

# Joint Government Affairs Committee

Semi-annual Report  
St. Louis, Missouri, March 9, 2007



*Since JGAC's last meeting in the fall of 2006, significant strides have been made in many government affairs issues. We worked with several coalitions on issues important to our members, including the Government Withholding Relief Coalition which is working to repeal the three percent withholding tax which was signed into law in 2006 as part of broader legislation. We also worked on the House Resolution for National Surveyor's Week which, unfortunately, was not brought up for consideration last year. Also, with the help of COFPAES, we were able to once again stop a Brooks Act violation. We are, however, 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. In addition, we are facing new challenges regarding the three percent withholding tax issue, budget cuts in several federal agencies that work with surveyors, and a new issue of proposing legislation for the monumentation of abandoned railroads.*

## Multi-Year Flood Hazard Identification Plan

As part of the FEMA Flood Map 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 [[http://www.fema.gov/plan/prevent/fhm/mh\\_main.shtm](http://www.fema.gov/plan/prevent/fhm/mh_main.shtm)].

The new MHIP incorporates FEMA's conclusions from its recently issued Mid Course Adjustment. Although we, along with several other groups, have asked FEMA to work more on accurate maps, and not be so concerned with digitizing the flood maps, FEMA still seems very concerned only with digitizing the maps. The situation does not appear to be getting better anytime soon, especially since President Bush proposed cuts to the program in the FY 08 budget.

In 2006 there were at least two bills that dealt with the Flood Map Modernization issue, but neither of them passed Congress. We hope to get legislation introduced and passed this year to address the issue. To help accomplish this, we developed a position paper which we will use when meeting with Members of Congress on the issue.

## Federal Prison Industries Reform

Federal Prison Industries Reform legislation passed the House of Representatives in 2006 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 the passed the House. The Senate version of the bill was not brought up for consideration. We expect that Congress will once again introduce legislation relating to Federal Prison Industries reform.

## COFPAES

At the December 2006 meeting of COFPAES Delegates, several issues of importance to A/E

professions were discussed. One of those issues was the need to bring more sustaining members into COFPAES. Another topic was the idea of forming 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 is expected to nominate representatives from their organizations to work on the task force. We also discussed the possibility of making changes to the Brooks Act. A major topic of discussion however was the COFPAES lawsuit against the FAR; this is discussed in detail later in this report.

Other COFPAES news refer to the Army Corp of Engineers which issued a Directive in November 2006 calling for all A/E contract services to be procured through the Brooks Act. There also appears to be an issue of the U.S. Navy contracting for surveying services in violation of the Brooks Act. COFPAES is still looking into this issue.

## Lobby Day

The 2006 Lobby Day was held right before the fall ACSM conference. This timing proved to have a positive effect on participation. As in the past, we kept our issues to a reasonable number—only three or four for each the House and Senate, and we kept our groups small. We will change our preparation for Lobby Day 2007 to include role-plays and presetting the meeting assignments. It is hoped that Lobby Day 2007 will bring the most participants we've had so far.

## National Surveyors' Week Resolution

A National Surveyor's Week Resolution was passed in the Senate in 2006. The House version of the resolution was, however, not brought up for consideration because, despite hard work, we only had 43 cosponsors for the resolution—seven short of the 50 required by a rule of the House Government Reform Committee in order to bring proposed legislation to the full House for consideration. A new Resolution has already been drafted. It is a Concurrent

Resolution, which means that the House and the Senate agree to the same resolution. Rep. Charlie Dent (R-PA) has agreed to introduce the Resolution in the House. We are working to find co-sponsors in the House, as well as Senate sponsors.

### Trig-Star Funding

We received information from Representative Chris Van Hollen about the grant process for the Trig-Star program. ACSM headquarters is located in Congressman Van Hollen's district, so he would be the most appropriate person to sponsor any earmarks. Unfortunately, the paperwork and application for earmark consideration was not filed on time, hence we will not qualify for consideration this year. We are investigating other avenues for securing federal funding for the program.

### AHP legislation

Three bills relating to Small Business and Association Health Plans have already been introduced in the House of Representatives. No similar legislation was introduced in the Senate. We will continue to monitor these bills and any future AHP legislation.

### Lawsuit against the FAR

The COFPAES lawsuit against the FAR is moving forward. A hearing on the Government's Motion to Dismiss was held early in 2007; however, as of March 2007, the judge had not made a ruling on this issue. All of the documents and filings relating to the lawsuit can be found at <http://www.mapps.org/QBSlawsuit.asp>.

### Brooks Act Violation

We received another notice from an ACSM member notifying us about a solicitation that appears to violate the Brooks Act. The

information was passed on to COFPAES for appropriate action, and, once again, the solicitation was pulled because it violated the Brooks Act.

### Proposed Legislation Regarding Abandoned Railroad Monumentation

At the fall 2006 JGAC meeting, it was decided to look into the possibility of drafting legislation to address the issue of abandoned railroads monumentation. We are currently examining the various ways to introduce appropriate language.

### Withholding of Payments on Government Contracts

Section 511 of the Tax Increase Prevention and Reconciliation Act of 2005 (P.L. 109-222 :: H.R. 4297, which was signed into law in May 2006, requires tax withholdings at a rate of three percent on all government payments for products and services made by the federal government and state and local governments with expenditures of \$100 million or more. The provision 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. The provision 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. The coalition has lobbied many Members of Congress on the issue, and a letter was written to the Assistant Secretary for Tax Policy, U.S. Dept. of Treasury, requesting that Section 511 be repealed. In addition, a letter was written to Congressman DeFazio regarding reports that the effec-

tive date would be accelerated and that withholding tax would be used as a revenue offset for the reauthorization of the Secure Rural Schools and Community Self-Determination Act of 2000. Congressmen Kendrick Meek and Wally Herger were thanked in writing for introducing H. R. 1023, which would repeal Section 511.

### Federal Agency Budget Cuts

The President's FY 08 budget of February 2007 included a proposed cut of \$3.2 million to the BLM Cadastral Survey program and a proposed cut of \$1.6 million to USGS Geography programs (\$323,000 from the Land Remote Sensing Program and \$1.3 million from the Geographic Analysis/Monitoring Program). In addition, the FEMA Flood Map Modernization Program is to be cut by \$8 million, and no funding has been proposed for the FRA NDGPS program.

### Congress Scorecard

I am proposing that we develop a scorecard to keep track of how Members of Congress vote on issues affecting us. This will help us determine who we should support through the PAC. We can host a fundraiser for the Member who voted the most times in our favor at year's end.

### Tax Gap Issue

Near the end of 2006, ACSM was invited to join the Coalition for Fairness in Tax Compliance. This coalition was formed by the National Federation of Independent Businesses, the U.S. Chamber of Commerce and the Small Business Legislative Council, and its goal is to ensure that the interests of business are protected as Congress debates the issue of uncollected tax revenue (about \$345 billion).

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