

Issues from JGAC's fall 2008 meeting

—by Laurence Socci

The Joint Government Affairs Committee met in Arlington, Virginia, this fall and discussed a number of federal issues affecting ACSM members. Here are some of the highlights of that meeting taken from my semi-annual report.

FEMA Flood Map Modernization (H.R. 3121)

Several bills were introduced this year regarding the FEMA Map Modernization program. Congress merged language from several bills into one bill, H.R. 3121, which passed the House and was considered by the Senate. The Senate included an amendment to the House bill. The legislation contains language establishing the Technical Mapping Advisory Council and requires members of the council to be from a “recognized professional surveying association” or from a “recognized professional mapping association.” Also, the legislation calls for appropriations in the amount of \$400,000 per year for the Map Modernization program. The bill is now in Conference in the House, where sections of the legislation unrelated to ACSM issues are being reviewed. If approved, it will go back to the Senate for consideration. FEMA recently released MHIP Version 3.0 to its Flood Hazard Mapping website at http://www.fema.gov/plan/prevent/fhm/mh_main.shtm. Users are encouraged to direct questions pertaining to the updated flood map production sequencing in MHIP Version 3.0 to appropriate local and state officials, who are working with FEMA's Regional Offices.

COFPAES

Member organizations took position on a number of issues occurring during the year, including Retainage and Design/Build. COFPAES staff met recently with Ted Haddad, Chief Acquisition Officer for the General Services Administration, to discuss architectural and engineering services, including surveying and mapping. These services are to be procured according to Brooks Act procedures. However, surveying and mapping services are also listed on the GSA Schedule which has procurement rules distinctly different from the Brooks Act. In order for GSA to be in full compliance with the law, A/E services and positions, including land surveying, must be removed from the schedule. Congress has clearly and consciously distinguished between the Brooks A&E Act and the GSA Schedule as two separate and distinct forms of full and open competitive procedures. (See 41 USC 259) [http://www4.law.cornell.edu/uscode/41/usc_sec_41_00000259--000-.html].

As a result of our meeting GSA agreed to consider more prominent placement of content revisions to the disclaimers on Schedule contract sites to the effect that such Schedules should not be used for services covered under the Brooks Act. GSA agreed to work with COFPAES to develop a Brooks Act-compliant, two-step Schedule based on qualifications for A&E services, as defined in the Brooks Act. GSA also agreed to consider revisions, including those already submitted by COFPAES, to existing schedules to assure compliance with the Brooks Act, in order to eliminate services and positions that are indeed A&E services and defined under the Brooks Act, and to rename other services and titles on existing schedules to make it clear they are not A&E services as defined in the Brooks Act.

Lobby Day 2008

The 2008 Lobby Day was held on September 25, with 30 participants in attendance. The group attended a number of meetings on Capitol Hill. The issues raised on Lobby Day includes Height Modernization, Preservation of Railroad Monumentation, Federal Land Survey Modernization and the STEP Act. We had positive meetings with staff and even ran into a few Members of Congress. Lobby Day is your chance to demonstrate how important are these and other issues in your daily practice, and we should try to have greater participation next year.

3% Withholding of Payments on Government Contracts (H. R. 1023, S. 777)

ACSM is a member of a coalition called the Government Withholding Relief Coalition. The coalition is now comprised of approximately 70 business associations working together to repeal Section 511 of the Tax Increase Prevention and Reconciliation Act of 2005. In 2008, the coalition lobbied many Members of Congress on the issue and 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 270 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 have Section 511 repealed.

National Surveyors' Week Resolution Passed on September 24th, 2008!

H.CON.RES.223

Title: Honoring professional surveyors and recognizing their contributions to society

Sponsor: Rep Van Hollen, Chris [MD-8]
(Bill introduced 10/2/2007)

Cosponsors: (51)

Related Bills: H.CON.RES.326, S.CON.RES.57

Latest Major Action: 9/10/2008 House committee/subcommittee actions.

Status: Ordered to be Reported by Voice Vote.

Congratulations to everyone who helped get their Representatives on board. Below is the list of co-sponsors.

Rep Abercrombie, Neil [HI-1]	Rep Aderholt, Robert B. [AL-4]
Rep Akin, W. Todd [MO-2]	Rep Baird, Brian [WA-3]
Rep Berkley, Shelley [NV-1]	Rep Blumenauer, Earl [OR-3]
Rep Bordallo, Madeleine Z. [GU]	Rep Burton, Dan [IN-5]
Rep Chandler, Ben [KY-6]	Rep Clay, Wm. Lacy [MO-1]
Rep Cubin, Barbara [WY]	Rep Davis, Danny K. [IL-7]
Rep DeFazio, Peter A. [OR-4]	Rep Dent, Charles W. [PA-15]
Rep Dicks, Norman D. [WA-6]	Rep Doggett, Lloyd [TX-25]
Rep Drake, Thelma D. [VA-2]	Rep Emerson, Jo Ann [MO-8]
Rep Goode, Virgil H., Jr. [VA-5]	Rep Goodlatte, Bob [VA-6]
Rep Herseht Sandlin, Stephanie [SD]	Rep Hirono, Mazie K. [HI-2]
Rep Hooley, Darlene [OR-5]	Rep Issa, Darrell E. [CA-49]
Rep Johnson, Timothy V. [IL-15]	Rep Kildee, Dale E. [MI-5]
Rep King, Peter T. [NY-3]	Rep LaHood, Ray [IL-18]
Rep Larson, John B. [CT-1]	Rep Marshall, Jim [GA-8]
Rep Miller, Brad [NC-13]	Rep Miller, Candice S. [MI-10]
Rep Moran, James P. [VA-8]	Rep Moran, Jerry [KS-1]
Rep Myrick, Sue Wilkins [NC-9]	Rep Olver, John W. [MA-1]
Rep Price, David E. [NC-4]	Rep Putnam, Adam H. [FL-12]
Rep Rogers, Harold [KY-5]	Rep Ross, Mike [AR-4]
Rep Ruppberger, Dutch [MD-2]	Rep Shimkus, John [IL-19]
Rep Souder, Mark E. [IN-3]	Rep Spratt, John M., Jr. [SC-5]
Rep Walsh, James T. [NY-25]	Rep Walz, Timothy J. [MN-1]
Rep Wamp, Zach [TN-3]	Rep Wilson, Joe [SC-2]
Rep Wu, David [OR-1]	Rep Young, Don [AK]
Rep Wolf, Frank [VA]	

Preservation of Railroad Monumentation

Earlier this year, a committee led by Debi Anderson drafted proposed legislation, as well as a white paper for the preservation of railroad monumentation. We took the legislation and the white paper before a number of Members of Congress, including Congressman James Oberstar, Chairman of the House Transportation Committee, to find a way for the proposed language to be included in legislation that was already introduced. Chairman

Oberstar's staff informed us that there may be a bill to fit the language but later we learned that there was no such bill. On Lobby Day, we discussed the issue with a number of Congressional staff and starting in January 2009, we will begin to push the language again. We will meet with appropriate staff on the Transportation Committee and determine the best route to take.

Small Community Visioning Improvement Act (HR 3374)

The 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 the language is confusing, biased toward landscape architects, and at some points conflicting with state laws. Our concerns were voiced at a meeting with the bill sponsor's staff and COFPAES. Also, COFPAES met with the lobbyist for the American Society of Landscape Architects, who are the chief proponents of the bill. Andrew Goldberg of AIA is negotiating on behalf of COFPAES with ASLA on language acceptable to all parties. ACSM as well as the other COFPAES member organizations submitted proposed changes to the legislation, and ASLA has indicated that they will not oppose them. The bill is stalled in Committee, and it is unlikely that it will be considered in 2008.

National Height Modernization Program

Congress introduced no bills relating to height modernization in 2007. ACSM intends pursuing the issue in 2009, which will involve numerous sessions with Members of Congress and their staff. The intent is to draft a white paper, as well as the proposed legislative language, and present both to Congress early in 2009.

Food, Conservation and Energy Act of 2008 Sec. 1619 (H. R. 6124)

The Farm Bill, which was signed into law this year, contains vague language that can be interpreted to read that an officer or employee of the Department of Agriculture may not disclose geospatial and other land-related information with the express consent of the landowner. This language would detrimentally affect ACSM members who often need that information. The relevant section of the Farm Bill reads, in part, from Title 1, Subtitle F, Section 1619 titled "Information Gathering" on pages 256-259 of the bill:

"... any officer or employee of the Department of Agriculture, or any contractor or cooperator of the Department, shall not disclose --- (a) information provided by an agricultural producer or owner of agricultural land concerning the agricultural operation, farming or conservation practices, or the land itself, in order to participate in programs of the Department ..."

Because the Farm Bill is already signed into law, our options to fix the problem are (1) amend it next year, or (2) fix it through the Department of Agriculture. We are pursuing the latter option.

Federal Land Asset Inventory Reform Act (H.R. 5532, S. 3043)

H.R. 5532, the Federal Land Asset Inventory Reform Act of 2008 was introduced earlier this year in the House and S. 3043 (the Senate version of the bill, with the same language) was recently introduced in the Senate. The legislation directs the Secretary of the Interior to develop a multipurpose cadastre of federal real property (an inventory of real property of the federal government) to assist with federal land management, resource conservation, environmental protection, and use of real property. It authorizes the Secretary to enter into cost-sharing agreements with states to include any non-federal lands in a state in such a cadastre, and it limits the federal share of any such agreement to 50% of the total cost to a state for the development of the cadastre of the non-federal lands in the state. The Secretary is expected to submit a report on: (1) existing real property inventories or any components of any cadastre; (2) consolidation of inventories and components; (3) the use of existing inventories and components of any cadastre; (4) the cost savings that will be achieved; and (4) recommendations for legislation.

Federal Funding for Trig-Star

Earlier this year, a committee drafted a budget and necessary documents to support a \$2.5 million yearly budget for the NSPS Trig-Star Program. We met with staff from the office of Rep. Chris Van Hollen early in 2008, 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 a year. This was reported 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 in 2008. If the intent is to pursue federal funding in 2009, a new budget for \$250,000/year needs to be drafted. The paperwork will be due by mid-February 2009.

National Geospatial Advisory Committee

As you may recall, no person representing ACSM or NSPS was selected to the National Geospatial Advisory Committee (although several Committee members are also ACSM or NSPS members). We were informed by NGAC staff that we can try again for a position in two years. We were also informed that the Secretary of the Interior is the ultimate decision maker as to who is on the Committee. We are in the process of scheduling a meeting with the Secretary of the Interior to discuss a possible new nomination.

Strategic Technology/Engineering Program Act (H.R. 3634)

The STEP Act amends the Higher Education Act of 1965 to authorize the Secretary of Education to award renewable one-year STEP scholarships to students who pursue undergraduate or graduate degrees in engineering, technology, applied sciences, mathematics, or similar fields. It also authorizes the Secretary to provide student loan forgiveness to borrowers under the Federal Family Education Loan and Direct Loan programs who agree to remain employed as engineers for at least eight years and obtain licensure as professional engineers within eight years of obtaining a degree. An effort was made to have surveyors included in the legislation. However, since a number of similar requests have been received from other organizations there is need to find ways to include other professions. Surveying will be considered.

STEM (Science Technology Engineering Mathematics) Program

Several bills have been introduced recently relating to a Department of Education program called the STEM Program (Science, Technology, Engineering and Mathematics). We face the same problems with these bills as with H.R. 3634, that is, we need to make sure surveying is specifically listed in the program and any legislation related to that program. We were recently invited to join a coalition called the STEM Education Coalition, which is a group of associations and colleges/universities which has sponsored legislation related to the STEM Program. We will be meeting with the coalition soon to ensure that surveying is included in any STEM legislation introduced.

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