

MAPPS Government Affairs Issue Status 2016 Year End

3DEP

On December 8, a MAPPS delegation led by Government Affairs Manager John "JB" Byrd, Vince DiCamillo (Stantec), Jeff Lovin (Woolpert), and Scott Bennett (Harris) provided an overview on NFIP reform, LiDAR, and 3DEP to several lobbying groups representing the various elements of the real estate community in order to add these groups to the 3DEP Coalition and help promote MAPPS reforms on NFIP.

On December 29, MAPPS announced the release of model legislation for state legislatures to help coordinate state level partnerships for the collection of enhanced elevation data in support of the nationwide effort led by USGS in its 3D Elevation Program (3DEP).

Appropriations (Continuing Resolution, CR) Funding the Government Through April 28, 2017

On December 10, President Obama signed into law H.R.2028, the "Further Continuing and Security Assistance Appropriations Act, 2017". Public Law 114-254 contains the following highlights:

- Section 101 amends the Continuing Appropriations Act, 2017 to provide FY2017 appropriations through April 28, 2017, to most federal agencies for continuing projects or activities at the levels of, and under the terms and conditions of FY2016 appropriations Acts, while reducing the across-the-board reduction included in the Continuing Appropriations Act, 2017;
- Section 151 permits funds provided for the NOAA to be apportioned up to the rate of operations necessary to maintain the planned launch schedules for the Joint Polar Satellite System weather satellites;
- Section 152 permits funds provided for the U.S. Census Bureau to be apportioned up to the rate of operations necessary to maintain the schedule and deliver the required data according to statutory deadlines for the 2020 Decennial Census Program;
- Section 163 permits funds provided to DHS for U.S. Customs and Border Protection to be apportioned at a rate for operations as necessary, and apportioned to provide staffing levels as necessary to ensure border security;
- Section 185 provides emergency appropriations for the Emergency Watershed Protection Program and the Emergency Conservation Program;
- Section 187 provides emergency appropriations for the USACE Construction account to address emergency situations at Corps of Engineers projects, and to rehabilitate and repair damages to projects, caused by natural disasters;
- Section 188 provides emergency appropriations for the Army Corps of Engineers Mississippi River and Tributaries account to dredge navigation projects in response to, and repair damages to Corps of Engineers projects caused by, natural disasters;
- Section 189 provides emergency appropriations for the Army Corps of Engineers Operation and Maintenance account to dredge navigation projects in response to, and repair damages to Corps of Engineers projects caused by, natural disasters; Section 190 provides emergency appropriations for the Army Corps of Engineers Flood Control and Coastal Emergencies account to prepare for flood, hurricane and other natural disasters and support emergency operations, repairs, and other activities in response to such disasters;
- Section 191 provides emergency appropriations for the Federal Highway Administration's Emergency Relief Program; Section 192 provides emergency and disaster relief appropriations for the Department of Housing and Urban Development's Community Development Block Grant Program for activities related to disaster relief, long-term recovery, restoration of infrastructure and housing, and economic revitalization in the most impacted and distressed areas resulting from a major disaster declared in 2016;
- Section 196 provides additional appropriations to the EPA's Drinking Water State Revolving Loan Fund, consistent with the Water and Waste Act of 2016, for grants to states with declared emergencies relating to the public health threats associated with the presence of lead or other contaminants in drinking water provided by a public water system;
- Section 197 provides additional funding for the EPA's Water Infrastructure Finance and Innovation (WIFIA) Program Account to provide loans for water infrastructure projects (12/10);

Aviation Bill including UAS Policy

The current authorization of the FAA and aviation programs expires in September 2017, after Congress passed a 14 month expansion in July 2016.

On November 14, MAPPS submitted public comments to the Federal Trade Commission (FTC) on the importance of data collection efforts of mapping and geospatial firms, using unmanned aircraft systems (UAS), as they affect citizen privacy.

Council on Federal Procurement of Architectural and Engineering Services (COFPAES) & QBS

In another major victory for MAPPS and COFPAES promoting QBS, on December 16, President Obama signed into law S. 612, the "Water Infrastructure Improvements for the Nation (WIIN) Act". Section 5006 of Public Law 114-312 provides that qualifications-based-selection (QBS) be used for grants to rehabilitate high hazard potential dams as a condition on the receipt of a grant of an amount greater than \$1,000,000, in that a non-Federal sponsor that receives the grant shall require that each contract and subcontract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping, and related services entered into using funds from the grant be awarded in the same manner as a contract for architectural and engineering services is awarded.

The "Construction Consensus Procurement Improvement Act of 2016" would limit the use of one-step design-build and reverse auctions in federal procurement of design and construction services. H.R. 5199 was reported favorably by the House Oversight and Government Reform Committee. The Senate companion bill, S. 1526, was reported favorably out of the Senate Homeland Security and Governmental Affairs Committee. Neither bill made to floor action before Congress adjourned.

Davis-Bacon

MAPPS staff has been working closely with NSPS to provide the U.S. Department of Labor a face-saving way to exempt the professional surveying community from being regulated within Davis-Bacon on Federal construction projects. In early December, MAPPS learned that the Department of Labor had rejected the compromise offering and would take no further action through the end of the Obama term.

Defense Bill

On December 23, President Obama signed into law S.2943, the "National Defense Authorization Act of 2017". Highlights of Public Law 114-328, based on language found in the Conference Report to S. 2943, include:

- Authorizing a briefing on real property inventory thanks to a House amendment containing a provision (Section 1074) that would require the Secretary of Defense to brief the Committee on Armed Services of the House of Representatives by March 1, 2017 on the status of the Installation Geospatial Information Services of the Department of Defense as it relates to the real property inventory of the Department.
- Requiring the Secretary of Defense to submit to the appropriate committees of Congress, an annual report on observation flights over the United States under the Open Skies Treaty during the previous year. The House version contained a similar provision (Section 1231) that would limit funds that may be used to approve or permit approval of a request by the Russian Federation to carry out observation flights with an aircraft that has installed an upgraded sensor with infrared or synthetic aperture radar capability over the United States or the territory covered in the Open Skies Treaty, unless the administration can certify certain conditions. The Senate agreed with an amendment that would limit funding that may be used to vote to approve or otherwise adopt any implementing decision of the Open Skies Consultative Commission to authorize approval of requests by state parties to the Treaty of infrared or synthetic aperture radars, pursuant to the Open Skies Treaty, unless and until the Secretary of Defense, jointly with the relevant U.S. government officials, submits to the appropriate congressional committees a certification that such implementing decision would not be detrimental or otherwise harmful to the national security of the United States, and submits a report. The provision further states that not more than 65-percent of the funds authorized for fiscal year 2017 may be used to carry out any activities to implement the Open Skies Treaty until the Director of National Intelligence and the Director of the National Geospatial-Intelligence Agency submit an evaluation of whether it is possible, consistent with U.S. national security interests, *to substitute commercial imagery or other phenomenologies* for such data generated by Treaty overflights. The amendment further limits the funding until the Secretary of State submits a report on cost of implementing the Open Skies Treaty and on impact on participation and contributions by covered state parties and relationships among covered state parties;
- Restricting the obligation or expenditure of amounts authorized to be appropriated for fiscal year 2017 and available for the current product development contract for the GPS Next Generation Operational Control System (GPS-OCX) until the Secretary of Defense submits to Congress the certification required under section 2433a(c)(2), title 10, United States Code, commonly referred to as a Nunn-McCurdy certification;

- Directing the Secretary of Defense, Secretary of Transportation, and Secretary of Homeland Security to jointly conduct a study to assess and identify the technology-neutral requirements to backup and complement the positioning, navigation, and timing (PNT) capabilities of the GPS for national security and critical infrastructure. The provision would also direct the Secretary of Defense, Secretary of Transportation, and Secretary of Homeland Security to submit a report to the appropriate congressional committees not later than 1 year after the date of the enactment of this Act on the study;
- Requiring the Secretary of Defense to enter into an agreement with a federally funded research and development center to review the acquisition strategy for the Next Generation Operational Control System for the GPS, and amended requiring the Secretary of Defense, not later than 60 days after the date of the enactment of this act, to enter into an arrangement with a federally funded research and development center, or other appropriate independent entity to review the acquisition strategy for the Next Generation Operational Control System for the GPS. The amendment would also add a requirement that the independent assessment evaluate the ability of alternative systems to satisfy the requirements of the Department of Defense;
- Amending the Federal Communications Commission (FCC) conditions on commercial terrestrial operations (47 U.S.C. 301 et seq.) by adding that the FCC shall not permit commercial terrestrial operations in the 1525–1559 megahertz band or the 1626.5–1660.5 megahertz band until 90 days after the FCC resolves concerns of widespread harmful interference by such operations in such band to Department of Defense GPS (GPS) devices. The provision would also require the Secretary of Defense to conduct a review of harmful interference of Department of Defense GPS devices and to notify congress if the Secretary determines the existence of widespread harmful interference;
- Does NOT include a repeal of temporary suspension of public-private competitions for conversion of Department of Defense commercial functions to performance by contractors The Senate bill contained a provision (Section 806) that would repeal section 325 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84). The House amendment contained no similar provision.

Digital Coast, NOAA Ocean & Coastal Mapping

On November 28, the Senate unanimously passed S. 2325, the "Digital Coast Act of 2015" by unanimous consent (UC). On November 29, the House held S. 2325 at the desk, but unfortunately a final floor vote or action did not transpire. The companion bill in the House, H.R. 4738, did not move through Committee before Congress adjourned.

Federal Prison Industries (FPI) Reform

H.R. 1699, the "Federal Prison Industries Competition in Contracting Act" and H.R. 4671 containing safeguard language preventing federal inmates from accessing sensitive geospatial, mapping and surveying data, including as part of GIS services were targeted to be added as an amendment to the House version of comprehensive criminal justice reform legislation, but that bill never made it to the House floor for further action.

Flood Insurance Reform and Modernization (FIRM) Act

The National Flood Insurance Program (NFIP) statutory authority is scheduled to expire at the end of September 2017. In July, MAPPS task force chair DiCamillo and John Byrd met with House Financial Services Committee staff.

On December 8, a MAPPS Delegation led by Government Affairs Manager John "JB" Byrd, Vince DiCamillo (Stantec), Jeff Lovin (Woolpert), and Scott Bennett (Harris) provided an overview on NFIP reform, LiDAR, and 3DEP to several lobbying groups representing the various elements of the real estate community in order to add these respective groups to the 3DEP Coalition and help pitch MAPPS suggested reforms to the NFIP. The 3DEP Coalition consists of MAPPS member firm principals, as well as surveyors and other stakeholder groups, including a coalition of more than two dozen organizations from geospatial, science, housing, engineering, infrastructure, flood risk management and the environment that support 3DEP.

FLAIR Act

The House version of the "Federal Land Asset Inventory Reform (FLAIR) Act of 2015", H.R. 3121, did not move out of Committee before the end of Congress. S. 1225, the Senate version, was modified in a comprehensive energy bill, S. 2012 which passed the Senate. The bill was in conference being reconciled with the House bill and MAPPS staff learned that the Murkowski language was likely to survive the conference negotiations, but unfortunately the bill never made it to the finish line before time ran out.

On December 16, President Obama signed into law H.R. 6451, the "Federal Property Management Reform Act". Public Law 114-318 requires GSA to create and publish a single, comprehensive database of all federal real properties, including whether those properties are excess, surplus, underutilized, or unutilized to prevent a future stockpiling of unused and underutilized property. Section 6 of the bill authorizes the Federal Real Property Council and the GSA Administrator the access to information for the establishment and maintenance of the database described in separate legislation, section 21 of H.R. 4465, the Federal Assets Sale and Transfer Act (FASTA) of 2016, which was also signed into law by the President, Public Law 114-287.

MAPPS won another victory as language was adopted authorizing a Congressional briefing on the subject in S. 2943, the "National Defense Authorization Act of 2017" and signed into law by President Obama on December 23. It authorizes a briefing on real property inventory based on language found in the Conference Report to S. 2943:

*"The House amendment contained a provision (Section 1074) that would require the Secretary of Defense to brief the Committee on Armed Services of the House of Representatives on the status of the Installation Geospatial Information Services of the Department of Defense as it relates to the real property inventory of the Department. The Senate bill contained no similar provision. The House recesses. **The conferees direct the Secretary of Defense to provide a briefing by March 1, 2017 on the status of the Installation Geospatial Information Services of the Department of Defense as it relates to the real property inventory of the Department;**"*

Geospatial Governance and Coordination

On November 14, MAPPS submitted public comments to the 'Commission on Evidence-Based Policymaking' recommending a priority on Federal government collection and application of geospatial data, particularly the National Spatial Data Infrastructure (NSDI), to address national policies and priorities.

S. 740, the "Geospatial Data Act of 2015" did not move out of Committee but the sponsor, Senator Hatch of Utah, agreed to revise the bill to:

- relocate the FGDC from the Department of the Interior and to the Office of Management and Budget;
- outline, by law, a role for the private sector;
- clarify, broaden and codify application of the Brooks Act; and
- establish the primacy of state surveying licensing law.

Given this agreement on the language, a hearing or action may now be scheduled in the Senate Commerce Committee when the bill is re-introduced.

The House companion bill, H.R. 6294, includes the revisions agreed to in the Senate bill. No action was taken in 2016.

Highways/State DoTs

In December 2015, President Obama signed a five-year Highway bill into law, Public Law 114-92. Provisions of interest to the surveying and mapping community include:

- Section 1312 which calls for improving state and federal agency engagement in environmental reviews and the activities for which funds may be provided including information gathering and mapping;
- Section 41005 directs coordination of required environmental reviews by authorizing the lead agency to make information available in the environmental review regarding the environmental, historic, and socioeconomic resources located within the project area and the general locations of the alternatives under consideration with this information based on existing data sources, including geographic information systems (GIS) mapping;
- Section 1430 is a "sense of Congress" that USDOT should utilize, to the fullest and most economically feasible extent practicable, modeling and simulation technology to analyze highway and public transportation projects to ensure that these projects will increase transportation capacity and safety, alleviate congestion, and reduce travel time and environmental impacts; and
- Section 3028 authorizes \$199,000,000 from the Mass Transit Account of the Highway Trust Fund for fiscal year 2017 to assist in financing the installation of positive train control systems.

Hydrographic Services Improvement Act (HSIA)

On November 28, S. 2206, the "National Oceanic and Atmospheric Administration (NOAA) Sexual Harassment and Assault Prevention Act" containing Section 301 (HSIA), was approved by the Senate Commerce Committee, but did not reach the floor for further action. The House bill, H.R. 2743 did not move out of Committee.

LightSquared

S. 2943, the "National Defense Authorization Act of 2017" was signed into Public Law 114-328 by President Obama on December 23. Conference Report language for S. 2943 amends the Federal Communications Commission (FCC) conditions on commercial terrestrial operations (47 U.S.C. 301 et seq.) by adding that the FCC shall not permit commercial terrestrial operations in the 1525–1559 megahertz band or the 1626.5–1660.5 megahertz band until 90 days after the FCC resolves concerns of widespread harmful interference by such operations in such band to Department of Defense GPS (GPS) devices. The provision would also require the Secretary of Defense to conduct a review of harmful interference of Department of Defense GPS devices and to notify congress if the Secretary determines the existence of widespread harmful interference.

National Address and Parcel Data

On June 17, several MAPPS staff, leaders and members participated in a National Parcel Summit held at the USGS headquarters in Reston, Virginia. The meeting focused on how to successfully build a national-level parcel system utilizing parcel data holdings of local government, state government aggregators, and commercial firms, as well as the need for a Federal champion to ensure progress to enable users at all levels and in all sectors to access data for projects, applications and analysis. A parcel system has been a MAPPS public policy goal for many years, thanks to the longstanding leadership of Susan Marlow. MAPPS remains optimistic that this session will result in actions that will finally result in a parcel system that will assisting with economic development, housing, homeland security, land management, and dozens of other government and commercial activities. Marlow highlighted in her presentation that:

“Since the first National Research Council study in 1980, a national 'cadastre' or parcel system has been deemed desirable and feasible, but has lacked organizational and institutional leadership at the Federal level. In 2007, I was honored to serve on the National Research Council study, National Land Parcel Data: A Vision for the Future. This summit focuses on an action plan to implement the NRC recommendations and make a national system a reality.”

Pipelines, Utilities and Infrastructure

In a major victory for MAPPS, President Obama in June signed into law the "Protecting our Infrastructure of Pipelines and Enhancing Safety" or "PIPES Act" of 2016 as Public Law 114-183. On December 6, MAPPS sent a letter to the Secretary of Transportation Anthony Foxx urging him to add a member of the geospatial profession to the special working group authorized under Section 10 of the PIPES Act.

Private Sector Utilization

H.R. 2044/S.1116, the "Freedom from Government Competition Act (FFGCA)", were not moved out of Committee although the House bill was subject to a House hearing on July 8 with testimony by MAPPS Executive Director John Palatiello.

University Competition

The Higher Education Act (HEA) was not moved out of either Committee before Congress left.

Water Resources Development Act (WRDA)

Both the dam rehabilitation program and drinking water revolving fund program will be subject to Qualifications Based Selection (QBS)/Brooks Act requirements, as sought by COFPAES, of which MAPPS is a member. On December 16, President Obama signed into law S. 612, the "Water Infrastructure Improvements for the Nation (WIIN) Act". Public Law 114-312 contains the following provisions:

- Section 1124 authorizes the designation an individual, within the headquarters office of the Corps of Engineers, to serve as the coordinator and principal approving official for developing the process and procedures by which the Corps of Engineers operates and maintains sUAS systems in support of civil works and emergency response missions of the Corps of Engineers, and acquires, applies for, and receives any necessary FAA authorizations for such operations and systems;
- Section 1134 amends Section 2040 of the Water Resources Development Act of 2007 by enabling an applicant or requester to track the status of a permit application or request in a manner that will allow identification and display of the location of the activities subject to a permit or request through a map-based interface;
- Section 3101 authorizes the Bureau of Indian Affairs to establish a flood plain management pilot program to provide, at the request of an Indian tribe, guidance to the Indian tribe relating to best practices for the mitigation

and prevention of floods, including consultation with the Indian tribe on flood plain mapping or new construction planning as part of Indian Dam Safety;

- Section 5006 provides for qualifications-based-selection (QBS) be used for grants to rehabilitate high hazard potential dams as a condition on the receipt of a grant of an amount greater than \$1,000,000, in that a non-Federal sponsor that receives the grant shall require that each contract and subcontract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping, and related services entered into using funds from the grant be awarded in the same manner as a contract for architectural and engineering services is awarded;
- Section 5009 authorizes a report to Congress on groundwater contamination by the Secretary of the Navy on the groundwater contamination from the Bethpage, New York site that includes a description of the status of the groundwater contaminants that are leaving the site and migrating to a location within a 10-mile radius of the site, including detailed mapping of the movement of the plume over time, and projected migration rates of the plume;

Workforce Development

H.R. 5587, the "Strengthening Career and Technical Education for the 21st Century Act" was passed by the House and the Senate began negotiating with the House and was expected to take up an agreed-upon compromise in 2016, but the bill failed to pass before Congress adjourned.

In December 2015, President Obama signed Public Law 114-95, a bipartisan K-12 education bill to replace No Child Left Behind. The Every Student Succeeds Act (ESSA). The bill:

- authorizes dedicated funding to support important priorities, including increased access to STEM education;
- Section 3127 allows grants to be used for activities directly related to improving student academic achievement based on the State's academic standards or directly related to improving student reading skills or knowledge of geography; and
- Section 5121 supports projects to develop, test, and demonstrate the effectiveness of services and programs to improve educational opportunities and achievement of Indian children and youth with grants available to raise the achievement of Indian and Alaska Native children in geography.