



## End-of-year Joint Government Affairs Committee Report

The Joint Government Affairs Committee met recently as part of ACSM's meeting in Orlando. An electronic version of the report is available through ACSM headquarters, but, for your review, here is the Fall 2010 Semi-Annual Report in its entirety. If you have any questions about it, feel free to contact me. —by **Laurence Socci**

### Introduction

Compared to past years, we have had a slow legislative year. New legislative action affecting the surveying and mapping industry has been [almost] non-existent, but we did work on quite a few of the issues from past years. Our biggest issue, preservation of railroad monumentation, is moving forward, and many Members of Congress are learning for the first time what this is all about. The influx of many new Members will soon present us with many more opportunities to engage the legislative branch and get our legislation through Congress.

### FEMA Flood Map Modernization / Risk MAP

As part of the FEMA Flood Map Modernization Coalition, we worked with other groups and FEMA for the modernization of the Nation's flood maps. FEMA has moved from its Map Modernization Program to a Risk MAP Program. Under the Risk MAP, FEMA will try to (1) address gaps in flood hazard data, (2) increase public awareness and understanding of flood risks, (3) lead and support state and local communities in risk-based mitigation planning, (4) provide an enhanced digital platform that improves management of Risk MAP, and (5) align Risk Analysis programs to enhance decision-making capabilities. The Coalition continues to meet with FEMA representatives on a quarterly basis to receive updates on FEMA's floodmap activities.

FEMA announced that it will soon roll out three new products relating to FIRMs, including a Flood Risk Database, Flood Risk Reports, and a subset of the Flood Risk Report, Flood Risk Maps. Learn more about the RiskMAP program at: [http://www.fema.gov/plan/prevent/fhm/rm\\_main.shtml](http://www.fema.gov/plan/prevent/fhm/rm_main.shtml).

### COFPAES

We continue to work with the other COFPAES member organizations to protect and defend the Brooks Act. Several times this year, COFPAES was able to turn around Brooks Act violations by federal agencies. COFPAES recently had its Fall Delegate Meeting. Here are some highlights.

**GSA Schedule**—COFPAES staff met with the law firm of Crowell and Moring to discuss a strategy for rescinding or reforming the GSA Schedules affecting A/E services which are in violation of the Brooks Act. Crowell Moring provided a proposal for COFPAES' consideration. The cost for the services would break down to about \$2500 per COFPAES Member Organization. Although ACSM supports the concept, we are not able to contribute at this time.

**SBA Size Standards**—The Small Business Administration is planning to review its size standards in the A/E field in 2010. SBA has not been able to keep the timetable it expected; and now, it is doubtful the review will take place in 2010. COFPAES met with SBA officials several times on this issue.

### Water Resources Development Act

—The House Transportation and Infrastructure Committee has under consideration H.R. 5892, the Water Resources Development Act. Included in the Act is a provision that would define all operations and maintenance activities as "inherently governmental," thus ineligible for performance by private contractors, affecting surveying, hydrography and mapping.

### Lobby Day 2010 (review) and Lobby Day 2011

We received several reports about Lobby Day visits since August. If you have not yet sent in your report, it is not too late to do so. As you know, we lobbied Members of Congress on three issues: Preservation of Railroad Monumentation, the 3% Withholding on Government Contracts issue, and Funding for Trig-Star. The reports we did receive indicate that the issues were well received and supported. Our biggest hurdle still is educating Members of Congress about the need to preserve railroad monumentation. We are now trying to determine how many people participated in Lobby Day this year and will make that information available as soon as possible. Please do visit your new [or returning] Representative and/or Senator, congratulate them on their win, and tell them about our issues in anticipation of Lobby Day 2011.

### **3% Withholding of Payments on Government Contracts**

The Government Withholding Relief Coalition of which ACSM is a member along with other 69 business associations is working to repeal Section 511 of the Tax Increase Prevention and Reconciliation Act of 2005. A full repeal of Section 511 was in place in the House passed version of H.R. 1, the "American Recovery and Reinvestment Act of 2009," but the final bill, signed by the President only provided for a one-year delay in the provision's enactment (now set at 2012). The Coalition is working on full repeal of the provision and, in fact, legislation was introduced in the House and the Senate—S. 292 in the Senate (introduced by Senator Specter) and H.R. 275 in the House (introduced by Congressman Meek of Florida)—to accomplish that goal. Neither of these bills got very far this year.

Recently, the Coalition drafted a letter to be sent to the House and Senate urging a two-year delay of the 3% withholding requirement during the lame duck (while stressing the continuing need for repeal).

### **Preservation of Railroad Monumentation**

The preservation of railroad monumentation has been a big issue for us this year. We met with the staff of many Members of Congress, as well as key Committee staff in the House and the Senate. Our biggest obstacle has been explaining why this issue is so important. Our secondary problem (which is becoming bigger) was showing how it would be paid for. A few of the staff we spoke with called back and told us that the railroad people they spoke to subsequent to our meeting opposed the idea and would push back against it because of the perceived costs. This notwithstanding, several Members of Congress indicated they want us to follow-up with them in January next year on the issue.

There are four possible ways to move forward with the issue:

1. Push it as a stand-alone bill, which means continuing to move it forward as we have been doing;
2. Include it as part of other railroad legislation. We did this last year, but very few railroad-related bills were introduced (and those that were introduced were not a good fit);
3. Include it as part of the surface transportation reauthorization. This seems to be the best route to take, favored also by several of our staff contacts; and
4. Include it as part of a bigger jobs bill. This would remove the payment objection because theoretically, Congress would give money to states and localities to hire surveyors to survey the railroad lines before they are removed. Several people we met with liked this idea as well.

There is nothing preventing us from promoting all four ways together.

### **USGS Coalition**

The main goal of the Coalition continues to be working with Congress for sufficient funding for USGS so that the agency can continue its mission. Several high-ranking USGS and Department of Interior officials told us that they expect the USGS funding to be severely cut in FY 11. Our job is to work with the Coalition to make sure mapping programs in the USGS continue to be funded.

### **Funding for Trig-Star**

Our request for a Federal earmark for Trig-Star was denied. The reason, at least partly, seems to be that we sought funding for several years without putting a lot of our own money into the project. We intend to revise our application and continue to seek funding assistance from Congress, as well look for other funding opportunities through grants with the NSF and the Department of Education.

### **National Geospatial Advisory Committee**

ACSM nominated Gary Thompson to serve on the Committee, but we have not yet heard whether he was selected.

### **Status of Legislation from the 111<sup>th</sup> Congress**

Below is a list of the legislation the 111th Congress worked on this year and which we supported. All of the bills are still in Committee.

[H.R. 365](#)—Ocean and Coastal Mapping Integration Act

[H.R. 1262](#)—Water Quality Investment Act

[H.R. 1316](#)—Flood Evaluation Notification Act

[H.R. 1520](#)—Federal Land Asset Inventory Reform Act

[H.R. 2489](#)—Natural Land Remote Sensing Outreach Act (Senate Committee)

[H.R. 3415](#)—To suspend flood insurance rate map updates in geographic areas in which certain levees are being repaired

[H.R. 4914](#)—Coastal Jobs Creation Act

[H.R. 5116](#)—America COMPETES Reauthorization Act (Senate Committee)

[H.R. 5182](#)—To help certain communities adversely affected by FEMA's flood mapping modernization program

[H.R. 5722](#)—Fairness in Flood Mapping Act (the sponsor of the legislation offered it as an amendment to H.R. 5114, the Flood Insurance Reform Priorities Act, which is still in Committee)

[H.R. 6215](#)—Digital Coast Act.

### **STEM Coalition**

ACSM signed on to a letter written by the Science, Technology, Engineering and Mathematics (STEM) Education Coalition to Senators in support of the America COMPETES Act passed by the House. The America COMPETES Act bolsters America's competitiveness

by strengthening the science, technology, engineering and math education fields at all levels. It gives support for basic research and development of STEM programs at elementary and high schools. As part of STEM Education Coalition, we join over 1,000 diverse groups representing all sectors of the technological workforce— from knowledge workers, to educators, to scientists, engineers, and technicians. We hope to be able to secure Trig-Star funding through our efforts within the STEM Coalition.

### NRCS Brooks Act Violation

We recently heard from a member in Missouri who came across a NRCS violation. We are trying to find out if there are similar cases in other states. In Missouri, the USDA Natural Resources Conservation Service (NRCS) sent a

Scope of Services document to landowners involved in Wetlands Reserve Program Boundary Surveys. Under the Scope of Services, and at the request of the NRCS, landowners must submit a statement of survey cost (a quote) to the NRCS Agency Liaison. NRCS will review the quote and, if it is found to be acceptable; it will be incorporated into the Survey Cooperative Agreement. If the quote is not acceptable, NRCS will ask the landowner to obtain two additional quotes. The NRCS must approve the survey cost for the landowner to be eligible for reimbursement.

ACSM is concerned that this procedure violates the Brooks Act, which requires that surveying services (as well as other A/E services) be procured by the federal government using Qualifications Based Selection procedures. In this case, it appears NRCS is

circumventing the Brooks Act process. It is the landowner who is hiring the surveyor; but the NRCS must approve the surveyor—and that approval is based on the price for the surveyor's services.

### National Surveyor's Week Proclamation

Given the difficulty we have had obtaining a National Surveyor's Week Presidential Proclamation, and considering that in all likelihood, this is because the third week of March is also National Poison Prevention Week, we decided to explore other options. It appears there are no conflicting events scheduled for the second and third weeks of February.

### JGAC Issues Survey

An "issues survey" will go out to all ACSM members shortly. Its purpose will be to find out which issues are important to members, and, hopefully, get them interested in becoming more involved in JGAC activities.

### New Congressional Forecast

The new Congress looks to be very much pro-business. I've had the chance to meet with at least half of all the new Members of Congress, including Senators-elect John Boozemen, Marco Rubio, and Rand Paul. One of the newly elected House members is an engineer and another is a construction project manager. During my meetings, I discussed ACSM's issues and asked for their support when they are sworn in.

### Conclusion

As the new Congress session begins in January, we will need the support of ACSM membership to help us reach our goals in 2011. I welcome questions, suggestions, and comments on this report and other legislative issues that may be on your mind.—*Laurence Soggi, The C. L. A. Group, Government Affairs Consultant* <laurence@thecgroup.com >

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