

NSPS Government Affairs Update September 2019 – Orlando, Florida

John M. Palatiello & Associates, Inc.

John M. Palatiello & Associates, Inc. (JMP&A), the government relations and association management firm that provides federal lobbying services to NSPS, 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.

State Legislation

As a new service to its members and affiliate state societies, NSPS is implementing a program to track state legislation in every state legislature in the United States. Using an on-line technology known as GovHawk, NSPS's government affairs consultants, John M. Palatiello & Associates, Inc. will provide reports to NSPS. The frequency and format of reports is being decided. The report will include a state-by-state summary of each bill, the sponsor, bill number, status, and a link to the text. The service will provide valuable information for the membership and individual state societies, either as a back-stop for those states that already use some service or have it provided by a lobbyist, or would be the only such service for those states that do not currently have a system for tracking their state legislature. This also provides members who are active in legislation in their states with valuable information on what is happening in other states which may plant seeds of legislative ideas and "cross-pollination" of good ideas to emulate in their own state, as well as tracking threats that may begin trending across several states.

NSPS Government Affairs Issues

As a reminder, the NSPS Board previously approved Government Affairs Committee recommendations on the following issues.

- Subsidence - Create a task force to study and develop a legislative proposal on subsidence. There is already some legislation in Congress that begins to address subsidence (Sec. 4 of H.R.1261, the National Landslide Preparedness Act, provides, "As the Secretary determines to be appropriate and subject to appropriations, the Secretary, through existing programs, shall advance the identification, mapping, research, monitoring, restoration, and mitigation of subsidence and groundwater resource accounting, losses from subsidence, including saltwater intrusion, particularly in areas affected by drought and sea level rise.")
- Occupational Licensing – Create a task force to review and enhance on the draft white paper JMP&A produced. COFPAES is working on a possible "sense of the Congress" resolution on the importance of design professional licensing to protecting public health, welfare, and safety.
- URISA White Paper - Create a task force to review and draft a NSPS response to the URISA White Paper "Defining the Boundaries of Practice Between Surveyors and GIS Professionals".
- NSRS 2022 - Form a working group of representatives of each state affiliate to share knowledge, information, and lobbying activities on state legislation to implement NSRS 2022.

Appropriations/CR/Shutdown

On February 15, President Trump signed H.J. Res. 31, the "Consolidated Appropriations Act, 2019" to keep the government funded until September 30, 2019. The Trump administration has sent Congress a package of requested changes in funding levels for a September stopgap funding measure. A continuing resolution is expected that would fund the government past Sept. 30, largely keeping funds at current levels. The House has passed 10 of its 12 fiscal 2020 appropriations bills, while the Senate has not passed any.

Department of Agriculture

Farm Bill

The Agriculture Improvement Act of 2018 (Public Law 115-334) includes Section 12511 which authorizes a task force 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 worked closely with the bill sponsors to add an individual with expertise in "geospatial analysis" to the task force:

(hh) representatives with relevant expertise in broadband network data collection, geospatial analysis, and coverage mapping;

In Mid-July, NSPS submitted a letter recommending that NSPS member Brent Birth of Pennsylvania be among the 15 task force members. In addition, Reps. Dan Meuser (R-PA), Glenn Thompson (R-PA) and Doug LaMalfa (R-CA) wrote the FCC and USDA in support of Brent Birth's nomination. 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. 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

BLUE GLOBE Act

The March 2019 introduction of a Senate bill, S. 933, would advance data collection of the Great Lakes, oceans, bays, estuaries, and coasts. The Bolstering Long-Term Understanding and Exploration of the Great Lakes, Oceans, Bays, and Estuaries Act, or the BLUE GLOBE Act, would accelerate technology innovation, grow the marine workforce, and develop a better understanding of the blue economy. NSPS was first consulted about the drafting of the bill by staff of Sen. Sheldon Whitehouse (D-RI) in May 2018. Section 14 of the BLUE GLOBE Act reauthorizes NOAA's Hydrographic Services Improvements Act (HSIA) through Fiscal Year 2024. Rep. Susan Bonamici (D-OR) introduced the House companion, H.R. 3598, in June 2019.

Coastal Communities Adaptation Act

In February 2019, Rep. Harley Rouda (D-CA) introduced H.R. 1317, the Coastal Communities Adaptation Act. The bill seeks to improve the resilience of the built and natural environment to natural disasters and climate change using, among other measures, natural and nature-based features. It provides a competitive grant program in NOAA to advance coastal risk reduction and resilience measures. Included in the bill is a provision to require qualifications based selection (QBS) for grant recipients' contracting for program management, construction management, feasibility studies, preliminary engineering, design, engineering, surveying, mapping, or architectural related services. This is a provision COFPAES, of which NSPS is a member, has successfully added to other federal grant program legislation.

Digital Coast

In April 2019, bipartisan legislation, the "Digital Coast Act", was introduced authorizing the Secretary of Commerce, through 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 coastal regions. The Senate bill, S. 1069, was introduced by Sens. Tammy Baldwin (D-WI), Lisa Murkowski (R-AK), Dan Sullivan (R-AK) and Maria Cantwell (D-WA) while the House bill, H.R. 2189, was introduced by Reps. Dutch Ruppersberger (D-MD) and Don Young (R-AK). NSPS was quoted in the news release by Senator Baldwin's office. In May, the House Committee on Natural Resources held a hearing on H.R. 2189. On September 18, H.R. 2189 will be subject to a markup by the House Committee on Natural Resources.

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.

IOCM

S. 914, the "Coordinated Ocean Observations and Research Act of 2019," was introduced by Sen. Roger Wicker (R-MS). The bill reauthorizes the Integrated Coastal and Ocean Observation System Act of 2009 and was reported favorably by the Senate Commerce Committee in April 2019. On September 18, H.R. 1314, the "Integrated Coastal and Ocean Observation System Act Amendments of 2019" by Rep. Don Young (R-AK) will be subject to a markup by the House Committee on Natural Resources.

Department of Education

GeoEducation Bill

NSPS has been asked by Rep. Nydia Velazquez (D-NY) to assist with development of a bill focused on "GeoEducation." NSPS met her former staff in January 2019 and then her current staff in August 2019. NSPS and the Velazquez worked on a series of questions for the Congressional Research Service (CRS) to provide some background on and we hope to have a bill introduced in the near future.

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. In April 2019 during the NSPS Spring Conference, a presentation was made by an official with the Department of Defense regarding workforce development. The Pentagon has a Transition to Veterans Program (DoDTAP) to assist military personnel with the transition from active duty to employment in civilian life where they can utilize skills gained while in the armed forces. The presentation provided NSPS members information on hiring veterans with military surveying and mapping experience.

Department of Homeland Security

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 three meetings, with the most recent being March 2019, of the Flood Map Coalition since its re-launch in October 2018. The NFIP received a short-term extension of through September 30, 2019.

In March 2019, the House Committee on Financial Services held a hearing on FEMA's National Flood Insurance Program (NFIP). Virtually every witness highlighted the importance of elevation data, collected through LiDAR to support accurate topography collected for FEMA. After the hearing, Rep. Vicente Gonzalez (D-TX) posted a news release touting his leadership in introducing the NSPS-supported IMAGES Act, H.R. 4905 in the 115th Congress, with a link to his questioning of the witnesses on how to improve the FEMA mapping, including an emphasis on the USGS 3D Elevation Program (3DEP). In June 2019, Reps. Gonzalez and Rep. Alex Mooney (R-WV) were successful in adding much of the IMAGES Act to H.R. 3167, the House NFIP Reauthorization bill. NSPS was quoted in the news release by Rep. Gonzalez's office. The Senate Banking is expected to either pass a short-term extension of the NFIP by the end of this month, or move forward with a longer extension or up to a 5-year authorization. The current major Senate bill, S. 2187, the National Flood Insurance Program Reauthorization and Reform Act of 2019, was introduced by Senator Robert Menendez (D-NJ). Section 208 of that bill authorizes funding for Light Detection and Ranging (LiDAR) technology for more accurate mapping of flood risk across the country, reducing confusion and generating better data.

In April, S. 1144, the Flood Insurance Rate Map Interagency Technology (FIRM IT) Act of 2019, was introduced in the U.S. Senate by Senator Marco Rubio (R-FL). A companion bill, H.R. 2318, was reintroduced in the U.S. House of Representatives by Representative Bill Posey (R-FL). This legislation would direct FEMA to consult with the Department of Defense, the U.S. Geological Survey, and the National Oceanic and Atmospheric Administration in order to obtain the most up-to-date information relevant to National Flood Insurance Program (NFIP) rate maps. This will allow policy holders who utilize NFIP to have the most accurate data for flood hazard identification. NSPS was quoted in the news release by Senator Rubio's office.

In late July and early August, FEMA's Technical Mapping Advisory Council (TMAC) met in Arlington, VA. During the two-day meeting, TMAC members conducted a final review and discussion of the TMAC 2018 Annual Report and voted to submit to FEMA. The TMAC also received public input on the report recommendations and content. NSPS nominee Jim Nadeau was appointed earlier this year to the FEMA TMAC for a three-year term.

Crawford Bill

In February 2019, Rep. Rick Crawford (R-AR) re-introduced the "Scientific Flood Mapping Act," H.R. 1402. It 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. In a victory for NSPS, the bill would not only keep the composition of the Technical Mapping Advisory Council (TMAC) intact, but would expand its membership. NSPS is currently represented on the TMAC by Jim Nadeau. 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.

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.

"Congress should appropriate funds for the 3DEP program at its optimal annual level of \$146," NSPS Government Affairs Consultant John Palatiello said in February 2019 testimony before the Appropriations Subcommittee on Interior, Environment and Related Agencies of the U.S. House of Representatives. Speaking on behalf of the 3DEP Coalition, comprised of representatives of over 45 organizations, including NSPS, from surveying, mapping and geospatial; real estate; home building; flood management; emergency response; environmental; science; mining; insurance; telecom; agriculture; and infrastructure, Palatiello urged full funding of the national LiDAR and IFSAR program that would enable the entire United States to be mapped with consistent elevation data with a 8-year repeat cycle. This coalition, managed by NSPS lobbyists John M. Palatiello & Associates, Inc., met in May 2019 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. 3DEP will satisfy the growing demand for consistent, high-quality topographic data and a wide range of other three-dimensional representations of the Nation's natural and constructed features. The USGS has identified more than 600 applications that would benefit from enhanced elevation data. Data procured from 3DEP can be applied to flood risk management; infrastructure; landslides and other hazards; water resources; aviation safety; telecommunications; homeland security; emergency response; precision agriculture; energy; pipeline safety; and other areas. 3DEP will promote economic growth, facilitate responsible environmental protection and resource development and management, assist with infrastructure improvement, and generally enhance the quality of life of all Americans. A House letter was delivered to the House Appropriations Committee requesting \$146 Million for USGS 3DEP, cosigned by 38 Members of Congress. A Senate letter with the same request, cosigned by 16 Senators, was delivered to the Senate Appropriators. NSPS was one of 40 organizations making the same request of Congressional Appropriators for FY 2020. As a consequence of this

unprecedented outreach, report language was included in 4 separate Appropriation Subcommittees in the House: Interior; Homeland Security; Agriculture; and Transportation.

In August, an NSPS-led delegation of organizations supportive of 3DEP met with the new Office of Management and Budget (OMB) analyst responsible for preparing the annual USGS budget. NSPS Executive Director Curtis Sumner, NSPS Government Affairs Consultant John Palatiello, as well as NSPS Federal Lobbyist John "JB" Byrd joined their respective colleagues from the geospatial, real estate, energy, geology, and infrastructure advocacy organizations requesting that USGS be fully funded at \$146 million in the President's FY2021 budget request to Congress.

In June, the House of Representatives passed H.R. 1261, the National Landslide Preparedness Act, thanks to the leadership of the bill's sponsor, Rep. Suzan DelBene (D-WA). The bill passed by voice vote and now goes to the Senate. It includes a NSPS-supported provision to authorize the USGS to implement a 3D Elevation Program (3DEP), authorized at \$40 million annually, to update and coordinate the collection of elevation data across the country. The Senate bill, S. 529, was adopted by the Senate Commerce Committee, but only has a \$20 Million authorization, so it is expected that the House bill is the likely bill to eventually be signed into law.

Coastal Barrier Maps

In July, Gary Frazier, Assistant Director for Ecological Services at the Fish and Wildlife Services (FWS) wrote NSPS Executive Director Curt Sumner alerting to the fact that Coastal Barrier Resources Act (CBRA) new or updated maps were now publicly available for 59 units found in Delaware, Florida, North Carolina, and South Carolina. These mapping changes were authorized by language enacted in late 2018 via P.L. 115-358, the Strengthening Coastal Communities Act of 2018. The Service has a new electronic emailing listserv to provide subscribers with updates when there are changes to the boundaries.

FLAIR

GAO reports highlight the lack of a current, accurate inventory of Federal Real Property. On the other hand, the Federal government funds a variety of single-purpose databases. Since 1980, the National Academy of Sciences (NAS) has been calling for the development of a multipurpose cadastre, or land registry. The FLAIR Act authorizes the Department of the Interior to develop and manage a single multipurpose, uniform Federal GIS database to track and account for all Federal Real Property, as called for by GAO and recommended by the National Academy. In May, Reps. Ron Kind (D-WI) and Bruce Westerman (R-AR) introduced the House bill (H.R. 2485) and Sens. Kevin Cramer (R-ND) and Martin Heinrich (D-NM) introduced the Senate companion (S. 1295). NSPS was quoted in the news release by Senator Cramer's office. On September 19, NSPS Government Affairs Consultant John Palatiello will be testifying on H.R. 2485 before a legislative hearing held by the House Natural Resources Subcommittee on Energy and Mineral Resources.

Geospatial Governance -- COGO/FGDC/NGAC/GDA

In February, the Coalition of Geospatial Organizations (COGO) released a second Report Card on progress implementing a National Spatial Data Infrastructure (NSDI). This Report Card serves as a periodic assessment of the condition of the nation's geospatial data infrastructure, which, like other forms of public works, is essential for our economy, health, safety, and activities of daily life. The new report includes more than 100 pages of evaluation from matter experts in the public and private sectors with knowledge in each of the eight national framework data themes: addresses, cadastres, elevation, geodetic controls, governmental units, hydrography, orthoimagery, and transportation. Each team assessed the developments and advances within their respective themes since the 2015 Report Card and engaged with the Federal Geographic Data Committee for guidance and feedback as they determined new individual scores. The full NSDI also received a grade of B-, reflecting some improvements over its 2015 grade of C. COGO's first NSDI Report Card was a wake-up call for Congress to take action in this important area, and contributed in part to enactment of the Geospatial Data Act, Public Law 115-254 in 2018.

In September, NSPS Federal Lobbyist John "JB" Byrd attended the National Geospatial Advisory Committee (NGAC) meeting in Shepherdstown, West Virginia. During the discussion of the Geospatial Data Act (GDA), OMB has determined that the GDA guidance will be provided through a revision of Circular A-16. The FGDC needs to meet the targeted deadline of October 2019 (1 year or since 2018 GDA was enacted) on a report on how to implement GDA. The proposed revisions to A-16 are currently under review at OMB, and there is an expectation now that there will be no public comment period. It has noted that the GDA also amends the membership of the NGAC by adding a requirement that "licensed geospatial data acquisition professionals" be part of the membership. NSPS led 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. NSPS member Gary Thompson of North Carolina is the current NSPS representative on the NGAC.

Public Lands Bill

S. 47, the new comprehensive public lands bill, was enacted into Public Law 116-9 on March 12. 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 Labor

Davis-Bacon Act

In August, NSPS Government Affairs Consultant John Palatiello appeared before a Regulatory Enforcement Fairness hearing conducted by the National Ombudsman of the Small Business Administration (SBA), continuing the effort to repeal All Agency Memorandum 212, applying the Davis-Bacon Act to members of survey crews. Palatiello told ombudsman Stefanie Baker Wehagen and a panel Federal officials the Labor Department's 2013 regulation was based on a bad process and bad policy. He noted that it has been six years since the Obama Administration defined survey crew members as "laborers and mechanics" under the controversial federal prevailing wage law, "yet the Wage and Hour Division still not issued wage determinations for survey crew occupations", but has made 200 "conformances". He asked the ombudsman to join the SBA Office of Chief Counsel for Advocacy in urging the Labor Department to repeal AAM 212. NSPS has also learned that the Wage and Hour Division of the Department of Labor has issued a conformance that includes a prevailing wage rate for a Party Chief, which is inconsistent with AAM 212. JMP&A, on behalf of NSPS, has brought these irregularities to the attention of the Acting Secretary of Labor and has asked for a meeting with the Wage and Hour Division staff.

Department of Transportation

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-Built; 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.

A delegation from among the NSPS Executive Committee members were invited to a meeting at the White House. The delegation met in April with Francis Brooke, the White House specialist handling infrastructure as part of the National Economic Council which is tasked to lend expertise to the President. For the better part of an hour, the NSPS delegation discussed the surveying profession's vantage point on Infrastructure priorities with special emphasis on State and Local coordination with USDOT. Leading up to the meeting at the White House, the Chairman of the Senate Committee which is drafting the Infrastructure Bill had briefed NSPS membership. The White House recognizes NSPS' voice on Infrastructure and wants to continue to engage the surveying profession with infrastructure efforts on the Hill.

Highway Bill

The highway bill will need to be reauthorized in 2020. Should the infrastructure bill not move, which seems to be the case, it is likely there will be a separate Highway bill. In July, the Senate Committee on Environment and Public Works introduced and reported the 2020 Highway Bill to the Senate floor on a bipartisan 21-0 vote. The "America's Transportation Infrastructure Act of 2019" includes Section 1304 for Intelligent Transportation Systems, Section 1308 for Geomatic Data, Section 1522 for a Permeable Pavements Study, and Section 3005 for research and technology development and deployment. NSPS wrote Senator John Barrasso (R-WY), the keynote speaker at the NSPS Day on the Hill breakfast in April, commending him and the committee for the bipartisan effort that will require the collection of surveying data and utilize the expertise of the surveying profession. The NSPS letter was entered in to the committee's record with other organizations in support of the panel's progress before the September 2020 deadline for the existing

highway bill. The House Committee on Transportation and Infrastructure has not yet introduced their version of a Highway bill or a comprehensive Infrastructure bill.

Federal Communications Commission (FCC)

Broadband Deployment

On September 11, a House panel held a legislative hearing titled, “Legislating to Connect America: Improving the Nation’s Broadband Maps.” Of the numerous bills under consideration, the primary bill delves into granularity of the broadband coverage data. Earlier this month Reps. Dave Loebsack (D-IA) and Bob Latta (R-OH) introduced H.R. 4229 the “Broadband Deployment Accuracy and Technological Availability Act” (“Broadband Data Act”). The bill would require the FCC to issue new rules to require the collection and dissemination of granular broadband availability data. It would also require the FCC to establish a process to verify the accuracy of such data, including by using data submitted by other government entities or the public. In addition, it would require the FCC to use this data to create coverage maps based on a serviceable location fabric map regarding fixed broadband. The lead bill in the Senate is S. 1822 sponsored by Sen. Roger Wicker (R-MS), Chairman of the Senate Committee on Commerce, Science and Transportation. 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. 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 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. In March, NSPS Executive Director Curt Sumner urged the Federal Communications Commission (FCC) Chairman Ajit Pai to reject a spectrum application by Ligado Networks (formerly LightSquared). In the letter, Sumner explained, "*surveying and mapping is essential to a variety of communications systems and networks, with utilization of the Global Positioning System (GPS) being an important tool in the performance of such professional services. I am writing to you to express our concern about the Ligado Networks proposals and the interference they would cause to GPS and GNSS data acquisition, processing, and use. Unbiased testing has repeatedly confirmed that such implementation would surely undermine many of the uses of that data which have come to be anticipated, even essential, among the public and within the geospatial profession that provides services to it. We take very seriously the role of our respective members in protecting the public’s interests from harm, and strongly urge the rejection of the Ligado Networks proposals which will undoubtedly cause such harm.*" NSPS has also re-engaged with the GPS Innovation Alliance, as a member. This coalition is an outgrowth of the coalition that was formed to defeat the original LightSquared proposal earl in this decade.

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

Brooks Act/COFPAES/CIPC

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. In March, NSPS Executive Director Curtis Sumner and NSPS Federal Lobbyist John "JB" Byrd participated in a coalition briefing co-hosted by the House Committee on Small Business. Sumner and JB discussed the importance of QBS contracting and the impact on small businesses.

In May, Sens. Rob Portman (R-OH) and Mazie Hirono (D-HI) introduced S. 1434, the "Construction Consensus Procurement Improvement Act of 2019." NSPS and the CIPC are trying to have the following report language added to the bill:

As used in the bill, the term "architectural and engineering services" includes surveying, mapping and geospatial services. Surveying and mapping is included in the definition in section 1102 of title 40, United States Code, and in the Federal Acquisition Regulation (FAR), (48 C.F.R. 36.601-4). "Geospatial" is a more contemporary term used to describe what was traditionally considered surveying and mapping. This includes services performed by professionals such as surveyors, photogrammetrists, hydrographers, geodesists, or cartographers in the creation, collection, and application of geo-referenced graphical or digital data to depict natural or manmade physical features, phenomena, or boundaries of the earth, geospatial intelligence, and any information related to such data, including any such data that comprises a survey, map, chart, geographic information system, remotely sensed image or data, or an aerial photograph. The Committee is aware of instances in which a reverse auction was utilized for services that fell within a state law definition of the practice of licensed, professional land surveying, and should have been procured pursuant to the "Brooks Act" qualifications based selection (QBS) process in 40 U.S. C. 1101 et. seq. This provision, and clarification, is intended to assure that QBS, not a reverse auction, is utilized for contracts for such services.

The Council on Federal Procurement of Architectural and Engineering Services (COFPAES), a coalition of design societies is being strengthened with NSPS and ASCE as the longstanding members. AIA has agreed to rejoin, and IIBEC has joined for the first time. The short-term goal is to have NSPE, ASLA, ACEC, and perhaps one or two other organizations also join a strengthened COFPAES. 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.

In June, the U.S. House of Representatives passed H.R.3351, the Financial Services and General Government Appropriations Act, 2020 by a vote of 224 - 196. Included in the House Appropriations Committee report accompanying the bill is a requirement that the General Services Administration study and report to Congress on its compliance with the Brooks Act and part 36 of the Federal Acquisition Regulation (FAR), providing for qualifications based selection (QBS). The Council on Federal Procurement of Architectural & Engineering Services (COFPAES), of which NSPS is a member, has long advocated for better compliance and enforcement of QBS by GSA, citing a strong legal case against use of GSA Schedule contracts for A&E (including surveying and mapping) services. The report language includes:

Design Services.--The Committee recognizes the need for transparency and oversight of Federally funded design services and construction projects to ensure responsible, cost effective, and fair procurement practices. The Committee supports efforts to ensure proper transparency and oversight of such design services and construction projects, which are often complex and site specific. Within six months of the enactment of this Act, GSA is directed to submit a report to the Committee addressing the enforcement of any existing regulations requiring that independent design professionals be consulted on Federally funded design services and construction projects, as prescribed by the Brooks Act and Federal Acquisition Regulation Part 36. The report should include how many violations have been identified over the last five years and any steps GSA has taken to mitigate any future violations.

Federal Data Strategy

In July, The White House Office of Management and Budget (OMB) sponsored a public forum on the Federal Data Strategy's draft 2019-2020 Action Plan. The forum provided an opportunity for the business, academic, and non-profit communities to offer feedback on the sixteen draft action items, including Action 11 involving geospatial data standards, in the Federal Data Strategy. Implementation of the strategy will be undertaken over the next year. The draft actions include broad priorities around data resources and tools, research access to data, developing data inventories, improving resources for artificial intelligence research, and setting standards for certain types of data. The actions also include directions for every agency to develop data governance structures, strategies for strengthening skills, and to begin the process of developing learning agendas and identifying priority datasets. NSPS Federal Lobbyist John "JB" Byrd attended the forum, provided remarks before the attendees, and submitted comments prior to the July 8 deadline. Another round of public comments is expected in October.