In January, NSPS Executive Director Curtis Sumner, Government Affairs Committee Chairman Pat Smith, Government Affairs Consultant John Palatiello, and Federal Lobbyist John "JB" Byrd met for a day-long planning session for a review and update of Federal legislative and policy issues, including a progress report on the items NSPS took to Capitol Hill in 2019 focusing on the USGS 3D Elevation Program (3DEP), NOAA's Digital Coast Act, the Federal Land Asset Inventory Reform (FLAIR) Act, and FEMA's National Flood Insurance Program (NFIP). The group also set the agenda for the 2020 NSPS Day on the Hill scheduled for April 1, 2020. They were: (1) surveying in the infrastructure/highway bill; (2) the impact on surveyors of limits on “geolocation data” in privacy legislation; and (3) separating surveying and other design professions that impact public health, safety, and welfare from other occupational licenses that have been the subject of de-licensing efforts. Given the logistical challenges concerning the Coronavirus pandemic, NSPS postponed the Day on the Hill. Due to the Pandemic throughout our country at this time, during a conference-call meeting of the NSPS Executive Committee this month a motion was approved to cancel all events related to the 2020 NSPS Spring business meetings and “Day on the Hill” activities scheduled for March 30-April 4 in Arlington, VA and Washington DC area. An alternative plan is being developed for “Day on the Hill” activities and will be sent out when finalized.

**Coronavirus and State Outreach**

A template letter, drafted by NSPS Government Affairs Consultants, John M. Palatiello & Associates, Inc., was circulated by NSPS to all state societies in an effort to keep surveying operations open, and exempt from any Governor’s orders related to the Coronavirus. Several state societies have sent a letter to their Governor to request the exemption. Surveying is limited or shut down in some states, while operations can continue in others. The Maryland Society of Surveyors (MSS) was pleased to announce that it was the first state to specifically achieve such a gubernatorial designation when its letter resulted in guidance released by its Governor, Lawrence Hogan, Jr. specifically clarifying that firms in surveying, engineering, architecture, and interior design may remain open, as they are deemed essential businesses related to federal critical infrastructure sectors. Some other states have since followed. Statements issued by NSPS in response to questions on this issue can be found on the NSPS website at www.nsps.us.com/page/COVID-19.

**NSPS Government Affairs Issues**

As a reminder, the NSPS Board previously approved Government Affairs Committee recommendations on the following issues.

- **Subsidence** - Create a task force to study and develop a legislative proposal on subsidence. There is already some legislation in Congress that begins to address subsidence (Sec. 4 of H.R.1261, the National Landslide Preparedness Act, provides, “As the Secretary determines to be appropriate and subject to appropriations, the Secretary, through existing programs, shall advance the identification, mapping, research, monitoring, restoration, and mitigation of subsidence and groundwater resource accounting, losses from subsidence, including saltwater intrusion, particularly in areas affected by drought and sea level rise.”) In December 2019, a delegation from NSPS visited USGS and NOAA personnel in Reston, Virginia, and several NSPS members also attended via conference call for a discussion on how the surveying profession could compliment satellite imagery in tracking uplift and subsidence in a new program USGS is calling the National Land-Level Change (NLLC) map. A follow-up meeting was held in January between NSPS Executive Director Curt Sumner and Federal Lobbyist John "JB" Byrd and USGS personnel in Washington, DC.

- **Occupational Licensing** – Create a task force to review and enhance on the draft white paper JMP&A produced. COFPAES drafted a "sense of the Congress" resolution on the importance of design professional licensing to
protecting public health, welfare, and safety. Beginning in January, JMP&A visited several Congressional staff to pursue lead sponsors for such a resolution, and hosted one conference call utilizing key NSPS members in Nevada. COFPAES member organizations are also supporting and participating in efforts to promote the resolution in Congress.

- URISA White Paper - Create a task force to review and draft a NSPS response to the URISA White Paper “Defining the Boundaries of Practice Between Surveyors and GIS Professionals”.

- NSRS 2022 - Form a working group of representatives of each state affiliate to share knowledge, information, and lobbying activities on state legislation to implement NSRS 2022.

**Appropriations/CR/Shutdown**

In December, 2019, President Trump signed two Omnibus Appropriations bills (H.R. 1865 & H.R. 1158) to keep Federal agencies and programs functioning through September 30, the end of FY 2020.

**Department of Commerce**

**Coastal Communities Adaptation Act**

In February 2019, 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**

In April 2019, bipartisan legislation, the “Digital Coast Act”, was introduced authorizing the Secretary of Commerce, through NOAA, to establish a 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. The Senate bill, S. 1069, was introduced by Sens. Tammy Baldwin (D-WI), Lisa Murkowski (R-AK), Dan Sullivan (R-AK) and Maria Cantwell (D-WA) while the House bill, H.R. 2189, was introduced by Reps. Dutch Ruppersberger (D-MD) and Don Young (R-AK). NSPS was quoted in the news release on the bill's introduction published by Sen. Baldwin. In September 18, H.R. 2189 was favorably reported by the House Committee on Natural Resources. In November, NSPS cosigned a coalition letter to the Senate Commerce Committee requesting a markup be scheduled for S. 1069. S. 1069 was approved by the Senate Commerce Committee on November 13. In December, H.R. 2189 was added to H.R. 729 which was then passed by the House by a recorded vote of 262-151. Senate action on either the House or Senate bill may occur in the 2nd quarter of 2020.

**IOMC**

In March, 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 in April 2019. In February, H.R. 1314, the “Integrated Coastal and Ocean Observation System Act Amendments of 2019” was introduced by Rep. Don Young (R-AK). In September, H.R. 1314 was reported favorably by the House Committee on Natural Resources.

**Department of Education**

**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 former staff in January 2019 and then her current staff in August 2019. NSPS and the Velazquez staff 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. NSPS is still in the process of corralling examples of state legislation that may be used as template language for a Federal version of the bill.

Department of Homeland Security/FEMA

FEMA/NFIP Reform/IMAGES Act
The recent FY2020 Appropriations action extended the NFIP until September 30, 2020. In December 2019, NSPS joined 14 other organizations in cosigning a letter authored by the Flood Map Coalition which was sent to key contacts in Congressional Appropriators. The letter urged the Senate Appropriations Committee to fund FEMA's flood map program at the FY 2019 level ($263 million) for FY 2020. The letter stated, "Investment in accurate flood maps is foundational to our nation’s efforts to reduce loss of life and property." The letter continued, "the flood mapping coalition urges support for the House bill’s figure of $263 million rather than the Senate bill’s figure of $148 million."

On February 27, Ryan R. Branfort, PLS, GISP, Senior Vice President with Wilson & Company, Inc., Engineers & Architects of Salina, KS, a member of NSPS, the Kansas Society of Land Surveyors (KSLS), and a former NSPS Governor representing KSLS, testified before a joint hearing of the Subcommittee on Environment and Subcommittee on Investigations and Oversight of the Committee on Science, Space, and Technology of the U.S. House of Representatives. The hearing covered the science and technology behind Federal flood maps in a changing climate. Ryan presented geospatial technologies, data, services, and applications to improve flood mapping.

In March 2019, the House Committee on Financial Services held a hearing 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). In June 2019, Reps. Gonzalez and Rep. Alex Mooney (R-WV) were successful in adding much of the IMAGES Act to H.R. 3167, the House NFIP Reauthorization bill. NSPS was quoted in the news release by Rep. Gonzalez's office. The Senate Banking Committee plans for a long-term authorization are muddled. The current major Senate bill, S. 2187, the National Flood Insurance Program Reauthorization and Reform Act of 2019, was introduced by Senator Robert Menendez (D-NJ). Section 208 of that bill authorizes funding for Light Detection and Ranging (LiDAR) technology for more accurate mapping of flood risk across the country, reducing confusion and generating better data.

In April of 2019, S. 1144, the Flood Insurance Rate Map Interagency Technology (FIRM IT) Act of 2019, was introduced in the U.S. Senate by Senator Marco Rubio (R-FL). A companion bill, H.R. 2318, was reintroduced in the U.S. House of Representatives by Representative Bill Posey (R-FL). This legislation would direct FEMA to consult with the Department of Defense, the U.S. Geological Survey, and the National Oceanic and Atmospheric Administration in order to obtain the most up-to-date information relevant to National Flood Insurance Program (NFIP) rate maps. This will allow policy holders who utilize NFIP to have the most accurate data for flood hazard identification. NSPS was quoted in the news release by Senator Rubio's office.

In 2019, NSPS member Jim Nadeau was appointed to the FEMA Technical Mapping Advisory Council (TMAC) for a three-year term. In July and in December, FEMA's TMAC met in Arlington, VA. During the July meeting, TMAC members conducted a final review and discussion of the TMAC 2018 Annual Report and voted to submit it to FEMA. The next TMAC meeting will be virtual on Tuesday, April 14, 2020, and Wednesday, April 15, 2020. The meeting will be open to the public via an Adobe Connect link and conference line.

Crawford Bill
In February 2019, Rep. Rick Crawford (R-AR) re-introduced the "Scientific Flood Mapping Act," H.R. 1402. It 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 Cutis Sumner, government affairs consultant John Palatiello and lobbyist John "JB" Byrd for a meeting in 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.

In February, NSPS Government Affairs Consultant John Palatiello presented testimony before a subcommittee of the House Appropriations Committee. The hearing focused on the USGS 3DEP program and the funding request for FY 2021. In his prepared remarks, Palatiello stated "Our request and recommendation to the Subcommittee is to appropriate funds for the 3DEP program at its optimal annual level of $146 million among all participating agencies." 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 8-year repeat cycle. This coalition, managed by John M. Palatiello & Associates, Inc., met in May 2019 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. Earlier this month, a House letter was delivered to the House Appropriations Committee requesting $146 Million for USGS 3DEP, cosigned by 36 Members of Congress. A Senate letter with the same request, cosigned by 13 Senators, was delivered to the Senate Appropriators. NSPS was one of 40 organizations making the same request of Congressional Appropriators for FY 2020. As a consequence of this unprecedented outreach, report language was included in 4 separate Appropriation Subcommittees in the House: Interior; Homeland Security; Agriculture; and Transportation.

Also, on February 20, 2020, 3DEP was featured during a Congressional briefing co-hosted by the House Manufacturing Caucus and sponsored by NSPS. This panel addressed how domestic manufacturing jobs can be supported by mapping efforts used by Federal agencies to locate critical minerals and materials. Critical minerals and materials are used for cell phones, computers, automobiles, airplanes, ships, and many other products that are critical to our economy and security. Unfortunately, the United States relies on other countries entirely for more than a dozen minerals that are vital to the national economy and security. Experts in manufacturing, geology, and mapping covered the manufacturing connection between the U.S. Geological Survey's Earth Mapping Resources Initiative (MRI), 3D Elevation Program (3DEP), and the Department of Energy's Critical Materials Institute (CMI). Curt Sumner attended, John Byrd was moderator and John Palatiello was a presenter.

In August 2019, an NSPS-led delegation of organizations supportive of 3DEP met with the new Office of Management and Budget (OMB) analyst responsible for preparing the annual USGS budget. NSPS Executive Director Curtis Sumner, NSPS Government Affairs Consultant John Palatiello, as well as NSPS Federal Lobbyist John "JB" Byrd joined their respective colleagues from the geospatial, real estate, energy, geology, and infrastructure advocacy organizations requesting that USGS be fully funded at $146 million in the President's FY2021 budget request to Congress.
With the two FY2020 "Minibuses" (H.R. 1158 & H.R. 1865) signed into law for FY 2020 appropriations, we are pleased to communicate that the U.S. Geological Survey’s 3D Elevation Program (3DEP) was the recipient of the following report language (H.R. 1865 Report Section D):

**Core Science Systems.** The agreement provides $137,902,000, which includes $24,051,000 for science, synthesis, and analysis. National Cooperative Geologic Mapping is funded at $34,397,000 which provides funding for Phase Three of the National Geologic Database as outlined in House Report 116-100. The National Geospatial program is funded at $79,454,000 which includes $7,722,000 for the Alaska mapping initiative and the following increases: $5,000,000 for the 3DEP to accelerate achievement of 100 percent coverage of the Great Lakes region; $2,000,000 for the US Topo program to procure product-on-demand updates; and $3,000,000 to produce digital surface models using unclassified satellite optical data for the U.S. and territories not mapped with LiDAR in 2021. It is expected that any funding awarded outside the Federal sector will undergo a competitive review process.

**Energy, Minerals, and Environmental Health.** The agreement provides $113,536,000 for Energy, Minerals, and Environmental Health. Mineral Resources is funded at $59,869,000 which includes $10,598,000, the budget request, for the critical minerals Earth Mapping Resources Initiative, (Earth MRI). Energy Resources is funded at $30,172,000 and provides $4,000,000 for the implementation of Secretarial Order 3352.

In June 2019, the House of Representatives passed H.R. 1261, the National Landslide Preparedness Act, thanks to the leadership of the bill’s sponsor, Rep. Suzan DelBene (D-WA). The bill passed by voice vote and now goes to the Senate. It includes a NSPS-supported provision to authorize the USGS to implement a 3DEP Program, authorized at $40 million annually, to update and coordinate the collection of elevation data across the country. The Senate bill, S. 529, was adopted by the Senate Commerce Committee, but only has a $20 Million authorization. S. 529 has been placed on the Senate Calendar and could be passed by the Senate.

In May 2019, Senator Lisa Murkowski (R-AK) introduced S.1317, the "American Mineral Security Act". In October 2019, the bill was reported favorably out of the Senate Committee on Energy and Mineral Resources. Section 104 authorizes the Secretary of the Interior to carry out surveys and field work (including drilling, remote sensing, geophysical surveys, topographical and geological mapping, and geochemical sampling and analysis) to supplement existing information and datasets available for determining the existence of critical minerals in the United States. 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. In May 2019, Reps. Ron Kind (D-WI) and Bruce Westerman (R-MN) introduced the House bill (H.R. 2485) and Sens. Kevin Cramer (R-ND) and Martin Heinrich (D-introduced the Senate companion (S. 1295). NSPS was quoted in the news release by Senator Cramer's office. In September 2019, NSPS Government Affairs Consultant John Palatiello testified on H.R. 2485 before a legislative hearing held by the House Natural Resources Subcommittee on Energy and Mineral Resources.

**Geospatial Governance -- COGO/FGDC/NGAC/GDA**

In September 2019, NSPS Federal Lobbyist John "JB" Byrd attended the National Geospatial Advisory Committee (NGAC) meeting in Shepherdstown, West Virginia. During the discussion of the Geospatial Data Act (GDA), OMB has determined that the GDA guidance will be provided through a revision of Circular A-16. The FGDC needed to meet the targeted deadline of October 2019 (1 year or since 2018 GDA was enacted) on a report on how to implement GDA. The proposed revisions to A-16 are currently under review at OMB, and there is an expectation now that there will be no public comment period. This was raised in a recent conference call of the Coalition of Geospatial Organizations (COGO) which this year is chaired by NSPS member Jon Warren. It was noted that the GDA also 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. On March 10, John Palatiello represented NSPS on “Leaders Forum" - a web session, hosted by the Federal Geographic Data Committee (FGDC) that was rescheduled from an in-person meeting - to provide input on the next National Spatial Data Infrastructure (NSDI) strategic plan. Among other issues, he articulated
the need for public input to the A-16 revision and GDA implementation, an emphasis on data acquisition for the NSDI. NSPS member Gary Thompson of North Carolina is the current NSPS representative on the NGAC. This year’s appointments were expected to be made by the end of March, but is likely delayed due to the Coronavirus. The next NGAC meeting is scheduled for April 14-15, 2020.

MAPLand Act
Earlier this month, Representatives Russ Fulcher (R-ID) and Derek Kilmer (D-WA) introduced H.R. 6169, the Modernizing Access to our Public Land (MAPLand) Act of 2020. Senators Martha McSally (R-AZ) and Angus King (I-ME) introduced the Senate version, S. 3427. The bill will standardize the digitization and dissemination of information regarding recreational access and allowable activities on millions of acres of federal public lands throughout Idaho and the United States. Doing so will make millions of Americans, including hunters, anglers, and outdoor recreationists, increasingly aware of opportunities to access and use their public lands in a manner beneficial to innumerable local and regional economies.

Sinkhole Mapping
In January 2019, Rep. Darren Soto (D-FL) introduced H.R. 496, the Sinkhole Mapping Act of 2019. In September, NSPS Government Affairs Consultant John Palatiello testified on H.R. 496 before a legislative hearing held by the House Natural Resources Subcommittee on Energy and Mineral Resources. Last week, the bill was reported favorably out of the House Committee on Natural Resources.

UAS
News about the Department of the Interior (DOI) grounding its fleet of drones made headlines late last year, but the language used by the DOI positioned it as more of a review than a suspension. That leeway has been removed now that Secretary of the Interior David Bernhardt has signed Secretary's Order 3379. The directive orders the cessation of non-emergency unmanned aircraft systems fleet operations. The statement confirms that drones will be able to be used in emergency situations, although that will require the department to go through its own waiver process. Those situations are defined as fighting wildfires, search and rescue, and dealing with natural disasters that may threaten life or property. How long this review will take and what exactly it will look like has not been defined, but it is clear that getting the DOI’s drone fleet back into the air for routine operations is going to take some time.

Department of Labor
Davis-Bacon Act
In August 2019, NSPS Government Affairs Consultant John Palatiello appeared before a Regulatory Enforcement Fairness hearing conducted by the National Ombudsman of the Small Business Administration (SBA), continuing the effort to repeal All Agency Memorandum 212, applying the Davis-Bacon Act to members of survey crews. Palatiello told ombudsman Stefanie Baker Wehagen and a panel Federal officials the Labor Department’s 2013 regulation was based on a bad process and bad policy. He noted that it has been six years since the Obama Administration defined survey crew members as “laborers and mechanics” under the controversial federal prevailing wage law, “yet the Wage and Hour Division still did not issue wage determinations for survey crew occupations”, but has made 200 “conformances”. He asked the ombudsman to join the SBA Office of Chief Counsel for Advocacy in urging the Labor Department to repeal AAM 212. NSPS has also learned that the Wage and Hour Division of the Department of Labor has issued a conformance that includes a prevailing wage rate for a Party Chief, which is inconsistent with AAM 212. JMP&A, on behalf of NSPS, has brought these irregularities to the attention of the Acting Secretary of Labor and has asked for a meeting with the Wage and Hour Division staff. In November 2019, Pat Smith, John Byrd and John Palatiello participated in a meeting with the former Acting Secretary of Labor and Deputy Secretary, where the Davis-Bacon issue was raised. The Secretary confirmed the issue is still on the Department’s radar screen, but did not provide any update on a rescission or resolution.

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.

In March 2019, a delegation from among the NSPS Executive Committee members were invited to a meeting at the White House. The delegation met in April with Francis Brooke, the White House specialist handling infrastructure as part of the National Economic Council (NEC) which is tasked to lend expertise to the President. For the better part of an hour, the NSPS delegation discussed the surveying profession’s vantage point on Infrastructure priorities with special emphasis on State and Local coordination with USDOT. Leading up to the meeting at the White House, the Chairman of the Senate Committee on Environment and Public Works, Senator John Barrasso (R-WY), which is drafting the Infrastructure Bill, briefed NSPS members. The White House recognizes NSPS’ voice on Infrastructure and wants to continue to engage the surveying profession with infrastructure efforts on the Hill.

Highway Bill
The highway bill will need to be reauthorized in 2020. Should the infrastructure bill not move, which seems to be the case, it is likely there will be a separate Highway bill. In July, the Senate Committee on Environment and Public Works introduced and reported the 2020 Highway Bill to the Senate floor on a bipartisan 21-0 vote. The "America's Transportation Infrastructure Act of 2019" includes Section 1304 for Intelligent Transportation Systems, Section 1308 for Geomatic Data, Section 1522 for a Permeable Pavements Study, and Section 3005 for research and technology development and deployment. NSPS wrote Senator John Barrasso (R-WY), a speaker at the NSPS Day on the Hill breakfast last April, commending him and the committee for the bipartisan effort that will require the collection of surveying data and utilize the expertise of the surveying profession. The NSPS letter was entered in to the committee’s record with other organizations in support of the panel’s progress before the September 2020 deadline for the existing highway bill. The House Committee on Transportation and Infrastructure has not yet introduced their version of a Highway bill or a comprehensive Infrastructure bill. There is discussion of infrastructure being part of the 4th Coronavirus relief/stimulus bill that Congress may take up in April.

Committee report language for S. 2302 includes:

Section 1125 also requires the Secretary to update and expand on a 2008 report entitled ‘‘Wildlife Vehicle Collision Reduction Study: 2008 Report to Congress’’ within 18 months of enactment of the surface transportation reauthorization legislation. This section requires the Secretary, not later than 3 years after enactment, to develop a series of in-person and online workforce development and technical training courses to reduce wildlife-vehicle collisions and improve habitat connectivity. In addition, this section requires the Federal Highway Administration to develop a standardized methodology for collecting and reporting spatially precise wildlife collision and carcass data for the National Highway System, create guidelines for States to voluntarily utilize such methodology if they choose to do so, and provide a report to Congress regarding the methodology and guidelines within 18 months of enactment. Further, this section requires the Secretary to establish guidance, to be carried out by States on a voluntary basis, which contains a threshold for determining whether a highway shall be evaluated for potential mitigation measures to reduce wildlife-vehicle collisions and to increase habitat connectivity.

Section 1308 requires the Secretary to develop and issue for public comment guidance for the acceptance and use of information obtained from a non-Federal interest through geomatic techniques, including remote sensing and land surveying, cartography, geographic information systems, global navigation satellite systems, photogrammetry, or other remote means. The Committee recognizes the need to modernize the use of new and existing geospatial information sources and the collection of that information through a variety of means, including remotely operated and stationary technologies like sensor-equipped vehicles, buildings, and unmanned drones.

Permeable pavements study Section 1522 requires the Secretary to conduct a study on the effects of permeable pavements on flood control and to develop related models and best practices. This section requires the Secretary to make a report on the results of the study available to State and local governments.
Broadband Mapping
Earlier this month, the President signed into law, S. 1822 (P.L. 116-130), a broadband bill that merged multiple bills into one package to allow for improved mapping for the availability of broadband internet service is essential to promoting the deployment of high-speed service to all Americans, especially those in unserved and underserved areas.

Also this month, NSPS member Brent Birth, PLS, of Pennsylvania was appointed by Federal Communications Commission (FCC) Chairman Ajit Pai to the FCC Task Force Working Group for "Mapping and Analyzing Connectivity on Agricultural Lands". This working group will report to the Task Force for Reviewing the Connectivity and Technology Needs of Precision Agriculture in the United States (Precision Ag Connectivity Task Force) authorized in the 2018 Farm Bill which included a provision NSPS sought for a professional with geospatial expertise be added to the Task Force. Brent's appointment to the working group came as a direct result from an NSPS campaign, including a letter to the FCC, as well as from a Congressional multi-member letter led by Rep. Dan Meuser (R-PA) to the FCC. Brent's first meeting with the Task Force occurred March 25 by electronic format.

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 terrestrial-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. In March, 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." NSPS has also re-engaged with the GPS Innovation Alliance, as a member. This coalition is an outgrowth of the coalition that was formed to defeat the original LightSquared proposal early in this decade.

PNT
In January, President Trump signed an Executive Order on Strengthening National Resilience through Responsible Use of Positioning, Navigation, and Timing (PNT) Services, which directs the Federal government to develop guidance that mitigates the risks of disruption to critical infrastructure that rely on PNT services. As the first nation to take this action, the Administration is advancing America’s leadership in emerging technologies and securing infrastructure vital to national security, commercial industry, and our everyday lives. PNT service, such as the Global Positioning System
(GPS), is among the most used utilities in the world. Americans rely on it every day for a variety of purposes ranging from electricity to smartphone applications. This action by the President will help to ensure that the United States maintains uninterrupted access to essential services that rely on PNT. In February, NSPS government affairs consultant John Palatiello and lobbyist John “JB” Byrd participated in a White House conference call and meeting with discussions from the National Security Council, Department of Transportation, and Department of Homeland Security.

Federal Trade Commission (FTC)

Privacy
Major privacy legislation, S. 3456, was introduced earlier this month by Senator Jerry Moran (R-KS). The bill pre-empts state laws to establish a single, national standard on data and individual citizen privacy. Prior to the bill’s introduction, NSPS expressed concern to the Senator on the use of the term "precise geolocation data" in legislation and the potential impact of such language on surveyors and other geospatial professionals. As introduced, the bill language would NOT affect ordinary surveying and geospatial data collection, storage, dissemination, and application activities involving data such as a person’s name, address or parcel identification. In a victory of NSPS, Senator Moran's staff provided assurances the Consumer Data Privacy and Security Act, will NOT apply any conceivable activity of a surveyor.

Also this month, NSPS Federal Lobbyist John "JB" Byrd participated on a conference call with key professional staff of the House Committee on Energy and Commerce to communicate concerns language found in the discussion draft circulated by the Committee staff. JB was assured by the bipartisan staff members that the surveying profession was not included in the bill. NSPS is still seeking exemption language to help clarify and communicate to the broader community.

Office of Management and Budget (OMB)/General Services Administration (GSA)/Small Business Administration (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. In March, 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.

In January, Representatives Ro Khanna (D-CA) and Mark Meadows (R-NC) introduced the “Construction Consensus Procurement Improvement Act” (H.R. 5644). As introduced, the NSPS-supported bipartisan legislation would improve the procurement process for federally funded construction-related projects. If passed, it would ban federal agencies from using reverse auctions to award design and construction contracts. The Senate passed its version of the bill (S. 1434), in late December 2019. Through the Construction Industry Procurement Coalition (CIPC) and COFPAES, NSPS has been working on this legislation to prohibit reverse auctions for A/E services, including for surveying and mapping. In March 2019, 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. In that session, Sumner and Byrd discussed the importance of QBS contracting. Rep. Meadows has since been named Chief of Staff to President Trump at the White House and will resign from Congress.

The Council on Federal Procurement of Architectural and Engineering Services (COFPAES), a coalition of design societies is being strengthened with NSPS and ASCE as the longstanding members. AIA has agreed to rejoin, and IIBEC has joined for the first time. The short-term goal is to have NSPE, ASLA, ACEC, and perhaps one or two other organizations also join a strengthened COFPAES. 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. John Palatiello has been invited to participate in a distance learning forum hosted by GSA that will include more than 100 Federal acquisition officials to discuss the length of time it is taking to award QBS contracts, including causes and potential reforms and remedies.

In June, the U.S. House of Representatives passed H.R.3351, the Financial Services and General Government Appropriations Act, 2020 by a vote of 224 - 196. Included in the House Appropriations Committee report accompanying the bill is a requirement that the General Services Administration study and report to Congress on its compliance with the
Brooks Act and part 36 of the Federal Acquisition Regulation (FAR), providing for qualifications based selection (QBS). The Council on Federal Procurement of Architectural & Engineering Services (COFPAES), of which NSPS is a member, has long advocated for better compliance and enforcement of QBS by GSA, citing a strong legal case against use of GSA Schedule contracts for A&E (including surveying and mapping) services. The report language includes:

*Design Services.*—The Committee recognizes the need for transparency and oversight of Federally funded design services and construction projects to ensure responsible, cost effective, and fair procurement practices. The Committee supports efforts to ensure proper transparency and oversight of such design services and construction projects, which are often complex and site specific. Within six months of the enactment of this Act, GSA is directed to submit a report to the Committee addressing the enforcement of any existing regulations requiring that independent design professionals be consulted on Federally funded design services and construction projects, as prescribed by the Brooks Act and Federal Acquisition Regulation Part 36. The report should include how many violations have been identified over the last five years and any steps GSA has taken to mitigate any future violations.

**National Surveying Week**
John M. Palatiello & Associates, Inc., was successful in obtaining a letter from President Trump in observance of National Surveyors Week in which the President included the following quote:

"Today, we depend on surveying to develop economic plans that effectively use resources and land throughout the United States. This week, I extend appreciation to those who are currently in this field. Through your dedicated work, you are helping to make our country stronger and more prosperous. I send my best wishes for a memorable celebration and continued success."

**OMB Circular A-76**
In December 2019, Rep. Greg Steube (R-FL) and Sen. John Thune (R-SD) introduced the "Freedom From Government Competition Act" (H.R. 5329/ S. 2990), a bill long supported by NSPS. The bills establish 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.