

NSPS Government Affairs Update
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This report, prepared for the October 2024 NSPS Board of Directors and Government Affairs Committee meetings, provides an update on issues and activities in the NSPS Government Affairs program, as authored by Miller/Wenhold Capitol Strategies, LLC, the NSPS government affairs consultants.

The current Congress, covering 2023-2024, is the 118th Congress.

Major NSPS Highlights Since November 2023

- In November 2023, Rep. Lloyd Smucker (R-PA) introduced legislation to overturn implementation of the Biden Administration’s controversial new regulations implementing the Davis-Bacon Act. The resolution, H.J.Res.103, introduced on November 15 and now with 24 cosponsors, utilizes a law known as the Congressional Review Act to rescind the rules. Approval by the House and Senate, and a signature by President Biden, is required for the resolution to become law. NSPS is listed in the Congressional news release as a supporter of the resolution.
- In November 2023, NSPS was invited by the White House and attended a technology demonstration titled, "American Possibilities" which focused on climate change and related technologies involving geospatial data.
- In November 2023, Representatives John Curtis (R-UT) and Pete Aguilar (D-CA) introduced H. Res. 868, expressing support for National GIS Day, November 15. In a news release announcing the resolution, Rep. Curtis recognized NSPS and included a quote from NSPS President Bob Akins.
- In December 2023, the Biden Administration issued its final rules on PLAs, providing an exemption for architectural and engineering (A&E) services, including surveying and mapping. The exemption is a victory for NSPS as a member organization of the Council on Federal Procurement of Architectural & Engineering Services (COFPAES), which sought the exemption during the public comment period.
- In March 2024, NSPS worked with Rep. John Joyce (R-PA), M.D., to introduce a "Sense of the Congress" resolution, House Concurrent Resolution 96, distinguishing the important role licensing of design professionals plays in protecting the public health, safety, and welfare in the current debate over occupational licensing reform. There are 2 additional bipartisan cosponsors for the House resolution following NSPS Day on the Hill visits.
- On March 20, the House Energy and Commerce Committee approved the Pipeline Safety, Modernization, and Expansion Act of 2024, H.R. 7655, to reauthorize the Pipelines and Hazardous Materials Safety Administration (PHMSA) of the U.S. Department of Transportation for 5 years. Section 15, on “Excavation Damage Prevention” includes a provision to “encourage the use of commercially available technologies to locate underground facilities, such as geographic information systems and enhanced positive response.” A PHMSA bill, the Promoting Innovation in Pipeline Efficiency and Safety (PIPES) Act of 2023, H.R. 6494, had already been approved by the House Committee on Transportation and Infrastructure, in December 2023. The two bills must be reconciled before going to the full House. There is not yet a Senate bill.
- In March 2024, NSPS provided a comprehensive database of legislation affecting surveying and pending in the 2024 session of all 50 state legislatures.
- In April 2024, NSPS advocated positions on licensing, workforce development, and survey mark preservation efforts before Congress as part of the NSPS “Day on the Hill” on April 23, 2024. More than 70 NSPS members from 42 states visited more than 125 offices of the U.S. Senate and House of Representatives and their staff to discuss the role of the surveying profession in pending legislation.
- In May 2024, NSPS coordinated efforts in which eleven bipartisan U.S. Senators wrote a letter to the Senate Appropriations Committee requesting “robust funding” for USGS 3D Elevation Program, or 3DEP. That same

month, a letter to the House Appropriations Committee, requesting a similar ask, was cosigned in a bipartisan manner by thirty members of the U.S. House of Representatives.

- On June 24, the U.S. District Court for the Northern District of Texas issued its decision on a lawsuit filed by the Association Builders and Contractors (ABC), granting a nationwide preliminary injunction that blocks some provisions in the U.S. Department of Labor's final rule expanding the Davis-Bacon Act. The ruling comes in response to a Nov. 7, 2023, complaint filed by ABC challenging the controversial final rule released in August 2023 which made drastic revisions to the Davis-Bacon Act and Related Acts' regulations that apply to federal and federally assisted construction projects. The complaint, on which ABC coordinated with NSPS, addressed the classification of survey crews as "laborers and mechanics" under the act's regulations. While the injunction did not specifically impact the survey crew provisions, it sets a precedent favorable to the professional status of surveying. The court decision is being appealed by the Biden Administration.
- On August 1, the Senate Commerce Committee marked up S. 3788, the Senate version of the National Landslide Preparedness Act Reauthorization of 2024, that includes the reauthorization of the USGS 3DEP program. Section 2 of the bill would reauthorize USGS 3DEP through 2034. This is the only major difference with the House bill (H.R. 7003) which reauthorizes 3DEP only through 2028 and was marked up in April by the House Committee on Natural Resources. NSPS was listed as a supporter of the bill in the Congressional news release.
- On October 8, Oregon's NSPS Director, Pat Gaylord, PLS, was a witness before a field hearing of a Congressional subcommittee providing testimony on the role of surveying, mapping and geospatial services, data and technology in water management. As one of only five experts on a panel he provided testimony regarding a river project to help the US Army Corps of Engineers (USACE), as well as insight on NOAA's Hydrographic Services Improvement Act (HSIA), NOAA's Digital Coast Program, USGS 3D Elevation Program (3DEP), USGS 3D Hydrography Program (3DHP), USGS 3D National Topography Model (3DNTM), USGS Subsidence Program, Sinkhole Mapping, Snowpack Mapping, Survey Mark Preservation and Federal Land Asset Inventory Reform (FLAIR) Act implementation.

NSPS 2024 “Day on the Hill”

On April 23, 2024, NSPS held the annual “Day on the Hill” in Washington, DC. The voice of the surveying profession was heard loud and clear in Congress with meetings set with Congressional staff given that both the House and Senate are in recess that week. More than 70 NSPS members from 42 states visited more than 125 offices of members of the U.S. Senate and House of Representatives and their staff to discuss the role of the surveying profession in pending legislation. In these meetings, NSPS members educated Congressmen, Senators, and their staff on these three issues: 1) Professional licensing; 2) Monument Preservation; and 3) Transition Assistance Program (TAP) pilot for the 2025 National Defense Authorization Act (NDAA). NSPS hosted an online training session on April 11 to prepare all participants for their Congressional meetings.

Congressional Opportunities at the State Level

In October 2022, NSPS member Gary Thompson, who served as Chair of the National Geospatial Advisory Committee (NGAC) and Chief at NC Geodetic Survey, was a featured technical speaker at the 2nd Annual Water Adaptations to Ensure Regional Success (WATERS) summit co-hosted by U.S. Representatives David Rouzer (R-NC) and Greg Murphy (R-NC) in Wilmington, North Carolina. In a presentation pursuant to an invitation from the Congressional hosts facilitated by the NSPS government affairs program, Thompson focused on Flood Inundation Mapping and Alert Network (FIMAN) as Deputy Risk Management Chief for the NC Department of Public Safety in the Division of Emergency Management. Senator Thom Tillis (R-NC) opened the session with remarks delivered virtually. NSPS affiliates are encouraged to work with NSPS Federal Lobbyist John “JB” Byrd to identify other issues and opportunities where Members of Congress host similar sessions in their respective states. On October 1, North Carolina hosted the 4th version of this “Summit”.

NSPS has learned that U.S. Rep. Monica De La Cruz (R-TX) is planning to host another version of a “water” and “disaster response” conference in her District early next year.

NSPS encourages state societies to team up with their Congressional Delegations which host these policy-oriented events back in their respective states and Congressional districts.

NSPS Government Affairs Issues

Appropriations/CR/Shutdown

On September 26, President Biden signed H.R. 9747, the “Continuing Appropriations and Extensions Act, 2025,” into P.L. 118-83, which provides fiscal year 2025 appropriations to Federal agencies through December 20, 2024 averting a shutdown of the Federal government.

Department of Commerce

Artificial Intelligence

In October 2023, President Biden signed an Executive Order on artificial intelligence that seeks to balance the needs of cutting-edge technology companies with national security and consumer rights, creating an early set of guardrails that could be fortified by legislation and global agreements. The National Institute of Standards and Technology (NIST) is to create standards to ensure AI tools are safe and secure before public release. The Commerce Department is to issue guidance to label and watermark AI-generated content to help differentiate between authentic interactions and those generated by software. The extensive order touches on matters of privacy, civil rights, consumer protections, scientific research and worker rights.

Digital Coast

On January 24, NOAA's Digital Coast program was the subject of a briefing held in the United States Senate. NSPS Lobbyist John "JB" Byrd attended the session facilitated by Senator Tammy Baldwin (D-WI), who sponsored legislation that became Public Law No: 116-223. Moderated by Jainey Bavishi, Assistant Secretary of Commerce for Oceans and Atmosphere and Deputy NOAA Administrator, the panel promoted the FY21-23 Accomplishments Report. Held in the Senate Dirksen Office Building, the briefing also showcased improvements made since the 2020 passage of the Digital Coast Act, such as land cover data for the entire coastal zone; economic data for the Great Lakes and U.S. territories; and local partnership projects for flood resilience. Attendees included staff from the Senate, U.S. House, and White House. NSPS was a leading advocate for the Digital Coast Act.

NSPS led the efforts to secure eight bipartisan House members to cosign a House letter in April 2024 led by Reps. Lisa Blunt Rochester (D-DE) and Buddy Carter (R-GA) requesting the Appropriations Committees to “fully fund the Digital Coast Program” at \$4 million, as authorized. Sen. Tammy Baldwin (D-WI), the original sponsor of the bill that became law, wrote President Biden and the Office of Management & Budget (OMB) for them to prioritize funding for Digital Coast.

The Senate Appropriations Committee Report included this language for FY2025:

Digital Coast.—The Committee provides \$3,500,000 for the implementation of the Digital Coast Act (Public Law 116–223).

The current Digital Coast Act authorization expires on September 30, 2025. Efforts on drafting a reauthorization have begun. Inasmuch as the primary House sponsor, Rep. Dutch Ruppersburger (D-MD) is retiring, a new House sponsor is being sought for the reauthorization.

National Spatial Reference System (NSRS)

The National Geodetic Survey (NGS) has released key details of the transition to the new datums in the modernized National Spatial Reference System (NSRS) to help users and interested parties prepare for the coming change. To view the Federal Register notice, [click here](#). Miller/Wenhold has been indicating to NGS the need for non-technical information, targeted for the state lobbyists for surveying societies, state legislators, and stakeholders, on the need for NSRS and why legislation to adopt the datum should be enacted in the state legislatures.

Department of Defense

NDAA (NOTE: 2024 Day on the Hill Issue)

NSPS pursued a Workforce Development provision for the 2025 National Defense Authorization Act (NDAA) by adding language to the House NDAA that would create a pilot program within the DoD Transition Assistance Program (TAP) to spur certain categories and classifications of servicemen and women, with military experience in surveying, mapping and geospatial skills who are transitioning out of the military and into civilian life and careers and help them toward pursuing the surveying profession as the next step in their respective careers. NSPS was working with Rep. Dale Strong (R-AL) to focus on this effort for the 2025 NDAA. In June, Rep. Jeff Duncan (R-SC) filed an amendment thru the House Rules Committee to H.R. 8070, the House 2025 NDAA, to create this pilot program, but it was not “made in order” for introduction on the House floor.

On Sept. 6, a delegation from the Alabama Society of Professional Land Surveyors (ASPLS) and Alabama NSPS Director Jeff Clendenning attended a Punchbowl News Event in Birmingham, Alabama, featuring U.S. Senator Katie Britt (R-AL) and U.S. Representative Terri Sewell (D-AL). The event focused on the importance of small business, including a discussion on workforce development. NSPS continues to engage Members of Congress on the opportunity to advance legislation providing for a pathway for military personnel transitioning to civilian life to find a new career in the surveying profession through a pilot program in the Transition Assistance Program (TAP) in the U.S. Department of Defense.

On February 29, Representatives Eli Crane (R-AZ) and Jared Huffman (D-CA) introduced the Hire Veterans Act, H.R. 7490. The bill would employ American veterans while strengthening the federal skilled labor force, specifically at the U.S. Forest Service, National Park Service and Bureau of Land Management through a pilot program to be initiated by the Office of Personnel Management (OPM). Section 2 of the bill highlights "analysis of geospatial data" and "land surveying." Senators Mike Braun (R-IN) and Kyrsten Sinema (I-AZ) introduced the Senate version, S. 3636, in January 2024.

WRDA

Both the U.S. House and Senate have approved bills continuing water resource programs and authorizing new projects by the U.S. Army Corps of Engineers, as well as other agencies. On July 22, the House passed its version of the Water Resources Development Act (WRDA) bill, H.R. 8812, by a vote of 359-13. It authorizes 160 new feasibility studies for locally proposed projects and 12 projects that have been thoroughly reviewed by the Corps and have culminated in a final report to Congress with approval by the Chief of Engineers or the Director of Civil Works. It also reauthorizes the Federal Emergency Management Agency's (FEMA's) National Dam Safety Program through 2028 and Section 139 authorizes the National Coastal Mapping Program at \$15 million. On Aug. 1, the Senate passed the Senate WRDA bill, S. 4367. The bills now need to be reconciled to clear the way for final passage.

On Sept. 6, the House Committee on Natural Resources held a field hearing in Santa Nella, California, to discuss water supply and relevant infrastructure. Hosted by Rep. John Duarte (R-CA), the Congressman highlighted projects such as the Folsom South Canal which was planned to be constructed in five reaches for a total length of 68.8 miles. However, only the first two reaches have ever been built, with a total length of 26.7 miles. In addition, the hearing found that snowpack plays a vital role in keeping California's reservoirs full. Winter and spring snowpack typically melt gradually throughout the year, flowing into and refilling reservoirs.

Department of Education

Workforce Development

NSPS has joined more than 600 other associations and professional societies in a coalition to support the "Freedom to Invest in Tomorrow's Workforce Act," H.R. 1477/S. 722. This bipartisan legislation would expand qualified expenses under 529 savings plans to include postsecondary training and credentialing programs, such as licenses and non-governmental certifications, and provide valuable tax-advantaged resources to more workers pursuing career growth, mid-career changes or alternative career pathways. Congressman Rob Wittman (R-VA) and Congresswoman Abigail

Spanberger (D-VA) sponsored the House bill and Senators Amy Klobuchar (D-MN) and Mike Braun (R-IN) lead the Senate bill.

Department of Homeland Security/FEMA

FEMA/NFIP Reform

In April 2023, Reps. Vicente Gonzalez (D-TX) and Alex Mooney (R-WV) introduced H.R 2568, the Improvement of Mapping, Addresses, Geography, Elevation and Structures (IMAGES) Act to include property level detail in flood maps, so that individuals as well as governments can know with certainty their risk and proactively prepare for natural disasters.

The House Appropriations Committee Report included this language for FY2025:

Flood Hazard Mapping and Risk Analysis Program - \$312,750,000

Monument Preservation (NOTE: 2024 Day on the Hill Issue)

NSPS is requesting legislation to enable property owners impacted by a natural disaster (wildfire, hurricane, tornado, etc.) to be eligible for assistance to preserve and re-establish destroyed survey monumentation (e.g. property corners) that are destroyed by the disaster, in order to preserve their property rights, return to their home or business, and rebuild. While the primary agency impacted is FEMA within DHS, the Department of the Interior and the Department of Agriculture will also have roles to play and especially as coordinating with Governors and other local stakeholders.

Department of the Interior

USGS Leadership

In April 2024, U.S. Geological Survey (USGS) Director David Applegate requested NSPS' help in circulating the job vacancy for Associate Director of Core Science Systems given the February 2024 retirement of Kevin Gallagher. On August 27, USGS announced that Jennifer "Jenn" Lacey was appointed as Associate Director for the Core Sciences Program, and is now the full-time replacement for Kevin Gallagher

In September 2023, NSPS Executive Director Tim Burch attended the USGS Coalition annual awards reception in the Rayburn Cafeteria on Capitol Hill in Washington, DC given that NSPS is a longtime member and active participant in the coalition. He met with Director Applegate and other USGS Leadership as connected to USGS 3DEP, Critical Minerals, Subsidence, Landsat, and other important areas of USGS mission such as water programs and policy. Also attending was Rep. Melanie Stansbury (D-NM) who was one of the award recipients, with Rep. Cathy McMorris Rodgers (R-WA) also receiving an award but not in attendance. NSPS Federal Lobbyist John "JB" Byrd also attended.

3DEP

On October 8, Oregon's NSPS Director, Pat Gaylord, PLS, was a witness before a field hearing of a Congressional subcommittee providing testimony on the role of surveying, mapping and geospatial services, data and technology in water management. The House Subcommittee on Water, Wildlife and Fisheries of the Committee on Natural Resources held a bipartisan field hearing in Redmond, Oregon to highlight efforts to protect and improve water supply in Oregon and nationally. At the invitation of Subcommittee Chairman Cliff Bentz (R-OR), Gaylord, of Portland, OR-based David Evans and Associates, Inc., was one of only five experts on a panel as he provided testimony representing NSPS and the Professional Land Surveyors of Oregon (PLSO). Subject areas that Gaylord covered in his testimony included a river project to help the US Army Corps of Engineers (USACE), as well as insight on NOAA's Hydrographic Services Improvement Act (HSIA), NOAA's Digital Coast Program, USGS 3D Elevation Program (3DEP), USGS 3D Hydrography Program (3DHP), USGS 3D National Topography Model (3DNTM), USGS Subsidence Program, Sinkhole Mapping, Snowpack Mapping, Survey Mark Preservation and Federal Land Asset Inventory Reform (FLAIR) Act implementation. Also attending the hearing with Chairman Bentz were U.S. Representatives Lori Chavez-DeRemer (R-OR), whose district includes Redmond and for whom Gaylord is a constituent, Val Hoyle (D-OR), Dan Newhouse (R-WA) and Celeste Maloy (R-UT).

NSPS has been a leader in efforts to ensure the program is fully funded at \$146 million per year. In May 2024, NSPS led the efforts to secure thirty bipartisan House members to cosign a House letter, and 11 Senators to cosign the Senate letter. The Senate letter was led by Sens. Maria Cantwell (D-WA) and Dan Sullivan (R-AK), and the House letter was led by Reps. Susan DelBene (D-WA) and Cathy McMorris Rodgers (R-WA). The letters request “robust funding” from the Appropriations Committees.

The House Appropriations Committee Report included this language for FY2025:

Core Science Systems.— ... The Committee recognizes the importance of landscape-scale, three-dimensional maps for the Nation and the partnership it represents between localities, states, the Survey, and myriad other Federal agencies and includes \$43,905,000 for the 3D Elevation Program, which includes \$6,000,000 for the coverage of Federal lands in the western States. The Committee does not accept the Survey’s funding decrease for 3DEP and expects that, with the increase in funding provided, the Survey will complete national coverage by 2026. Additionally, the Survey should expand collaboration and integration of hydrography data within 3DEP, including developing a detailed plan and budget request for the 3D Hydrography Program (3DHP). Recognizing the importance of hydrography data, the recommendation includes \$1,000,000 for 3DHP.

The Senate Appropriations Committee Report included this language for FY2025:

Core Science Systems.—... The National Geospatial Program 3DEP program is maintained at the enacted funding level. The Committee appreciates the progress made on 3DEP to allow for the integration of current elevation and hydrography data and expects this progress to continue. The bill provides the enacted level for the Alaska mapping and map modernization initiative, which includes modernizing Alaskan hydrography datasets, and the Survey is urged to consider the expanded use of LIDAR in Alaska. The recommendation supports the continued operations of the Alaska Mapping Executive Committee [AMEC]. The National Geospatial Program will continue its role in advancing the goals, objectives, and approaches collaboratively developed as part of the AMEC Alaska Coastal Mapping Strategy, to include collection and distribution of topography and orthoimagery in coastal areas.

On August 1, the Senate Commerce Committee marked up S. 3788 with 2 cosponsors, the Senate version of the National Landslide Preparedness Act Reauthorization of 2024, that includes the reauthorization of the USGS 3DEP program. Section 2 of the bill would reauthorize USGS 3DEP through 2034. This is a major difference with the House bill (H.R. 7003 with 17 cosponsors) which reauthorizes 3DEP only through 2028 and was marked up in April by the House Committee on Natural Resources.

In August 2024, USGS posted the webinar on the Broad Agency Announcement (BAA), now rebranded as the Data Collaboration Announcement (DCA) for FY2024. The data acquisition partnerships for both the 3DEP and the 3D Hydrography Program (3DHP) are included as part of the USGS 3D National Topography Model (3DNTM). The process for partnerships in 3DEP acquisition began in 2015 with the purpose to provide a fair and open means of cost-sharing between USGS and other stakeholders. The best practices established in the BAA are essential to and will be leveraged in the new DCA process.

On October 11, 2024, NSPS Federal Lobbyist John "JB" Byrd led a ZOOM session for the 3DEP Coalition with the Office of Management and Budget (OMB) interim analyst for the U.S. Geological Survey, Caroline Murphy, to discuss the FY2026 USGS 3DEP Budget.

FLAIR Act

NSPS is now seeking Congressional oversight of Federal agencies responsible for implementing a major legislative victory in the 2022 enactment of the Federal Land Asset Inventory Reform (FLAIR) Act. This law provided for a current, accurate inventory (“cadastre”) of Federal land owned by the Department of the Interior as well as the U.S. Forest Service. Agencies failed to meet a deadline in the law for a report to Congress on its implementation. The

FLAIR Act, a top legislative priority for NSPS for several years, will assist surveyors when doing survey records research or building a GIS by making such data access and integration much more efficient.

Geospatial Governance -- COGO/FGDC/NGAC/GDA

OMB has determined that the Geospatial Data Act (GDA) guidance will be provided through a revision of Circular A-16. In April 2024, Gary Thompson, PLS, a NSPS member and Chief of the North Carolina Geodetic Survey, presided over his final in person meeting in Washington, DC as Chairman. He will continue to serve out the remainder of his term which will conclude in early 2025. The NGAC provides advice and recommendations on national geospatial policy and management issues, the development of the National Spatial Data Infrastructure (NSDI), and the implementation of the Geospatial Data Act of 2018. The NSDI promotes geospatial data sharing across all levels of government, the private and non-profit sectors, and the academic community. In 2023, the Federal Geographic Data Committee (FGDC) appointed a new Executive Director. Josh Delmonico. NSPS government affairs consultant John Palatiello has been holding a series of meetings with him to provide input and discuss current activities.

National GIS Day

In November 2023, National GIS Day was observed on November 16, as recognized by Representatives John Curtis (R-UT) and Pete Aguilar (D-CA) with a resolution, H.RES.868. The resolution recognizes that GIS helps foster collaboration and partnerships in the advancement of the National Spatial Data Infrastructure (NSDI).

NSPS assisted in drafting the 2023 resolution, to recognize both the private sector and public sector roles in GIS, as well as the importance of GPS:

"Whereas GIS professionals store and manage their data in new ways given that high accuracy global positioning (GPS) technology has evolved greatly over decades, with 2023 also marking the 50th anniversary of GPS providing America and the world innumerable and incalculable benefits."

NSPS President Bob Akins was quoted in the news release:

"The National Society of Professional Surveyors (NSPS) commends Representatives Curtis and Aguilar for their leadership and initiative introducing the GIS Day resolution. The land surveying profession and GIS community are working hand in hand in mapping and cataloging the Nations vast infrastructure, disaster planning and recovery efforts, floodplain management, natural resources, and other important public policies for the protection and safety of the public."

Sinkhole Mapping

In April 2023, Reps. Darren Soto (D-FL) and Gus Bilirakis (R-FL) introduced H.R. 2855, the Sinkhole Mapping Act to direct the U.S. Geological Survey (USGS) to conduct studies on the short and long-term mechanisms potentially contribute to the triggering of sinkholes. In October 2023, the House Committee on Natural Resources held a hearing on the bill which now has 9 additional cosponsors. Per the legislation, the USGS must establish a public website that displays such maps and other relevant information critical for use by community planners and emergency managers. Both NSPS and FSMS were listed in support of the bill in the Congressional news release.

Stream Gages

In March 2024, NSPS joined a coalition of organizations on letters supporting USGS stream gage programs to the House and Senate Appropriations committees for FY25 budgeting. These vital networks, managed in the USGS Groundwater and Streamflow Information Program, provide critical and life-saving information, and serve the national interest with continuous streamflow information at over 8,400 locations. Additions to these networks are needed to adequately manage the Nation's critical water supplies and infrastructure, including for surveying and mapping services related to hydrologic and hydraulic (H&H) studies for the Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP).

Subsidence

In 2021, a ground subsidence program in USGS was authorized by Section 4 in P.L. 116-323 as authorized by bill sponsor and amendment cosponsor Rep. Suzan DelBene (D-WA). In March 2023, Reps. Josh Harder (D-CA) and Maria Salazar (R-FL) worked together again to support the subsidence program known as the National Land Level Change (NLLC) Map.

Wildfires

In 2021, members of Congress introduced the Wildland Fire Mitigation and Management Commission Act to establish a commission of federal and non-federal stakeholders—including city and county level representation—to study and recommend fire prevention, mitigation, management, and rehabilitation policies for forests and grasslands. That bill was included in the recently enacted Infrastructure Investment and Jobs Act (IIJA). The commission was established in November by the U.S. Department of Agriculture (USDA), Department of the Interior (DOI) and Department of Homeland Security's Federal Emergency Management Agency (FEMA). NSPS has been pursuing reforms such as survey mark preservation and believes such a commission could play a role in coordination on that issue.

Department of Labor

Davis-Bacon

On June 24, the U.S. District Court for the Northern District of Texas issued its decision on a lawsuit filed by the Association Builders and Contractors (ABC), granting a nationwide preliminary injunction that blocks some provisions in the U.S. Department of Labor's final rule expanding the Davis-Bacon Act. The ruling comes in response to a Nov. 7, 2023, complaint filed by ABC challenging the controversial final rule released in August 2023 which made drastic revisions to the Davis-Bacon Act and Related Acts' regulations that apply to federal and federally assisted construction projects. The complaint, on which ABC coordinated with NSPS, addressed the classification of survey crews as "laborers and mechanics" under the act's regulations. While the injunction did not specifically impact the survey crew provisions, it sets a precedent favorable to the professional status of surveying. That decision is being appealed by the Biden Administration.

While the new rule continues to be very unclear and not definitive as to when members of survey crews are "laborers and mechanics," but it also rejects the NSPS request that rules follow the 1962 ruling by then-Secretary of Labor Arthur Goldberg, who served in the cabinet of President John F. Kennedy. Secretary Goldberg's ruling stated the act applies to members of survey crews only to the extent they "perform manual work, such as clearing brush and sharpening stakes," which he said "are not commonplace." The final rule also made disparaging comments about surveying not being a "profession" inasmuch as many states do not require a college degree for entry into the field and thus is not a "learned profession".

In November 2023, Rep. Lloyd Smucker (R-PA) introduced legislation to overturn implementation of the Biden Administration's controversial new regulations implementing the Davis-Bacon Act. The resolution, H.J.Res.103, was introduced with 22 co-sponsors, utilizes a law known as the Congressional Review Act to rescind the rules. Approval by the House and Senate, and a signature by President Joe Biden, is required for the resolution to become law. NSPS is listed in the Congressional news release as a supporter of the resolution.

In 2013, the Obama Administration issued AAM 212 seeking Davis-Bacon Act expansion to more technician-level surveying activities, and the Trump Administration's rescission of the Obama order, AAM 235, issued in 2020 after an extensive lobbying campaign by NSPS. The substance of AAM 212 was reintroduced in the Biden Administration rulemaking made final on August 23, 2023.

OSHA Regulations

On August 30, the Occupational Safety and Health Administration (OSHA) published a proposed rule for public comment by October 30. It proposes a new heat injury and illness standard for workers in both indoor and outdoor settings.

Companies are responsible for developing a Heat Injury and Illness Prevention Plan (HIIPP) with input from non-managerial employees. Emergency contact information and transparent procedures for recognizing and responding to signs and symptoms of a heat-related illness or emergency are necessary. Company leaders must regularly monitor temperatures on the jobsite. Employers must provide drinking water and cooling breaks at 80°F, known as the ‘initial heat trigger.’

Contractors must watch for signs of heat illness and provide mandatory fifteen-minute breaks every two hours at 90°F, the "high-heat trigger." Review, evaluate and update the company’s HIIPP annually or as needed.

Occupational Licensing (NOTE: 2024 Day on the Hill Issue)

On March 7, Rep. John Joyce (R-PA) introduced a "Sense of the Congress" resolution, House Concurrent Resolution (H.Con.Res.) 96, distinguishing the important role licensing of design professionals plays in protecting the public health, safety, and welfare in the current debate over occupational licensing reform. The design professions include but are not limited to architecture, engineering, surveying and mapping. The resolution, although non-binding, sends a signal to states that they should not affect these professions in occupational licensing reform. While the case for reform of licensing in some occupations is desirable, bills introduced in some state legislatures are too broadly drafted and fail to exempt or recognize the importance of licensing of design professionals. The introduction of this resolution sends a strong message from Congress to the states that care should be taken to preserve the necessary and legitimate licensing of architects, engineers and surveyors. In August 2023, members of the Pennsylvania Society of Land Surveyors (PSLS) joined a meeting with Rep. Joyce, a member of the House Committee on Energy and Commerce Committee, hosted by Eric Gladhill, LS, at his firm’s office in Gettysburg, PA. Joyce discussed the benefit to the public of professional licensure for surveyors and engineers, and the NSPS issue paper on the topic. The Congressman’s father was a professional surveyor and engineer. NSPS Government Affairs Consultant John Palatiello and NSPS Federal Lobbyist John "JB" Byrd attended the meeting.

Project Labor Agreements (PLAs)

See below under COFPAES.

Department of Transportation

Comprehensive Infrastructure Legislation

In November 2021, President Biden signed into law H.R. 3684, the “Infrastructure Investment and Jobs Act (IIJA),” now Public Law 117-58, the \$1.2 trillion bipartisan infrastructure bill.

In March 2023, NSPS Executive Director Tim Burch, GAC Chairman Mark Sargent, and then-NSPS President Amanda Allred attended a policy discussion with other leadership of trade associations and professional societies in Washington, DC hosted by the Associated General Contractors (AGC). The discussion featured Representative Sam Graves (R-MO), chairman of the House Transportation & Infrastructure Committee as he discussed the legislative and oversight priorities to include FAA Reauthorization, PHMSA Reauthorization, Railroads, and the Water Resources Development Act (WRDA), and the related workforce development perspective, among other issues. NSPS Federal Lobbyist John “JB” Byrd also attended.

In June 2023, leaders of the North Carolina Society of Surveyors (NCSS) attended the field hearing on Grid Security and Resilience held in Pinehurst, NC by the Energy, Climate, and Grid Security Subcommittee of the U.S. House Committee on Energy and Commerce. Sherri Barron, the new NCSS Executive Director, David Lee, President of NCSS, and Jerry Nave, Past President attended in person. Rep. Richard Hudson (R-NC) hosted the hearing in his Congressional district. The NCSS delegation engaged Subcommittee Chairman Jeff Duncan (R-SC), expressing that surveyors contribute critical services on energy, climate, and grid security projects given the surveying profession’s work with utilities on the siting, permitting, and “bookend” surveying, both above or underground, for most infrastructure projects which begin with and end with a survey for planning, design, construction, as-build records, and asset management.

Drones

Until recently, Communist Chinese drone company Da-Jiang Innovations (DJI) was the leading drone maker flying over American skies and had captured over 75% of the U.S. domestic drone market. However, DJI is now considered a national security threat by the Department of Defense and many U.S. lawmakers. Recently, the U.S. federal government banned the purchase of Chinese drones within certain agencies in the federal sector.

On September 9, the House passed H.R. 2864, the “Countering CCP Drones Act” sponsored by Rep. Elise Stefanik (R-NY) which would amend the Secure and Trusted Communications Networks Act of 2019 to provide for the addition of certain equipment and services produced or provided by DJI Technologies to the list of covered communications equipment or services published under such Act, and prohibit the FCC from providing access for DJI drones from the communications spectrum. NSPS has been in communication with Congressional staff on whether this limitation is solely prospective or if it applies to DJI drones purchased before the effective date of this legislation, should it become law, and whether there is any consideration of compensation to firms who own DJI drones as a result of the legislative “taking”, as required under the 5th Amendment to the Constitution.

The Countering Chinese Communist Party (CCP) Drones Act made it into the House version of the National Defense Authorization Act (NDAA) for Fiscal Year 2025, which passed in June with a vote of 217-199. In July, Senators Rick Scott (R-FL) and Mark Warner (D-VA) filed an amendment to the FY25 Senate NDAA, S. 4638, to add the Countering CCP Drones Act. The bill, and the Scott-Warner amendment, will likely be considered by the full Senate later this year. Lawmakers have accused the CCP of using the unmanned aircraft systems (UAS) to surveil and collect data on Americans, citing its ties to state-owned entities. Chinese drones have been blacklisted by the Department of Defense, Department of Commerce, Department of the Treasury and other federal agencies.

The Department of Defense has published a list of approved drones that are not manufactured by countries hostile to the U.S.’s national security, the DoD Blue UAS Cleared List <https://www.diu.mil/blue-uas-cleared-list>

PHMSA

In March 2024, the House Energy and Commerce Committee approved the Pipeline Safety, Modernization and Expansion Act of 2024, H.R. 7655, to reauthorize the Pipelines and Hazardous Materials Safety Administration (PHMSA) within the U.S. Department of Transportation for 5 years. Section 15, on "Excavation Damage Prevention" includes a provision to "encourage the use of commercially available technologies to locate underground facilities, such as geographic information systems and enhanced positive response."

In December 2023, the Transportation and Infrastructure Committee approved H.R. 6494, the Promoting Innovation in Pipeline Efficiency and Safety (PIPES) Act of 2023. The bipartisan legislation reauthorizes the Pipeline and Hazardous Materials Safety Administration’s (PHMSA) pipeline safety programs for the next 4 years and provides an efficient and effective framework to advance the safety of energy infrastructure across the United States. The bill expands leading practices for preventing excavation damage, directs the National Academies to study PHMSA’s integrity management regulations and their impact on safety, and requires PHMSA to maintain a list of industry standards considered for adoption and the agency’s adjudication of those standards, and creates a system to encourage voluntary information sharing from stakeholders.

These bills will be merged and reconciled before going to the full House. The Senate Commerce, Science, and Transportation Committee could unveil their version of the PHMSA Reauthorization later this year. A provision encouraging use of subsurface utility engineering (SUE) is under consideration.

Railroad Abandonment

In April 2024, a NSPS delegation visited with professional staff of the House Transportation & Infrastructure Committee as part of the NSPS Day on the Hill. Attendees included NSPS President Bob Akins, of Ohio, NSPS President Elect Dr. Davey Edwards, of Texas, NSPS Directors Mike Zahner of Missouri and Joe Dolan of New Jersey, and NSPS Federal Lobbyist John “JB” Byrd. Railroad reform language is stalled in the Congress due to the lack of bipartisan legislation needed to achieve 60 votes in the Senate. Bob Akins has been introduced to Reed Adams, a Virginia surveyor and NSPS member who has a role in Virginia on its State Corporation Commission panel that

regulated railroads. These two NSPS members were advised to consult and coordinate on what state-level actions can be taken by state agencies (State Corporation Commissions and State Public Utility Commissions) to address survey monumentation in railroad abandonment.

Department of Treasury

The Corporate Transparency Act (CTA), enacted in 2021, was passed to enhance transparency in entity structures and ownership to combat money laundering, tax fraud and other illicit activities. It is designed to capture more information about the ownership of specific entities operating in or accessing the U.S. market. The CTA came into effect on January 1, 2024. Reporting companies that are in existence on the effective date must file their initial reports within one year. Reporting companies created after the effective date have 30 days after receiving notice of their creation or registration. Reports must be updated within 30 days of a change to the beneficial ownership, e.g., through the sale of a business, merger, acquisition, or death, or 30 days upon becoming aware of or having reason to know of inaccurate information previously filed.

Federal Communications Commission (FCC)

Broadband Mapping

Many of the broadband inventory maps previously produced following an initiative in the Obama-era stimulus bill, known as the American Recovery and Reinvestment Act of 2009, were found to be inaccurate. Complaints have been raised that many states expending ARRA funds, and the 2023 version of the National Broadband Map, failed to require supervision of the mapping by a licensed surveyor, were awarded to the low bidder rather than following qualifications based selection (QBS) laws, and/or were carried out by government agencies, universities, or firms that did not have experience or expertise in such commercial map production services. Miller/Wenhold is seeking an investigation by the FCC Inspector General.

NSPS is pursuing introduction of the Broadband Asset Surety Enhancement (BASE) Mapping Act, and inclusion of this bill as part of the 2024 Farm Bill.

Congressional GPS Caucus

In February 2021, Rep. Mikie Sherrill (D-NJ) joined Rep. Don Bacon (R-NE) as bipartisan co-chairs of House GPS Caucus to promote the benefits of GPS technology. The Caucus endeavors to educate Members of Congress and their staff on the societal benefits of GPS technology including support of economic growth, national security, and modernized infrastructure while advocating for the continuous availability, accuracy, reliability, and resiliency of the GPS constellation. The Senate GPS Caucus is co-chaired by Senators Tammy Duckworth (D-IL) and Joni Ernst (R-IA). NSPS has been in contact with these Congressional offices to offer the help of the Surveying Profession to the goals of the Caucus, and specifically to help with the messaging and counterbalancing the Ligado policy advocacy on Capitol Hill.

As an affiliate member of the GPS Innovation Alliance (GPSIA), NSPS was involved in a forum and reception on Capitol Hill in Washington, D.C. on November 14, 2023 celebrating the 50th anniversary of the Global Positioning System (GPS). NSPS Federal Lobbyist John "JB" Byrd participated in the event where Senate GPS Caucus co-chairs U.S. Senators Joni Ernst (R-IA) and Tammy Duckworth (D-IL) addressed the importance of GPS. A video produced for the celebration included positioning in surveying and the application of surveying to infrastructure projects, as well as precision agriculture.

Ligado/LightSquared

NSPS is an active participant in coalitions seeking to prevent GPS spectrum interference. April 20th marked the fourth anniversary of the controversial approval of the Ligado order by the Federal Communications Commission (FCC), which studies show will likely cause harmful interference to GPS. NSPS opposed this action taken by the FCC and has repeatedly requested the FCC rescind and overturn or "stay" the order, including participating in a 2022 study by the National Academies of Science (NAS). In April 2024, NSPS joined 90 other organizations on a letter to President Biden and a letter to Congress, stating the groups "urge you to work with the FCC to address the harm from Ligado's

proposed terrestrial network to critical GPS, satellite communications, and weather forecasting services by staying the order, addressing the previously unavailable information contained in the NAS report."

In July, the Armed Services Committee in the U.S. Senate signaled renewed interest in the years-long battle between the Defense Department and mobile communications provider Ligado over access to L-band spectrum. Language found in the committee report to accompany the National Defense Authorization Act (NDAA) does not mention Ligado by name, it demands that DoD detail what military systems have previously or currently operate in, or in those adjacent to, "the 1525-1559 megahertz and the 1626.5-1660.5 megahertz" radio frequency bands at the center of the dispute, as well as provide a list of potential alternate bands for operations of those systems. The language further requires that the DoD report, to both the SASC and its House counterpart by Feb. 15, 2025, "the status of any claims concerning these bands of electromagnetic spectrum and any technical objections DOD has in response to such claims."

In September 2023, Anna M. Gomez was confirmed by the Senate breaking the deadlock on the FCC, which had two Republican commissioners, Brendan Carr and Nathan Simington, and two Democrats, Jessica Rosenworcel and Geoffrey Starks. The FCC is the agency that awards broadcast spectrum allocations, including the conditional approval of Ligado's satellite based mobile broadband network that NSPS and a broad coalition of GPS users believe will create interference with GPS signals.

Federal Trade Commission (FTC)

Privacy

In April 2024, the leadership of the House and Senate Commerce committees reached an agreement on a discussion draft of a data privacy bill that would override state laws limiting what information corporations can gather on private individuals. The "American Privacy Rights Act" would set a single national standard that replaces 15 state laws. Other provisions give consumers the ability to opt out of targeted advertising and require disclosure if their data is transferred to foreign adversaries. Enforcement under the American Privacy Rights Act would be overseen by state attorneys general and a new bureau within the Federal Trade Commission. The FTC could issue fines for privacy violations. The draft bill was subject to being scheduled for markups in the House Energy and Commerce Committee only to be repeatedly postponed due to continued concerns from the business community. is in discussion among congressional committees that might seek to revise it before it is introduced. The NSPS Government Affairs Committee has been provided a previous draft of the bill and continues to request feedback on Miller/Wenhold's analysis that surveying and GIS services would not be subject to the bill's definitions and regulatory provisions and that it is consistent with the NSPS-adopted "Best Practices on Privacy of Geospatial Data" guideline.

Office of Management and Budget (OMB)/General Services Administration (GSA)/Small Business Administration (SBA)

Brooks Act/COFPAES/CIPC

NSPS is a member of the Council on Federal Procurement of Architectural and Engineering Services (COFPAES), a coalition of design societies that works to defend and promote the qualifications based selection (QBS) process enacted in the Brooks Act (40 U.S.C. 1101 et seq).

In 2021, Representatives Scott Peters (D-CA) and Peter Stauber (R-MN) held a virtual news conference moderated by NSPS lobbyist John "JB" Byrd to launch a new Construction Procurement Caucus. The caucus will serve as a forum for members of Congress to collaborate on ways to improve efficiency in the federal government procurement process for design and construction related services, including surveying and mapping. In December 2023, the Construction Industry Procurement Coalition (CIPC) hosted a Holiday Reception in the Rayburn House Office Building on Capitol Hill. As a founding member of the coalition, NSPS Executive Director Tim Burch and NSPS Lobbyist John "JB" Byrd attended, helped co-host, took the lead in reserving the main committee room in the Rayburn House Office Building via the help of the leadership of the House Transportation & Infrastructure Committee. The supplies and additional logistics were provided and sponsored by coalition leaders, such as the Associated General Contractors (AGC). Attendees included House and Senate staff from personal offices and committee staff with jurisdiction over federal

procurement, construction, infrastructure and small business issues. During the reception, CIPC announced that Rep. Peters was stepping down as co-chair and would be replaced by Rep. Hillary Scholten (D-MI).

COFPAES has also been successful in working with agencies that advertise procurement solicitations that violate the Brooks Act and getting those procurements compliant with QBS, particularly when errant solicitations are raised by NSPS members. The COFPAES intervention protects the identity of any firm or individual who brings the solicitation to its attention.

In December 2023, the Biden Administration issued its final rules on PLAs, providing an exemption for architectural and engineering (A&E) services, including surveying and mapping. Citing the "Brooks Act" (40 USC 1101 et seq) and the Federal Acquisition Regulation (FAR), A&E services are specifically and unequivocally exempt (pages 54 and 78). The exclusion states, "Section 3 of the E.O. that applies the PLA requirement to contractors or subcontractors 'engaged in construction on the project' excludes professional architecture and engineering services that are covered by the Brooks Architect Engineer Act. Given the distinction in FAR part 36 between construction and architect engineer contracts, architect engineer contracts issued under FAR subpart 36.6 are not covered by this rule."

The Federal Acquisition Regulation (FAR) Council is hosting a public listening session for the morning of December 4, 2024 to hear stakeholder ideas on policies it should consider or change, on how it should address emerging tech, on the general goodness in the rule-making process, and other issues across the acquisition ecosystem. The session will be both in-person (at the GSA HQ) and virtual - link available through the registration process.

Climate Change

In 2021, President Biden signed a series of executive actions aimed at combating climate change. Through his executive actions, the president created the White House Office of Domestic Climate Policy and established the National Climate Task Force, composed of officials from 21 federal agencies and departments. His Executive Order on Tackling the Climate Crisis at Home and Abroad states, "the Secretary of the Interior and the Deputy Director for Management of the Office of Management and Budget, in their capacities as the Chair and Vice-Chair of the Federal Geographic Data Committee, shall assess and provide to the Task Force a report on the potential development of a consolidated Federal geographic mapping service that can facilitate public access to climate-related information that will assist Federal, State, local, and Tribal governments in climate planning and resilience activities."

In August 2022, President Biden signed into law H.R. 5376, the Inflation Reduction Act (IRA), P.L. 117-169. The bill is a multi-billion dollar climate, health care and tax package that was approved by the House in a strictly party-line 220-207 vote, following Senate approval with only Democrats in support. It provides \$370 billion for climate and energy programs, with significant funding to states and local governments.

In November 2023, NSPS Federal Lobbyist John "JB" Byrd was invited by the White House and attended a technology demonstration titled, "American Possibilities." Included were survey-relevant technology displays focused on urban heat mapping, harmful algae blooms and the use of geospatial versions of artificial intelligence. Federal agencies with geospatial activities such as NOAA, NASA, EPA, USGS, USACE and the Census Bureau were participants. President Biden's attended and interacted with presenters.

OMB Circular A-76

On April 20, 2023, Rep. Aaron Bean (R-FL) introduced H.R. 2744, the "Freedom from Government Competition Act" (FFGCA), a bill long supported by NSPS, and now with the support of 17 cosponsors. The bill establishes a process by which Federal agencies analyze their commercial activities (those for which private sector providers can be found in the Yellow Pages of the phone book) to determine whether government employees or private companies are the most efficient and economical provider of such services, thereby lifting the moratorium on OMB Circular A-76. Miller/Wenhold is looking for a Senate sponsor of companion legislation. The Consolidated Appropriations Act of FY2023, P.L. 117-328, had a provision that continues the A-76 moratorium.

In May 2023, NSPS Executive Director Tim Burch attended a policy roundtable in Washington, DC hosted by the Business Coalition for Fair Competition (BCFC), of which NSPS is a member. The coalition was briefed by

Representative Jodey Arrington (R-TX), chairman of the House Budget Committee on the debt limit negotiations, as well as oversight of Federal agencies activities that duplicate and compete with the private sector. NSPS Government Affairs Consultant John Palatiello and Federal Lobbyist John “JB” Byrd also attended. All three also attended a similar roundtable with Rep. Ben Cline (R-VA), a member of the Budget and Appropriations Committees, and chair of the budget task force of the Republican Study Committee (RSC). A “Yellow Pages Test” provision was included in the proposed Federal budget released by Rep. Cline and the RSC on March 20. Most recently on September 19, BCFC held another policy roundtable with Rep. Andy Ogles (R-TN) given his introduction of a House Resolution to create a Congressional committee to eliminate non-essential Federal expenditures with language containing the “yellow pages test” to address Federal activities that duplicate or compete with private enterprise.