Summary of April 2015 National Surveying and Mapping Conference Including “Day on the Hill”

More than 400 surveying and mapping professionals convened in our Nation’s Capital for the first ever National Surveying and Mapping Conference. NSPS members joined their professional colleagues from MAPPS in several Federal agency summit meetings and forums, committee and board meetings, technical sessions, and briefings on federal geospatial programs.

The keynote address was delivered by Jim Williams, head of the Federal Aviation Administration office responsible for unmanned aircraft systems (UAS). Williams summarized pending regulations and answered members’ questions about commercial use of UAS for surveying and mapping.

Contributors to the NSPS and MAPPS political action committees were treated to a dinner featuring Senator Cory Gardner (R-CO), Rep. Scott Perry (R-PA), and Rep. Raul Labrador (R-ID). Visits to Congress focused on four issues, private sector utilization, location data for underground utilities, a Federal land inventory, and funding for the USGS program, 3DEP, to provide national elevation data.

A delegation of more than 110 NSPS and MAPPS members from some 40 states jointly went to Congress where they met with 80 Senators and more than 120 members of the U.S. House of Representatives. A Congressional breakfast featured Representative Paul Gosar (R-AZ), whose remarks focused on a Federal land inventory and private sector utilization while also discussing his bill, H.R. 924, the Responsibility in Federal Contracting Act, reforming Davis-Bacon applicability to Federal construction projects. Also speaking was Representative Steve Chabot (R-OH), Chairman of the House Small Business Committee, who discussed QBS, government competition, Davis-Bacon, and his bill, H.R. 1481, the Small Contractors Improve Competition Act which would prohibit the use of reverse auctions for procurements of covered contracts including for architectural and engineering services, which includes surveying and mapping, as defined in section 1102 of title 40, United States Code, the Brooks Act.

Thanks to the NSPS-MAPPS efforts on Capitol Hill, the Freedom from Government Competition Act was introduced April 28 with the House bill, H.R. 2044, garnering 22 cosponsors, and Senate bill, S. 1116, being offered by three U.S. Senators.

The Capitol Hill Day efforts also resulted in Federal Land Asset Inventory Reform (FLAIR) Act earning 5 bipartisan cosponsors for H.R. 3121, the House bill introduced by Rep. Ron Kind (D-WI) and Rep. Kevin Cramer (R-ND), and the Senate bill, S. 1225, being introduced by the Chair of the Energy and Natural Resources Committee, Senator Lisa Murkowski (R-AK).

Visits by the surveying and mapping delegation helped gain traction for legislation to accurately locate pipelines and other underground infrastructure in utility and transportation corridors as well as requesting the Appropriations Committees to fully fund the 3DEP program for national elevation data (see below).

3DEP

Prior to Congress adjourning for the 4th of July holiday, the House began consideration of H.R. 2822, the FY2016 spending bill for the Department of the Interior, which includes surveying and mapping activities within the Bureau of Land Management (BLM) and the US Geological Survey (USGS), among other Federal agencies. The Senate Interior Appropriations Subcommittee marked-up the Senate companion bill, S. 1645. One of the programs NSPS advocated during its April 15, 2015 day on Capitol Hill was the 3D Elevation Program (3DEP) managed by USGS. The Senate Committee report language for 3DEP includes:

“Program levels include: $3,000,000 for 3D elevation activities; $500,000 for 3D elevation: coastal lidar, and $1,322,000 to fund the Alaska mapping program.”
On and since the April 15, 2015 “Day on the Hill”, NSPS members and staff were able to hand out the books to each House and Senate members of the Appropriations Committee. In addition that afternoon, USGS co-hosted a stakeholder session. On April 28, NSPS Executive Director Curtis Sumner attended a gathering of geospatial lobbyists held at the AECOM Arlington, VA office to coordinate office visits, share intelligence, and broaden the 3DEP Coalition, with some of the discussion involving USGS’ Kevin Gallagher.

On February 2, 2015, NSPS staff attended the USGS budget briefing. The President’s budget request for FY 2016 contains an increase of $3.7 million for 3DEP, for a total of $8.7 million. On March 24, 2015, 3DEP was covered during the House Natural Resources Subcommittee oversight hearing on the USGS Budget for FY 2016. Chairman Doug Lamborn (R-CO) and Acting Director of USGS Suzette Kimball referenced 3DEP not only in their opening statements, but also during the question and answer segment between the two. USGS, with the help of NSPS, is working on an appropriations strategy to have a major increase for 3DEP within USGS, combined with additional LiDAR data collection activities within NRCS and FEMA. The following appropriations language has been circulated to both House and Senate appropriators:

“NSPS respectfully urges Congress to cooperatively fund the 3DEP program. For USGS, in the Interior, Environment and Related Agencies appropriations bill for Fiscal Year 2016, it is suggested that Core Science Systems include an increase of $28.7 million above the President’s request for 3DEP. For the Natural Resources Conservation Service (NRCS) in the Agriculture and Related Agencies appropriations bill for Fiscal Year 2016, it is suggested that LiDAR-Enhanced Soil Survey (LESS) include no less than $20 million to acquire enhanced elevation data that can contribute to 3DEP. For the Federal Emergency Management Agency (FEMA) in the Department of Homeland Security appropriations bill for Fiscal Year 2016, it is suggested that the National Flood Insurance Program (NFIP) include no less than $20 million to acquire enhanced elevation data compatible with 3DEP.”

On December 4, 2014, Wendy Lathrop, the NSPS appointee to the Technical Mapping Advisory Council (TMAC), attended the TMAC meeting where the case was presented in having helpful language endorsed by the TMAC connected to the November 2013 National Academy of Public Administration (NAPA) report “FEMA Flood Mapping: Enhancing Coordination to Maximize Performance” included the following recommendation:

“The Office of Management and Budget should use the 3DEP implementation plan for nationwide elevation data collection to guide the development of the President’s annual budget request.”

NSPS is seeking to have TMAC, NGAC and FGDC endorse the NAPA report recommendation that OMB fund 3DEP. At its June 2015 meeting, NGAC officially endorsed such recommendation. The next meeting of the TMAC is scheduled for October 21-22, 2015, and NSPS expects that TMAC will announce that it has endorsed such recommendation.

On March 25, 2015, the USGS National Geospatial Program announced the first round of awards resulting from the USGS Broad Agency Announcement (BAA) for 3DEP, initially issued in July 2014. The BAA was a publicly accessible process to develop partnerships for the collection of LiDAR and derived elevation data for 3DEP. Federal funds to support this opportunity were provided by the USGS, FEMA and NRCS. The USGS is acting in a management role to facilitate planning and acquisition for the broader community, through the use of government contracts and partnership agreements. The Fiscal Year 2015 Awards offered partnership funding to 29 proposals in 25 States and Territories. The FY15 body of work is expected to result in the influx of more than 95,000 square miles of public domain LiDAR point cloud data and derived elevation products into the 3DEP program. (See www.3DEP4America.com for more information).

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

NSPS has been working within COFPAES, and as part of the Construction Industry Procurement Coalition (CIPC), to advance reforms to regulations involving the Federal procurement process for reverse auctions for A-E services, including surveying and mapping. On June 3, Senators Rob Portman (R-OH) and Mazie Hirono (D-HI) introduced bipartisan legislation, S. 1526, the "Construction Consensus Procurement Improvement Act of 2015” to reform Federal acquisition policies concerning "reverse auctions" and "design-build" contracts to prohibit the use of reverse auctions for the acquisition of A-E services (including surveying and mapping services as defined in the Brooks Act), providing for the use of qualifications based selection (QBS), and reforming design-build, particularly to protect small businesses and subcontractors. Senators Kelly Ayotte (R-NH) and Jeanne Shaheen (D-NH) have also cosponsored the bill, and a markup is expected in the Senate Homeland Security and Governmental Affairs Committee in November. The Senators filed an
amendment #SA1731 to add these reforms to the 2016 National Defense Authorization Act (NDAA), H.R. 1735, recently passed on the floor of the U.S. Senate, however the amendment was not added to the Senate bill. The reverse auction provision was included in the House version of the 2016 NDAA. The two versions of the bill were reconciled on September 29, but the reverse auction and design-build reforms were not included in the final bill. Also in June, the White House released a memo on reverse auctions.

**Reverse Auctions:**
S. 1526 (Portman-Hirono) includes several construction-related services from the bidding ban, including some related to architecture and engineering. Such services, including surveying and mapping, are subject to the qualifications based selection (QBS) procedures in the Brooks Act. NSPS, working with COFPAES, is seeking clarification that reverse auctions should not be used for architecture, engineering, surveying and mapping contacts.

On March 18, 2015, Rep. Richard Hanna (R-NY), chairman of Subcommittee on Contracting and Workforce of the House Small Business Committee introduced H.R. 1444, the "Commonsense Contracting Act of 2015." This bill would amend the Small Business Act to prohibit the use of reverse auctions for procurements of covered contracts including for architectural and engineering services as defined in section 1102 of title 40, United States Code, the Brooks Act, which includes surveying and mapping.

A restructured COFPAES is continuing to operate with NSPS, MAPPS, and ASCE as members. There will also be a recruitment push to add more members to the coalition. COFPAES has been working on the procurement legislation mentioned above, has helped members reverse individual procurement solicitations that fail to comply with the Brooks Act, and is promoting Davis-Bacon Act reform and QBS-related provisions in aviation, highway and other infrastructure-related bills in Congress.

**Davis-Bacon**
In April 2014, Secretary of Labor Thomas Perez was questioned about his department’s actions defining members of survey crews as “laborers and mechanics” under the Davis-Bacon Act in a recent Congressional hearing. Rep. Jack Kingston (R-GA), then-chairman of the House Appropriations subcommittee that funds the Labor department asked the question during a hearing on the Obama Administration’s fiscal year 2015 funding proposal.

In July 2014, one year after three chairmen from the U.S. House of Representatives wrote the DOL asking questions and requesting documents related to the department’s new policy defining members of survey crews as “laborers and mechanics”, subject to the “prevailing wage” requirements of the Davis-Bacon Act, the three lawmakers formally asked Labor Secretary Thomas Perez on July 11 to rescind the order. Rep. John Kline (R-MN), Rep. Sam Graves (R-MO) and Rep. Tim Walberg (R-MI) indicated the department had conducted inadequate analysis and consultation with stakeholders, such as affected surveying firms and organizations. NSPS is working with each of these offices on continued oversight in the 114th Congress while also providing DOL a regulatory “way-out” that would exempt professional surveying crews from the original 2013 regulatory expansion.

In September 2014, NSPS staff, seeking a revision and narrowing of the new policy, met with Department of Labor (DOL) officials to discuss how to end the confusion caused by the original misapplication of Davis-Bacon requirements expansion for survey crews on Federal construction projects. There is still plenty of confusion caused by the original misapplication of Davis-Bacon requirements expansion for survey crews on Federal construction projects. Shockingly, the Labor Department informed NSPS that they have moved on to the second phase of their program in shifting the policy which is requesting input on definitions and classifications of surveying and surveyors. So after more than a year since the initial in-person meeting (August 2013), DOL again did not engage the surveying community as to helping to define and implement the regulatory side of following through on the Davis-Bacon policy expansion. Notwithstanding the repeated outright lack of communication and engagement from DOL, the Labor Department has promised to review a proposal that would exempt professional surveyors and their survey crews, while allowing “laborers” carrying the survey equipment only, or other menial tasks not connected to performing intellectual judgment or responsibility, to be included within the DOL expansion.

In December 2014, NSPS formulated a letter to DoL on a compromise that would remove a vast majority of survey crews from being included without publicly embarrassing the DOL. The letter makes the following points: 1) Apply the Davis-Bacon Act to individuals involved in construction, not those engaged in surveying; 2) Remove all references to
terms such as “surveying”, “field surveyors”, “survey crew”, “rodman”, or “chainman”; 3) Distinguish between “surveying” and “construction”; 4) Exempt any work that is surveying in nature and for which survey crew members are not directly employed by a construction contractor or subcontractor; 5) Exempt workers who are performing surveying services; and 6) Cover only construction workers not engaged in surveying activities and whose duties are solely manual or physical in nature. NSPS is awaiting a formal response to this “compromise” proposal. In early September, DoL staff notified NSPS that their formal response is nearly complete and will be issued momentarily.

Digital Coast, NOAA Ocean & Coastal Surveying
In the 113th Congress, NSPS worked on the successful Senate introduction of a bill, S. 2890 authorizing a full "Digital Coast" program in the National Oceanic and Atmospheric Administration (NOAA). The bill would create a coordinated and comprehensive national mapping effort for coastal, Great Lakes, and territorial waters of the United States. Senator Tammy Baldwin (D-WI) introduced the "Digital Coast Act of 2014" on September 18. The "Digital Coast" is a geospatially enabled project to improve coordination and support work with stakeholders to identify geospatial priorities; improve coordination of coastal mapping and management activities; use standards and standardized methods for data acquisition, processing, and distribution to ensure broadest utility of data; promote best practices when applying geospatial data for coastal decision making; and contract for the collection and creation of quality non-navigation feature data sets to include: shoreline change, satellite and aerial imagery, land use and land cover maps, benthic habitat mapping, terrestrial topography, shallow water bathymetry, and submerged aquatic vegetation. The bill would build on the current “project” and authorize a full program. The introduction of the Digital Coast Act by Senator Baldwin complimented a bipartisan effort in the U.S. House of Representatives by Rep. C.A. "Dutch" Ruppersberger (D-MD) and Rep. Don Young (R-AK), co-sponsors of Digital Coast Act of 2013, H.R 1382. NSPS Executive Director Curtis Sumner was quoted in a Sen. Baldwin’s fact sheet in support of the legislation. Sumner said, "The provisions of the Digital Coast Act will significantly enhance the Digital Coast project through the creation of a sustainable program to utilize geospatial technologies to map and monitor coastal waterways of the United States, providing an invaluable benefit to the public and to the professionals whose charge is to protect their health, safety and welfare." Joining Sen. Baldwin as original cosponsors was Senators Mark Begich (D-AK), Mazie Hirono (D-HI), Barbara Mikulski (D-MD), Angus King (I-ME), Jeanne Shaheen (D-NH), Sheldon Whitehouse (D-RI), and Maria Cantwell (D-WA). S. 2890 has been referred to the Senate Committee on Commerce, Science and Transportation.

NSPS is working with each of these offices on reintroduction in the 114th Congress, with re-introduction planned for this fall at the earliest. The Senate Commerce Committee has offered to host a briefing on the bill as soon as it gets introduced.

Federal Prison Industries (FPI) Reform
In the 113th Congress, a bipartisan group of House members introduced H.R. 2098, the “Federal Prison Industries Competition in Contracting Act”. Rep. Bill Huizenga (R-MI) and Carolyn Maloney (D-NY) offered the bill with 14 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.

On March 26, 2015, Reps. Huizenga and Maloney re-introduced a modified version of this bill, H.R. 1699. Rep. Huizenga has agreed to introduce more targeted bills for the House Small Business and Oversight and Government Reform Committees as well as a targeted campaign for letter-writing to various Chairmen and independent report opportunities (GAO and CRS).

As a member of the Business Coalition for Fair Competition (BCFC), NSPS is working with Sen. John Thune (R-SD) to be the lead Senate sponsor of companion legislation to the House bill, with Sens. Debbie Stabenow (D-MI) to serve as lead cosponsor.

Flood Insurance Reform and Modernization (FIRM) Act
In March 2014, President Obama signed into law PL 113-89, a bill to make revisions to the Biggert-Waters Flood Insurance Reform Act of 2012. It delays the effective date of key finance provisions of Biggert-Waters. The bill faced House opposition from conservative groups opposed to the cost of the bill and the shift of financial responsibilities from individual homeowners to taxpayers generally, and by environmentalists who oppose subsidized construction in coastal and flood prone areas. The bill also calls on FEMA to develop a flood mapping approach that “results in technically credible flood hazard data in all areas where Flood Insurance Rate Maps are prepared or updated”. It delays for four years
any phase-outs of premium subsidies for second homes and business properties insured by the NFIP. It halts efforts to update the NFIP's Flood Insurance Rate Maps and to phase-in appropriate risk-based rates for those properties whose designations have changed. Because the NFIP's statutory authority is scheduled to expire at the end of 2017, a four-year delay would effectively gut reforms that were passed by Congress by overwhelming margins in 2012. The NFIP remains roughly $24 billion in debt to U.S. taxpayers and hasn’t repaid any principal on its loans since 2010. Next year, Congress may seek to reauthorize Biggert-Waters or further reform, and NSPS staff is engaging the insurance and financial services sector to help educate affected stakeholders as legislation is drafted. NSPS recently met with staff of Rep. Blaine Luetkemeyer (R-MO), the Chairman of the House Financial Services Subcommittee on Housing and Insurance. His staff requested NSPS to develop recommendations and rationale on both of the following scenarios: 1) If the NFIP is to remain intact, what suggestions for policy reform does NSPS have in mind; and 2) If the NFIP was completely restructured, overhauled or even privatized, how would this impact NSPS members, and what suggestions for policy reform does NSPS have in mind?

At FEMA’s request, NSPS nominated members for the Technical Mapping Advisory Council (TMAC). In July 2014, appointments were announced with Wendy Lathrop, PLS, CFM, president and owner, Cadastral Consulting, LLC as the surveying designee. NSPS is seeking to have TMAC endorse the NAPA report recommendation that OMB fund 3DEP.

**FLAIR Act**

On July 21, a bi-partisan bill was introduced in the U.S. House of Representatives to create a current, accurate Federal inventory or "cadastre" of all Federal real property. The "Federal Land Asset Inventory Reform (FLAIR) Act of 2015", H.R. 3121, was introduced by Representatives Ron Kind (D-WI) and Kevin Cramer (R-ND). Since 2003 and as recently as February 2015, the Government Accountability Office (GAO) has repeatedly designated 'Managing Federal Real Property' one of the high-risk areas within the Federal government most prone to waste, fraud and abuse. One of the reasons cited by the GAO is the fact that the government does not have a current, accurate inventory of the land it owns. A national cadastre has also been recommended by the National Research Council of the National Academy of Sciences, and the FLAIR Act has been endorsed by its Committee on Land Parcel Databases. The FLAIR Act will provide all agencies owning Federal real property an improved accounting of their land assets. The bill will also conduct an inventory of existing inventories to eliminate duplicate or obsolete activities and save tax dollars. Such a consolidated system will assist in improved Federal land management, resource conservation, environmental protection and utilization of real property, as well as identify property the Federal government no longer needs to own. NSPS members promoted the FLAIR Act in Congress as part of the first-ever National Surveying and Mapping Conference hosted jointly with MAPS during April 15 in Arlington, VA. Representatives Mark Amodei (R-NV), Suzan DelBene (D-WA), Alan Grayson (D-FL), and David Price (D-NC) are also cosponsors. H.R. 3121 was referred to the House Committee on Natural Resources on which both Congressmen Kind and Cramer previously served as members. S. 1225, the Senate version of this legislation, was introduced in May by Senator Lisa Murkowski (R-AK), and was referred to the Senate Committee on Energy and Natural Resources, where Senator Murkowski serves as Chair. In late July, the Senate Energy & Natural Resources Committee passed their comprehensive energy infrastructure (Energy Policy Modernization Act of 2015) bill by a 18-4 vote. Within the bill is Section 4401 (pages 310-315), and is a modified version of Sen. Murkowski's original FLAIR Act bill from May (S. 1225). While NSPS provided Committee staff with the redline changes from what Sen. Murkowski had introduced in S. 1225 compared to the updated version of the House bill (H.R. 3121), both majority and minority staff came to an agreement on language to include within the comprehensive energy bill. It does move the ball forward, so while not perfect, NSPS did let Committee staff know we would support. Next step for the Senate bill is the floor time and consideration sometime this fall. Section-by-Section for FLAIR Act portion (page 14) of Energy bill:

"Subtitle E—Management

Section 4401. Federal land management. Authorizes the Secretary of the Interior to establish a “cadastre,” or computerized inventory of buildings and other real property (land), including associated infrastructure such as roads and utility systems and pipelines, collected from surveys, maps, charts and inventories that will be stored as digital data. Authorizes the Secretary to enter into discussions with other federal agencies to utilize the data inventory system to keep track of their holdings, and authorizes the development of cost-sharing agreements so that states, local governments, and Indian tribes may also utilize the inventory system. Outlines the coordination involved in collecting and creating the geographical (data) information system that will store the inventories. Requires that the information be kept in a graphically geo-enabled and searchable format available to the public on the Internet, provided that the identity of any buildings and facilities that would impair or jeopardize national security or homeland defense are withheld from public disclosure. Outlines how the system will be
NSPS staff continues to work with Reps. Jason Chaffetz (R-UT) and Mike Quigley (D-IL) on their Federal real property disposal bill, H.R. 328 (from the 113th Congress) via the House Oversight and Government Reform Committee. Section 7 had strong geographic language for the Federal real property database. Geo-referenced attributes to be included within the database: geographic location of each Federal real property of each such agency; address and description for each such property; total size of each Federal real property of each such agency; square footage and acreage of each such property; and the replacement value of each Federal real property. A bill by Rep. Jeff Denham (R-CA), H.R. 695 (from the 113th Congress), was not as favorable on the property inventory language. NSPS staff has learned that in the 114th Congress, Rep. Denham will introduce a merged bill, and while Reps. Chaffetz and Quigley will NOT reintroduce their bill, their bill language, including the inventory language is “expected” to be included in the Denham bill. In the 113th Congress, Sen. Tom Carper (D-DE), then-Chairman of the Senate Homeland Security and Governmental Affairs Committee (HSGAC), was leading reform efforts in the Senate. He introduced S. 1398, the “Federal Real Property Asset Management Reform Act of 2013.”

Geospatial Governance and Coordination
In the 113th Congress, Rep. Doug Lamborn (R-CO) reintroduced H.R. 1604, the “Map It Once, Use It Many Times (MIO-UIMT)” Act. NSPS staff is still looking for a Senate sponsor for companion legislation to H.R. 1604.

On March 16, 2015, Sen. Orrin Hatch (R-UT) introduced S. 740, the “Geospatial Data Act of 2015”. The bill was referred to the Senate Commerce Committee chaired by Sen. John Thune (R-SD). This referral likely came as a huge shock to Hatch's staff. NSPS staff was sure Hatch staff was counting on the bill being referred to the Senate Homeland Security and Governmental Affairs Committee (HSGAC) or Senate Committee on Energy and Natural resources (E&NR). Senator Jim Risch (R-ID) was originally going to introduce geospatial management legislation. NSPS provided comments on Risch's draft and NSPS staff met with Risch's staff to discuss our concerns. COGO also provided comments, some of which were consistent with the problems NSPS had with the bill. As a result, Senator Risch decided against introducing a bill. Risch staff did share information with Senator Hatch's staff, which picked up the baton on the bill. Hatch's staff spoke at the NSGIC conference in Annapolis February 2015. While Hatch staff indicated they would consult with the geospatial community and share a draft bill, they did not do so. On March 2, 2015, NSPS staff met with Hatch staff. Hatch's staff was not accepting comments or revisions at this point. NSPS is part of an effort to harmonize the Senate bill (Risch/Hatch) with Lamborn's bill in the House, the Map It Once, Use It Many Times (MIO-UIMT) Act. NSPS recommended that to Risch's staff. Hatch’s staff did not do so. Hatch’s staff first contact with Lamborn's staff was two business days before the Senate bill’s introduction, in which Hatch staff asked if Lamborn would introduce in the House a bill identical to that which Hatch is introducing in the Senate. No consultation or harmonizing! Lamborn's staff declined and indicated to NSPS they will be reintroducing MIO-UIMT. On March 25, NSPS met with Lamborn to discuss strategy on reintroduction. NSPS has compiled a list of positive sections of the Hatch bill that could be worked into MIO-UIMT. On March 30, 2015, NSPS staff met with Lamborn’s Subcommittee staff and shared with our recommended additions based on the Hatch bill.

Hatch staff was introduced to geospatial issues when, upon joining Senator Hatch's staff, they were assigned the FLAIR Act, which Senator Hatch had previously introduced. Hatch staff said at NSGIC that when they began investigating the FLAIR Act, they quickly learned the issues in Federal geospatial data were bigger than the lack of a current, accurate, geo-enabled inventory of land owned by the Federal government. That triggered their interest in the Geospatial Data Act, and, as a result, he has decided Senator Hatch will NOT reintroduce the FLAIR Act. S. 740 does not have many of the provisions and reforms that Lamborn has in MIO-UIMT. It preserves both the NGAC and FGDC, so geospatial governance does not change, although there are provisions to make both bodies more effective, responsive, and accountable. The bill outlines the responsibilities of the Federal government, but does not specify the roles and responsibilities of the private sector or universities. It does nothing to encourage or require utilization of the private sector or prevent government or universities from spending Federal tax dollars to duplicate or compete with the private sector. It does not call for a Federal land inventory.

On March 16 in connection with the introduction of S. 740, a Government Accountability Office (GAO) report was released on geospatial coordination and duplication at the Federal level, requested by Sen. Tom Carper and then-Senator Tom Coburn (R-OK). Among its findings, GAO said:
Federal agencies report spending billions of dollars on geospatial investments; however, the estimates are understated because agencies do not always track geospatial investments;

- The Federal Geographic Data Committee (FGDC) and the Office of Management and Budget (OMB) have started an initiative to have agencies identify and report annually on geospatial-related investments as part of the fiscal year 2017 budget process;
- OMB guidance calls for agencies to eliminate duplication, avoid redundant expenditures, and improve the efficiency and effectiveness of the sharing and dissemination of geospatial data. However, some data are collected multiple times by federal, state, and local entities, resulting in duplication in effort and resources; and
- Until there is effective coordination across the National Spatial Data Infrastructure, there will continue to be duplicative efforts to obtain and maintain these data at every level of government.

In addition, NSPS staff worked with Rep. Rod Blum (R-IA), a member of the House Budget Committee, to ask OMB Director Shaun Donovan on Federal geospatial expenditures. The answers are comical in that despite all of the oversight performed by former-Rep. Adam Putnam (R-FL) on geospatial coordination and expenditures going back to the 2002, the Federal government remains largely clueless on this issue.

NSPS has adopted a policy on the Hatch bill. Currently, COGO is attempting to develop a statement of principles that all its member organizations can agree to on geospatial coordination and governance legislation. NSPS is participating in that effort.

Highway Bill
President Obama signed the MAP-21 Act into Public Law 112-141 in July 2012. The bill includes the COFPAES provision applying QBS to all Federal Highway Administration (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. In January 2015, NSPS staff met with House Committee staff to discuss NSPS’ priorities for this bill, including such issues as asset management, BIM, and mobile mapping as part of a definition of surveying and mapping, subject to licensing and QBS, as developed by the Joint Government Affairs Committee at its November 2013 meeting. NSPS seeks a provision in the MAP-21 Act Reauthorization (Highway Bill) to clarify that for the purpose of determining services subject to the Brooks Act qualifications based selection (QBS) process, the following definition found in 23 U.S.C. 112 (b)(2) is amended at the end thereof, by adding the following new subparagraph:

"'surveying and mapping services' includes geospatial activities associated with measuring, locating and preparing maps, charts, or other graphical or digital presentations depicting natural and man-made physical features, phenomena, and legal boundaries of the earth."

In June 2015, the Senate Committee on Environment and Public Works unveiled a new six-year (FY2016-FY2021) highway or "surface transportation" bill, providing more than a quarter-trillion dollars in authorization. The bill updates the Transportation Infrastructure Finance and Innovation Act (TIFIA) program and provides state and local government new options for stretching transportation dollars and increasing efficiency and utilization. The bill also improves the process whereby a TIFIA loan can be used to capitalize a State Infrastructure Bank, providing increased leverage for small, rural projects that was previously unavailable. Overall, the measure, titled the "Developing a Reliable and Innovative Vision for the Economy (DRIVE) Act," provides a 3-percent annual growth average over the years from the funding levels in the MAP-21 bill. That equates to roughly $260-270 billion over the six years; however, the bill lacks a mechanism or plan to pay for the bill. The House Committee on Transportation and Infrastructure is expected to work on their version of the Highway Bill in September.

Before the August Recess, the Senate joined the House and cleared a transportation extension to keep highway and transit programs running through October 29, sending the bill to the president’s desk just days before current authority was to expire. The patch, which extends authority through October 29, but replenishes the Highway Trust Fund into December, cleared the upper chamber via a 91-4 vote.

FHWA is loosening the rules on federal grants provided to states to help fund new transportation projects. The change in regulation eliminates the need for value engineering studies on any highway improvement project that costs more than $25 million or any bridge project that costs more than $20 million.
FHWA has also published new regulations governing the procurement, management, and administration of engineering and design-related services, including surveying and mapping, on federal-aid highway projects. The rules include changes and clarifications to State DOT procurement policies and QBS procedures, contract negotiation and administration, audit and accounting of allowable costs, and program management and oversight. The rules took effect on June 22. State DOTs will have one year to update their policies and procedures to comply with the new regulations.

In January 2014, the U.S. Department of Transportation and the National Highway Traffic Safety Administration announced that they will move connected vehicle technology forward in an effort to greatly improve safety and save lives on the nation's roadways. Also known as vehicle to vehicle technology (or V2V), the system allows vehicles to communicate potential risks to drivers and avoid rear-end, lane change, and intersection crashes. The program will create a significant demand for precise geospatial data.

HUD
In April 2015, NSPS responded to a request for feedback on proposed changes in the Department of Housing and Urban Development (HUD) loan underwriting guidelines on multi-family projects. In its response, NSPS provided suggestions and volunteered to assist in resolving the numerous redundancies and problems related to the HUD Multi-family survey requirements. Examples include the use of a separate "Surveyors Report," requiring an additional certification, and other requirements that cause confusion such as those related to wetlands and references to "as-built" surveys. Gary Kent, PS, chair of the NSPS committee on the ALTA/ACSM Standards, coordinated the NSPS participation.

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) 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.

CFPB recently released its first public information regarding collection of parcel information under the Home Mortgage Disclosure Act (HMDA) and Regulation C. The agency is seeking public comment. One problem with CFPB acting more rapidly has been a turnover of staff and the departure of those with the most GIS knowledge. In September 2014, CFPB GIO Michael Byrne briefed the National Geospatial Advisory Committee (NGAC) on his agency’s efforts to comply with implementation of Dodd-Frank provisions.

Pipeline, Utilities and Infrastructure
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 staff will be working with members of Congress to add a legislative provision requiring accurate mapping of pipelines and other forms of underground infrastructure. At the September 29, 2015 hearing on pipeline safety, the following testimony was provided by National Transportation Safety Board (NTSB) Chairman Christopher Hart:

"We recognize that [Integrity Management (IM)] programs are complex and require expert knowledge and integration of multiple technical disciplines including engineering, material science, geographic information systems, data management, probability and statistics, and risk management. This complexity requires pipeline operator personnel and pipeline inspectors to have a high level of practical knowledge and skill to adequately perform their functions. This complexity can make IM program development and implementation, and the evaluation of operators’ compliance with IM program requirements, difficult. The study illustrated the need to expand and improve PHMSA resources in guiding both operators and inspectors. ... The NTSB also recommended that PHMSA evaluate and improve gas transmission pipeline integrity assessment methods, including increasing the use of in-line inspection and ensuring that direct assessment is not the sole integrity assessment method. Other recommendations include evaluating the effectiveness of the approved risk assessment approaches for IM programs; developing minimum professional qualification criteria for all personnel involved in IM programs; and improving data collection and reporting, including geospatial data."
The Senate Commerce, Science and Transportation Committee, also held a field hearing in Billings, Montana on the reauthorization of the Pipeline and Hazardous Materials Safety Administration (PHMSA) on September 18. NSPS submitted a statement for the record for this recent Senate hearing. The field hearing was held at the request of Sen. Steve Daines (R-MT), a member of the panel. The Poplar Pipeline ruptured near Glendive, Montana on January 17, 2015, spilling approximately 30,000 gallons of crude oil into the Yellowstone River. The hearing will examine the federal government’s responsibility in ensuring safe and environmentally sound transportation of products through America’s pipelines, railroads, highways, waterways and airspace. NSPS Lobbyist John "JB" Byrd recently met with Daines' staff in Washington, DC and discussed recommendations of the surveying profession related to location data, positional awareness, as well as inspection efforts connected to underground and underwater utilities. NSPS will assist with legislation calling for greater utilization of location data to prevent loss of life and property, and to help local economies and environmental protection. Senators Deb Fischer (R-NE), and Gary Peters (D-MI) are also interested as well in working on pipeline infrastructure issues. On September 23, Michigan Senators Gary Peters (D) and Debbie Stabenow (D) introduced a bill (S. 2080) to protect the Great Lakes from oil spills, and improve pipeline safety as their legislation requires a comprehensive review of hazardous pipelines with some survey language in the bill for the Great Lakes. Other legislation impacting underground utilities including oil pipelines is expected soon as Congress considers Pipeline and hazardous Materials Safety Administration (PHMSA) reauthorization and other pipeline safety legislation. The Senate bill reauthorizing PHMSA is expected later this month while the House Committee on Transportation and Infrastructure has not yet started to draft their version of PHMSA Reauthorization bill.

NSPS is also working with Rep. Jacky Speier (D-CA) on reintroduction of her pipeline regulatory reform bill, and final "draft" legislative language. Rep. Kevin Cramer (R-ND) was recently visited by NSPS and is considering offering the NSPS draft language as part of either the House Energy and Commerce’s jurisdiction on the “Architecture of Abundance” legislation or on PHMSA Reauthorization. The Committee’s “Architecture of Abundance” legislation was marked up on September 30, and Section 1101, contains language on “remote surveys” requiring that when Federal or State agencies consider as an aspect of an application for Federal authorization for FERC permitting, the applicant submitting environmental data, then that respective Federal or State agency shall consider any such data gathered by aerial or other remote means submitted by the applicant; The agency may grant a conditional approval for Federal authorization, conditioned on the verification of such data by subsequent onsite inspection.

Earlier this summer, members of the House Committee on Energy and Commerce wrote bipartisan letters seeking information on pipeline infrastructure, including the need for various location and logistical data which is likely to increase the need for more exact and accurate surveying and mapping data for above and below ground pipeline transmission and distribution themes, and options from Federal agencies and a private operator. In July, the House Committee on Energy and Commerce last week held a hearing on pipeline safety, with Stacy Cummings, Interim Executive Director of the Pipeline and Hazardous Materials Safety Administration (PHMSA) as a key witness. In testimony before the panel, Ms. Cummings said,

"PHMSA has consistently requested additional funding to support enhancing our risk management, analytical frameworks and mapping capabilities. Through PHMSA grants, state pipeline safety programs are funded up to 80 percent, but PHMSA has limited insight into state data on where interstate pipelines actually exist, their conditions, and the inspection reports performed by our state partners."

Underground infrastructure and pipelines was one of the issues NSPS brought to Congress on April 15. Congress is scheduled to reauthorize the pipeline safety legislation since the current law expired on September 30, 2015.

Privacy and Geolocation Legislation
The Federal Trade Commission (FTC) issued a 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. The final rule was released in March 2012. It did not include the expected exemptions and clarifications. NSPS has prepared a Sense of the Congress resolution to address this issue, approved its own resolution, and COGO has adopted a similar resolution. A similar resolution was recently approved by the Virginia Geographic Information Network (VGIN).
In March 2014, FTC Chairman Edith Ramirez testified on privacy issues before the Senate Commerce Committee. NSPS staff worked with Senator John Thune (R-SD) on questions regarding “precise geolocation data” which Senator Thune posed to the Chairman for the hearing record. Senator John Thune (R-SD) secured a very helpful clarification from the Federal Trade Commission on the extent to which the government's regulatory interest in “precise geolocation data” and its impact on individual citizen privacy. FTC Chairman Edith Ramirez indicated a narrowing of FTC’s view of collecting, storing, applying or disseminating such data by a doctrine of “context of the interaction” that had not previously been shared with NSPS or others in the geospatial community.

**STEM and Geography Education**

The U.S. House and Senate have passed K-12 education bills to replace and reform the “No Child Left Behind” program. The House passed H.R. 5, the “Student Success Act” on July 8. The Senate passed S. 1177, the “Every Child Achieves Act” on July 16. Section 2403 of S. 1177 contains a purpose for national activities “to promote new and existing evidence-based strategies to encourage innovative … geography instruction …” while Section 9101 defines ‘core academic subjects’ to include science, technology, engineering, mathematics (STEM), and geography. The two chambers will form a conference committee to reconcile the differences between the two bills and develop a bicameral agreement. The House Education and the Workforce Committee Chairman John Kline (R-MN), Senate Health, Education, Labor, and Pensions Committee Chairman Lamar Alexander (R-TN), Senate Ranking Member Patty Murray (D-WA), and House Ranking Member Bobby Scott (D-VA) have begun meeting to discuss proceeding with a conference committee to resolve differences in the House- and Senate-passed bills.

**Unmanned Aerial Systems (UAS)**

Professional surveying provides enormous "societal benefit" and state legislation that limits the use of emerging UAS technology will have "unintended consequences". Aerial surveying and mapping were specifically mentioned in the FAA "Roadmap" for UAS. Some state legislation has recognized the benefits of mapping from a UAS. NSPS-state societies should be calling on state legislatures to exempt aerial surveying and mapping from any legislation limiting UAS.

In April 2015, NSPS filed comments with the Federal Aviation Administration (FAA) in response to its Notice of Proposed Rulemaking (NPRM) for commercial operation of small unmanned aircraft systems (sUAS). NSPS stated its strong support for, "the safe integration of commercial unmanned aircraft systems (UAS) into the National Air Space (NAS). UAS presents an extraordinary opportunity for utilization by surveyors to provide services to contribute to public health, safety, and welfare, and enhance the quality of life of all Americans, foster economic growth, increase the efficiency of surveying activities, and create business opportunities for the surveying profession."

In April 2015, the Small Business Administration, Office of Advocacy, hosted a roundtable meeting to discuss the FAA’s NPRM on small unmanned aircraft systems (sUAS). NSPS Government Consultant John Palatiello was invited to be the spokesman for small business. He was joined by FAA Assistant General Counsel Mark Bury in presentations on the proposed rules, with an emphasis on its affect on small business. Mr. Palatiello presented an overview of the geospatial profession and comments on UAS and the rules. Throughout this event, a variety of topics were raised and for which NSPS may wish to address in the public comments including: definitions, seek and avoid, people on the ground being in the area of interest of a UAS mission, insurance, time of day, testing/certification, and unfair government competition.

Prior to December 2014, certificates of authorization (COAs) had been granted to government agencies and universities while the private sector awaited the Federal Aviation Administration plan for civil, commercial COAs for UAV, as required by Congress in sections 332-336 of the Federal Aviation Administration Modernization and Reform Act, Public Law 112-95. There is concern that agencies and universities are acquiring UAS and utilizing them on projects that can otherwise be accomplished by the private sector.

On August 3 and September 24, NSPS lobbyist John "JB" Byrd attended the first two meetings of a multi-stakeholder process to develop best practices that enhance privacy and promote transparent and accountable operation of unmanned aircraft systems (UAS) by commercial and private users, hosted by the National Telecommunications and Information Administration (NTIA) of the Department of Commerce, in Washington, DC. NTIA Deputy Assistant Secretary Angela Simpson provided keynote remarks, noting the process will bring together a wide range of stakeholders, including industry, civil society and academia. The group is crafting best practices for privacy, transparency and accountability that can help guide commercial and private UAS operators. Three additional summits are planned through November 2015, with the next meeting scheduled for October 21.
On September 30, NSPS cosigned a letter prompted by the Association for Unmanned Vehicle Systems International (AUVSI). The letter was sent to the Federal Aviation Administration (FAA) marking its failure to meet the congressionally mandated deadline for integration of UAS into the National Airspace System (NAS). Key points communicated in the letter include:

“While the FAA has hit some milestones in the integration process, it has yet to finalize small UAS rules, let alone facilitate the full integration of UAS that Congress contemplated in 2012. … The increasing number of businesses applying for Section 333 exemptions demonstrates the pent-up demand for commercial UAS operations and the immediate need for a regulatory framework. … The benefits of UAS are significant. Whether it is assisting first responders with rescue missions, helping the insurance industry more efficiently survey damages due to natural disasters, or helping farmers improve crop yields, the applications of UAS are virtually limitless and enable public agencies and businesses to do things safer and more cost effectively. … On behalf of businesses across a wide range of industry sectors in the United States, we urge the FAA to use all available means to finalize the small UAS rules immediately without any further delays and move ahead with the next regulatory steps on the path for integrating all UAS into the NAS. Once this happens, we will have an established framework for UAS operations that will do away with the case-by-case system of approvals, reducing the barriers to commercial UAS operations. And importantly, having more trained commercial operators will create a culture of safety that helps deter careless and reckless behavior.”

Water Resources Development Act (WRDA)

On June 10, 2014, President Obama signed H.R. 3080 into Public Law 113-121, a $12.3 billion water resources bill that will modernize critical water infrastructure while also promoting economic growth and job creation. The Water Resources Reform and Development Act of 2014 (WRRDA) authorizes 34 new Army Corps projects, establishes a new loan financing program, strengthens levee and dam safety programs and codifies new reforms to the project review process. An amendment in the House that would have required the Corps of Engineers to contract with the private sector for surveying and mapping services to the maximum extent possible was rejected on a voice vote.

WRRDA makes a number of changes to the popular Clean Water state revolving fund (SRF) and creates a new water financing pilot program similar to TIFIA for surface transportation projects. The new SRF provisions provide loan flexibility, lower interest rates and extended repayment periods of 30 years. SRF funds may also now be used to implement watershed plans, water conservation, stormwater recapture, and for technical assistance to small and medium treatment works.

The Water Infrastructure Finance and Innovation Act (WIFIA) is intended to increase flexibility for non-federal interests and leverages private sector investments to increase the effect of federal funding. The new WIFIA program can be used for traditional clean water and drinking water project, and also will provide assistance to projects with the goal of reducing flood damage; restoring aquatic ecosystems; improving inland and intercoastal waterway navigation systems.

The bill also included QBS language for the EPA State Revolving Fund (SRF) program. See discussion above under COFPAES/QBS.