Introduction
It’s been a very busy year so far for NSPS on Capitol Hill. We spent a lot of time on the LightSquared/GPS interference issue. But we also worked on many other important issues affecting NSPS members. Another big issue we worked on was the MAP-21 legislation that passed Congress and became law this year. We are also working on several important bills being decided in Congress and several regulations being considered in Federal agencies. As always, we need your help in educating Members of Congress, staff and Federal regulators on these important issues.

FEMA FloodMap RiskMAP Coalition
The Coalition has not met with FEMA Floodmap officials since our last meeting and there appears to be no progress on the proposed RiskMAP Advisory Committee. However, the Technical Mapping Advisory Council (TMAC) will be moving forward, thanks to the recently enacted “Moving Ahead for Progress in the 21st Century Act” (P.L. 112-141), also known as MAP-21. MAP-21 is a comprehensive bill that covers many highway and transportation issues, many geospatial and mapping issues and the NFIP legislation that included reauthorization of the Technical Mapping Advisory Council.

In addition to reauthorizing the TMAC, MAP-21 directs the ongoing National Flood Mapping Program. MAP-21 directs the FEMA Administrator to work with the TMAC for the Administrator to review, update, and maintain NFIP rate maps. The NFIP rate maps will cover all populated areas and areas of possible population growth for the 100 year floodplain, the 500 year floodplain, areas of residual risk and areas that could be inundated as a result of the failure of a flood control structure. Additionally, FEMA will assess the accuracy of ground elevation data and, wherever necessary, acquire new ground elevation data utilizing the most up to date geospatial technologies. MAP-21 directs the Administrator, when updating the flood maps, to include relevant information from the Corps of Engineers, NOAA, the USGS and any other relevant information as may be recommended by the TMAC.

MAP-21 directs the Administrator to publish maps in a format that is (1) digital geospatial data compliant, (2) compliant with the standards established by the Open Geospatial Consortium, and (3) aligned with official data defined by the National Geodetic Survey. Finally, MAP-21 authorizes $400 million each year from 2013 through 2017 for the carrying out of the National Flood Mapping Program.

NSPS played a key role in working with Congress to reauthorize the TMAC, as well as the National Flood Mapping Program. We are working with FEMA, other relevant Federal agencies, as well as interested groups and associations for the carrying out of this program. A copy of the relevant section of MAP-21 is included for your review.
USGS Coalition (No Documents)
NSPS has been working with a large coalition of USGS stakeholders on issues affecting the USGS. The overall goal of the coalition continues to be to fight for federal funding for ALL of the disciplines of the USGS. Coalition members have been meeting with Members of Congress on the House and Senate Appropriations Committee to discuss funding needs, and during these meetings, NSPS has argued for the need for additional funding for the many geospatial, surveying and mapping programs in the USGS. Many programs in the USGS are facing funding cuts, but the geospatial programs have received little to no funding cuts.

Recently, USGS officials have expressed the desire for more LiDAR and elevation programs and the need for additional Federal funding to carry out these programs. NSPS has made a commitment to work for more Federal funding for these programs.

The USGS National Enhanced Elevation Assessment (NEEA) was sponsored by the 12 member agencies of the National Digital Elevation Program (NDEP) to document national requirements for elevation data from LiDAR and Interferometric Synthetic Aperture Radar (IfSAR) technologies, estimate the benefits and costs of meeting these requirements, and evaluate multiple national enhanced program implementation scenarios.

NEEA study participants, including 34 Federal agencies, 50 states and select local governments, tribes, private and not for profit organizations, identified 602 mission critical activities that require enhanced elevation data. The study analysis shows that a national program to address these needs can potentially generate $1.2 billion to $13 billion in new benefits each year. Based on the analysis, the USGS recommends a program to acquire coverage of Quality Level 2 LiDAR data for conterminous U.S., Hawaii and the territories on an eight year schedule, with Quality Level 5 IfSAR data in Alaska where cloud cover and remoteness preclude consideration for LiDAR over much of the state.

The USGS proposes a cooperatively funded, enhanced elevation program, executed by the USGS. The Federal agencies poised to realize the highest mission benefits from access to enhanced elevation data include NRCS, USACE, DISDI, USGS, NOAA, FEMA, EPA, USFS, FAA and NGA. This program approach provides the opportunity for state and other partners to participate in the program and for any partner to buy up the higher quality data as needed for their areas of interest. Outreach to potential partners is underway.

COFPAES (No Documents)
This past June, COFPAES held its delegate meeting. The morning session consisted of several engaging speakers. Representative Bill Huizenga (R-MI) discussed his Federal Prison Industries Reform legislation, Dr. Khem Sharma, Director, Office of Size Standards, SBA discussed the new SBA size standards, Robin Bourne, Director, Multiple Awards Schedule Program Division, General Services Administration discussed A/E services on the GSA Schedule and Leslie Godwin, Assistant Division Chief, Geographic
Program Management, Census Bureau discussed the use of A/E services by the Census Bureau.

As expected, there was a back and forth discussion between the attendees and Mr. Bourne regarding the continued violation of the Brooks Act by the GSA by placing A/E services --- including surveying and mapping services --- on the GSA Schedule. Mr. Bourne took all of the COFPAES questions and concerns and responded as best as he could. He suggested COFPAES seek an additional meeting with GSA officials to discuss the ongoing issue.

Leslie Godwin of the Census Bureau spoke about how the Census Bureau will use A/E services. Under its Master Address File / Topologically Integrated Geographic Encoding and Referencing (MAF/TIGER) program, the Census Bureau released an RFP for GPS Point Collection services through the GSA Schedule. This would be a 5 year contract. COFPAES Delegates pointed out that this RFP is a Brooks Act violation. Ms. Godwin did not have a response to our concerns; however, COFPAES Administrator John Palatiello followed up with her regarding the status of the RFP. In response, Ms. Godwin said that since the RFP process is ongoing, the legality of providing the RFP to COFPAES needs to be determined. Recently, Ms. Godwin informed COFPAES that the RFP will be pulled.

The COFPAES Delegates meeting was held in the afternoon session. Several important items were on the agenda:

QBS in the 112th Congress --- the Delegates discussed several bills working through congress that have QBS provisions in them. COFPAES staff will continue to monitor the legislation.

Brooks Act Amendments --- As a follow-up to the COFPAES Delegate meeting held last September, the delegates reviewed a draft of proposed changes to the Brooks Act that COFPAES push if the opportunity arose. The delegates agreed to put off any further action on the draft and this issue until the fall 2012 meeting.

GSA Schedule, Abuse on A/E services contract --- The delegates and staff discussed the recent meeting COFPAES staff and Chairman Biegel had with GSA staff last year. A reply letter from Steven Kempf, GSA Commissioner was reviewed. The delegates felt that in light of the discussions taking place in the morning session of the COFPAES Delegate meeting, it would make sense for staff to follow-up with Robin Bourne of the GSA on this issue.

National Geospatial Intelligence Agency --- The National Geospatial Intelligence Agency (NGA) is proposing to issue a RFP that will not comply with the Brooks Act and FAR Part 36. The agency has not explained why it is no longer (after contracting via QBS for more than 15 years) following QBS. MAPPS drafted a letter and made a request that COFPAES send a letter to the NGIA Director on the issue. A Motion to send the drafted letter (with a few agreed upon changes) was passed by the delegates. COFPAES staff will
take the letter and this issue to Congress to seek a Member of Congress to pressure NGIA on the issue.

**COFPAES Federal Markets Conference (No Documents)**

NSPS is a member organization of COFPAES. A $50 registration discount is provided to NSPS members.

Designed for principals, owners, and partners of A/E firms and marketing and business development executives, this one-day event will give you the opportunity to engage with top officials from key Federal agencies as they discuss their programs budgets and present upcoming projects and procurement opportunities for architectural, engineering, surveying, and mapping services.


Registration for COFPAES organization members (AIA, ASCE, MAPPS, NSPE, or NSPS) is $195. The cost for non-members is $245. Go to [www.cofpaes.org](http://www.cofpaes.org) for conference details and registration.

**NSPS Trig-Star Program (No Documents)**
NSPS continued to meeting with Members of Congress and staff regarding the need for Federal funding for the NSPS Trig-Star program. Many Members of Congress support this program, especially if it has had an impact in their district or state. However, no Member of Congress would give a commitment for Federal funding assistance, especially in light of the current “no earmark” rule. NSPS argued that the Trig Star program should not be classified as an “earmark” because it is a national program and does not fall into one particular state or district. Several Members of Congress suggested NSPS work with a Federal agency to oversee the program, and then work for an authorization to fund the program. Other Members of Congress suggested NSPS stick to searching for Federal and state grants for the program. In all meetings, however, the general consensus was that with the current state of the economy, and the fact that the Federal government continues to run on continuing resolutions, it is unlikely that Congress would approve a new program requiring Federal funding.
LightSquared GPS Interference

The LightSquared issue has been quiet recently, but it is not over. This is a good time to discuss what some key players on the issue are doing. LightSquared recently met with FCC officials. LightSquared continued to claim that it is not at fault and should not have been prevented by the FCC from going forward with its plans. Instead, it claimed, the GPS high precision receiver manufacturers are at fault for not designing high precision GPS receivers that would be able to function under LightSquared’s proposed plan.

During the meeting with FCC officials, LightSquared once again raised the question about a possible spectrum swap so that it could operate without interfering with high precision GPS devices. The FCC has not yet issued a statement in response to either of these issues.

In other news, a few Members of Congress sent a letter to the FCC asking the FCC to allow LightSquared to move forward with its proposed plan. It doesn’t appear that a significant number of Members of Congress share the position of allowing LightSquared to go forward, and we don’t expect the FCC to take action on this letter.

Recently, the FCC Chairman, Julius Genachowski sent a letter to Senators Lindsey Graham and John Kerry in response to their letter urging that the Commission consider options that will allow LightSquared to offer its planned wireless broadband service, including authorizing use of alternative spectrum for this service. The Chairman informed the Senators that their letter will be included in the record of the related proceedings and considered as part of the Commission's review. The Chairman noted that Commission staff has continued to meet with representatives of LightSquared, and is working with them through the complex issues of this proceeding. He also noted that currently, no petition is before the Commission regarding alternative spectrum for LightSquared. Should that change, the Commission will coordinate with NTIA as necessary, and consider any proposals carefully.

Also, on September 7, Dr. Javad Ashjaee wrote a letter to Chairman Genachowski and NTIA Assistant Secretary, Lawrence Strickling advising them of an improved filter for GNSS receivers that his company has developed. He stated that “these filters not only protect GNSS signals against all LightSquared signals, but also from all similar signals that may appear near all commercial GNSS bands in the future.

We expect that Congress will consider a number of bills relating to GPS interference in the near future. NSPS is preparing to meet with the FCC officials in the near future to give our side of the issue.

Copies of the FCC letter and the Javad Ashjaee letter are attached for your review.

On September 21, the House Committee on Energy and Commerce, Subcommittee on Oversight and Investigations held a hearing entitled “The LightSquared Network: An Investigation of the FCC’s Role.” The hearing was not well attended by Members of the
Subcommittee, and as a result, it was not as effective as it could have been. Chairman Cliff Sterns concluded in his opening statement that the FCC left LightSquared and the public in regulatory limbo.

The FCC’s witnesses were Ms. Mindel De La Torre, Chief, International Bureau, FCC and Mr. Julius Knapp, Chief, Office of Engineering and Technology, FCC.

Julius Knapp stated in his opening remarks that the FCC relies on stakeholders to raise issues. Stakeholders did not raise interference issues until 2010. FCC would have acted sooner if it only knew if it knew about possible interference issues. FCC does not regulate GPS devices, so it has no expertise to test.

Mindel De La Torre stated that the FCC acted in established procedures and reiterated that receiver overload was not raised as an issue until 2010.

In questioning, both witnesses admitted that the FCC has duty to make things work.

De la Torre admitted that even after the FCC learned about the possible interference issues, the FCC only granted an extension for comments for 3 days. She felt this was enough time for all concerned parties to submit comments.

The witnesses stated that no specific date has been set for a final decision on the status of LightSquared. The FCC is considering LightSquared’s proposed solutions, but the witnesses would not state what issues they are considering and they would not say whether the LightSquared issue can actually be solved.

For more details on the hearing, including the statements of all participants and a video of the hearing, go here:


**National Geospatial Advisory Committee**

The National Geospatial Advisory Committee met recently and discussed a number of important issues. The minutes of the meeting are not yet released, but Gary Thompson, a member of the Committee has agreed to do a write-up on the meeting and to be available to answer questions regarding the issues discussed.

One of the key issues discussed, in a panel led by Gary Thompson, involved the National Enhanced Elevation Assessment, (3D Elevation Program, or 3DEP). The USGS is the Federal agency supporting this program and Kevin Gallagher, Associate Director for Core Science Systems with the USGS was on hand to answer questions. The USGS will be looking for Federal funding for this ongoing project. NSPS will work on obtaining federal funding for this important program.
Lobby Day Recap (No Documents)
We had our Lobby Day on September 27 and met with a number of Congressional staff to discuss our issues. NSPS would like to thank everyone who participated. Because of a scheduling conflict, Congress was officially in recess during our Lobby Day. But that gave us an opportunity to spend more time with staff to discuss our issues.

Map It Once, Use It Many Times Act (HR 4233)
We discussed this bill in detail during our last meeting. Unfortunately, nothing has changed with the bill. There have been no new hearings on it and it has not moved forward. We expect it to be reintroduced next year, when it will have a better chance of passage.
A summary of HR 4233 is attached for your review

Federal Prison Industries Legislation Update --- Once again, Congress is considering Federal Prison Industries reform legislation. Among other things, the legislation would level the playing field between Federal Prison Industries and the private sector when they compete for Federal contracts. As in previous versions of this legislation NSPS was able to include language in the bills that would prohibit Federal prisoners working in Federal Prison Industries from scanning sensitive geographic data.

The House bill – HR 3634 – was introduced by Rep. Huizenga (R-MI) and has 26 co-sponsors. The Senate bill has not yet been introduced, but Senator John Thune (R-SD) has the bill ready to go when a few more co-sponsors join the bill. Right now, only Senator Stabenow and Senator Harkin are co-sponsors on the Senate bill.

NSPS is part of a strong coalition working to move both bills forward. We are working to get more Senators on the Thune bill so that it will be introduced soon.
A summary of the Federal Prison Industries legislation is attached for your review

PNT Advisory Board ---- Economic Benefits of GPS
The Space Based PNT Executive Committee met recently to discuss issues related to GPS. Among other topics, the Committee discussed the LightSquared issue, development of spectrum interference standards, and civil funding of GPS. The Committee also discussed the need for a study on the economic benefits of GPS. The Committee raised a number of questions, including: (1) How complete and credible are existing studies of the economic impact of GPS? (2) How old are they? (3) How should this new economic study be conducted and evaluated for objectivity and completeness? (4) Should peer review be included, and if so, by whom?
NSPS is working on information to support this study. We will also offer our support to the Committee on this and other GPS related issues.
Documents relating to this issue are attached for your review

MAP-21 (HR 4348)
In addition to reauthorizing the Technical Mapping Advisory Council, the Moving Ahead for Progress in the 21st Century Act (MAP-21) will fund surface transportation programs at over $105 billion for fiscal years 2013 and 2014. One of the key parts of the bill is the
continuation of the Surface Transportation Program (STP). MAP-21 provides an annual average of $10 billion in flexible funding that may be used by states and localities for projects to preserve or improve conditions on Federal aid highway, bridge projects on any public road, facilities for nonmotorized transportation, transit projects and bus terminals and facilities.

There are many eligible activities under the STP, here are some examples:

1. Construction, reconstruction, rehabilitation, resurfacing, restoration, preservation or operational improvements for highways;
2. Replacement, rehabilitation, preservation, protection of bridges and tunnels
3. Construction of new bridges and tunnels on Federal aid highways;
4. Inspection and evaluation of bridges, tunnels and highway assets;
5. Highway and transit safety infrastructure improvements and programs;
6. Highway and transit research, development and technology transfer;
7. Surface transportation planning;
8. Transportation control measures;
9. Infrastructure based ITS capital improvements;
10. Recreational trail projects;

NSPS will continue to work with the various Federal agencies, including the DOT and FHA, as they carry out the provision of MAP-21.

A summary of the highway provisions of MAP-21 is included for your reference.

**Pipeline Safety, Regulatory Certainty and Job Creation Act of 2011 (HR 2845)**

The Pipeline Safety, Regulatory Certainty and Job Creation Act of 2011 was introduced by Congressman Bill Shuster and became law earlier this year. Among other things, the law directs the Secretary of the Dept. of Transportation to: (1) maintain and update biennially, as part of the National Pipeline Mapping System, a map of high consequence areas in which pipelines are required to meet integrity management program regulations; and (2) develop a program promoting greater awareness of the existence of the National Pipeline Mapping System to state and local emergency responders and other interested parties. (Sec. 6)

The law also revises national pipeline mapping system requirements to require each pipeline operator to provide the Secretary of the DOT with certain geospatial or technical data, including design and material specifications.

NSPS will work with the DOT on the implementation of this law.

A summary of the Pipeline Safety, Regulatory Certainty and Job Creation Act is attached for your review.
Additional Legislation
There are several bills that are relevant to NSPS that we are watching and monitoring. It is unlikely that these bills will become law, but we expect that they will be reintroduced next year, so we are making you aware of them.

H.R.1474
Freedom from Government Competition Act of 2011
Requires each executive or military department or independent establishment to obtain all goods and services necessary for or beneficial to the accomplishment of its authorized functions by procurement from private sources, except if: (1) such goods or services are required by law to be produced or performed by such agency; or (2) the head of the agency determines and certifies that federal production or performance is necessary for the national defense or homeland security, that a good or service is so inherently governmental in nature that it is in the public interest to require production or performance by government employees, or that there is no private source capable of providing the good or service.

Requires such private sector provision of goods and services to be performed through: (1) the divestiture of federal involvement, (2) the award of a contract using competitive procedures, or (3) conducting a public-private competitive sourcing analysis in accordance with Office of Management and Budget (OMB) procedures and determining that using the private sector is in the best interest of the United States and provides the best value to the taxpayer.

H.R. 1620
Federal Land Asset Inventory Reform Act of 2011 - Directs the Secretary of the Interior to develop a multipurpose cadastre of federal real property (an inventory of real property of the federal government) to assist with federal land management, resource conservation, environmental protection, and use of real property. The bill authorizes the Secretary to enter into cost-sharing agreements with states to include any non-federal lands in a state in such cadastre. It limits the federal share of any such agreement to 50% of the total cost to a state for the development of the cadastre of the non-federal lands in the state. And it requires the Secretary to submit a report on: (1) existing real property inventories or any components of any cadastre, (2) consolidation of inventories and components, (3) the use of existing inventories and components of any cadastre, (4) the cost savings that will be achieved, and (4) recommendations for legislation.

H.R. 2168
Geolocational Privacy and Surveillance Act or the GPS Act - Amends the federal criminal code to prohibit intentionally: (1) intercepting geolocation information pertaining to another person; (2) disclosing to any other person such information pertaining to another, knowing that the information was obtained in violation of this Act; (3) using geolocation information, knowing that the information was obtained in violation of this Act; or (4) disclosing to any other person the geolocation information pertaining to another person intercepted by means authorized under this Act, knowing that the information was obtained in connection with a criminal investigation, having obtained or
received information in connection with a criminal investigation, with intent to improperly obstruct, impede, or interfere with a duly authorized criminal investigation.

The legislation sets penalties for violations.

Makes specified exceptions for interceptions involving: (1) information acquired by a provider of covered services (electronic communication service, remote computing service, or geolocation information service) in the normal course of business; (2) federal officers, employees, or agents conducting foreign intelligence surveillance; (3) persons having given prior consent; (4) public information; (5) emergency information; (6) theft; and (7) a warrant.

The bill prohibits: (1) a person providing covered services from intentionally divulging geolocation information pertaining to another person, with exceptions; and (2) the use of such information, and evidence derived from it, as evidence. Authorizes: (1) the use of geolocation information by investigative or law enforcement officers, or by a state's principal prosecuting attorney, to intercept such information under specified emergency circumstances; and (2) the recovery of civil damages by any person whose geolocation information is intercepted, disclosed, or intentionally used in violation of this Act.

The legislation modifies the Federal Rules of Criminal Procedure to require a search warrant to acquire geolocation information.

**H.R.6475**

To authorize the Secretary of Commerce, through the National Oceanic and Atmospheric Administration, 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.

**Sponsor:** [Rep Ruppersberger, C. A. Dutch](https://www.congress.gov/representative/members?state=MD) [MD-2] (introduced 9/20/2012)

**Latest Major Action:** 9/20/2012 Referred to House committee. Status: Referred to the House Committee on Natural Resources.

NSPS will continue to monitor these bills.

**A summary of each of these bills is attached for your review**

**Fundraisers (See PAC Report)**

We attended several fundraisers for current Members of Congress and one candidate for Congress who could help us with our issues. As always, we were very conservative with PAC money and we do not contribute just for the sake of doing so. The PAC Report goes into more detail about fundraisers we attended. With the recent organization changeover, it may be a good time to discuss ways we can start building up PAC funds. As you can tell from this report, we worked on many important issues this year and most of them will carry over into next year and future years. The NSPS PAC is very helpful to our success on Capitol Hill; we need to keep it fully funded and strong.
Conclusion
As you can see, we’ve been quite busy this year. Next year, we expect to revisit issues and proposed legislation that did not pass this year, as well as work on the implementation of the important legislation, like MAP-21, that passed this year. Additionally, we will no doubt work on introducing new proposals and legislation that will benefit NSPS members.

I welcome all questions, suggestions and comments on this report.

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