NSPS Government Affairs Update
April 2013

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Digital Coast
Reps. C.A. "Dutch" Ruppersberger (D-MD) and Don Young (R-AK) introduced H.R. 1382, the "Digital Coast Act" authorizing 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. The bill focuses on the following data: coastal elevation data, land use and land cover data, benthic habitat and submerged aquatic vegetation data, parcels data, planimetric data, and socioeconomic and human use data.

NSPS is looking for a Senator to introduce companion legislation in the Senate. On March 1, NSPS staff participated in a Digital Coast working group meeting that included MAPPS, The Nature Conservancy (TNC), Coastal States Organization (CSO), NSGIC, American Planning Association (APA), Association of State Floodplain Managers (ASFP), and the National Association of Counties (NACO). This enhanced collection of groups supportive of the Digital Coast program and legislation, coordination of the bill's progress becomes more important.

Federal Prison Industries (FPI) Reform
In the 112th Congress, a bipartisan group of House members introduced H.R. 3634, the "Federal Prison Industries Competition in Contracting Act of 2011". Rep. Bill Huizenga (R-MI) offered the bill with 33 cosponsors and is supported by at least 15 business organizations such as NSPS, COFPAES, and the Business Coalition for Fair Competition (BCFC). This bill is virtually identical to H.R. 2965, the bill that passed the House in 2006 by a 362-57 vote.

Rep. Huizenga is working on reintroduction of this bill in the 113th Congress, and perhaps another bill that would be referred to the House Small Business Committee, instead of the House Judiciary Committee. Secured Sen. John Thune (R-SD) will be the lead Senate sponsor of companion legislation to the House bill, with Sens. Debbie Stabenow (D-MI) and Tom Harkin (D-IA) to serve as lead cosponsors. The Senate bill may soon be introduced as an additional cosponsor or two are needed prior to Senate introduction. On February 19, NSPS staff met with House Energy & Commerce Subcommittee on Commerce and Manufacturing, and discussed the possibility of the subcommittee hearing with the inclusion of FPI competition in GIS/CADD.

Flood Insurance Reform and Modernization (FIRM) Act
In the 112th Congress, the Senate and Congress passed the MAP-21 Act, including the NFIP Reauthorization. President Obama signed this legislation into Public Law 112-141 on July 6. FEMA is beginning implementation. An announcement for members of the reconstituted Technical Mapping Advisory Committee will be issued shortly. FEMA hopes to have the TMAC up and running before the end of 2013.

FLAIR Act
H.R. 916, legislation to develop a current, accurate inventory of all real property owned by the U.S. government, Federal Land Asset Inventory Reform (FLAIR) Act, was introduced in the House by Representatives Ron Kind (D-WI) and Rob Bishop (R-UT). Senators Orrin Hatch (R-UT) and Mike Lee (R-UT) will soon reintroduce the Senate companion bill, and has requested NSPS help find a Democrat to serve as lead cosponsor.

H.R.328, the Excess Federal Building and Property Disposal Act has been introduced by Rep. Jason Chaffetz (R-UT) and Rep. Mike Quigley (D-IL), and was ordered reported by the House Committee on Oversight and Government Reform on March 20. The bill establishes a pilot program for the expedited disposal of Federal real property. Included in the bill is language to require an inventory of Federal real property, including geographic location of each Federal real property of each such agency, including the address and description for each such property... the total size of each Federal real property of each such agency, including square footage and acreage of each such property... and make the database "accessible by the public at no cost through the web site of the General Services Administration".

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Geospatial Governance & Coordination
Rep. Doug Lamborn (R-CO) will soon reintroduce the “Map It Once, Use It Many Times (MIO-UIMT)”, and is expected to hold hearings on it in conjunction with the USGS budget oversight. The bill will include revisions based on testimony and comments received on the bill introduced in the last Congress, H.R. 4233.

The Federal Geographic Data Committee (FGDC) is developing a new strategic plan for the National Spatial Data Infrastructure (NSDI). NSPS participated in a meeting on non-Federal stakeholders held on March 7.

Government Competition
Rep. John J. “Jimmy” Duncan, Jr. (R-TN) and Sen. John Thune (R-SD) reintroduced the Freedom from Government Competition Act (FGCA), legislation (H.R. 1072/S.523) that would require federal agencies to rely on the private sector when providing goods and services that are commercially available.

Appropriations bills continue to prohibit agencies from beginning or announcing “a study or public-private competition regarding the conversion to contractor performance of any function performed by Federal employees pursuant to Office of Management and Budget Circular A-76 or any other administrative regulation, directive, or policy.” Issues such as a moratorium on insourcing and removing language restricting the private sector’s ability to enter into public-private competitions continue to be considered by Congress.

Highways/State DoTs
President Obama signed the MAP-21 Act into Public Law 112-141 in July. The bill includes the COFPAES provision applying QBS to all FHWA-funded projects, not just those related to construction. It also strengthened the law requiring state DoTs to use the private sector for surveying and mapping.

NSPS staff will be working closely with the House Transportation and Infrastructure Committee and Senate Environment and Public Works Committee as both are expected to begin work in 2013 for reauthorization of the Highway bill in the 113th Congress.

National Parcel Data
In the 111th Congress, President Obama signed the comprehensive, financial services regulatory reform bill commonly referred to as “Dodd-Frank.” Public Law 111–203 creates a new Bureau of Consumer Financial Protection (CFPB) within the Federal Reserve, and section 1094 provides for the agency to collect the “parcel number that corresponds ...to real property pledged or proposed to be pledged as collateral” to help track the number and dollar amount of mortgage loans and completed applications. The legislation amends the Home Mortgage Disclosure Act (HMDA), 12 USC 2802, to collect the “parcel number to permit geocoding” on mortgage transactions.

Pipeline & Infrastructure
In a January 2013 hearing on pipeline safety, Senate Commerce Committee Chairman Jay Rockefeller (D-WV) said:

“They crisscross underneath our cities and country sides, yet most of the time we are not even aware they are there. They deliver critical fuel that powers our homes, factories, and offices, and also transport the oil and gas that keep our cars, trucks, and planes operating... Compared to other forms of transportation, pipelines are a relatively safe, clean and efficient way of transporting the goods they carry. Unfortunately, this is not always the case... Lack of records about older pipelines is a real problem and contributed to a catastrophic pipeline explosion in California that killed several people.”

The lack of location data is often cited by the National Transportation Safety Board (NTSB) and other authorities as a factor in pipeline accidents. As recently as January 2013, the Government Accountability Office released a study (GAO-13-168) on pipeline safety urging “better data” with an emphasis on “location”, “proximity” and “topography.” NSPS has begun working with members of Congress to add a legislative provision requiring accurate mapping of pipelines and other forms of underground infrastructure. A Pipeline Safety bill will be considered in the 114th Congress (2015-16).

Privacy Legislation
In April 2011, the staff of the Federal Geographic Data Committee (FGDC) facilitated a meeting to engage geospatial interests in federal, state and local government agencies, and the private sector in a dialogue with the staff of the Federal
Trade Commission (FTC) regarding the FTC staff report, "Privacy in an Era of Rapid Change" and its proposal that firms engaged in collection, sharing or use of "precise geolocation data" about a citizen be required to obtain “affirmative express consent” or advance approval of each such citizen. John Palatiello attended the meeting. The final rule was released in March 2012. It did not include the expected exemptions and clarifications. COGO has written the FTC in response. In September 2012, the FTC responded to the COGO letter by indicating that geolocation data related to public land record information differs from the intended nature of the drafted reforms. COGO discussed this issue at its February 24 meeting. Staff has prepared a Sense of the Congress resolution to address this issue, for NSPS endorsement. Also provided is a COGO resolution and a NSPS resolution.

QBS
The Council on Federal Procurement of Architectural and Engineering Services (COFPAES) schedule for 2013 will feature a Brooks Act workshop on May 14 featuring USACE’s Bruce Ware, and another conference later in the year. On February 20, COFPAES staff, including NSPS, met at the White House with Office of Federal Procurement Policy (OFPP) Administrator Joe Jordan to discuss ongoing problems of QBS adherence and implementation by Federal agencies, as well as efforts to strengthen the acquisition workforce. Administrator Jordan pledged to work with COFPAES on these issues.

In the 112th Congress, various bills adding QBS provisions to FAA, FLAIR, Highways and MIO-UIMT were introduced.

Rep. Rob Andrews (D-NJ) and Senator Susan Collins (R-ME) have discussed a provision on the Defense Authorization bill to strengthen QBS utilization by Federal agencies, particularly NGA on GDS, its GGI re-compete. In May 2012, Rep. Andrews was successful in getting report language inserted within H.R. 4310 the 2013 Defense Authorization. For surveying and mapping, the Andrew’s language reads:

“The committee is aware that the National Geospatial-Intelligence Agency (NGA) has issued a draft request for proposals (RFP) for its newest omnibus contract. The committee is also aware that this draft RFP takes a different contracting approach than similar past solicitations. The committee recognizes that contracting means have evolved for the better, but also notes that the current process has been successfully utilized for more than 15 years. To better understand the rationale for the current contracting approach, the committee directs the Director of the NGA to provide a briefing on the acquisition strategy for the GEOINT Data Services contract not later than 60 days after the enactment of this Act.”

In June, COFPAES wrote NGA Director Long on the planned GDS procurement NOT using qualifications-based-selection (QBS). In August, a follow-up letter listing the original letter was sent. A response from NGA was provided.

In the 112th Congress, the FAA bill clarified the use of QBS by airports expending funds from the Passenger Facility Charge (PFC) program and the Highway bill clarified that QBS applies to states expending funds on all projects using Federal highway funds, not just those that are construction-related.

NSPS, through COFPAES has sent email letters to various Federal contracting officers on individual procurements that violate the Brooks Act.

Tax Reform

When Congress considered Tax Reform in 1986, ACSM worked with a coalition in the A/E community to preserve cash based accounting for certain professional service firms. We were successful. Language preserving cash (versus accrual) as an option was included in the 1986 Act. Congress even specified that architecture-engineering services (A/E) included surveying and mapping! Here are the current tax regulations. At that time, we did a study that found that as much as 1/3 of an A/E firm's revenue was in accounts receivable at any point in time. If that point in time was the end of the firm's tax year, and the firm was legally required to use accrual accounting, then the firm would have to pay tax on income – 1/3 of its annual revenue – not yet realized, and in some cases, income that would never be realized. This was viewed as a great burden on small A/E firms. This argument helped us save the day for A/E firms' ability to continue to use cash accounting in the 1986 tax reform bill that became law.
The Ways and Means Committee of the U.S. House of Representatives has released a discussion draft for 2013 Tax Reform, part of its broader effort on comprehensive tax reform that significantly lowers rates while making the tax code simpler and fairer. This draft is specifically focused on tax provisions affecting small business.

**Summary, Press Release, Fact Sheet, Discussion Draft Text, Technical Explanation**

The draft proposes to continue cash accounting for certain professional service firms, but limits it to firms with gross receipts of $10 million or less. NSPS should decide how frequent is use of cash accounting for surveying firms with income over $10 million? Should the $10 million cap be raised? What should NSPS advocate?