John M. Palatiello & Associates, Inc. (JMP&A), the government relations and association management firm that provides federal lobbying services to NSPS, has announced a merger with Miller/Wenhold Capitol Strategies (MW), effective October 2018. JMP&A is now a wholly owned subsidiary of MW and the merged firm occupies offices at 10340 Democracy Lane, Suite 300, Fairfax, VA 22030. The combined firms have expanded capacity and capability to support clients with professional services in Federal and state lobbying, trade and professional association management, advocacy, grass roots and grass tops campaigns, strategic planning, management and marketing consulting, and event management. A staff of eight full time professionals and additional independent consultants provide full service public affairs competence and proficiency to large and small businesses, trade and professional associations, nonprofit organizations, and advocacy groups.

Appropriations/CR/Shutdown

On January 25, President Trump signed a short-term spending bill to re-open the government, ending the longest partial federal government shutdown (35 days) in U.S. history. Trump signed the stop-gap spending bill just hours after the measure passed the Senate and House, respectively. H.J. Res. 28, the "Further Additional Continuing Appropriations Act, 2019," includes a short-term continuing resolution that provides fiscal year 2019 appropriations through February 15, 2019, for continuing projects and activities of the Federal Government included in the remaining seven appropriations bills. The deal for a short-term spending bill keeps the government open until February 15.

Department of Agriculture

Farm Bill
NSPS scored a legislative victory in 2019 when Congress passed and President Trump signed the Farm Bill. Earlier, the U.S. House of Representatives passed H.R. 4881, the Precision Agriculture Connectivity Act, to reduce barriers to the implementation of cutting-edge technology on America’s farms. The legislation establishes a Federal Communications Commission (FCC) task force, in collaboration with the U.S. Department of Agriculture (USDA), to evaluate the best ways to meet the broadband connectivity and technological needs of precision agriculture. NSPS worked closely with the bill sponsors to add an individual with expertise in "geospatial analysis" to the task force. The Task Force must be comprised of farmers and ranchers, Internet service providers, broadband mapping experts, and representatives from the satellite industry, electric cooperatives, precision agriculture equipment manufacturers, and local and state government representatives.

The duties of the Task Force include:
- Identifying and measuring current gaps in broadband coverage on agricultural land;
- Developing policy recommendations to promote the rapid, expanded deployment of broadband Internet access service on agricultural land, with a goal of achieving reliable service on 95 percent of agricultural land by 2025;
- Recommending steps the FCC should take to obtain reliable and standardized measurements of broadband Internet access service availability as may be necessary to target funding support to unserved agricultural land in need of broadband Internet access service; and
- Recommending steps the FCC should consider to ensure that the expertise of USDA and available farm data are reflected in developing future programs of the Commission to deploy broadband Internet access service and to direct available funding to unserved agricultural land where needed.

This bill was then added to the Farm Bill, the Agriculture Improvement Act of 2018 (Public Law 115-334), as Section 12511 and the resulting Task Force shall be composed of not more than 15 voting members who shall be selected by the Chairman of the Commission, in consultation with the Secretary; and include representatives with relevant expertise in broadband network data collection, geospatial analysis, and coverage mapping. NSPS is calling this Task Force the “TMAC of Rural Broadband Infrastructure Deployment.” While the FCC is the lead on creating the task force, it must collaborate with USDA. NSPS will author a joint letter requesting one member of NSPS be among the 15 task force members taking the same approach NSPS took in appointing Wendy Lathrop and/or Jim Nadeau to represent NSPS on the
TMAC. Billions of dollars are on the line from the FCC, RUS/USDA, NTIA/DOC on broadband mapping and location data for broadband infrastructure deployment.

Department of Commerce

Digital Coast
In May 2017, the Digital Coast Act of 2017, S. 110, passed the Senate by unanimous consent. The House companion bill, H.R. 4062 was introduced in October 2017 by Reps. C.A. "Dutch" Ruppersberger (D-MD) and Rep. Don Young (R-AK), and finished with 18 bipartisan cosponsors. Digital Coast did not move at all. House and Senate bills are planned for introduction in the new Congress. NSPS met with staff of the Congressmen on January 24 to discuss joint reintroduction of the bill as early as February given Sen. Baldwin is planning to do so then.

HSIA
In December 2018, the Hydrographic Services Improvement Act (HSIA) was included as Section 1001 in S. 140, the Coast Guard Reauthorization bill and signed into Public Law 115-282, thereby authorizing the program from 2019 through 2023. Under this law, NOAA conducts and contracts for hydrographic surveys and other hydrographic services which are used to map our coastal areas and navigable waters. The bill also also calls for the Secretary of Commerce to develop a strategy for how NOAA will increase contracting with the private sector for hydrographic data collection, with the strategy to due to Congress within six (6) months of enactment of the bill.

NSRS 2022
At the NSPS Fall Meeting, the JGAC recommend and the NSPS Board approved the establishment of a NSRS 2022 Subcommittee to coordinate the advocacy and activities of state surveying societies in support for the NSRS model legislation. This will help facilitate activities of the state societies and assist with information and experience sharing, as well as the development of effective lobbying messaging. It is recommended that a member of each of the 50+ state societies who are responsible for their NSRS 2022 legislative and advocacy activities be on this subcommittee.

Subsidence
While considerable attention is paid to "sea level rise", there is little discussion of coastal and inland subsidence. If the former is addressed without taking into account the latter, the problem will not be solved. USGS did a special, local study in the Hampton Roads/Tidewater region of Virginia and concluded 50 percent of the change was subsidence. "Data indicate that land subsidence has been responsible for more than half the relative sea-level rise measured in the region." (Land subsidence and relative sea-level rise in the southern Chesapeake Bay) and nationally, "an area of more than 15,000 square miles in 45 States experience land subsidence." (Land Subsidence in the United States).

At the NSPS Fall Meeting, the JGAC recommend and the NSPS Board approved the establishment of a subcommittee to explore a Subsidence bill. John Palatiello wrote an article about this issue for P.O.B. magazine.

Department of Defense

DOD Real Property Database
A Government Accountability Office (GAO) report found that the DOD Real Property Assets Database (RPAD) contained inaccurate data and lacked completeness. RPAD is a department-wide database of real property data annually compiled by the Office of the Secretary of Defense from the inventories of the military services and DOD’s Washington Headquarters Services, which manages real property in the National Capital region. DOD uses RPAD to report on DOD’s real property to Congress and other federal agencies, such as the Office of Management and Budget and the General Services Administration to assist in managing federal real property. DOD manages a portfolio of real property assets that as of fiscal year 2016 reportedly included about 568,000 facilities with a combined plant replacement value of about $1 trillion and 27.2 million acres of land.
Department of Education

Workforce Development
In August 2018, President Trump signed into law H.R.2353, the Strengthening Career and Technical Education (CTE) for the 21st Century Act. Public Law 115-224 amends and extends the Carl D. Perkins Career and Technical Education Act of 2006 through FY2023. Section 113 provides that the Department of Education shall carry out research, development, capacity building, and technical assistance with regard to career and technical education programs. Section 219 provides that the Government Accountability Office (GAO) shall evaluate strategies, components, policies, and practices used successfully by eligible agencies or eligible recipients receiving funding to assist all students in pursuing and completing programs of study aligned to high-skill, high-wage occupations, as well as any specific underrepresented subgroup of students.

NSPS is implementing a program, with its state affiliates, to develop high school programs in surveying and geospatial in Career and Technical Education (CTE) through the state CTE offices and local workforce boards.

As announced in News and Views, model letters for all NSPS state societies to send to their state’s Career and Technical Education (CTE) office seeking to prioritize surveying and geospatial workforce development. Also, model letters for local chapters and individual surveyors to send to their local workforce development board were prepared. NSPS is currently encouraging its members to begin this grass roots lobbying and awareness campaign. This initiative is designed to help attract the next generation of professional surveyors and technicians. That program begins with a letter-writing campaign by state surveying societies, as well as by local chapters and individual surveyors and firms.

On the NSPS website, a new page for workforce development has been created. On it are two sample letters to urge state and local workforce agencies to place a focus and emphasis on the surveying and geospatial workforce. The first is a sample letter that every state surveying society is urged to use to send to its state Career and Technical Education (CTE) office. The second sample letter should be used by chapters of state affiliate societies, or individual surveyors and/or surveying firms, to send to their local workforce development board and office. Included on the top of the letter is a link to every local workforce board across the nation.

This is the first step in a NSPS effort to attract more individuals into a career in surveying. The Federal government provides more than $2 billion to state and local government for workforce development and career and technical education through the Departments of Labor and Education. These letters are a way for state and local surveying organizations to tap into the benefits of those funds.

In 2016, NSPS Executive Director Curtis Sumner and NSPS Government Consultant John Palatiello met with officials of the U.S. Department of Labor to discuss the need for a surveying and geospatial workforce development initiative to attract younger and new workers into the profession.

Pursuant to a motion adopted by the NSPS Board in March, 2016, NSPS is to develop a national strategy for workforce development.

JMP&A has gathered information, provided to Curt Sumner, on Department of Defense activities to assist military personnel with their transition to civilian life and employment upon their discharge from military service. This includes numerous men and women who have surveying and mapping experience in the military that could be immediately employed in the firms of NSPS members.

Department of Homeland Security

DHS Authorization
The DHS Authorization Act was passed by House, but did not get a floor vote in the Senate. Section 232 of the House bill called for a plan to develop a reliable Department-wide inventory of investments and real property assets.

FEMA/NFIP Reform/IMAGES Act
In November 2018, NSPS joined 25 other organizations in cosigning a letter authored by the Flood Map Coalition which was sent to key contacts in both OMB and FEMA. The letter urged Mick Mulvaney, Director of the Office of
Management and Budget (OMB), "to maintain appropriated funding of at least the FY 2018 level ($262.5 million) for FEMA's Flood Hazard Mapping and Risk Analysis Program." The letter went on to note that, "two million miles of the nation’s most precious streams, rivers, and coastlines remain unmapped making it challenging to assess and manage flood risk in those areas." NSPS Federal Lobbyist John "JB" Byrd has attended both meetings of the Flood Map Coalition since its re-launch in October. The NFIP authorization included a short term extension of the program through May 31, 2019.

In a major legislative accomplishment by NSPS in January 2018, U.S. Representatives Alex Mooney (R-WV) and Vicente Gonzalez (D-TX) introduced their bipartisan bill to improve the flood mapping associated with the NFIP in FEMA. H.R. 4905, the 'Improvement of Mapping, Addresses, Geography, Elevations, and Structures (IMAGES) Act' reforms NFIP mapping by leveraging elevation data collected through FEMA's participation in the 3D Elevation Program (3DEP), and associated nationwide structure data, including parcel and address data, as well as strengthening streamflow data nationwide, all of which, among other reforms, will help improve the assignment and management of flood map risk within the NFIP. The bill did not move further in the House last Congress. NSPS is looking for a Senate sponsor for a companion bill this Congress.

Crawford Bill
In April 2018, Rep. Rick Crawford (R-AR) introduced H.R. 5559, the "Scientific Flood Mapping Act of 2018" which would expand the US Geological Survey's (USGS) mapping mission by transferring the Federal Emergency Management Agency (FEMA) flood risk mapping program in support of the National Flood Insurance Program (NFIP) to USGS. FEMA would still run the NFIP, but all flood mapping activities will be performed by the USGS, with its leadership, technical expertise, and contractors. The bill associated with the proposed transfer, as introduced, also would change the composition of the Technical Mapping Advisory Council (TMAC), removing private sector members. NSPS is currently represented on the TMAC by Wendy Lathrop, whose term is coming to an end. NSPS has nominated Jim Nadeau to fill its private sector spot moving forward, and does not support the elimination of private sector members from the TMAC. NSPS members Jim Nadeau and Wendy Lathrop were joined by NSPS Executive Director Cutis Sumner, government affairs consultant John Palatiello and lobbyist John "JB" Byrd for a meeting in June 2018 with staff of Rep. Rick Crawford (R-AR) to seek ways to improve the TMAC and NFIP, without eliminating the valuable input FEMA gets from professionals in the private sector from surveying, mapping, engineering and other technical and professional disciplines. NSPS is working with staff of Rep. Crawford in redrafting the bill before reintroducing in early February of this Congress.

Department of the Interior

3DEP
NSPS has endorsed the USGS 3DEP program to provide consistent elevation data, primarily through LiDAR collection, for the United States, and has been a leader in efforts to assure the program is fully funded at $146 million per year. Efforts are underway to also include provisions as part of both the FEMA/NFIP Flood Map Reform bill and Infrastructure Bill. NSPS has also organized and mobilized other organizations that support 3DEP, such as the National Association of Realtors, who made a similar request of Congress. This 3DEP Coalition has seen the data acquisition for elevation increase from $20 million in 2013 to $120 million in 2018.

NSPS Federal Lobbyist John "JB" Byrd participated in a U.S. Senate briefing in November 2018 on 3DEP. The Senate GIS Working Group convened to hear a presentation by Kevin Gallagher, Associate Director for Core Science Systems at the U.S. Geological Survey (USGS). In the meeting, Byrd engaged Gallagher in a dialogue to inform Congressional staff on access to the enhanced national elevation data archived by USGS. Gallagher commended Byrd before the Senate staff for organizing the 3DEP Coalition with more than 30 organizations now on board as members supporting 3DEP. This coalition, managed by NSPS lobbyists John M. Palatiello & Associates, Inc., will meet February 19 at the Capitol Hill offices of the National Association of Realtors to plot strategy for securing funding for the USGS LiDAR data elevation initiative for FY2020.

Geospatial Governance -- COGO/FGDC/NGAC/GDA
In September 2018, staff of Senator Orrin Hatch (R-UT) engaged in negotiations with John Palatiello in person as well as phone and email communications in order to get NSPS to support the bill. Numerous substantial policy provisions were added at the request of NSPS. While not a perfect bill, Sen. Hatch and NSPS were able to arrive at a point each was
satisfied that the original goals of the bill could be advanced, although the impact may not be felt overnight. In a major victory for NSPS, as a result of NSPS dropping its opposition, and helping to author and advance with a compromise version of the bill this Congress, the bill passed Congress and President Trump signed it into law earlier this month as part of the Federal Aviation Administration (FAA) reauthorization bill that includes numerous unrelated provisions, such as the Geospatial Data Act. H.R. 302 the FAA Reauthorization Act of 2018, as enacted, includes compromise language NSPS negotiated with Congress to preserve the primacy of state licensing laws, utilization of the private sector, best practices (such as QBS), and membership on NGAC from the licensed data acquisition community among other NSPS-negotiated provisions.

NSPS Federal Lobbyist John "JB" Byrd participated on a conference call in December 2018 by the National Geospatial Advisory Committee (NGAC) which provides advice to the Federal Geographic Data Committee (FGD). During the discussion of the Geospatial Data Act (GDA), it was noted that the bill amends the membership of the NGAC by adding a requirement that "licensed geospatial data acquisition professionals" be part of the membership. NSPS lead the effort to add this NGAC criteria to the bill, citing the lack of adequate membership among geospatial data service and acquisition providers in recent years.

Hazards Legislation (Earthquake-Landslide-Sinkhole-Volcano)
In 2018, the National Earthquake Hazards Reduction Program Reauthorization Act of 2018 became Public Law 115-307. Section 6 authorized USGS to complete a 5-year management plan for an Advanced National Seismic System (ANSS) to include strategies to continue development of an earthquake early warning system, and a plan to encourage and support the integration of geospatial data products into earthquake monitoring systems.

The National Landslide Preparedness Act, which contained sections authorizing 3DEP and subsidence, was placed on the Senate calendar on December 28, but saw no movement. The bill is likely to be sent to the Commerce Committee in the Senate, instead of the Energy & Natural Resources Committee.

Public Lands Bill
The Energy and Natural Resources Act of 2017, the comprehensive Murkowski Bill did not move. S. 47, the new comprehensive public lands bill was introduced by Sen. Murkowski in January 2019, and contains more than 100 public lands, natural resources, and water bills. Thanks to an agreement that Murkowski and several other members reached with Senate leadership last year, it will be brought up for expedited consideration early in the new Congress. Section 1120 includes the Red River gradient boundary survey. Section 1114 includes the use of mapping, spatial data and UAS operations as part of wildfire technology modernization.

Department of Justice

FPI
In December 2018, the President signed S. 756, the FIRST STEP Act into Public Law 115-391. The bill expands the authority of Federal Prison Industries (FPI) to take away work from the private sector, including small business. The provision allows FPI to expand its product offering to public entities for use in penal or correctional institutions; public entities for use in disaster relief or emergency response; and the government of the District of Columbia. The Business Coalition for Fair Competition (BCFC), of which NSPS is a member, opposed FPI expansion into these new markets and is sought to strike section 605 from the bill, or replace it with a provision calling for a study of FPI. The study provision was included but may take several years to conduct.

Marijuana
Prior to the Congressional recess for the November 6 election campaign, U.S. Representative Doug LaMalfa (R-CA) introduced H.R. 7018, the Protecting Lands Against Narcotics Trafficking (PLANT) Act. The legislation provides resources to help local, state, and federal law enforcement agencies eradicate illegal marijuana growing on public lands, increases fines and penalties for illegally producing marijuana on public lands, and establishes a fund to restore land that has been damaged by illegal cultivation activities paid for through fines imposed on illegal growers. The bill calls for contracting with commercial firms for remote sensing and geospatial data collection from manned, unmanned, satellite and other collection methodologies, consistent with procedures establish by Supreme Court decisions. NSPS worked closely with Rep. LaMalfa on geospatial data collection language using UAS and manned platforms found in Section 3 of the bill.
Department of Labor

Davis-Bacon
This issue has been brought to the attention of the Trump Administration, the White House, and the current political appointed staff at the Department of Labor. In October 2017, NSPS Executive Director Curtis Sumner and Government Affairs Consultants John Palatiello and John "JB" Byrd met with nine DOL officials to discuss the need to rescind AAM 212. Keith Sonderling, the first political appointee at the Wage and Hour Division of DOL, attended, and NSPS was optimistic that AAM 212 will be repealed. The SBA Office of Advocacy has also weighed in recently with a letter calling for the repeal of AAM 212. Also in October 2017, a coalition of policy groups and think tanks wrote the Secretary asking for repeal of AAM 212, and then on January 26, 2018, a coalition of trade associations and professional societies, including NSPS, cosigned another similar letter to the Secretary urging for repeal of AAM 212. Several NSPS members attended various regional meetings hosted by the Small Business Administration (SBA) office of Chief Counsel for Advocacy, raising this issue. That resulted in a SBA letter to Labor Secretary Acosta last October, urging repeal of AAM 212. In November 2018, John Palatiello and John "JB" Byrd met with James Sherk, the White House Labor Advisor at the OMB Executive Offices. This NSPS Delegation learned that Secretary Acosta does not agree fundamentally with revising the Davis Bacon Act or its regulations and implementation, which has resulted in a split in the Administration on how to move forward with repealing AAM 212.

Licensing
President Donald Trump signed an executive order in July 2018 establishing the National Council for the American Worker and the American Workforce Policy Advisory Board. The council will work on a national campaign to promote investment in our nation’s workforce by recommending:

"a specific course of action for increasing transparency related to education and job-training program options, including those offered at 4 year institutions and community colleges."

Additionally, Labor Secretary Alex Acosta recently wrote, "We must tear down unnecessary barriers to work ... Excessive licensing forces individuals, like barbers, teachers and nurses, who move from state to state, to give up their career or retake certifications and pay high fees to get back to work." Acosta called on states to reevaluate their approaches, "States should also evaluate their approach to licensing — if licenses are unnecessary, eliminate them; if they are necessary for health and safety, streamline them." However, the President has restored a commonsense approach to regulation, which should "focus on protecting health and safety," Secretary Acosta said.

NSPS has tried to get the state societies to submit letters, white papers, testimony or other documents they have used to defend licensing of surveying in their state, be it in a sunset review of the licensing board, or for other reasons to develop a white paper to be used by all state societies in response to the national campaign against occupational licensing. We have not received any response. Given the momentum that the anti-licensing movement is gaining, it is important that NSPS produce a document that helps explain why licensing of surveyors should be exempt from effort, and why licensing of surveyors should continue.

Moreover, in October 2018, URISA published a white paper "Defining the Boundaries of Practice Between Surveyors and GIS Professionals - Background with Recommendations" that seeks to delineate the differences between licensed surveying and non-licensed GIS practice. It was developed without consultation or input from NSPS. The JGAC established a subcommittee to review this document, as well as the current NCEES Model Law definition of the practice of surveying, to assure that policies and state licensing laws properly describe current, state of the art surveying practice, applications and services that require performance by a licensed surveyor to protect public health, safety, and welfare. JMP&A has produced a first draft of the licensing white paper. Curt Sumner is to appoint a working group of NSPS members who are current, recent, or former licensing board members, or who have expertise on licensing issues, to write this white paper.

Department of State & USAID & Trade

Space Frontier Act
A Private Sector Engagement (PSE) underway at the U.S. Agency for International Development (USAID) and JMP&A has met with USAID officials to discuss unfair government competition, greater utilization of the U.S. private sector in surveying, mapping and geospatial activities, and the establishment of a suite of indefinite delivery/indefinite quantity (IDIQ), multiple award QBS contracts for geospatial, remote sensing and geographic information systems (GIS) services so that the agency can have firms help promote the technology and the geospatial-enabled program throughout USAID. USAID would then have on-call contracts ready which the agency can issue task orders when it has a requirement. That recommendation was made as a result of the fact that there were virtually no contracting opportunities for U.S. companies in the geospatial profession at USAID. Our experience was that USAID utilized other Federal agencies, or universities, for its geospatial services, rather than fully utilizing the capabilities of the U.S. private sector.

NSPS met with staff of Sen. Ted Cruz in January 2019 to discuss substitute language to create such a suite of IDIQ contracts for USAID to employ for "remote sensing" data collection opportunities as part of the reintroduction of the "Space Frontier Act" in the 116th Congress.

**Trade**

President Trump announced in October 2018 a new U.S.-Mexico-Canada Agreement (USMCA), which replaces the North American Free Trade Agreement (NAFTA). In the U.S., the agreement must be ratified by Congress. Like NAFTA, USMCA has provisions on professional services, including licensing, and "specialty air services," which included aerial surveying, mapping, photography." These topics are covered chapter on Cross-Border Trade in Services. See page 15, professional services, including licensing, and page 3, which indicates specialty air services ("specialty air service means a specialized commercial operation using an aircraft whose primary purpose is not the transportation of goods or passengers, such as aerial fire-fighting, flight training, sightseeing, spraying, surveying, mapping, photography, parachute jumping, glider towing, and helicopter-lift for logging and construction, and other airborne agricultural, industrial and inspection services") are covered by this chapter.

**Department of Transportation**

**FAA**

In October 2018, the President signed into law H.R. 302, a five-year FAA reauthorization. The Geospatial Data Act (GDA) was included in this bill.

**Infrastructure**

Infrastructure is critical to our nation’s prosperity. In February 2018, President Trump introduced a major infrastructure program of an estimated $1.5 trillion for roads, bridges, airports, and other types of infrastructure. All of these projects require quality and accurate surveying and mapping data, products and services. In recognizing the importance of accurate geospatial data, Congress should include legislative language calling for surveying, mapping and geospatial data for the planning, design, construction, operation, and maintenance for all related infrastructure projects. Data needs include: Elevation; Boundary; Topo; Planimetrics; As-Builts; Asset Management; and others. NSPS is urging sponsorship of provisions enabling the utilization of surveying and mapping technologies and applications in infrastructure legislation in the 116th Congress. Chairman DeFazio (D-OR) has reserved floor time in May 2019.

**Highway Bill**

The highway bill will need to be renewed in 2020. Should the infrastructure bill not move on time, it is likely to be added to the Highway bill.

**PHMSA/PIPES Act**

NSPS Federal Lobbyist John "JB" Byrd attended a public meeting earlier this month of the Voluntary Information-Sharing System (VIS) Working Group held at the U.S. Department of Transportation headquarters in Washington, DC. This working group, a Federal Advisory Committee, was authorized as part of the PIPES Act, Public Law 114-183. Several PHMSA personnel attended, and the meeting was chaired by Diane Burman who serves as a Commissioner of the New York State Public Service Commission. A central theme this working group is struggling to arrive at consensus focuses on the "governance structure recommendations" section of a draft report which may be finalized and released during the next public meeting of this working group to be held December 18-19, 2018. Different options for "Governance Alternatives" are outlined here. One of the attendees providing remarks on "public safety" was PHMSA Administrator Howard "Skip" Elliott. PHMSA's current authorization expires at the end of fiscal year 2019.
**Railroad Reauthorization**
Recent railroad accidents in highlight the need for Positive Train Control (PTC) systems, which utilize highly accurate geospatial data, such as GPS data, LIDAR data, high resolution digital imagery, survey data, and mobile mapping to delineate the location of rails, clearances and a detailed asset inventory, to assure safety, train separation or collision avoidance, speed enforcement, and for asset management. The Railroad Authorization was attached to the 2015 Highway Bill signed into law by President Obama included a three-year delay in the implementation of the PTC program for Class 1 railroads. NSPS is still working on the issue of survey monumentation upon railroad abandonment, but no legislative remedy has been identified. The JGAC is asked to write a position paper explaining the problem and recommending a solution.

**WRDA**
The America's Water Infrastructure Act of 2018, recently signed into law, will provide for investment in harbor, waterway, flood protection, and other water infrastructure improvement projects across the country. The passage of this law will greatly benefit coastal communities whose economic success depends greatly on ports, harbors, and waterways to sustain jobs. In a victory for NSPS after working with Rep. Dan Lipinski (D-IL), Section 1107 directs the Corps to create a publicly available online database of all real estate assets in the United States that are owned, operated, managed, or in the custody of the Corps. Section 1118 directs the Corps to develop guidance for accepting and using any information gathered from a non-federal interest through the use of geomatic techniques. Nancy Blyler of the Corps has indicated the Corps has been working for a number of years on converting its real estate holdings to a geomatic/GIS format and are targeting the end of the fiscal year to complete the CW properties. The Corps was funded a number of years ago to convert the Army Installation land assets and that effort is complete. Unless the Corps is budgeted to "create a publicly available online database", the plan is to publish a web service of the civil works land properties to the public to comply with WRDA.

**Federal Communications Commission (FCC)**

**Broadband Deployment**
The race across America to provide better broadband coverage hit a snag late in 2018 when critics of the Federal Communications Commission (FCC) voiced their displeasure with the accuracy of maps produced to depict the coverage of broadband access. Because of this incorrect reporting, it is estimated that almost 40 percent of rural America doesn’t have access to broadband data with no formal plan of rectifying this situation. The FCC has stated that they will investigate these coverage maps in order to determine if monies distributed to broadband providers were not used in accordance with the promised delivery of coverage and data speed. In December 2018 the FCC announced:

"Since 2011, the National Broadband Map has been a vital tool for consumers, businesses, policy makers, and researchers by providing an easy- to-use and searchable way to find out who is offering broadband, what types of broadband they are offering, and where they are offering it. But the mapping platform has become dated, as has the coverage data, which was collected through the National Telecommunications and Information Administration’s (NTIA) State Broadband Initiative (SBI); the last published SBI data set was current as of June 30, 2014. Based on the age of the data, and the underlying technology, the National Broadband Map and its Application Program Interface (API), will be decommissioned on December 21, 2018.

Federal Communications Commission (FCC) Chairman Ajit Pai announced in December that the agency will investigate if carrier companies have submitted incorrect coverage maps or violated the rules of a rural broadband auction that would have distributed funds to build out service in underserved areas. The FCC reviewed internet speed test data required for participation in the Mobility Fund Phase II which will allocate as much as $4.53 billion over the next decade to improve internet service in rural areas. To participate, service providers must submit internet coverage maps of rural areas. If the maps are not accurate, participation in the initiative could be jeopardized. A big part of the problem is that the FCC relies on telecommunications companies to report where they offer service, information the agency doesn't verify. JMP&A’s experience is a significant number of broadband maps produced under the Obama Administrations “stimulus” (ARRA) were by low bid, or by universities, rather than through QBS contracts with the private sector. NSPS should provide advice as to whether this fact should be reported to the FCC.

**Ligado/LightSquared**
In 2016, LightSquared has rebranded with a new name, Ligado Networks LLC. An independent technical review published in March 2018 found sufficient data in three government-conducted tests to assess the risk of using frequencies near the GPS band for a ground-based communications network — specifically, the one proposed by Ligado. The panel rejected two tests sponsored by Ligado, saying they did not meet minimum criteria for inclusion or use.

Ligado has petitioned the FCC to repurpose satellite frequencies near GPS to also support terrestrial telecom services, effectively transferring its license for space-based broadcasting to powerful terrestrially-based broadcast towers. Ligado’s custom networks would provide services for industrial operations such as power grids and connectivity for drones and driverless cars, in addition to consumer broadband services.

The National Executive Committee of the government’s National Coordination Office for Space-Based Positioning, Navigation, and Timing released the assessment by its National Space-Based PNT Systems Engineering Forum (NPEF) of testing methodologies used to analyze the impacts of adjacent band interference on GPS receivers. The assessment is also known as the “gap analysis.”

The nation's leading GPS experts voted unanimously in August 2018 to oppose allowing Ligado Networks to use spectrum neighboring the GPS band for terrestrial communications. The NationalSpace-Based Positioning, Navigation, and Timing Advisory Board urged opposition to the proposal saying that even if the transmissions' power was lowered to just under 10 watts it “will create totally unacceptable interference for a great number of GPS users in the United States.”

NSPS was able to convince COGO to author a December 2018 letter to oppose the Ligado application pending before the FCC. NSPS has been asked to submit a separate letter to the FCC requesting the rejection of the Ligado application.

Office of Management and Budget (OMB) & General Services Agency (GSA) & SBA

Brooks Act/COFPAES/CIPC
In January 2017, H.R. 679, the "Construction Consensus Procurement Improvement Act of 2017" was introduced by Rep. Mark Meadows (R-NC), and favorably reported out of the House Committee on Oversight and Government Reform. This legislation would limit the use of one-step design-build and reverse auctions in federal procurement of design and construction services. A companion bill, S. 2311, introduced by Sens. Rob Portman (R-OH) and Mazie Hirono (D-HI) was reported favorably out of the respective Senate Committee in February 2018 but went nowhere. Through the Construction Industry Procurement Coalition (CIPC), NSPS is working on introduction of a comprehensive construction procurement reform bill that will call for the prohibition of reverse auctions for A/E services, including for surveying and mapping.

The Council on Federal Procurement of Architectural and Engineering Services (COFPAES), a coalition of design societies, and NSPS had been alerted through COFPAES regarding the Section 809 Panel that was directed by Congress in the FY2016 National Defense Authorization Act to look at ways to make DoD procurement faster. In January 2019, the Section 809 Panel released its final volumes and report. There are tweaks to FAR Part 36, but no outright repeal of the Brooks Act for Defense acquisition. COFPAES monitored the panel’s deliberations to assure there was no threat to or discussion of the Brooks Act, QBS, architecture-engineering and related services (including surveying and mapping), as had been rumored.

COFPAES is also working with the Office of Federal Procurement Policy, having met in November 2017 with Acting OFPP Administrator Leslie Field, in May 2018, and in December 2018 with OFPP and FGSA officials, on reforms to address the fact that it now takes federal agencies as long as 2 years to complete a QBS award on a multiple award, ID/IQ contract.

FRPP/FLAIR
A recent Government Accountability Office report published found the federal government spends billions of dollars to operate and maintain its real property assets, but can improve is management. Agencies are responsible for managing these buildings, roads, bridges and other assets efficiently and cost-effectively. GAO identified six key characteristics of effective asset management. Using quality information when making decisions about assets can help agencies ensure that they get the most value from their assets. Inventory information (e.g., asset age and location); condition information (e.g., how well the asset is performing); replacement value; and level of service (e.g., how the asset helps the agency meet its
missions and strategic objectives) are important for maximizing an asset's value. In June 2018, the House Appropriations Subcommittee on Financial Services and General Government included language strengthening the call for a current, accurate land inventory in the General Services Administration database, known as the Federal Real Property Profile (FRPP). NSPS worked closely with Representative Kevin Yoder (R-KS) to include the following language in the Committee’s Report:

"Federal Real Property Profile. The Committee understands that the GSA Federal Real Property Profile (FRPP) has been making progress on the use of geospatial technology and the transparency of the data. However, the Committee is aware of the problem in gathering Federal real property data created by the exemption language for Federal lands found in Executive Order 13227. This exemption denies GSA the ability of collecting meaningful data from large landholding agencies within the Department of the Interior and the Department of Agriculture. The Committee is also aware that Section 7 of the Executive Order provides flexibility for the Interior and Agriculture Departments to still contribute their data into the FRPP. The Committee expects GSA to increase the transparency, accuracy and accountability with both of these Departments given the expansive amount of data which could be added to the FRPP."

H.R. 2199, the "Federal Land Asset Inventory Reform (FLAIR) Act of 2017," introduced by Rep. Kevin Cramer (R-ND) did not move after being approved by the House Natural Resources Committee by a unanimous vote in July 2017 and the Committee report has been filed, H. Rept. 115-322. The Senate version of the bill, which is a modified version of the House bill and found in Section 6101 of S. 1460, the “Energy and Natural Resources Act of 2017” did not move either. NSPS is looking for a new cosponsor in the House to join with Rep. Kind. Rep. Cramer was elected to the Senate in November 2019 and has indicated to JMP&A that he will introduce the bill in the Senate. NSPS is also looking for a bipartisan cosponsor to work with Sen. Cramer.

Private Sector Utilization
In 2017, Rep. John J. “Jimmy” Duncan, Jr. (R-TN) and Sen. John Thune (R-SD) introduced the Freedom from Government Competition Act (FFGCA), legislation (H.R. 1339/S. 506) that would require federal agencies to rely on the private sector when providing goods and services that are commercially available. Thanks to NSPS member visits to the Hill in March 2017, the House bill finished with 18 cosponsors and the House Committee on Oversight and Government Reform began work to amend the bill in March 2018, but did not advance out of Committee. NSPS is looking for a new House sponsor, as Rep. Duncan retired from Congress. Sen. Thune is planning to reintroduce a Senate companion this Congress.

White House Conference on Small Business (WHCSB)
H.R. 6446, the “White House Conference on Small Business (WHCSB) Act of 2018,” was introduced in July 2018 by Reps. Rod Blum (R-IA), along with co-sponsors Stephanie Murphy (D-FL), and Al Lawson (D-FL), and referred to the House Committee on Small Business. We are looking for a new Republican sponsor in the House given Rep. Blum was not re-elected in November 2018. We are looking for Senate sponsor and cosponsor for the bill.