NSPS Government Affairs Update  
November 2013 – Baltimore-Washington International Airport, Maryland

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3DEP
USGS has launched a program to provide a national elevation dataset to a common standard with scheduled updates. The 3DEP program is based on a recommended 8-year acquisition cycle at a cost of $146 million per year.

On June 7, NSPS wrote the House Appropriations Subcommittee on the Interior urging Congress to fund the USGS share of the 3DEP program at the President’s FY14 budget request level of $23.7 million and mobilized other organizations to support the appropriations request as well. On September 13, NSPS wrote the Senate Appropriations Subcommittee on the Interior to fund the President’s Initiative. Additionally on September 4, the Coalition of Geospatial Organizations (COGO), of which NSPS is a member, wrote the subcommittees asking for similar financial support for 3DEP. The House Subcommittee bill has full funding for 3DEP. Further action on a FY14 Interior Appropriations bill in the House and Senate are in doubt.

Council on Federal Procurement of Architectural and Engineering Services (COFPAES)
On October 30, NSPS staff, as part of a COFPAES delegation, participated in several meetings on Capitol Hill mainly centered on the conflict generated by GSA Supply Schedules use of price for A-E services, in violation of the Brooks Act. These meetings featured procurement staff of the House Oversight & Government Reform Committee as well as the Senate Committee on Homeland Security and Governmental Affairs. Additionally, NSPS staff met with Rep. John Delaney (D-MD) on his innovative way to fund infrastructure projects found within his bill H.R. 2084, the “Partnership to Build America Act of 2013”.

On February 20, NSPS staff met 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. On May 14, COFPAES held a day-long workshop on Brooks Act contracting featuring USACE’s Bruce Ware. At the October 30 meeting, COFPAES hosted Mathew Blum, Associate Administrator of OFPP, to discuss strategic sourcing of A/E/S/M services through QBS contracts, awarded via the “Brooks Act”, to serve multiple federal agencies.

COFPAES is exploring a process to support individual practitioners by working with state licensing boards to secure prompt rulings on licensing requirements and scope of work questions affecting QBS compliance. NSPS, through COFPAES has sent emails to various Federal contracting officers on individual procurements that violate the Brooks Act, upon request from individual members. These emails keep the identity of the individual anonymous.

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 2012, COFPAES wrote NGA Director Long on the planned GDS procurement NOT using qualifications-based-selection (QBS). In August 2012, a follow-up letter listing the original letter was sent. A response from NGA was provided.
Davis-Bacon
In March 2013, the Labor Department reversed more than 50 years of policy and determined that members of survey crews working on Federal construction projects are “laborers and mechanics” as that term is used in the Davis-Bacon Act, making those workers subject to the Act.

On June 18, NSPS Executive Director Curtis Sumner testified before the House Education and the Workforce Subcommittee on Workforce Protections oversight hearing of Davis-Bacon, with a major emphasis on the recent expansion of Davis-Bacon into the professional surveying community. On July 11, Chairmen Kline (R-MN), Walberg (R-MI), and Sam Graves (R-MO) co-signed a letter requesting information from the Labor Department.

On August 16, NSPS staff attended an August 16 meeting with the staff of the Wage and House Division of the Department of Labor, and it was clear that no thorough outreach or due diligence was conducted, and certainly no one from representing the professional surveying community or profession. On August 20, NSPS sent a letter summarizing the briefing and asking DOL to rescind its AAM-212 Memorandum to contracting officers. On October 31, Senators Lamar Alexander (R-TN) and Pat Roberts (R-KS) wrote the Secretary of Labor requesting an explanation of the new policy, documents, and a briefing.

Digital Coast
On March 21, Reps. C.A. “Dutch” Ruppersberger (D-MD) and Don Young (R-AK) re-introduced H.R. 1382, the “Digital Coast Act of 2013” to authorize 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 the coastal region. On October 16, Reps. Ruppersberger and Young wrote House Natural Resources Committee Chairman Doc Hastings (R-WA) requesting a hearing on the bill. On November 5, NSPS staff began leading the coalition of interested groups to identify a Senator to introduce companion legislation in the Senate, having completed 14 such Senate meetings.

On July 8, a standing-room only Congressional briefing regarding the Digital Coast program and H.R. 1382 was held in the Rayburn House Office Building. H.R. 1382 enjoys broad support, including the American Planning Association (APA), Association of State Floodplain Managers (ASFPM), Coastal States Organization (CSO), National Association of Counties (NACo), National Estuarine Research Reserve Association (NERRA), National States Geographic Information Council (NSGIC), The Nature Conservancy (TNC), Urban Land Institute (ULI), and National Society of Professional Surveyors (NSPS). During this Congressional briefing, NSPS Executive Director Curtis Sumner and NSPS Government Affairs Consultant John Palatiello presented surveying professionals views on the Digital Coast.

Federal Prison Industries (FPI) Reform
On May 22, a bipartisan group of House members introduced H.R. 2098, the "Federal Prison Industries Competition in Contracting Act of 2013". Rep. Bill Huizenga (R-MI) offered the bill with 14 cosponsors and is supported by at least 15 business organizations such as NSPS, MAPPS, 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.

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) 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 with the surveying profession as well as GIS/CADD. NSPS staff is also working closely on having an amendment restricting FPI’s ability to pursue defense contracts via the House and Senate authorization and appropriation bills. There may soon be an opportunity to add an amendment to the Senate Defense bill.
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. On September 17, NSPS staff arranged a meeting between NAPA staff and staff of Sen. Jack Reed (D-RI) on the NAPA report established by the MAP Act. That report is expected before the end of the year. A House hearing on the NFIP is scheduled for this month.

FEMA requested candidates for the re-established the Technical Mapping Advisory Council (TMAC). NSPS nominated member Wendy Lathrop.

FLAIR Act
On February 28, 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), H.R. 916, with 13 cosponsors and 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.

A hearing to evaluate the bill and the “Map It Once, Use It Many Times (MIO-UIMT)” Act (see below) is scheduled for December 5 by Congressman Doug Lamborn (R-CO), before his Subcommittee on Energy and Mineral Resources. NSPS is expected to be invited to testify.

Geospatial Governance & Coordination
On April 17, Rep. Doug Lamborn (R-CO) reintroduced H.R. 1604, the “Map It Once, Use It Many Times (MIO-UIMT)” Act. In 2012, Rep. Doug Lamborn (R-CO) held a hearing in Colorado Springs 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 hearing to evaluate the bill and the FLAIR Act (see above) is scheduled for December 5 by Congressman Doug Lamborn (R-CO), before his Subcommittee on Energy and Mineral Resources. NSPS is expected to be invited to testify.

The Federal Geographic Data Committee (FGDC) is developing a new strategic plan for the National Spatial Data Infrastructure (NSDI). Earlier this year, NSPS participated in several meetings of non-Federal stakeholders.

Government Shutdown
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.

Highway Bill Reauthorization
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 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 2014. NSPS should consider priorities for the next bill, including such issues as asset management, BIM, and Mobile Mapping as part of the practice of surveying, subject to licensing and QBS.

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.
Pipelines, Railroads & 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 has begun working with members of Congress to add a legislative provision requiring accurate surveying of pipelines and other forms of underground infrastructure. A pipeline safety bill will be considered in the 114th Congress (2015-16). NSPS staff is also exploring including the related railroad abandonment issue.

Privacy & Geolocation 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 report 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.

On March 6, Rep. Zoe Lofgren (D-CA) introduced the “Online Communications and Geolocation Protection Act”, H.R. 983. On March 21, Rep. Jason Chaffetz (R-UT) reintroduced the “Geolocational Privacy and Surveillance Act”, H.R. 1312, and Sen. Ron Wyden reintroduced the “Geolocational Privacy and Surveillance Act”, S. 639. All three bills were referred to their respective Judiciary Committees, and NSPS continues to engage these members of Congress to exempt surveying professionals from being caught up in too wide a net as set forth by these bills.

STEM
Surveying engineering is classified as a science, technology, engineering and mathematics (STEM) discipline within the Department of Education’s Classification of Instructional Programs. However, other GIS-related programs are classified as Social Sciences, not STEM. With the Higher Education Act up for reauthorization, NSPS should decide if it wishes to promote legislation to classify all GIS as STEM.

Water Resources Development Act (WRDA)
On October 23, the House passed H.R. 3080, the "Water Resources Reform and Development Act (WRRDA) of 2013" by a 417-3 vote. In May, the Senate passed its Water Resources Development Act, S. 601, in May by a 83-14 vote. The two bills are now in conference.