NSPS JGAC Government Affairs Update
October 2014 – Overland Park, Kansas

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3DEP
NSPS testified in April before the House Appropriations Committee, Interior Subcommittee, in support of 3DEP. After the testimony, NSPS wrote Congressional appropriators in June asking them to fully fund the program. In July, the U.S. Geological Survey (USGS) hosted Congressional briefings on 3DEP. In September, USGS hosted a Federal Forum on 3DEP and LIDAR technologies. The status of 3DEP funding includes:

- House Committee Report language for H.R. 5171, the FY 2015 Interior Appropriations Bill includes fully supporting the President’s Budget Request for 3DEP - $5,000,000:
  "Core Science Systems... The Committee recommendation includes the requested increases for ...the 3-D Elevation Program..."

- Senate Committee Report language for the FY 2015 Interior Appropriations Bill includes a reduction of $500,000 from the President's Budget Request for 3DEP - $5,000,000:
  "Core Science Systems... The bill includes...$4,500,000 for 3D elevation activities..."

NSPS staff is working with a variety of Senate offices to push for increased funding for the next Continuing Resolution in Congress, currently projected for early December. This will be the next opportunity to support and expand the President’s budget request for 3DEP. USGS has posted information on 3DEP and its benefit to individual states.

USGS continues to delay the due date for proposals in response to a broad agency announcement (BAA) first issued in July seeking proposals from partners for data collection activities in support of the 3D Elevation Program (3DEP). USGS most recently announced that the due date for stage 1 pre-proposals was extended to Thursday, October 23 and the due date for stage 2 proposals was extended to Wednesday, December 3.

Council on Federal Procurement of Architectural and Engineering Services (COFPAES) & OBS
NSPS has been working within COFPAES, and as part of the Construction Industry Procurement Coalition (CIPC), to advance reforms to the Federal procurement process for design-build and reverse auctions for A-E services, including surveying and mapping. In September, NSPS staff met with staff of Sen. Ben Cardin (D-MD) on his soon-to-be introduced comprehensive procurement reform legislation. In addition, reforms to design-build and reverse auctions may be possible in the “Lame Duck” session of Congress when the Senate version of the 2015 National Defense Authorization Act (NDAA) is moved.

Design-Build reform: In December 2013, the Government Accountability Office (GAO) issued a report finding that reverse auctions limit competition and do not achieve cost savings. On December 3, a subcommittee of the House Oversight and Government Reform Committee held a hearing on H.R. 2750, the Design-Build Efficiency and Jobs Act of 2013 to assess the government’s use of design-build contracts. Subcommittee chairman, Rep. Blake Farenthold (R-TX) commented on the need for oversight and several lawmakers said the process must be streamlined. Media reports said design-build stifles competition. Also in December, the Office of Management and Budget (OMB) issued new guidance on the administration of federal grants. Of interest to COFPAES, is the preservation of the “Brooks Act” and numerous state “mini-Brooks Acts”, which provide for qualifications based selection process (QBS) for contracting for architecture, engineering, surveying and mapping services.

NSPS is supportive of Section 805 of H.R. 4435, the National Defense Authorization Act for Fiscal Year 2015, which includes reform of design-build procurement: "The maximum number specified in the solicitation shall not exceed 5 unless the head of the agency approves the contracting officer’s justification with respect to the solicitation that a number greater than 5 is in the Federal Government's interest. The contracting officer shall provide written documentation of how a maximum number exceeding 5 is consistent with the purposes and objectives of the two-phase selection procedures" and Section 815 which prohibits use of reverse auctions for: “architectural and engineering services as defined in section 1102 of title 40, United States Code” which includes “surveying and mapping.”
In July 2014, NSPS, in addition to COFPAES, cosigned a coalition letter to the Senate supporting draft legislation titled, "The Construction Consensus Procurement Improvement Act of 2014" which would support reforms to design-build procurement including the following views: "Absent any degree of certainty as to how many design/construction teams will participate in design-build contract competitions, many qualified teams—especially small businesses—cannot risk the high cost of producing complete design and engineering technical proposals and, consequently, do not to compete. ... This bill would spur more design-build competition by allowing a predictable number of design/construction teams to submit those expensive technical proposals."

**Reverse Auctions:** Reverse auctions are procurements where an agency posts a requirement, and firms submit prices lower than their competitors until a lowest price is established at the end of the auction period. In March 2014, the House Small Business Committee favorably reported H.R. 2751, the “Common Sense Construction Contracting Act of 2013” out of Committee. The bill would prohibit federal agencies from procuring small business construction services through reverse auctions. The bill 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 supporting H.R. 2751 and is seeking further clarification that reverse auctions should not be used for architecture, engineering, surveying and mapping contracts.

In July 2014, NSPS, in addition to COFPAES, cosigned a coalition letter to the Senate supporting draft legislation titled, "The Construction Consensus Procurement Improvement Act of 2014" which would support reforms to Federal agency use of reverse auctions including the following views: "Procuring design and construction services is different than procuring off-the-shelf, manufactured commodities. In 2004 after several failed experiments, the U.S. Army Corps of Engineers (USACE)—the largest and most experienced construction agency—determined that procuring design and construction services through reverse auctions "should be the very rare exception and not the rule—if used at all." However, several federal agencies continue to use reverse auctions for construction. According to a 2013 GAO report, federal agencies conducted over 3,600 reverse auctions where only one vendor participated and submitted only one bid. This bill would prohibit federal agencies from procuring design and construction services through reverse auctions and apply the lessons learned from USACE."

In September 2014, Senator Roger Wicker (R-MS) filed an amendment in the U.S. Senate that would help prohibit federal agencies from procuring design and construction services, including surveying and mapping, through reverse auctions. Senate amendment SA 3850 has been proposed to S. 2410, the 2015 National Defense Authorization bill. The Wicker amendment would ban the process for certain services, including architecture, engineering, surveying and mapping, which are covered by the qualifications based selection (QBS) process in the "Brooks Act." NSPS supports the Wicker amendment which will be considered when Congress returns to Washington after the November 4 election.

In the 113th Congress, the FLAIR Act (H.R. 916), Digital Coast Act (H.R. 1382/S.2890), and MIO-UIM Act (H.R. 1604) were introduced or reintroduced with QBS language. In May 2013, Rep. Tim Bishop (D-NY) introduced H.R. 1877, the "Water Quality Protection and Job Creation Act of 2013" which amends the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds...Section 1302 calls for a contract to be carried out using funds directly made available by a capitalization grant under this title for program management, construction management, feasibility studies, preliminary engineering, design, engineering, surveying, mapping, or architectural related services shall be negotiated in the same manner as a contract for architectural and engineering services is negotiated under chapter 11 of title 40, United States Code, or an equivalent State qualifications-based requirement (as determined by the Governor of the State). This was enacted into law as part of H.R. 3080 (WRDA), Section 5002 (14) of Public Law 113-121, which contained the following QBS language: "a contract to be carried out using funds directly made available by a capitalization grant under this title for program management, construction management, feasibility studies, preliminary engineering, design, engineering, surveying, mapping, or architectural related services shall be negotiated in the same manner as a contract for architectural and engineering services is negotiated under chapter 11 of title 40, United States Code, or an equivalent State qualifications-based requirement (as determined by the Governor of the State)."

In September 2014, COFPAES wrote the Chairman of the Small Business Committee in the U.S. House of Representatives, Rep. Sam Graves (R-MO), explaining the rationale and history of licensure of architects, engineers and
surveyors. The COFPAES letter is in response to a request Rep. Graves has made to the Small Business Administration’s office of advocacy to conduct a study of the economic impact of such state licensing regulations. Critics have pointed out that states now license an increasing number of occupations, some of which have little impact on public health, welfare and safety, and serve only to limit competition in the marketplace. The COFPAES letter points out the public health, safety and welfare benefits of architecture, engineering and surveying licensure.

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), 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.

On July 11, 2014, one year after three chairmen from the U.S. House of Representatives wrote the U.S. Department of Labor (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 to rescind the March 2013 order (AAM-212) that expanded application of the Davis-Bacon Act, classifying members of survey crews as "laborers and mechanics." 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. The U.S. Department of Labor turned down this request.

In September 2014, NSPS Executive Director Curtis Sumner, government affairs consultant John Palatiello and lobbyist John "JB" Byrd met with Labor Department officials to seek a revision and narrowing of the new policy. 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) with the NSPS Delegation, DOL again did not engage NSPS 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 with NSPS from DOL, the Labor Department has promised to review a proposal drafted by NSPS 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.

Digital Coast, NOAA Ocean & Coastal Surveying
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 compliments a bi-partisan effort in the U.S. House of Representatives by Rep. C.A. "Dutch" Ruppersberger (D-MD) and Rep. Don Young (R-AK), cosponsors 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.
Federal Prison Industries (FPI) Reform
On May 22, 2013, a bipartisan group of House members introduced H.R. 2098, the "Federal Prison Industries Competition in Contracting Act". Rep. Bill Huizenga (R-MI) offered the bill with 16 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 April 2, 2014, Rep. Huizenga provided remarks before the NSPS Congressional Breakfast. In May 2014, Rep. Huizenga offered an amendment impacting DOD procurement via the 2015 National Defense Authorization Act (NDAA), but the bill was not made in order by the House Rules Committee, thereby no formal vote was taken by the House.

As a member of the Business Coalition for Fair Competition (BCFC), NSPS staff 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) and Tom Harkin (D-IA), soon to be retiring, to serve as lead cosponsors. 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).

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.

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 (Pa.) - president and owner, Cadastral Consulting, LLC as the surveying designate.

In September, the initial TMAC meetings were held at the USGS Headquarters in Reston, Virginia. The NSPS recommended designate for surveying, Wendy Lathrop, has been very active as found within the official TMAC notes:

- Ms. Lathrop asked about the duration of the council, noting that a separate Technical Mapping Advisory Council (in the late 1990s) was authorized for five years but the timeline in his presentation only had activities for three years. Further, she said that her appointment letter only appointed her for two years. Mr. Bellomo stated that council members were appointed for either one or two year terms to help provide continuity to the council's operations while also allowing the FEMA Administrator to appoint individuals with different perspectives and expertise. Ms. Pilgrim also commented that the law does not specify five years; however the TMAC would have to be reauthorized if its operations continued five years from its establishment. Regarding the council's duration, Mr. Bellomo said that the council's end date is to remain open to allow flexibility in meeting its report requirements;

- Mr. Dorman asked if TMAC documents are considered public prior to a TMAC vote and if the public would be allowed participate during the report development process. Mr. Bellomo replied that the DFO has scheduled six meetings and he encouraged the committee to focus the majority of its deliberations to occur during these meetings, specifically as the deliberations pertain to recommendations. Ms. Lathrop said that she was a member of the previous TMAC and that writing and report development occurred mostly independently, while broad recommendations discussions occurred during the in-person meetings with public attendance. Ms. Pilgrim added that draft documents are not public but do become part of the official record;

- Ms. Lathrop inquired as to the administrative or clerical assistance that FEMA would provide to help generate the reports. Mr. Bellomo replied that the TMAC members will have a significant role ensuring that the reports are
consistent and address the requirements. He noted that if additional support for technical editors or writers were needed, FEMA would review the request.

FLAIR Act
On July 16, the Federal Land Asset Inventory Reform (FLAIR) Act was approved by unanimous vote by the Committee on Natural Resources of the U.S. House of Representatives. The bill, H.R. 916, was introduced in February 2013 to develop a current, accurate inventory of all real property owned by the U.S. government, by Representatives Ron Kind (D-WI) and Rob Bishop (R-UT), with 16 cosponsors. NSPS has been a driving force behind the bill to create a current, accurate inventory of all land owned by the Federal government, authorize an “inventory of inventories” to identify redundant and duplicate inventories that are old and out of date that the government can eliminate to save money, and integrate data into an efficient database or “multipurpose cadastre”. NSPS Executive Director Curtis Sumner testified on the bill in December 2013. The bill now goes to the full U.S. House. NSPS staff continues to work with Senators Orrin Hatch (R-UT) and Mike Lee (R-UT) on reintroduction of the Senate bill from last Congress, S. 1153. Sen. Hatch has requested NSPS help in finding a Democrat to serve as lead cosponsor.

NSPS staff continues to work with Rep. Jason Chaffetz (R-UT) on his Federal real property disposal bill, H.R. 328 via the House Oversight and Government Reform Committee. Section 7 has 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, is not as favorable on the property inventory language.

NSPS has also been working closely with Rep. Kevin Yoder (R-KS) on his continued oversight of Federal Real Property management. In two successive years of questioning GSA Administrator Dan Tangherlini, it became quite clear that GSA still maintains an inaccurate registry of land and property holdings for the entire Federal government. Rep. Yoder helped add House Committee Report language for H.R. 5016, the FY 2015 Financial Services and General Government Appropriations bill, which includes stern language for GSA’s portfolio management:

“Federal Real Property Profile.- GSA is charged with compiling the Federal Real Property Profile. Numerous studies have found this profile contains a significant amount of inaccurate information. The Committee is outraged that the Federal government cannot provide an accurate accounting to the American public of all the property that it owns. The Committee expects GSA to work with agencies across government to improve the data contained in this report and improve transparency to the American taxpayer. Within 90 days of enactment of this Act, GSA shall report to the Appropriations Committees on steps taken to improve the quality of the profile”

Geospatial Governance and Coordination
While September 30 marked the last day in office for Anne Castle, former Department of the Interior Assistant Secretary for Water and Science, she commented before the September 22, 2014 National Geospatial Advisory Committee (NGAC) meeting that "geospatial" will continue to be a major focus for DOI/USGS/FGDC/NGAC in the transition period while her replacement is found.

NSPS has learned that a GAO report on geospatial governance and coordination is expected to be released by February 2015. In addition, NSPS is working with Sen. Jim Risch (R-ID) on his draft geospatial legislation entitled, the “Geospatial Data Act,” which may be introduced post-election during the Lame Duck Session in November. While interested in the good intentions for the bill, NSPS has concerns including that the bill would codify all the Executive Orders and regulatory policies surrounding geospatial from over the last 20 years, even though they may be flawed or outdated.

In April 2013, Rep. Doug Lamborn (R-CO) reintroduced H.R. 1604, the “Map It Once, Use It Many Times (MIO-UIMT)” Act. In 2012, Rep. Lamborn held a hearing in Colorado Springs, CO on both MIO-UIMT and the FLAIR Act. NSPS testified in favor of the bills and the need to better coordinate geospatial finding and activities at the Federal level. NSPS staff is still looking for a Senate sponsor for companion legislation to H.R. 1604.

A House Subcommittee hearing to evaluate the bill was held December 5, 2013 by Rep. Lamborn, at which NSPS Executive Director Curtis Sumner testified. At the hearing the Government Accountability Office (GAO) said that there is not “a complete picture of how much money is being spent on geospatial investments across the federal government because, as noted, what was being reported may not have captured all geospatial spending, and the data had not been
reliable.” Collecting such information is “not a priority” for the Office of Management and Budget (OMB), GAO also said. NSPS staff has learned that a markup hearing on H.R. 1604 (MIO-UIMT) may occur as soon as November.

**Government Shutdown**

In 2013, NSPS cosigned a coalition letter, organized by the U.S. Chamber of Commerce, urging avoidance of a shutdown while also moving forward in tackling the root of the fiscal crisis -- growth and expansion of the entitlement programs. The current short-term funding extension otherwise referred to as a Continuing Resolution, or CR, will expire December 11, 2014.

**Highway Bill Spending**

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 and February 2014, 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. The House and Senate reached final agreement on a 10-month extension of the federal highway program, to May 2015, before departing the Nation’s Capitol for its August recess. Approval means a longer term reauthorization will be deferred to 2015.

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.

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.

**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. On September 22, CFPB GIO Michael Byrne briefed the National Geospatial Advisory Committee (NGAC) on his agency’s efforts this far to comply with implementation of Dodd-Frank provisions.

**Pipeline 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.

Following a constructive set of meetings by NSPS members on Capitol Hill in March, the next step is to begin work on a mapping provision for the next pipeline reauthorization bill, when this bill is considered in 2015, or in MAP-21, if that reauthorization bill is more “inter-modal".
**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.

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.

**Tax Reform and Cash Accounting**

Some mapping, surveying and geospatial firms may be impacted by a comprehensive tax reform bill introduced in Congress by Rep. Dave Camp (R-MI), the soon to be retired chairman of the House Ways and Means Committee. The proposal lowers corporate tax rates, but makes offsets through various reforms, including limits on the use of cash-based accounting. When the 1986 tax reform act was before Congress, ACSM worked to assure that cash accounting was preserved for certain firms that are in the performance of services in the fields of health, veterinary services, law, engineering (including surveying and mapping), architecture, accounting, actuarial science, performing arts, or consulting.

As part of efforts to balance the budget and re-write the federal tax code, a proposal is under consideration in Congress to limit the use of the cash method of accounting to firms with less than $10 million in gross receipts. In August, led by Senators Sherrod Brown (D-OH), Pat Roberts (R-KS), Angus King (I-ME), and Ron Johnson (R-WI), a letter was signed by 46 Senators was sent to the Senate Finance Committee opposing the cash accounting changes. It stated, "As the Finance Committee develops its comprehensive tax reform package, we ask that you consider the negative impact that this proposal would have on the professional services sector as well as farming and ranching businesses... We believe that such a change has not been fully vetted and many of the concerns raised by these businesses have not been addressed."

**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 intracoastal waterway navigation systems.

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