

Young Amendment on Surveying and Mapping to H.R. 3080

www.gpo.gov/fdsys/pkg/CREC-2013-10-23/html/CREC-2013-10-23-pt1-PgH6696-3.htm

Amendment No. 5 Offered by Mr. Young of Alaska

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 113-251.

Mr. YOUNG of Alaska. Mr. Chairman, I rise today to offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment. The text of the amendment is as follows:

At the end of title I, add the following:

SEC. __. GEOSPATIAL SURVEYING AND MAPPING.

Section 918 of the Water Resources Development Act of 1986 (33 U.S.C. 2292) is amended to read as follows:

``SEC. 918. GEOSPATIAL SURVEYING AND MAPPING.

``(a) Procurement of Surveying and Mapping Services.--Any surveying or mapping services to be performed in connection with a water resources project which is or has been authorized to be undertaken by the Secretary shall be procured in accordance with chapter 11 of title 40, United States Code.

``(b) Geospatial Surveying and Mapping Activities.--In carrying out water resources projects, the Secretary shall, wherever practicable, utilize the private sector for commercially available geospatial surveying and mapping activities. The Secretary shall not start or carry on any activity to provide a commercially available geospatial surveying and mapping service that duplicates, competes with, or can be procured from a commercial source.

``(c) Guidance.--

``(1) Issuance.--The Secretary shall issue guidance to encourage entities in the Corps of Engineers to utilize, to the maximum extent practicable, contracting with private sector sources for geospatial surveying and mapping services for water resources projects.

``(A) Contents.--In carrying out this subsection, the Secretary shall--

``(i) define appropriate inherently governmental roles in geospatial surveying and mapping activities, which roles shall include--

``(I) activities so defined in section 5 of the Federal Activities Inventory Reform Act of 1998 (112 Stat. 2384);

``(II) preparation of standards and specifications;

``(III) research of geospatial surveying and mapping

instrumentation and procedures that are not commercially available, with prompt technology transfer to the private sector;

“(IV) providing technical guidance, coordination, and administration of geospatial surveying and mapping activities; and

[[Page H6747]]

“(V) contracting with private sector sources for geospatial surveying and mapping activities.

“(ii) define commercially available geospatial surveying and mapping activities to include activities described in--

“(I) section 36.601-4(a)(4)(A) of the Engineer Federal Acquisition Regulation; and

“(II) section 467 of title 10, United States Code.

“(d) Implementation.--The Secretary shall develop a process for the oversight and monitoring, on an annual basis, of compliance with the guidance issued under subsection (c).

“(e) Assessment.--Not later than 2 years after the date of enactment of this subsection, the Secretary shall conduct an assessment of all entities in the Corps of Engineers, including divisions, districts, laboratories, and technical centers, to determine the extent to which each entity is utilizing governmental and private sector sources for commercially available geospatial surveying and mapping services. In conducting the assessment, the Secretary shall consult with organizations of commercial geospatial surveying and mapping firms.”.

The Acting CHAIR. Pursuant to House Resolution 385, the gentleman from Alaska (Mr. Young) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, I suggest respectfully this is a very simple amendment. It is about the intrusion by the Corps into the private sector of mapping. They have been very good in the past about contracting out.

I found out by reports that certain areas of the Corps have bought equipment, they have bought, frankly, a yacht, and they have gotten into the mapping business. In doing so, that is in direct competition to the private sector.

Today, with the scarce amount of money we have for infrastructure, we ought to keep that infrastructure available for, in fact, all the moneys for building and not for getting into the private sector business of mapping. They can still do it. If there isn't a contractor close by or it is not practical, they can still do their own work, but I see the expansion occurring as an invasion into an area that already has plenty of qualified people to do it.

I think this amendment is a very simple amendment. We ought to adopt this amendment, and I reserve the balance of my time.

{time} 1630

Mr. BISHOP of New York. Mr. Chairman, I claim the time in opposition.
The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BISHOP of New York. Mr. Chairman, throughout the development of H.R. 3080, the chairman has taken a measured approach to balancing the desire to encourage additional private sector involvement in the development and execution of Corps projects with maintaining the internal technical capability of the Corps to carry out its vital military and civil works missions.

For decades, this committee has held the belief that maintaining the technical capability of the Corps is critical not only to address the water resources needs of the Nation, but also to maintain the ability of the Corps to serve its other role as critical support our Nation's military.

To maintain this capability, we have strived to maintain critical technical expertise within the Corps, while at the same time recognizing those areas where outside commercial interests can provide a useful role.

In my view, this amendment seeks to push the lever too far towards outsourcing the internal capabilities of the Corps. My understanding is that currently the Corps contracts extensively with the private sector for surveying and mapping services. However, the decision as to when it is appropriate to use their own staff, a public agency, or a private contractor for this work should remain within the Corps' leadership, who understand the needs of specific projects.

For these reasons, I urge opposition to the amendment, and I include letters from the AFGE, the transportation trade, and the IFPTE in opposition to the amendment.

I reserve the balance of my time.

American Federation of

Government Employees, AFL-CIO,

Washington, DC, October 23, 2013.

Re Don't bail out bad contractors: oppose the Young-Petri amendment to give all surveying and mapping work to contractors, regardless of high costs or bad performance

Dear Representative: On behalf of the American Federation of Government Employees, AFL-CIO, which represents more than 650,000 federal employees, including in the Corps of Engineers (CoE), I urge you to oppose an amendment to be offered to the Water Resources Development Act (H.R. 3080) by Representatives Don Young (R-AK) and Tom Petri (R-WI) that would prevent the CoE from using lower-cost, higher-performing alternatives to contractors for the performance of surveying and mapping functions.

The Department of Defense (DOD), which spends 60% of all

service contract dollars, including a large amount on behalf of CoE, has determined that contractors usually cost more than in-house performance, often by significant amounts. In 2010, then DoD Secretary Robert Gates told The Washington Post "that federal workers cost the government 25 percent less than contractors". Comptroller Robert Hale acknowledged to a Senate Subcommittee in June that contractors are two to three times more expensive than civilians. In a September House hearing, the Army Chief of Staff echoed Hale's remark.

The Young-Petri amendment would direct the CoE, in carrying out water resources projects, to use contractors for surveying and mapping functions whenever possible and forbid the CoE from starting or performing surveying and mapping functions if they happen to be performed by contractors. At a time when taxpayer dollars are precious, it makes no sense to force CoE to give work to contractors that can better be performed by federal employees.

There has been no determination by the agency, the House Transportation and Infrastructure Committee, let alone any independent third party, that the agency is failing to adequately use contractors for these functions or that its federal sector surveyors and mappers are costly or inadequate. The Young-Petri amendment is simply an attempt by a group of contractors to use political pressure to force the CoE to give them more taxpayer dollars--the worst kind of earmark. The impartial experts at CoE should be responsible for determining how the agency meets its mission, not a self-interested band of contractors. Of course, surveying and mapping contractors want more money, but that doesn't mean they should take it from taxpayers. Enactment of the Young-Petri amendment would be a terrible public policy precedent.

Thank you for your consideration. Please contact John Threlkeld (threlj@afge.org) of my staff if you have any questions.

Sincerely,

Beth Moten,

Legislative and Political Director.

—

TTD,

October 23, 2013.

Re Vote NO on the Young-Petri Amendment to WRRDA

Dear Representative: On behalf of the Transportation Trades Department, AFL-CIO (TTD), I ask that you oppose the Young-Petri amendment (#21) to the Water Resources Reform and Development Act of 2013 (WRRDA). While TTD supports the underlying legislation, Young-Petri would unnecessarily

require the Army Corps of Engineers to contract with private firms for surveying and mapping services, and jeopardize the jobs of qualified, public service professionals.

This amendment would do nothing to improve the efficiency or flexibility for Corps surveying and mapping responsibilities. In fact, the Corps already contracts extensively with the private sector for these services. The decision as to when it is appropriate to use their own staff, a public agency or a private contractor for this work should remain with the Corps' leadership who understand the needs of specific projects. Should this amendment be adopted, Congress would be creating a special set-aside for the private firms in this industry and tying the hands of the experts and specialists who manage these projects. In addition, the amendment would set a bad precedent and is contrary to recent legal and regulatory efforts to ensure "special consideration" of using federal employees instead of contractors.

WRRDA is an important piece of legislation that will bring much needed investment and reform to our nation's water infrastructure. However, Young-Petri will have a negative effect on the Corps ability to use best judgment and practices when performing critical surveying and mapping duties and it will deal a devastating blow to those professionals who currently perform that work. I urge you to vote no on this amendment and preserve the integrity and bipartisan principles in the underlying bill.

Sincerely,

Edward Wytkind,

President.

International Federation of Professional & Technical
Engineers, AFL-CIO & CLC,

Washington, DC, October 23, 2013.

Dear Representative: As President of the International Federation of Professional and Technical Engineers (IFPTE), I am writing regarding today's House consideration of HR 3080, the Water Resources Development Act (WRDA) of 2013. As a union representing tens of thousands of workers, including Army Corps of Engineers employees, IFPTE believes that this much needed legislation will not only go a long way toward modernizing and preserving our homeland critical infrastructures, including our ports, inland, and

[[Page H6748]]

coastal waterways, but it will also create and preserve hundreds of thousands of high quality American jobs.

While IFPTE does support the legislation, we also have serious concerns with an amendment made in order by the Rules

Committee. The amendment, sponsored by Representatives Don Young and Tom Petri, would force the Army Corps of Engineers to shift mapping and surveying functions from highly skilled federal workers to more costly contractor provided services.

The Young-Petri amendment is a simple one: It directs the Corps to use contractors for mapping and surveying wherever possible when performing water resources projects. It also prohibits Corps federal employees from undertaking mapping and surveying work, regardless of the quality and cost of the work, if it is already being performed by contractors.

IFPTE believes that all outsourcing should be done only after consideration of the cost versus benefit for the taxpayer. Just because a certain function may be deemed commercial in nature does not mean that it should be contracted out, as this amendment seeks to accomplish. The Army Corps of Engineers nor the House Transportation and Infrastructure Committee has found that surveying and mapping functions performed by federal workers are inadequate or more costly than contractors. In fact, just this past June Department of Defense (DOD) Comptroller, Robert Hale, testified before the Senate that contractors cost the taxpayer two to three times more than federal employees. Mr. Hale's statement was later reinforced by the Army Chief of Staff at a September House hearing. Forcing these activities to be contracted out absent any proof of cost savings is simply irresponsible.

WRDA is a jobs bill and will go a long way toward the creation and preservation of hundreds of thousands of American jobs. While our union supports the underlying bill, we are not supportive of the Young/Petri amendment. Support the bill, while rejecting the amendment.

Thank you for your consideration. If you have any questions please contact IFPTE Legislative Director, Matt Biggs.

Sincerely,

Gregory J. Junemann,
President.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 1\1/2\ minutes to the gentleman from Wisconsin (Mr. Petri).

Mr. PETRI. I thank my colleague from Alaska for yielding, and I rise to support the Young amendment. I am pleased to be a cosponsor of the amendment.

It is important that the U.S. Army Corps of Engineers be encouraged to use the private sector for surveying and mapping services whenever practical. Congress should take steps to end the increasing duplication of and competition with the private sector by the Corps of Engineers. This amendment would allow the Corps to continue to manage mapping and surveying for its projects, but it should rely on the private sector to perform the mapping and surveying services and activities that are commercially available to the maximum extent practical.

At a time when Federal funds for infrastructure, including water

resources projects, are limited, the Corps should be increasing its use of the private sector for surveying and mapping, where it makes sense, not wasting tax dollars by competing and duplicating the private sector.

So I encourage the House to adopt the Young amendment to increase the Corps' reliance on the capable and qualified private sector surveying and mapping services wherever practical.

Mr. BISHOP of New York. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Chairman Shuster).

Mr. SHUSTER. Mr. Chairman, I appreciate the gentleman yielding, and I reluctantly rise in opposition to my good friend from Alaska's amendment.

The Corps of Engineers, like all Federal agencies, is required to follow acquisition and procurement laws. Much of the work of the Corps is in fact contracted out to private sector entities, including much of the hydrographic mapping, which is integral to construction and operation and maintenance.

While I understand and empathize with the sponsor of the amendment, it appears to me to be more of an acquisition and procurement issue. What we do not want is to have one acquisition and procurement law for the Federal Government, and a new or special or additional acquisition or procurement law for the Corps of Engineers.

So again, I reluctantly rise in opposition to my good friend from Alaska's amendment.

Mr. YOUNG of Alaska. I reluctantly respect the gentleman's opinion, but at this time I yield 2 minutes to the gentleman from Tennessee (Mr. Duncan).

Mr. DUNCAN of Tennessee. Mr. Chairman, I appreciate the gentleman from Alaska yielding me this time, and I rise in support of the amendment.

Small businesses struggle to stay in business every day, and they should not have to compete against their government, on top of all of the other challenges they face. In fact, sometimes I think we should pin a medal on anybody who is able to survive today in small businesses. Yet every day in almost every congressional district, big government agencies are competing with small businesses.

When the White House Conference on Small Business met in 1995, it listed unfair government competition with small businesses as one of the top issues. This is not a new problem. In fact, since the Eisenhower administration in 1955, it became official U.S. policy that:

The Federal Government will not start or carry on any commercial activity to provide a service or product for its own use if such product or service can be procured from private enterprise through ordinary business channels.

This is a service that can easily be provided by private small businesses, and we should support that. This amendment would simply require the Army Corps to take advantage of the private mapping and surveying services that are available instead of competing with them.

I believe this is a very reasonable and responsible amendment, and I

urge my colleagues to support it.

Mr. BISHOP of New York. Mr. Chairman, I join Chairman Shuster in opposing this amendment.

I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, the Corps has been good, but they are expanding. They just spent money, instead of on solving a problem, on a UAV, and they spent \$2.3 million on a yacht. There is no reason for that, Mr. Chairman; there is no reason.

This doesn't keep them from surveying, it doesn't keep them from contracting, but I don't want them to expand this program. We have another government agency, and we are trying to save money and we are going to allow them to expand it. I know how these agencies go. They will start buying more and more and they will expand and say, We don't have to contract anymore. Mr. Chairman, with all due respect, you know that is true. I have watched these agencies. As chairman of this committee, I watched them and tried to stop them. This is not the time to spend money foolishly. We have the contractors out there. Let's use them where they are available. Let's not let them build a machine within the Corps of Engineers themselves. Keep that in mind. You ought to adopt this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Alaska (Mr. Young).

The amendment was rejected.