

NSPS Government Affairs Update October 2018 – College Park, Maryland

John M. Palatiello & Associates, Inc.

John M. Palatiello & Associates, Inc. (JMP&A), the government relations and association management firm that provides federal lobbying services to NSPS, has announced a merger with Miller/Wenhold Capitol Strategies (MW), effective October 1, 2018. JMP&A will be a wholly owned subsidiary of MW and the merged firm will occupy offices at 10340 Democracy Lane, Suite 300, Fairfax, VA 22030. The combined firms will expand their capacity and capability to support clients with professional services in Federal and state lobbying, trade and professional association management, advocacy, grass roots and grass tops campaigns, strategic planning, management and marketing consulting, and event management. A staff of eight full time professionals and additional independent consultants provide full service public affairs competence and proficiency to large and small businesses, trade and professional associations, nonprofit organizations, and advocacy groups.

NSPS 'Day on the Hill' Wrap-up

The voice of the surveying profession was heard loud and clear in Congress on April, as NSPS members visited with members of their Congressional delegations as part of the NSPS Day on the Hill. More than 40 NSPS members from 30 states visited more than 150 members of the U.S. Senate and House of Representatives to discuss three issues (Geospatial Data Act, Infrastructure, and Private Sector Utilization).

3DEP

NSPS has endorsed the USGS 3DEP program to provide a consistent elevation data, primarily through LiDAR collection, for the United States, and has been a leader in efforts to assure the program is fully funded. Efforts are underway to also include provisions as part of both the FEMA/NFIP Flood Map Reform bill, Infrastructure, and the Farm Bill. NSPS has met with key members of Congress to advocate for fully funding USGS at \$146 million per year through the Appropriations process. NSPS has also organized and mobilized other organizations that support 3DEP, such as the National Association of Realtors, who made a similar request of Congress.

NSPS Federal Lobbyist John "JB" Byrd in September attended the USGS Coalition reception on Capitol Hill. Attendees included USGS Director Dr. Jim Reilly and Tim Petty, the Department of the Interior Assistant Secretary for Water and Science. The coalition presented Congressional Leadership awards to Reps. Doug Lamborn (R-CO) and Vicente Gonzalez (D-TX). Gonzalez was recognized for cosponsoring, in bipartisan coordination with lead sponsor Rep. Alex Mooney (R-WV), H.R. 4905, the Improvement of Mapping, Addresses, Geography, Elevations, and Structures (IMAGES) Act of 2018. NSPS nominated this bipartisan legislation for consideration by the 85 organizations within the USGS Coalition, and this was a victory in helping our coalition partners to recognize the impact the IMAGES Act will have for the National Flood Insurance Program (NFIP) risk map reform as well as for the USGS 3D Elevation Program and USGS stream gage and streamflow priorities as found in the bill. Lamborn has also been a champion of 3DEP and geospatial reform, including the Map It Once, Use It Many Times Act (H.R. 1604, last introduced in Congress in 2013).

A delegation of stakeholder groups supporting the USGS 3DEP program, led by NSPS, met with the Office of Management and Budget in August to promote multi-agency funding of national LiDAR data. The group, which included the American Society of Civil Engineers (ASCE), National Association of Realtors, and others, promoted 3DEP to support infrastructure, as well as the National Flood Insurance Program (NFIP) operated by the Federal Emergency Management Agency (FEMA). More than 50 percent of the land area of the United States is now covered by 3DEP. The group discussed strategies to complete coverage, as well as update the data acquisition on a sustained cycle.

This coalition, managed by NSPS lobbyists John M. Palatiello & Associates, Inc., also met February 15 at the Capitol Hill offices of the National Association of Realtors to plot strategy for securing funding for the USGS LiDAR data elevation initiative. Representatives of a broad cross section of stakeholders, including groups from surveying, mapping and geospatial; real estate; home building; flood management; science; mining; insurance, agriculture and infrastructure met to plan activities seeking an increase in appropriations from Congress for the program, authorization legislation tied to major applications, and state legislation. The group received a briefing by USGS and the office of the Secretary of the Interior on the current status of the program, applications, and the funding request in President Trump's proposed fiscal year 2019 budget.

NSPS Executive Director Curtis Sumner joined representatives of 23 organizations who cosigned a June letter in support of the 3D Elevation Program (3DEP) to newly confirmed USGS Director Dr. James Reilly. The letter, organized by NSPS government affairs consultants, John M. Palatiello & Associates, Inc., was cosigned by a broad cross section of stakeholder groups from surveying, mapping and geospatial; engineering; real estate; emergency response; telecommunications; flood management; science; mining; insurance; and agriculture and infrastructure. The letter stated,

"As you begin your stewardship over the Survey's wide variety of programs, we ask that you prioritize 3DEP and work with the diverse community of stakeholders which partner with the USGS leadership on this nationwide program that continues to gain traction, not only in Congress, but within the Department of the Interior at large, as well as other Federal, state and local government agencies and the private sector."

The Professional Land Surveyors of Oregon (PLSO) in June hosted an on-site exhibition of LiDAR and 3DEP with U.S. Representative Kurt Schrader (D-OR), a member of the powerful House Committee on Energy and Commerce. The event featured field demonstrations and a detailed video showing the integration of video images and collected data to create a 3D map. PLSO President Pat Gaylord and other members discussed the importance of surveying and geospatial data to infrastructure projects and Rep. Schrader's support for such a NSPS-led provision in upcoming legislation. The meeting, held in Oregon during Congress' recess for Memorial Day, was initiated by PLSO members who visited Rep. Schrader during the NSPS Day on the Hill in Washington, DC in April.

Secretary of the Interior Ryan Zinke testified before the Senate Committee on Energy and Natural Resources. In his written testimony, Zinke promoted the U.S. Geological Survey budget for fiscal year 2019, stating, "The budget provides for continued collection of high-resolution elevation and hydrography data for the Nation, including modernizing maps for Alaska and complete national lidar coverage by 2033."

In June 2017, Sen. Lisa Murkowski (R-AK) introduced 3DEP authorization language in Section 10104 of S. 1460, the "Energy and Natural Resources Act of 2017". Sen. Maria Cantwell (D-WA) has introduced [S. 698](#), the "National Landslide Preparedness Act" now with 4 cosponsors, and a hearing is expected soon in the Senate Commerce Committee. Companion legislation in the House, [H.R. 1675](#), was introduced by Rep. Susan DelBene (D-WA) now with 11 cosponsors and was subject to a legislative hearing in November 2017 in the House Committee on Natural Resources, and then reported favorably out of Committee in December.

Appropriations (Continuing Resolution, CR) Funding the Government Through December 7, 2018

On September 28, the President signed into law (P.L. 115-245), a continuing resolution funding the Federal Government through December 7.

Aviation Bill including UAS Policy

On October 5, 2018, the President's signed into law H.R. 302, a five-year FAA reauthorization. Regarding drone policy, P.L. 115-254 contains Subtitle B and the following provisions relevant to the surveying profession:

- Section 341 covers the integration of civil unmanned aircraft systems into national airspace system.
- Section 342 provides an update of the FAA comprehensive plan.
- Section 345 aligns small unmanned aircraft safety standards.
- Section 350 outlines the use of unmanned aircraft systems at institutions of higher education.
- Section 351 provides for the unmanned aircraft systems integration pilot program.
- Section 352 enhances Part 107 transparency and technology improvements.
- Sections 357 and 358 focus on unmanned aircraft systems privacy policy.
- Section 371 provides for an assessment of aircraft registration for small unmanned aircraft.
- Section 379 improves the online waiver and COA process for commercial and governmental operators.

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

In January 2017, H.R. 679, the "Construction Consensus Procurement Improvement Act of 2017" was introduced by Rep. Mark Meadows (R-NC), and favorably reported out of the House Committee on Oversight and Government Reform. This legislation would limit the use of one-step design-build and reverse auctions in federal procurement of design and construction services. A companion bill, S. 2311, introduced by Sens. Rob Portman (R-OH) and Mazie Hirono (D-HI) was reported favorably out of the respective Senate Committee in February 2018.

The Council on Federal Procurement of Architectural and Engineering Services (COFPAES), a coalition of design societies, has convinced the U.S. Army in August to withdraw a proposed reverse auction for professional surveying services by Joint Base Lewis McChord in Washington State for the location, road centerline and right of way of a road near Yakima, Washington. A reverse auction violates Federal law (the "Brooks Act," 40 U.S.C. 1101) and the Federal Acquisition Regulation (FAR part 36.6), COFPAES noted in a letter to the contracting office. NSPS is a member of COFPAES, which acts as a watchdog on qualifications based selection (QBS) compliance. NSPS and COFPAES support legislation in Congress, H.R. 679 and S. 2113, the Construction Consensus Procurement Improvement Act. Both bills include a provision to clarify the prohibition on the use of a reverse auction for the award of a contract for design and construction services, and are pending before each body after having been approved in their respective committees.

NSPS and COFPAES have filed comments and questions with GSA and NGA on the CIBORG IT Schedule 70 proposal. GSA's responses were inadequate. In September 2017, NSPS Executive Director Curt Sumner, Government Affairs Consultant John Palatiello, and Federal Lobbyist John "JB" Byrd met with the Judith Zawatsky, the Chief of Staff for the Federal Acquisition Service (FAS) office of the General Services Agency (GSA) to work to address the inherent conflict GSA is promoting through the use of the GSA schedules, such as CIBORG, in that QBS related services are listed on these price schedules. Ms. Zawatsky agreed to review this policy and then communicate back to NSPS and COFPAES after a policy review is complete.

As an additional threat to QBS, NSPS has been alerted through COFPAES regarding the Section 809 Panel that was directed by Congress in the FY2016 National Defense Authorization Act to look at ways to make DoD procurement faster. NSPS believes this panel is getting out of control. It is now looking at government-wide procurement reform (not just DoD) and there are members of the panel who want to attack or even repeal QBS. This is coming from concerns regarding the speed and efficiency of the QBS process. One section 809 panel member recently said Federal procurement needs to be made faster, by stripping out anything and everything that prevents quick purchases of everything like it is a commodity. In January 2018, the Section 809 Panel released its [Volume 1 Report](#), which includes recommendations on a number of topics, such as commercial buying, contract compliance and audit, defense business systems, and small business contracting. COFPAES monitored the panel's deliberations to assure there was no threat to or discussion of the Brooks Act, QBS, architecture-engineering and related services (including surveying and mapping), as had been rumored. The only reference to A&E services in the report is in a table showing small business awards by business category. The Panel's Volume 2 and 3 Reports will soon be released, respectively.

COFPAES is also working with the Office of Federal Procurement Policy, having met in November 2017 with Acting OFPP Administrator Leslie Field, and on May 3, 2018 with OFPP and FGSA officials, on reforms to address the fact that it now takes federal agencies as long as 2 years to complete a QBS award on a multiple award, ID/IQ contract.

Davis-Bacon

This issue has been brought to the attention of the Trump transition team and current staff at the Department of Labor. In October 2017, NSPS Executive Director Curtis Sumner and Government Affairs Consultants John Palatiello and John "JB" Byrd met with 9 DOL officials to discuss the need to rescind AAM 212. Keith Sonderling, the first political appointee at the Wage and Hour Division of DOL, attended, and NSPS is optimistic that AAM 212 will be repealed. The SBA Office of Advocacy has also weighed in recently with a letter calling for the repeal of AAM 212. Also in October 2017, a coalition of policy groups and think tanks wrote the Secretary asking for repeal of AAM 212, and then on January 26, 2018, a coalition of trade associations and professional societies, including NSPS, cosigned another similar letter to the Secretary urging for repeal of AAM 212. Several NSPS members attended various regional meetings hosted by the Small Business Administration (SBA) office of Chief Counsel for Advocacy, raising this issue. That resulted in a SBA letter to Labor Secretary Acosta last October, urging repeal of AAM 212.

Digital Coast, NOAA Ocean & Coastal Mapping

In May 2017, the Digital Coast Act of 2017, S. 110, passed the Senate by unanimous consent. The House companion bill, H.R. 4062 was introduced in October 2017 by Reps. C.A. "Dutch" Ruppertsberger (D-MD) and Rep. Don Young (R-AK), and now with 18 bipartisan cosponsors. In September 2017, NSPS Government Affairs Consultants John Palatiello and John "JB" Byrd were among those who attended a standing room briefing, co-hosted by Reps. Ruppertsberger and Young, as Congressional staff and stakeholders gathered in the U.S. Capitol for a briefing on the benefits of the NOAA Digital Coast project. The session featured the project's applications to coastal resilience and economic development, as well as to disaster preparedness, such as the recent hurricanes.

NSPS Government Affairs Consultant John Palatiello provided remarks in May at an event on Capitol Hill in support of NOAA's Digital Coast.

The Senate Commerce, Science and Transportation Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard held a hearing this week on "A Decade of the Digital Coast Partnership Program: Successes and Opportunities." The hearing examined how partners and stakeholders contribute to and use the Digital Coast, a NOAA-sponsored partnership focused on helping communities address coastal management issues through geospatial data, tools, and training. The Senate has already passed the Senate version of the Digital Coast Act, S. 110. The House companion bill, H.R. 4062, is pending before the Committee on Natural Resources.

Farm Bill

Congress quietly allowed the current farm law to expire in late September despite House Republicans' hopes they would come to a consensus and pass a reauthorization ahead of the September 30 deadline. The expiration was blamed on discrepancies between the House and Senate, as well as the parties over key provisions, including most prominently a House provision to attach work requirements to the food stamp benefits in the Supplemental Nutrition Assistance Program (SNAP). While there was talk of a short-term extension, a stop-gap measure ultimately was not brought to the House floor before the November 6 midterm elections. A number of top negotiators have argued Congress' real deadline is not until December as the majority of baseline programs remain funded until later this year.

NSPS scored a legislative victory in July when the U.S. House of Representatives passed H.R. 4881, the Precision Agriculture Connectivity Act, to reduce barriers to the implementation of cutting-edge technology on America's farms. The legislation, authored by Congressmen Bob Latta (R-OH) and Dave Loebsack (D-IA), establishes a Federal Communications Commission (FCC) task force, in collaboration with the U.S. Department of Agriculture (USDA), to evaluate the best ways to meet the broadband connectivity and technological needs of precision agriculture. Latta and Loebsack are both co-chairs of the House Rural Broadband Caucus. NSPS worked closely with Rep. Latta to add an individual with expertise in "geospatial analysis" to the task force. The Task Force must be comprised of farmers and ranchers, Internet service providers, broadband mapping experts, and representatives from the satellite industry, electric cooperatives, precision agriculture equipment manufacturers, and local and state government representatives. The duties of the Task Force include: 1) Identifying and measuring current gaps in broadband coverage on agricultural land; 2) Developing policy recommendations to promote the rapid, expanded deployment of broadband Internet access service on agricultural land, with a goal of achieving reliable service on 95 percent of agricultural land by 2025; 3) Recommending steps the FCC should take to obtain reliable and standardized measurements of broadband Internet access service availability as may be necessary to target funding support to unserved agricultural land in need of broadband Internet access service; and 4) Recommending steps the FCC should consider to ensure that the expertise of USDA and available farm data are reflected in developing future programs of the Commission to deploy broadband Internet access service and to direct available funding to unserved agricultural land where needed. The bill's lead sponsor, Rep. Bob Latta (R-OH) included a provision that can include geospatial involvement in the task force:

"representatives with relevant expertise in broadband network data collection, geospatial analysis, and coverage mapping;..."

Federal Prison Industries (FPI) Reform

The U.S. House voted 360-59 in May to pass the FIRST STEP Act, H.R. 5682, a prison reform bill that includes Section 406, to expand the authority of Federal Prison Industries (FPI) to take away work from the private sector, including small business. The provision allows FPI to expand its product offering to public entities for use in penal or correctional institutions; public entities for use in disaster relief or emergency response; and the government of the District of Columbia. The Business Coalition for Fair Competition (BCFC), of which NSPS is a member, opposed FPI expansion into these new markets and is seeking to strike section 406 from the bill, or replace it with a provision calling for a study of FPI. Prospects for the bill in the U.S. Senate are not favorable.

FLAIR Act

In May 2017, NSPS Government Affairs Consultant John Palatiello testified before Congress on H.R. 2199, the "Federal Land Asset Inventory Reform (FLAIR) Act of 2017" introduced by Reps. Kevin Cramer (R-ND) and Ron Kind (D-WI) in April 2017. The bill was approved by the House Natural Resources Committee by a unanimous vote in July 2017 and the Committee report has been filed, [H. Rept. 115-322](#). In June 2017, Sen. Lisa Murkowski (R-AK) reintroduced the Senate

version of the bill, which is a modified version of the House bill and found in Section 6101 of S. 1460, the “Energy and Natural Resources Act of 2017”.

In June, the House Appropriations Subcommittee on Financial Services and General Government has approved a fiscal year 2019 funding bill that includes language strengthening the call for a current, accurate land inventory in the General Services Administration database, known as the Federal Real Property Profile (FRPP). NSPS worked closely with Representative Kevin Yoder (R-KS) to include the following language in the Committee's Report:

"Federal Real Property Profile. The Committee understands that the GSA Federal Real Property Profile (FRPP) has been making progress on the use of geospatial technology and the transparency of the data. However, the Committee is aware of the problem in gathering Federal real property data created by the exemption language for Federal lands found in Executive Order 13227. This exemption denies GSA the ability of collecting meaningful data from large landholding agencies within the Department of the Interior and the Department of Agriculture. The Committee is also aware that Section 7 of the Executive Order provides flexibility for the Interior and Agriculture Departments to still contribute their data into the FRPP. The Committee expects GSA to increase the transparency, accuracy and accountability with both of these Departments given the expansive amount of data which could be added to the FRPP."

Rep. Yoder spoke to the NSPS Board of Directors at its fall meeting in Overland Park, KS in 2014.

Geospatial Governance and Coordination

Jointly introduced in May 2017 by Sens. Orrin Hatch (R-UT), Mark Warner (D-VA), Dean Heller (R-NV) and Ron Wyden (D-OR), [S. 1253](#), the "Geospatial Data Act (GDA) of 2017" was a bill to improve the coordination and use of geospatial data. NSPS successfully advocated reforms which were included: 1) FGDC becomes housed in the Office of Management and Budget, not the Department of the Interior; 2) outlines, by law, a role for the private sector; 3) clarifies, broadens and codifies application of the Brooks Act; and 4) establishes the primacy of state surveying licensing law. In July 2017, Reps. Bruce Westerman (R-AR) and Seth Moulton (D-MA) introduced H.R. 3522 which is companion legislation to S. 1253. NSPS was listed in the news release as a supporter of the House bill.

Sections 11 and 12 were strongly opposed by GIS organizations as it has been claimed that geospatial services are part of information technology (IT), not the field of architecture and engineering (AE). However, surveying and mapping, and now “geospatial” activities have long been considered part of the broad field of architecture and engineering, not only in procurement, but employment and other government categorization, including the North American Industrial Classification System (NAICS).

In November 2017, the revised Geospatial Data Act (S. 2128/H.R. 4395) was introduced by the same Congressional chief sponsors, with the main difference in the bills being removal of Sections 11 and 12.

NSPS and ASCE, as well as MAPPs, issued separate statements in support of S. 1253 and H.R. 3522. In February and September, John Palatiello and John "JB" Byrd met with Senate Commerce Committee staff on a way to move forward on the issues as there is clearly no peace in the valley on this legislation. NSPS has also met with many personal office staff of the House Science Committee and the Senate Commerce Committee to explain the GDA and why Sections 11 and 12 are vital to professional surveyors. During August, John "JB" Byrd and allied staff of ASCE visited over 50 Senate offices to educate staff on the importance of Sections 11 and 12. In September, staff of Sen. Hatch engaged in negotiations with John Palatiello in person as well as phone communications in order to get NSPS to support the bill. Numerous substantial policy provisions were added at the request of NSPS. While not a perfect bill, Sen. Hatch and NSPS were able to arrive at a point each was satisfied that the original goals of the bill could be advanced, although the impact may not be felt overnight.

In a major victory for NSPS, as a result of NSPS dropping its opposition, and helping to author and advance with a 3rd version of the bill this Congress, the bill passed Congress and President Trump signed it into law earlier this month as part of the Federal Aviation Administration (FAA) reauthorization bill that includes numerous unrelated provisions, such as the Geospatial Data Act. H.R. 302 the FAA Reauthorization Act of 2018, as enacted, includes compromise language NSPS negotiated with Congress to preserve the primacy of state licensing laws, utilization of the private sector, best practices (such as QBS), among other NSPS-negotiated provisions.

Government Reorganization

NSPS participated in a June 2017 policy roundtable hosted by OMB at the White House regarding President Trump's Executive Order to reorganize the Federal Government, and submitted numerous recommendations impacting geospatial programs and activities. The Trump Administration in June released its long awaited plan to reorganize the Executive Branch of the Federal government, as set in motion by the March 2017 Executive Order. The White House Fact Sheet generalizes the major reforms. None of the NSPS requested reforms, such a consolidation of surveying and mapping activities, was included. Among the Trump proposals is the merger of the Departments of Education and Labor into a single Cabinet agency, the Department of Education and the Workforce, and move the civil works branch of the U.S. Army Corps of Engineers (USACE) from the Department of Defense (DOD), with navigation activities proposed to go to the Department of Transportation (DOT) and environmental functions going to the Department of the Interior (DOI).

Hydrographic Services Improvement Act (HSIA)

A 2017 Government Accountability Office (GAO) report found that NOAA needs to improve efforts to track and report costs under its hydrographic survey program. GAO found that NOAA did not consistently provide complete or accurate cost data in its cost comparison reports from fiscal years 2006 through 2016. GAO added that NOAA has yet to develop a strategy to increase private sector involvement in the hydrographic survey program as required by law.

The U.S. House of Representatives in June passed H.R. 221, the Hydrographic Services Improvement Amendments (HSIA) Act by voice vote. The bill, sponsored by Rep. Don Young (R-AK), reauthorizes the HSIA Act of 1998 through FY 2022. Rep. Young stated,

"My legislation...will allow NOAA to conduct and contract for hydrographic surveys around the U.S. with specific focus on the Arctic. ...My state has more coastline than other state in the country and we don't know what's under the surface. ...While hydrographic surveys are a critical part of the maritime safety and environmental efforts nationwide, they're especially important in the Arctic...Alaskan waters are incredibly under surveyed."

In the House Committee's memo on this legislation, the bill reauthorizes appropriations for the Hydrographic Services Improvement Act of 1998 through 2023. Under this law, NOAA conducts and contracts for hydrographic surveys and other hydrographic services which are used to map our coastal areas and navigable waters. The bill also authorizes two hydrographic survey programs specifically focused on the Arctic. The Senate Commerce Committee marked up S. 171 in January 2017 and reported the bill out of Committee as amended. S. 171 is awaiting floor action.

Infrastructure

Infrastructure is critical to our nation's prosperity. In February, President Trump introduced a major infrastructure program of an estimated \$1.5 trillion for roads, bridges, airports, and other types of infrastructure. All of these projects require quality and accurate surveying and mapping data, products and services. In recognizing the importance of accurate geospatial data, Congress should include legislative language calling for surveying, mapping and geospatial data for the planning, design, construction, operation, and maintenance for all related infrastructure projects. Data needs include: Elevation; Boundary; Topo; Planimetrics; As-Builts; Asset Management; and others. NSPS is urging sponsorship of provisions enabling the utilization of surveying and mapping technologies and applications in infrastructure legislation in the 115th Congress.

House Transportation and Infrastructure Committee Chairman Bill Shuster (R-PA) released in July a legislative discussion draft and a section-by-section analysis for an infrastructure package, full of new taxes, user fees, reauthorizations of road and water funding mechanisms, and creating pilot programs for raising or spending Federal dollars for infrastructure, designed to meet the challenges of a 21st century transportation system. Shuster said,

"This discussion draft does not represent a complete and final infrastructure bill. It is meant to reignite discussions amongst my colleagues, and I urge all Members to be open-minded and willing to work together in considering real solutions that will give America the modern day infrastructure it needs. ... Over the coming weeks and months, I look forward to additional input from my Republican and Democratic colleagues in order to prepare a bill for congressional consideration."

Congress and Administration could not reach agreement on a bill, particularly on ways to finance an infrastructure program. Rather, the 2018 Omnibus Appropriation, the FAA bill, and the American Water infrastructure Act, make up the investment in infrastructure, to be joined by a Highway bill that is scheduled to be reauthorized in the next Congress.

Licensing

President Donald Trump signed an executive order in July establishing the National Council for the American Worker and the American Workforce Policy Advisory Board. The council will work on a national campaign to promote investment in our nation's workforce by recommending:

"a specific course of action for increasing transparency related to education and job-training program options, including those offered at 4 year institutions and community colleges."

Additionally, Labor Secretary Alex Acosta recently wrote, "We must tear down unnecessary barriers to work ... Excessive licensing forces individuals, like barbers, teachers and nurses, who move from state to state, to give up their career or retake certifications and pay high fees to get back to work." Acosta called on states to reevaluate their approaches, "States should also evaluate their approach to licensing — if licenses are unnecessary, eliminate them; if they are necessary for health and safety, streamline them." However, the President has restored a commonsense approach to regulation, which should "focus on protecting health and safety," Secretary Acosta said.

The House Subcommittee on Higher Education and Workforce Development held a hearing in June on "Occupational Licensing: Reducing Barriers to Economic Mobility and Growth." The hearing explored the prevalence of occupational licensing, its effects on economic growth and upward mobility, and what is being done to address the issue within states and across state lines.

An excerpt from a recent article in the Albuquerque Journal states that, "Professionals in certain occupations could practice without a state license if they have consumer consent, under an executive order signed by Governor Susana Martinez ... " The Governor's Executive Order states that "boards" and "commissions" affected include the State Board of Licensure for Engineers and Professional Surveyors.

NSPS has tried to get the state societies to submit letters, white papers, testimony or other documents they have used to defend licensing of surveying in their state, be it in a sunset review of the licensing board, or for other reasons. We have not received any response. Given the momentum that the anti-licensing movement is gaining, it is important that NSPS produce a document that helps explain why licensing of surveyors should be exempt from effort, and why licensing of surveyors should continue. JMP&A has produced a first draft of such a white paper. JGAC is asked to add to this examples of the different kinds of services surveyors perform, wither it is for individual home and property owners, engineering projects, etc., and what the health, safety, and welfare implications are of poorly executed surveys. In other words, for each type of survey, what is the harm or injury that could be realized if the survey is poorly performed because licensure has been repealed or regulation too deeply removed.

A multistate drone services RFP was amended in June and the deadline for bids has been extended in response to objections submitted by joined NSPS, the Virginia Association of Surveyors (VAS), Maryland Society of Surveyors (MSS), North Carolina Society of Surveyors (NCSS), and several state licensing boards. The procurement solicitation by the Virginia Department of General Services (DGS) still includes services that fall within most state law definitions of the practice of surveying, but fails to require a licensed surveyor in responsible charge. It is also contrary to the professional services qualifications based selection (QBS) law in Virginia and other states. NSPS had filed an objection to a procurement solicitation by DGS that would include services that fall within most state law definitions of the practice of surveying, but fails to require a licensed surveyor in responsible charge. A Request for Proposal for Unmanned Aerial System Services issued by DGS on behalf of the ValuePoint Cooperative Purchasing Organization, LLC, a nonprofit subsidiary of National Association of State Purchasing Officials (NASPO). It asks for bids, including price, for a variety of services to be performed with an unmanned aircraft system (UAS or "drone"), including several surveying and mapping tasks, in Virginia and several other states, with an option for any state to participate. NSPS has joined with state surveying societies in Virginia and Maryland noting the solicitation does not include a requirement for a licensed professional surveyor, in violation of the law in many other states, as the services sought fall within most licensing law definitions of the practice of land surveying, and, as a professional service. NSPS also pointed out the RFP does not comply with the Virginia qualifications based selection (QBS) law, or similar "mini-Brooks Acts" in numerous other states. The NASPO

Cooperative facilitates administration of the cooperative group contracting consortium for the benefit of state departments, institutions, agencies, political subdivisions, and other eligible entities.

A recently published report by the Mercatus Center at George Mason University tracks trends in occupational licensing, finding that over the past six decades, the number of American workers who need a license for his or her job has expanded rapidly. In 1950, just 5 percent of all US workers needed a license to do their jobs. Today, one in four Americans is subject to occupational licensing. When federal licensing requirements are included, the number approaches 30 percent. The following five states had the biggest net increases in the breadth and burden of licensure: Maryland, Massachusetts, Alaska, New York, and West Virginia.

Moreover, earlier this month, URISA published a white paper "[Defining the Boundaries of Practice Between Surveyors and GIS Professionals - Background with Recommendations](#)" that seeks to delineate the differences between licensed surveying and non-licensed GIS practice. It was developed without consultation or input from NSPS. It is recommended that the JGAC establish a subcommittee to review this document, as well as the current NCEES Model Law definition of the practice of surveying, to assure that policies and state licensing laws properly describe current, state of the art surveying practice, applications and services that require performance by a licensed surveyor to protect public health, safety, and welfare.

LightSquared

In 2016, LightSquared has rebranded with a new name, Ligado Networks LLC. An independent technical review published in March 2018 found sufficient data in three government-conducted tests to assess the risk of using frequencies near the GPS band for a ground-based communications network — specifically, the one proposed by Ligado. The panel rejected two tests sponsored by Ligado, saying they did not meet minimum criteria for inclusion or use.

The testing and various hearings before the Federal Communications Commission (FCC) come in response to increasing demand for commercial spectrum to support broadband wireless communications. The FCC and other branches of U.S. government are giving serious consideration to repurposing various radio frequencies, including the satellite communications bands next to GPS, to accommodate this.

Ligado has petitioned the FCC to repurpose satellite frequencies near GPS to also support terrestrial telecom services, effectively transferring its license for space-based broadcasting to powerful terrestrially-based broadcast towers. Ligado's custom networks would provide services for industrial operations such as power grids and connectivity for drones and driverless cars, in addition to consumer broadband services.

The National Executive Committee of the government's National Coordination Office for Space-Based Positioning, Navigation, and Timing released the assessment by its National Space-Based PNT Systems Engineering Forum (NPEF) of testing methodologies used to analyze the impacts of adjacent band interference on GPS receivers. The assessment is also known as the "gap analysis."

The nation's leading GPS experts voted unanimously in August to oppose allowing Ligado Networks to use spectrum neighboring the GPS band for terrestrial communications. The National Space-Based Positioning, Navigation, and Timing Advisory Board urged opposition to the proposal saying that even if the transmissions' power was lowered to just under 10 watts it "will create totally unacceptable interference for a great number of GPS users in the United States."

National Flood Insurance Program (NFIP) & Flood Map Reforms

In July, Congress passed, and President Trump signed, a new law extending NFIP through November 30, giving Congress time to enact a long term extension and reforms. In 2017, the House passed NFIP legislation (H.R. 2874) including Section 305 that mandates that FEMA must consult with the DOD, USGS, and NOAA to obtain information relevant to flood insurance mapping, including topographic data. Despite being a step in the right direction, that bill did not provide for robust data collection efforts.

Several legislative proposals pending before the U.S Senate include provisions to improve the FEMA flood mapping program. An analysis of legislation in the Senate highlights mapping reforms proposed for the National flood Insurance Program (NFIP). Relevant legislation includes: Section 503 of S. 1313, introduced by Sen. Bill Cassidy (R-LA), would encourage the use of high-resolution mapping technology in the development of FIRMs; Section 204 of S. 1368,

introduced by Sen. Bob Menendez (D-NJ) would require FEMA to use the most up-to-date and high resolution mapping technology and require FEMA to develop a dynamic, database-derived digital display of structure-specific flood risk information, as recommended by TMAC, and issue guidelines for mass letters of map change for states and communities which incorporate such improved flood risk data; and Section 202 of S. 1571 would require FEMA to use the most up-to-date mapping technology and, in consultation with TMAC, to develop a dynamic, database-derived digital display environment of building-specific flood risk information to store and disseminate flood maps and hazard data.

In a major legislative accomplishment by NSPS in January, U.S. Representatives Alex Mooney (R-WV) and Vicente Gonzalez (D-TX) introduced their bipartisan bill to improve the flood mapping associated with the NFIP in FEMA. H.R. 4905, the 'Improvement of Mapping, Addresses, Geography, Elevations, and Structures (IMAGES) Act' reforms NFIP mapping by leveraging elevation data collected through FEMA's participation in the 3D Elevation Program (3DEP), and associated nationwide structure data, including parcel and address data, as well as strengthening streamflow data nationwide, all of which, among other reforms, will help improve the assignment and management of flood map risk within the NFIP. NSPS worked closely with Reps. Mooney and Gonzalez to identify several recommendations for surveying, mapping and geospatial reforms. The IMAGES Act helps NFIP flood risk management through FEMA's participation in the 3DEP program in USGS. With a return on investment (ROI) of 5:1, over 600 business uses and other public benefits in 3DEP, of which the top two are NFIP and Infrastructure, 3DEP is an example of a true public-private partnership that is reducing duplication, while leveraging existing Federal and state investments related to surveying and mapping enhanced elevation data nationwide primarily through the use of LiDAR technology. Congress passed the Biggert-Waters Act in 2012 and the Homeowner Flood Insurance Affordability Act in 2014 to begin NFIP reform. Further legislation is needed in the next reauthorization of NFIP to improve the surveying and mapping data necessary to provide more accuracy and solvency in the program and fairer premiums for homeowners.

In April, Rep. Rick Crawford (R-AR) introduced H.R. 5559, the "Scientific Flood Mapping Act of 2018" which expands the US Geological Survey's (USGS) mapping mission by transferring the Federal Emergency Management Agency (FEMA) flood risk mapping program in support of the National Flood Insurance Program (NFIP) to USGS. FEMA would still run the NFIP, but all flood mapping activities will be performed by the USGS, with its leadership, technical expertise, and contractors. Rep. Crawford hopes to have better mapping and accurate elevation data be the basis for future flood risk premiums and looks forward to working with NSPS to improve the bill. The bill associated with the proposed transfer, as introduced, also changes the composition of the Technical Mapping Advisory Council (TMAC), removing private sector members. NSPS is currently represented on the TMAC by Wendy Lathrop, whose term is coming to an end. NSPS has nominated Jim Nadeau to fill its private sector spot moving forward, and does not support the elimination of private sector members from the TMAC. NSPS members Jim Nadeau and Wendy Lathrop were joined by NSPS Executive Director Cutis Sumner, government affairs consultant John Palatiello and lobbyist John "JB" Byrd for a meeting in June with staff of Rep. Rick Crawford (R-AR) sought ways to improve the TMAC and NFIP, without eliminating the valuable input FEMA gets from professionals in the private sector from surveying, mapping, engineering and other technical and professional disciplines. NSPS is working with staff of Rep. Crawford on organizing a Congressional hearing later this year on NFIP and 3DEP. Rep. Crawford has already reached out to NSPS for advice in redrafting H.R. 5559 heading into next Congress.

PIPES Act and PHMSA Reauthorization

A report in August found that the safety of natural gas and hazardous liquid pipelines in the United States is regulated by the Pipeline and Hazardous Materials Safety Administration (PHMSA) within the Department of Transportation (DOT). For decades, Congress has reauthorized DOT's pipeline safety program in stand-alone legislation. In addition, Congress has used reauthorizations to impose on PHMSA various mandates regarding standards, studies, and other elements of pipeline safety regulation — usually in response to major pipeline accidents. PHMSA's current authorization expires at the end of fiscal year 2019.

Private Sector Utilization

In 2017, Rep. John J. "Jimmy" Duncan, Jr. (R-TN) and Sen. John Thune (R-SD) introduced the Freedom from Government Competition Act (FFGCA), legislation (H.R. 1339/S. 506) that would require federal agencies to rely on the private sector when providing goods and services that are commercially available. Thanks to NSPS member visits to the Hill in March 2017, the House bill now has 18 cosponsors and the House Committee on Oversight and Government Reform began work to amend the bill in March 2018, but has not yet approved the bill for full House consideration.

Railroad Reauthorization

Recent railroad accidents in highlight the need for Positive Train Control (PTC) systems, which utilize highly accurate geospatial data, such as GPS data, LIDAR data, high resolution digital imagery, survey data, and mobile mapping to delineate the location of rails, clearances and a detailed asset inventory, to assure safety, train separation or collision avoidance, speed enforcement, and for asset management. The Railroad Authorization was attached to the 2015 Highway Bill signed into law by President Obama included a three-year delay in the implementation of the PTC program for Class 1 railroads. NSPS is still working on the issue of survey monumentation upon railroad abandonment, but no legislative remedy has been identified. JGAC is asked to write a position paper explaining the problem and recommending a solution.

Subsidence & NSRS 2022

While considerable attention is paid to "sea level rise", there is little discussion of coastal and inland subsidence. If the former is addressed without taking into account the latter, the problem will not be solved. USGS did a special, local study in the Hampton Roads/Tidewater region of Virginia and concluded 50 percent of the change was subsidence. "Data indicate that land subsidence has been responsible for more than half the relative sea-level rise measured in the region." ([Land subsidence and relative sea-level rise in the southern Chesapeake Bay](#)) and nationally, "an area of more than 15,000 square miles in 45 States experience land subsidence." ([Land Subsidence in the United States](#)).

This presents an opportunity for NSPS. "The issue of subsidence and the impact on the integrity of published elements of the National Spatial Reference System - especially leveled bench mark heights in various areas of the country has been of significant concern at NGS for a very long time," according to Dave Doyle. "Any serious effort at either a national or coastal program would require significant focused leadership and collaboration from at least five federal agencies - NOAA (NGS & COOPS), USGS, USACE, NASA and FEMA. Additionally, it would also require close partnerships with numerous regional organizations, state and local governments. Such a program would require major funding to support hiring, training and travel for ... acquisition of high accuracy positioning ..."

It is recommended that JGAC explore a national subsidence data acquisition program and the feasibility and desirability of legislation to authorize and fund such a program.

It is also recommended that JGAC establish a NSRS 2022 Subcommittee to coordinate the advocacy and activities of state surveying societies in support for the NSRS model legislation. This will help facilitate activities of the state societies and assist with information and experience sharing, as well as the development of effective lobbying messaging. It is recommended that a member of each of the 50+ state societies who are responsible for their NSRS 2022 legislative and advocacy activities be on this subcommittee.

Trade

President Trump announced earlier this month a new U.S.-Mexico-Canada Agreement (USMCA), which replaces the North American Free Trade Agreement (NAFTA). In the U.S., the agreement must be ratified by Congress. Like NAFTA, USMCA has provisions on professional services, including licensing, and "specialty air services," which included aerial surveying, mapping, photography." These topics are covered chapter on Cross-Border Trade in Services. See page 15, professional services, including licensing, and page 3, which indicates specialty air services ("specialty air service means a specialized commercial operation using an aircraft whose primary purpose is not the transportation of goods or passengers, such as aerial fire-fighting, flight training, sightseeing, spraying, surveying, mapping, photography, parachute jumping, glider towing, and helicopter-lift for logging and construction, and other airborne agricultural, industrial and inspection services") are covered by this chapter.

WRDA

On October 10, the U.S. Senate approved House amendments to accompany S.3021, the American Water Infrastructure Act (formerly known as the Water Resources Development Act or WRDA), clearing the measure for President Trump's signature. AWIA, which funds projects by the U.S. Army Corps of Engineers, Bureau of Reclamation and other agencies), together with the Federal Aviation Authorization (FAA), and the FY 18 Omnibus Appropriations constitute the infrastructure program President Trump promoted in the 2016 campaign, along with a Highway bill that will be reauthorized in the next Congress, when the current law expires in 2020. This significant water policy bill includes a number of industry priorities on drinking water and other provisions impacting water infrastructure funding. America's Water Infrastructure Act, bill S. 3021, combines two versions of Water Resources Development Act (WRDA) legislation

developed earlier this year by the House and Senate, respectively, with a Safe Drinking Water Act (SDWA) reform bill approved last summer by the House Energy and Commerce Committee. S. 3021 is a bipartisan compromise that includes components of all three bills. In a victory for NSPS after working with Rep. Dan Lipinski (D-IL), Section 1107 directs the Corps to create a publicly available online database of all real estate assets in the United States that are owned, operated, managed, or in the custody of the Corps. Section 1118 directs the Corps to develop guidance for accepting and using any information gathered from a non-federal interest through the use of geomatic techniques. The bill now goes to the President to be signed into law.

White House Conference on Small Business (WHCSB)

NSPS Federal Lobbyist John "JB" Byrd is leading a coalition of trade associations and professional societies to have the next version of a White House Conference on Small Business (WHCSB) authorized either by legislation in Congress, or by Executive Order. The WHCSB was a series of three conferences that occurred in 1980, 1986, and 1995. A critical piece to the success of the WHCSB is the utilization of state conferences to ensure broad and equitable representation of the very diverse small-business community. Through the state conferences, which feed into the regional conferences and then into the national conference, small-business owners can develop, enhance and fully embrace the key issues facing small businesses nationwide. H.R. 6446, the "White House Conference on Small Business (WHCSB) Act of 2018," was introduced on July 19 by Reps. Rod Blum (R-IA), along with co-sponsors Stephanie Murphy (D-FL), and Al Lawson (D-FL), and referred to the House Committee on Small Business. H.R. 6446 authorizes a White House Conference on Small Business to gather entrepreneurs in small firms to develop a platform of issues for Congress and the executive branch of the federal government to address. The bill creates the state and regional conferences, leading to a national conference to later than December 1, 2019. NSPS has been a leading member of a coalition of over 50 small business organizations to advocate on behalf of the next WHCSB.

Workforce Development

In August, President Trump signed into law H.R.2353, the Strengthening Career and Technical Education (CTE) for the 21st Century Act. Public Law 115-224 amends and extends the Carl D. Perkins Career and Technical Education Act of 2006 through FY2023. Section 113 provides that the Department of Education shall carry out research, development, capacity building, and technical assistance with regard to career and technical education programs. Section 219 provides that the Government Accountability Office (GAO) shall evaluate strategies, components, policies, and practices used successfully by eligible agencies or eligible recipients receiving funding to assist all students in pursuing and completing programs of study aligned to high-skill, high-wage occupations, as well as any specific underrepresented subgroup of students.

In May, NSPS participated in a congressional roundtable on workforce development. As a member of NSPS, a member of the Board of Directors of the Maryland Society of Surveyors, and currently serving as Chairman of the Workforce Development Committee of MSS, Bryan Haynie represented NSPS during a Congressional roundtable on Workforce Development hosted by the Smart Cities Caucus, co-chaired by Reps. Yvette Clarke (D-NY) and Darrell Issa (R-CA). The Caucus serves as a bipartisan group of Members dedicated to bringing American communities into the 21st Century through innovation and technological change. The roundtable was moderated by Spencer Overton, President of the Joint Center for Political and Economic Studies.

NSPS is implementing a program, with its state affiliates, to develop high school programs in surveying and geospatial in Career and Technical Education (CTE) through the state CTE offices and local workforce boards.

As announced in News and Views, model letters for all NSPS state societies to send to their state's Career and Technical Education (CTE) office seeking to prioritize surveying and geospatial workforce development. Also, model letters for local chapters and individual surveyors to send to their local workforce development board were prepared. NSPS is currently encouraging its members to begin this grass roots lobbying and awareness campaign.

This initiative is designed to help attract the next generation of professional surveyors and technicians. That program begins with a letter-writing campaign by state surveying societies, as well as by local chapters and individual surveyors and firms.

On the NSPS website, a new page for workforce development has been created. On it are two sample letters to urge state and local workforce agencies to place a focus and emphasis on the surveying and geospatial workforce. The first is a

sample letter that every state surveying society is urged to use to send to its state Career and Technical Education (CTE) office. The second sample letter should be used by chapters of state affiliate societies, or individual surveyors and/or surveying firms, to send to their local workforce development board and office. Included on the top of the letter is a link to every local workforce board across the nation.

This is the first step in a NSPS effort to attract more individuals into a career in surveying. The Federal government provides more than \$2 billion to state and local government for workforce development and career and technical education through the Departments of Labor and Education. These letters are a way for state and local surveying organizations to tap into the benefits of those funds.

In 2016, NSPS Executive Director Curtis Sumner and NSPS Government Consultant John Palatiello met with officials of the U.S. Department of Labor to discuss the need for a surveying and geospatial workforce development initiative to attract younger and new workers into the profession.

Pursuant to a motion adopted by the NSPS Board in March, 2016, NSPS is to develop a national strategy for workforce development.