations in the amount of \$400,000,000 per year for the map modernization program. ACSM will continue to work with the sponsors of each of these bills.

Federal Prison Industries

In a victory for the Federal Prison Industries Coalition, the President signed into law a bill that would require FPI to compete for all contracts for the purchase of products whether or not FPI is a sole source provider of those products. Another bill of interest to ACSM is S. 705 which is currently in the Committee on Homeland Security and Government Affairs. There is language in the bill, supported by ACSM, which will keep sensitive geographical data out of the hands of federal prisoners.

COFPAES

ACSM's Delegate to COFPAES, Rick Allen, was elected as Chairman of COFPAES for 2008. The position of Secretary will be filled by me.

On January 8, the Executive Director of ACSM, Curt Sumner, and I attended a meeting organized by COFPAES, the Construction Industry Roundtable (CIRT) and the Design Professionals Coalition (DPC) to discuss the establishment of a coalition of architecture, engineering, construction and geospatial organizations. The position of those in attendance was to proceed with an alliance of trade associations, professional societies, individuals companies and unions representing the infrastructure business.

A guest of honor at the January 8 organizational meeting was The

Honorable John Paul Woodley, Jr., Assistant Secretary of the Army for Civil Works, who briefed participants on the Corps of Engineers civil works program. Mr. Woodley expressed optimism for the program in the near term given the enactment by Congress in late 2007 of both a year-long appropriation via the omnibus (rather than a continuing resolution), and the first Water Resources Development Act reauthorization in seven years.

The key provisions highlighted by the Secretary are:

- A provision on information sharing that will help make government data more readily available to the public; a peer review provision that permits full Federal expense rather than subjecting independent project reviews to cost sharing requirements;
- Everglades restoration; locks and dam modernization on the Upper Mississippi and Illinois Rivers; coastal Louisiana wetlands restoration; safety, inspection and inventory of Federal and non-Federal levees; and enhanced water resource planning processes.

Secretary Woodley also forecast that the President's FY2008 budget for the Corps will have an emphasis on safety and security at Corps reservoirs.

Following Secretary Woodley's presentation, the group discussed ways to enhance the effectiveness of the architecture, engineering, construction and geospatial communities on public policy issues in our Nation's Capital.

It was agreed that a coalition of architecture, engineering, construction, geospatial and related organizations is desirable; it should be broad based and inclusive of all relevant interested parties; it should focus on advocacy of business issues related to infrastructure programs; and that it should meet regularly, perhaps monthly, alternating between meetings with speakers and meetings for internal discussions and strategy development. The first major topic identified for strategic discussion is hosting fund raising events for preferred candidates among those organizations that have PACs or other political contribution activities.

QBS legislation

On January 8, a bill was introduced in the New Jersey legislature that repeals the QBS of A/E services. The relevant language, as introduced, is as follows: "Under existing law, contracts for professional and technical services to be awarded by State agencies, including independent authorities, or by counties, municipalities, and school districts may be negotiated and awarded without publicly advertising for bids." This bill provides that these contracts would be subject to a competitive bidding process. In addition, the bill repeals an existing law under which state architectural, engineering, and land surveying contracts are awarded pursuant to a competitive negotiation process. Accordingly, under the bill's provisions these contracts would be competitively bid. COFPAES will continue to monitor this legislation.

Lobby Day 2008

Our Lobby Days have been more and more successful each year and we hope to have as many participants as possible this year. We plan to advocate not more than four issues before the House and Senate and keep our groups small. Last year, our preparation for Lobby Day included pre-selected meeting groups, with participants setting up their own meetings with their Congressional Representative. This formula will be repeated this year.

National Surveyors' Week Resolution

ACSM's National Surveyor's Week Resolutions have been introduced in the House and Senate. The Senate Resolution is S. Con. Res. 57 and will once again be introduced by Senator Ted Stevens (R-AK). Our goal has always been to make sure the language in the Senate and House versions of the resolution are exactly the same. This year was no different; after many meetings with the Senate legal council, the original language proposed by ACSM will be retained in the resolution.

In the House, Rep. Charlie Dent (R-PA) and Rep. Chris Van Hollen (D-MD) co-sponsored H. Con. Res. 223. This resolution has 17 co-sponsors but needs 50 to get out of the Oversight and Government Reform Committee and be brought to the House floor by the committee's chairman Henry Waxman. Contact your Representative and

ask them to co-sponsor the House National Surveyor's Week Resolution, H. Con. Res. 223. The Delaware State National Surveyors' Week proclamation, signed by the governor, is an example of how states can get involved in keeping the momentum in this effort.

Small Business/Association Health Plan

Three bills relating to Small Business and Association Health Plans have already been introduced in the House of Representatives. No similar legislation has been introduced in the Senate.

3% Withholding of Payments on Government Contracts

As a member of the Government Withholding Relief Coalition, ACSM is working to repeal Section 511 of the Tax Increase Prevention and Reconciliation Act of 2005. This year, the coalition lobbied Members of Congress on the issue to gain support for legislation sponsored by Congressmen Kendrick Meek and Wally Herger which would repeal Section 511. The bill, H. R. 1023, currently has 242 co-sponsors in the House. A similar bill, S. 777 was introduced in the Senate. Unfortunately, it only has 10 co-sponsors. The coalition will continue to work to get co-sponsors for the Senate bill and get Section 511 repealed.

Monumentation for Abandoned Railroads

A committee has been put in place and charged with investigating the issue of monumentation for abandoned railroads and proposing language that could be put in a bill. I met with the Chairman of the House Transportation Committee, James Oberstar (D-MN), and his staff regarding H.R. 2125, the Railroad Competition and Service Improvement Act of 2007. The companion Senate bill is S. 953, sponsored by Senator Rockefeller (D-W.VA). Chairman Oberstar and his staff are looking forward to working with ACSM on this issue.

Small Community Visioning Improvement Act (HR 3374)

The stated purpose of the Small Community Visioning Improvement Act is to improve the ability of small communities to coordinate with universities and design professionals in developing a vision to address their local needs. However, ACSM has concerns with the language of the bill. It is our opinion that it is confusing, biased toward landscape architects, and, at some points, conflicting with state laws. ACSM and members of COFPAES met with the staff of the bill's sponsor and voiced our concern about it. COFPAES also met with the lobbyist for the American Society of Landscape Architects, the chief proponents of the bill. As of the time of writing this report, ASLA had not taken steps to change the language, and COFPAES had not presented draft language crafted by Andrew Goldberg of COFPAES-AIA.

STATE OF DELAWARE

OFFICE OF THE GOVERNOR

**STATEMENT
IN OBSERVANCE OF
LAND SURVEYORS WEEK**

Whereas, surveyors are professionals dealing with people and situations protecting the residents of the State of Delaware,

Whereas, the role of the surveyor has been and remains vitally important in the development of the United States; and

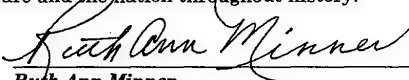
Whereas, surveyors are specialists land measurements with the knowledge, understanding, and application of mathematics and relevant law relating to the use and development of land, which is instrumental to economic growth in the State of Delaware,

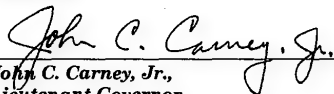
Whereas, surveyors provide information for the implementation through the completion of commercial, industrial, and residential projects, which provide for prosperity throughout the three counties of the First State.

*Now, Therefore, We, Ruth Ann Minner, Governor,
and John C. Carney, Jr., Lieutenant Governor,*
do hereby declare March 16-22, 2008

LAND SURVEYORS WEEK

in the State of Delaware and encourage all residents to recognize the important contributions land surveyors have provided to Delaware and the nation throughout history.


Ruth Ann Minner,
Governor


John C. Carney, Jr.,
Lieutenant Governor

08-185
Number



Good Samaritan Protection for Construction, Architectural and Engineering Volunteers Act (H.R. 2067)

This resolution 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 working to include surveying and mapping firms in the bill. The sponsor of the legislation informed ACSM that surveying firms are considered under the legislative definition of “architectural and engineering firm” and should therefore be covered. ACSM continues to be part of the discussion.

USGS Coalition

As a founding member of the USGS Coalition, ACSM is committed to “the continued vitality of the unique combination of biological, geological, hydrological and mapping programs of the U.S. Geological Survey. The Coalition supports increased federal investment in USGS programs that underpin responsible natural resource stewardship, improve resilience to natural and human-induced hazards, and contribute to the long-term health, security and prosperity of the nation.” ACSM is the only coalition member with a strong record in supporting the surveying and mapping activities of the USGS. MAPPS has never been a member of the coalition, and ASPRS dropped out. The coalition will work hard this year on the overall USGS budget as well as budget increases for all the programs affecting members of ACSM member organizations. For more information on the USGS Coalition, go to www.usgscoalition.org.

Proposed Congressional Education Event

It has been proposed that ACSM consider hosting a Congressional Education Event either in the fall, as part of Lobby Day, or in the spring of 2009. The purpose of the event is to educate Members of Congress and staff on the work that members of ACSM member organizations perform. The two-hour reception in one of the House Office Buildings will include exhibits providing information about each member organization.

National Height Modernization Program

At the request of Pat Beehler, NSPS chairman, Dave Steele, who heads up the Washington State program for Height Modernization and the Washington State Reference Network (WSRN), and Renee Shields, NHMP manager gave a presentation in Spokane about the National Height Modernization Program (NHMP).

Federal Funding for Trig-Star

At our last meeting, a committee was formed to work on the documents necessary to request federal funding for the Trig-Star program. The committee drafted a budget

and necessary documents to support a \$2.5 million yearly budget for the Trig-Star program. We met with staff from the office of Rep. Chris Van Hollen, who was willing to look into our request for funding. We were told that a \$2.5 million request was way too high. A more reasonable figure would be \$250,000/year. I reported this to the Trig-Star committee. The filing date for the applications for funding was February 22 and it appeared that the budget could not be changed and the documents amended to make the filing date. Therefore, the documents were not filed this year. It was agreed that it would be better to take our time and prepare the documents right than to try and rush through preparing the documents to file on time. We will continue to look for alternative sources of funding.

Federal Budget Issues

The recently released FY 09 Presidential budget proposes to reduce the budget allocations to several federal agency surveying and mapping programs, including the National Ocean Service who stands to lose \$45 million. USGS surveying and mapping programs, however, have been given an increase in funding. The FY 09 budget calls for \$150 million for flood map modernization, a decrease of \$50 million from the 2007 level and \$73 million from the 2008 estimate. The Bureau of Land Management received an increase in its overall funding, but funding for surveying and mapping programs in the BLM remained at the same level as in 2007 and 2008. Within USGS, the FY 09 budget allocates \$76 million for geographic research and remote sensing. This is \$4 million less than the 2007 amount and \$1 million more than the 2008 estimate. Additionally, the FY 09 budget allocates \$118 million for the Enterprise Information Program, which represents an increase of \$6 million over the 2007 amount and an increase of \$14 million over the 2008 estimate. The National Geospatial Program, which is focused on improving geospatial data access, integration, and applications through implementation of the National Map and the National Spatial Data Infrastructure, is part of the Enterprise Information Program. Once again no funding request was made for NDGPS. ACSM will review the budget thoroughly and work with Congress to increase funding for the surveying and mapping programs in federal agencies.

National Geospatial Advisory Committee

The Secretary of the Interior, Dirk Kempthorne, named 28 individuals to serve on the National Geospatial Advisory Committee. Allen Carroll was selected from among those nominated by ACSM and its member organizations. ACSM contacted the appropriate contact person to express its disappointment over the fact that no land surveyor has been selected to serve on the committee. At the JGAC meeting in Spokane it was agreed that NSPS would send a letter to the Secretary Kempthorne expressing our disappointment at the selection of NGAC Com-

mittee members. The following persons were selected to serve on the National Geospatial Advisory Committee:

- Sean Ahearn, Hunter College, City University of New York
- Allen Carroll, National Geographic Society
- David Cowen, University of South Carolina
- Jack Dangermond, Environmental Systems Research Institute
- Kass Green, The Alta Vista Company
- David Maune, Dewberry
- Anne Hale Miglarese, Fugro EarthData, Inc.
- Charles Mondello, Pictometry International
- Kim Nelson, Microsoft Corporation
- Matthew O'Connell, GeoEye
- John Palatiello; Management Association for Private Photogrammetric Surveyors
- G. Michael Ritchie, Photo Science
- David Schell, Open Geospatial Consortium; and
- Christopher Tucker, IONIC Enterprise.

Geospatial Coalition Stakeholders Meeting

Executive Director of ACSM, Curt Sumner, who attended this meeting, reports the debate to have focused on

defining the purpose of the coalition. This purpose was deemed to be twofold: to improve communication among the national organizations serving the geospatial community and move with speed and agility on pressing issues. Two coalition structure models were proposed: the "USGS Coalition" model and the "COFPAES" model.

Other issues also raised were:

- Geospatial workforce development
- K-12 education initiatives
- Accreditation
- Professional regulation (licensure/certification/registration)
- Future of the Nationwide Differential Global Positioning System
- H.R. 3374, the Small Community Visioning Improvement Act; and
- Possible revitalization of a joint conference along the lines of GIS/LIS.

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