



July 14, 2010

The Honorable Rick Boucher, Chairman
Subcommittee on Communications, Technology and the Internet
House Committee on Energy and Commerce
2187 Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

MAPP'S (www.mapps.org) is the only national association exclusively comprised of private sector firms in the remote sensing, spatial data and geographic information systems field in the United States. Current MAPP'S memberships span the entire spectrum of the geospatial community, including Member Firms engaged in satellite and airborne remote sensing, surveying, photogrammetry, aerial photography, LIDAR, hydrography, bathymetry, charting, aerial and satellite image processing, GPS, and GIS data collection and conversion services. MAPP'S also includes Associate Member Firms, which are companies that provide hardware, software, products and services to the geospatial profession in the United States and other firms from around the world.

We appreciate this opportunity to comment on your draft bill “to require notice to and consent of an individual prior to the collection and disclosure of certain personal information relating to that individual”.

MAPP'S respectfully requests certain clarification and definitions in your draft bill. Specifically, we are concerned that the draft legislation imprecisely uses the term “precise geolocation information” in a way that would adversely impact consumers, geospatial firms, and government programs. We are particularly concerned that this term is not defined in the bill.

As you may know, the geospatial community is one of the fastest growing in the marketplace. It has been identified by the U.S. Department of Labor as one of the “high growth” sectors of the U.S. workforce. We are concerned that an unintended consequence of this bill will be stymieing of the economic growth, job creation, and the introduction of new consumer products that geospatial technologies enable.

The use of the term “geolocation” in the current draft could impose a significant new liability on our members. Also, it could thwart some common, legitimate, and emerging uses of geospatial data for emergency response/post disaster remediation, insurance, environmental protection, E-911 & ambulance services, broadband mapping, home security, mortgage foreclosure monitoring/early warning system, and others. Moreover, activities, technologies, and applications development of 9th District constituents, such as Tuck Mapping Solutions, Inc. in Big Stone Gap, VA, could be deemed illegal, be impractical to obtain prior consent from individual citizens, or prevent data such as satellite imagery, aerial photography, or parcel, address, or transportation data from being used by our member firms’ clients for value-added, integration or application activities.

Finally, the bill could put U.S. companies at a significant and insurmountable competitive disadvantage against foreign firms that may not be covered by the bill, or for which enforcement would be impractical.

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Among the modifications we recommend are:

- While the bill currently exempts government agencies, such exemption should be extended to private sector firms working as contractors for government agencies or collecting data for sale to government agencies or collect and used for compliance with any government mandate, regulatory requirement, or necessary to obtain a governmental permit, license or approval;
- The bill should exempt any individual or firm that is specifically licensed by a government agency to be engaged in a geospatial or geolocation line of business. As you may know, many States define a number of geospatial or geolocation activities as the practice of professional surveying, which is a profession already regulated and licensed by the government – State licensing boards. Moreover, commercial satellite remote sensing firms are licensed to operate by the Federal Government. Therefore, there are already statutory standards for such individuals and firms, and the public health, welfare and safety, as well as national interests are already protected by a governmental authority. Further regulation is unnecessary, and would create conflict and confusion among such regulatory schemes, and
- Define “precise geolocation information”. The word "precise" may be misleading and if left undefined, wreak havoc in the geospatial community. The term should be defined to accomplish the actual goals of the legislation, and not result in unintended consequences, thwart legitimate and desired business activities, or deny consumers the products, technologies and services they are demanding in the marketplace. On one hand, the term could mean actual street/house address or on the other hand, the actual location of the individual at any given time, i.e. location provided by cell phone triangulation or some other method. If the geolocation refers to a person's name and address being private, then it is inconsistent with virtually every “open records” law in the United States, and could potentially shut down the nation’s commercial aerial and remote sensing satellite market and prevent our member firms from collecting, hosting or distributing ownership information.

Getting the prior or subsequent approval of each citizen, whose property information or location is collected through aerial or satellite imaging, is impractical to a point of being impossible. We believe this is not the intent of the draft legislation, therefore we strongly and respectfully urge these modifications.

We look forward to working with you to provide the necessary and desirable privacy protections to individual citizens, while permitting the geospatial community to grow, prosper, and bring to the market those technologies and applications that meet the economic demands of consumers and citizens. If you have any questions, or if we can be of any assistance, please do not hesitate to contact John “JB” Byrd, MAPPS Government Affairs Manager.

Sincerely,



John M. Palatiello
Executive Director