NSPS Government Affairs Update
April 2019 – Arlington, Virginia

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 2018. JMP&A is now a wholly owned subsidiary of MW and the merged firm occupies offices at 10340 Democracy Lane, Suite 300, Fairfax, VA 22030. The combined firms have expanded 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.

State Legislation

As a new service to its members and affiliate state societies, NSPS is implementing a program to track state legislation in every state legislature in the United States. Using an on-line technology known as GovHawk, NSPS's government affairs consultants, John M. Palatiello & Associates, Inc. will provide reports to NSPS and its state society member organizations on twice month basis when most of the state legislatures are in session, and monthly when activity slows down. The report will include a state-by-state summary of each bill, the sponsor, bill number, status, and a link to the text. The service will provide valuable information for the membership and individual state societies, either as a back-stop for those states that already use some service or have it provided by a lobbyist, or would be the only such service for those states that do not currently have a system for tracking their state legislature. This also provides members who are active in legislation in their states with valuable information on what is happening in other states which may plant seeds of legislative ideas and "cross-pollination" of good ideas to emulate in their own state, as well as tracking threats that may begin trending across several states. A report on state legislation will be provided separately.

Appropriations/CR/Shutdown

On February 15, President Trump signed H.J. Res. 31, the "Consolidated Appropriations Act, 2019" to keep the government funded until September 30, 2019.

Department of Agriculture

Farm Bill
The Agriculture Improvement Act of 2018 (Public Law 115-334) includes Section 12511 which authorizes a task force composed of not more than 15 voting members who shall be selected by the Chairman of the Commission, in consultation with the Secretary; and include representatives with relevant expertise in broadband network data collection, geospatial analysis, and coverage mapping. NSPS is calling this Task Force the "TMAC of Rural Broadband Infrastructure Deployment." While the FCC is the lead on creating the task force, it must collaborate with USDA. NSPS will author a joint letter requesting one member of NSPS be among the 15 task force members. NSPS worked closely with the bill sponsors to add an individual with expertise in "geospatial analysis" to the task force:

(1h) representatives with relevant expertise in broadband network data collection, geospatial analysis, and coverage mapping;

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. Billions of dollars are on the line from the FCC, RUS/USDA, NTIA/DOC on broadband mapping and location data for broadband infrastructure deployment.
Department of Commerce

BLUE GLOBE Act
The introduction of a Senate bill, S. 933, would advance data collection of the Great Lakes, oceans, bays, estuaries, and coasts. The Bolstering Long-Term Understanding and Exploration of the Great Lakes, Oceans, Bays, and Estuaries Act, or the BLUE GLOBE Act, would accelerate technology innovation, grow the marine workforce, and develop a better understanding of the blue economy. NSPS was first consulted about the drafting of the bill by staff of Sen. Sheldon Whitehouse (D-RI) last May. Section 14 of the BLUE GLOBE Act reauthorizes NOAA's Hydrographic Services Improvements Act (HSIA) through Fiscal Year 2024.

Coastal Communities Adaptation Act
On February 22, Rep. Harley Rouda (D-CA) introduced H.R. 1317, the Coastal Communities Adaptation Act. The bill seeks to improve the resilience of the built and natural environment to natural disasters and climate change using, among other measures, natural and nature-based features. It provides a competitive grant program in NOAA to advance coastal risk reduction and resilience measures. Included in the bill is a provision to require qualifications based selection (QBS) for grant recipients' contracting for program management, construction management, feasibility studies, preliminary engineering, design, engineering, surveying, mapping, or architectural related services. This is a provision COFPAES, of which NSPS is a member, has successfully added to other federal grant program legislation.

Digital Coast
Balancing economic development with ecological management requires accurate data and integrated information that enable coastal communities to address many coastal and emergency management issues. NOAA’s Digital Coast project is designed to meet this need. The Digital Coast is providing a constituent-driven, information resource that enables access to critical data, decision support tools, training, and best practices for integrating surveying and geospatial information in support of policy priorities. Legislation, known as the Digital Coast Act, is needed to authorize this project into an official program. Bipartisan legislation will soon be introduced in Congress similar to H.R. 4062/S. 110 from the 115th Congress which would authorize the Secretary of Commerce, through NOAA, to establish a constituent-driven program that collects priority coastal geospatial data and supports an information platform capable of efficiently integrating coastal data with decision support tools, training, and best practices to inform and improve local, State, regional, and Federal capacities to manage coastal regions. House and Senate offices are asked to cosponsor this legislation. Sens. Tammy Baldwin (D-WI), Lisa Murkowski (R-AK), Dan Sullivan (R-AK) and Maria Cantwell (D-WA) will introduce the Digital Coast Act of 2019 this week while Reps. Dutch Ruppersberger (D-MD) and Don Young (R-AK) will introduce the companion bill in the House.

HSIA
In December 2018, the Hydrographic Services Improvement Act (HSIA) was included as Section 1001 in S. 140, the Coast Guard Reauthorization bill and signed into Public Law 115-282, thereby authorizing the program from 2019 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 also calls for the Secretary of Commerce to develop a strategy for how NOAA will increase contracting with the private sector for hydrographic data collection, with the strategy to due to Congress within six (6) months of enactment of the bill.

IOCM
S. 914, the "Coordinated Ocean Observations and Research Act of 2019," was introduced by Sen. Roger Wicker (R-MS). The bill reauthorizes the Integrated Coastal and Ocean Observation System Act of 2009 and was reported favorably by the Senate Commerce Committee on April 3.
GeoEducation Bill
NSPS has been asked by Rep. Nydia Velazquez (D-NY) to assist with development of a bill focused on "GeoEducation." NSPS met her staff on January 28. NSPS and the Velazquez worked on a series of questions for the Congressional Research Service (CRS) to provide some background on and we hope to have a bill introduced in the near future.

Workforce Development
JMP&A has gathered information, provided to Curt Sumner, on Department of Defense activities to assist military personnel with their transition to civilian life and employment upon their discharge from military service. This includes numerous men and women who have surveying and mapping experience in the military that could be immediately employed in the firms of NSPS members. A presentation by an official with the Department of Defense regarding workforce development is scheduled for the afternoon of April 12. The Pentagon has a Transition to Veterans Program (DoDTAP) to assist military personnel with the transition from active duty to employment in civilian life where they can utilize skills gained while in the armed forces. The presentation will provide NSPS members information on hiring veterans with military surveying and mapping experience.

Department of Homeland Security

FEMA/NFIP Reform/IMAGES Act
In November 2018, NSPS joined 25 other organizations in cosigning a letter authored by the Flood Map Coalition which was sent to key contacts in both OMB and FEMA. The letter urged Mick Mulvaney, Director of the Office of Management and Budget (OMB), "to maintain appropriated funding of at least the FY 2018 level ($262.5 million) for FEMA's Flood Hazard Mapping and Risk Analysis Program." The letter went on to note that, "two million miles of the nation's most precious streams, rivers, and coastlines remain unmapped making it challenging to assess and manage flood risk in those areas." NSPS Federal Lobbyist John "JB" Byrd has attended three meetings, with the most recent being March 28, of the Flood Map Coalition since its re-launch in October. The NFIP authorization included a short term extension of the program through May 31, 2019.

The House Committee on Financial Services held a hearing last month on FEMA's National Flood Insurance Program (NFIP). Virtually every witness highlighted the importance of elevation data, collected through LiDAR to support accurate topography collected for FEMA. After the hearing, Rep. Vicente Gonzalez (D-TX) posted a news release touting his leadership in introducing the NSPS-supported IMAGES Act, H.R. 4905 in the 115th Congress, with a link to his questioning of the witnesses on how to improve the FEMA mapping, including an emphasis on the USGS 3D Elevation Program (3DEP). Gonzalez and Rep. Alex Mooney (R-WV) are expected to soon reintroduce their bill in the current session of Congress. NSPS is looking for a Senate sponsor for a companion bill this Congress. House offices are asked to cosponsor the IMAGES Act.

Crawford Bill
On February 27, Rep. Rick Crawford (R-AR) re-introduced the "Scientific Flood Mapping Act." H.R. 1402 would expand 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. In a victory for NSPS, the bill would not only keep the composition of the Technical Mapping Advisory Council (TMAC) intact, but would expand its membership. NSPS is currently represented on the TMAC by Jim Nadeau. NSPS members Jim Nadeau and Wendy Lathrop were joined by NSPS Executive Director Curtis Sumner, government affairs consultant John Palatiello and lobbyist John "JB" Byrd for a meeting in June 2018 with staff of Rep. Rick Crawford (R-AR) to seek 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.
Department of the Interior

3DEP
NSPS has endorsed the USGS 3DEP program to provide 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 at $146 million per year. Efforts are underway to also include provisions as part of both the FEMA/NFIP Flood Map Reform bill and Infrastructure Bill. 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. This 3DEP Coalition has seen the data acquisition for elevation increase from $20 million in 2013 to $120 million in 2018.

"Congress should appropriate funds for the 3DEP program at its optimal annual level of $146," NSPS Government Affairs Consultant John Palatiello said in February 26 testimony before the Appropriations Subcommittee on Interior, Environment and Related Agencies of the U.S. House of Representatives. Speaking on behalf of the 3DEP Coalition, comprised of representatives of over 45 organizations, including NSPS, from surveying, mapping and geospatial; real estate; home building; flood management; emergency response; environmental; science; mining; insurance; telecom; agriculture; and infrastructure, Palatiello urged full funding of the national LiDAR and IFSAR program that would enable the entire United States to be mapped with consistent elevation data with a 7-year repeat cycle. This coalition, managed by NSPS lobbyists John M. Palatiello & Associates, Inc., will meet May 1 at the Capitol Hill offices of the National Association of Realtors to plot strategy for securing funding for the USGS LiDAR data elevation initiative for FY2020.

3DEP will satisfy the growing demand for consistent, high-quality topographic data and a wide range of other three-dimensional representations of the Nation’s natural and constructed features. The USGS has identified more than 600 applications that would benefit from enhanced elevation data. Data procured from 3DEP can be applied to flood risk management; infrastructure; landslides and other hazards; water resources; aviation safety; telecommunications; homeland security; emergency response; precision agriculture; energy; pipeline safety; and other areas. 3DEP will promote economic growth, facilitate responsible environmental protection and resource development and management, assist with infrastructure improvement, and generally enhance the quality of life of all Americans. A House letter was delivered to the House Appropriations Committee requesting $146 Million for USGS 3DEP, cosigned by 38 Members of Congress. A Senate letter is being organized with the same request of Senate Appropriators. NSPS was one of 40 organizations making the same request of Congressional Appropriators for FY 2020. House offices are being asked to contact the House Appropriations Committee to request full funding at $146 Million for 3DEP. Senate offices are being asked to cosign a letter to the Senate Appropriations Committee to request full funding at $146 Million for 3DEP.

FLAIR
GAO reports highlight the lack of a current, accurate inventory of Federal Real Property. On the other hand, the Federal government funds a variety of single-purpose databases. Since 1980, the National Academy of Sciences (NAS) has been calling for the development of a multipurpose cadastre, or land registry. The FLAIR Act authorizes the Department of the Interior to develop and manage a single multipurpose, uniform Federal GIS database to track and account for all Federal Real Property, as called for by GAO and recommended by the National Academy. Rep. Ron Kind (D-WI) will soon introduce the House bill. Sens. Kevin Cramer (R-ND) and Martin Heinrich (D-NM) will soon introduce the Senate companion. House and Senate offices are asked to cosponsor this legislation modeled after H.R. 2199 in the 115th Congress.

Geospatial Governance -- COGO/FGDC/NGAC/GDA
On February 4, the Coalition of Geospatial Organizations (COGO) released a second Report Card on progress implementing a National Spatial Data Infrastructure (NSDI). This Report Card serves as a periodic assessment of the condition of the nation’s geospatial data infrastructure, which, like other forms of public works, is essential for our economy, health, safety, and activities of daily life. The new report includes more than 100 pages of evaluation from matter experts in the public and private sectors with knowledge in each of the eight national framework data themes: addresses, cadastres, elevation, geodetic controls, governmental units, hydrography, orthoimagery, and transportation. Each team assessed the developments and advances within their respective themes since the 2015 Report Card and engaged with the Federal Geographic Data Committee for guidance and feedback as they determined new individual scores. The full NSDI also received a grade of B-, reflecting some improvements over its 2015 grade of C. COGO’s first NSDI Report Card was a wake-up call for Congress to take action in this important area, and contributed in part to enactment of the Geospatial Data Act, Public Law 115-254 in 2018.
In December 2018, NSPS Federal Lobbyist John "JB" Byrd participated on a conference call held by the National Geospatial Advisory Committee (NGAC) which provides advice to the Federal Geographic Data Committee (FGDC). During the discussion of the Geospatial Data Act (GDA), it was noted that the bill amends the membership of the NGAC by adding a requirement that "licensed geospatial data acquisition professionals" be part of the membership. NSPS led the effort to add this NGAC criteria to the bill, citing the lack of adequate membership among geospatial data service and acquisition providers in recent years.

Hazards Legislation (Earthquake-Landslide-Sinkhole-Volcano)
H.R. 1296/S. 529, the "National Landslide Preparedness Act," contains sections authorizing 3DEP and subsidence activities in USGS. The Senate bill was reported favorably out of the Commerce Committee on April 3 but contains only a $20 Million authorization for 3DEP, which is a significant cut to the what is found in the President's FY2020 Budget for 3DEP, $36 Million.

H.R. 496, the "Sinkhole Mapping Act of 2019," was introduced on January 11 and referred to the House Committee on Natural Resources. The bill directs USGS to establish a program to map zones that are at greater risk of sinkhole formation.

Public Lands Bill
S. 47, the new comprehensive public lands bill, was enacted into Public Law 116-9 on March 12. Section 1120 includes the Red River gradient boundary survey. Section 1114 includes the use of mapping, spatial data and UAS operations as part of wildfire technology modernization.

Department of Transportation

Infrastructure
Infrastructure is critical to our nation’s prosperity. In February 2018, 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 116th Congress. Chairman DeFazio (D-OR) has reserved floor time in May 2019.

On February 6, NSPS joined a coalition of organizations in a letter "urging Congress to take up and pass a bipartisan infrastructure bill that will improve the safety, reliability and efficiency of our nation's infrastructure." The letter goes on to state that, "...we urge Republicans and Democrats to unite to develop and pass a bipartisan infrastructure bill that addresses these key priorities: Significantly increases direct federal investments in a broad range of infrastructure sectors" and "Encourages active participation among all levels of government and between public and private sectors without shifting federal responsibilities because no single partner can deliver a well-functioning, national U.S. infrastructure network driven by a long-term vision and funding stability."

Highway Bill
The highway bill will need to be reauthorized in 2020. Should the infrastructure bill not move on time, it is likely there will be a separate Highway bill.

Federal Communications Commission (FCC)

Broadband Deployment
Federal Communications Commission (FCC) Chairman Ajit Pai announced in December that the agency will investigate if carrier companies have submitted incorrect coverage maps or violated the rules of a rural broadband auction that would have distributed funds to build out service in underserved areas. The FCC reviewed internet speed test data required for participation in the Mobility Fund Phase II which will allocate as much as $4.53 billion over the next decade to improve internet service in rural areas. To participate, service providers must submit internet coverage maps of rural areas. If the
maps are not accurate, participation in the initiative could be jeopardized. A big part of the problem is that the FCC relies on telecommunications companies to report where they offer service, information the agency doesn't verify. JMP&A’s experience is a significant number of broadband maps produced under the Obama Administrations “stimulus” (ARRA) were by low bid, or by universities, rather than through QBS contracts with the private sector. NSPS should provide advice as to whether this fact should be reported to the FCC.

**Ligado/LightSquared**

In 2016, LightSquared has rebranded with a new name, Ligado Networks LLC. 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 nation's leading GPS experts voted unanimously in August 2018 to oppose allowing Ligado Networks to use spectrum neighboring the GPS band for terrestrial communications. The NationalSpace-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."

NSPS was able to convince COGO to author a December 2018 letter to oppose the Ligado application pending before the FCC. NSPS has been asked to submit a separate letter to the FCC requesting the rejection of the Ligado application. On March 18, NSPS Executive Director Curt Sumner urged the Federal Communications Commission (FCC) Chairman Ajit Pai to reject a spectrum application by Ligado Networks (formerly LightSquared). In the letter, Sumner explained, "surveying and mapping is essential to a variety of communications systems and networks, with utilization of the Global Positioning System (GPS) being an important tool in the performance of such professional services. I am writing to you to express our concern about the Ligado Networks proposals and the interference they would cause to GPS and GNSS data acquisition, processing, and use. Unbiased testing has repeatedly confirmed that such implementation would surely undermine many of the uses of that data which have come to be anticipated, even essential, among the public and within the geospatial profession that provides services to it. We take very seriously the role of our respective members in protecting the public’s interests from harm, and strongly urge the rejection of the Ligado Networks proposals which will undoubtedly cause such harm."

**Office of Management and Budget (OMB) & General Services Agency (GSA) & SBA**

**Brooks Act/COFPAES/CIPC**

Through the Construction Industry Procurement Coalition (CIPC), NSPS is working on introduction of a comprehensive construction procurement reform bill that will call for the prohibition of reverse auctions for A/E services, including for surveying and mapping. On March 28, NSPS Executive Director Curtis Sumner and NSPS Federal Lobbyist John "JB" Byrd participated in a coalition briefing co-hosted by the House Committee on Small Business. Sumner and JB discussed the importance of QBS contracting and the impact on small businesses.

The Council on Federal Procurement of Architectural and Engineering Services (COFPAES), a coalition of design societies, and NSPS had 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. In January 2019, the Section 809 Panel released its final volumes and report. There are tweaks to FAR Part 36, but no outright repeal of the Brooks Act for Defense acquisition. 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.

COFPAES is also working with the Office of Federal Procurement Policy, having met in November 2017 with Acting OFPP Administrator Leslie Field, in May 2018, and in December 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.