

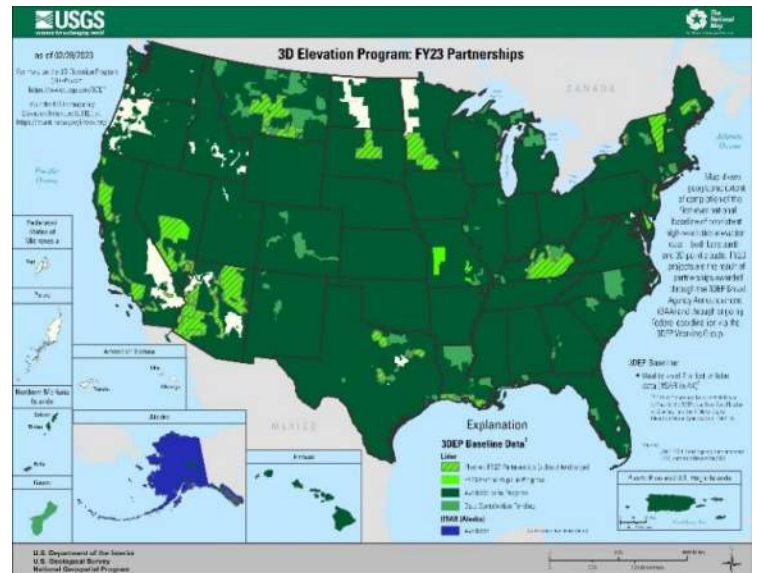
## 2023 Farm Bill: Broadband Mapping Reforms Enhancing Infrastructure Deployment

The National Society of Professional Surveyors (NSPS) respectfully urges the Rural Utilities Service (RUS), National Telecommunications and Information Administration (NTIA), and the Federal Communications Commission (FCC) to not repeat serious and costly mistakes made in Broadband Mapping since 2009. The awarding of contracts failed to place the proper, and legally required, emphasis on selection of contractors based on competence and qualifications. Rather than using the time-tested qualifications based selection (QBS) process codified in 40 U.S.C. 1101 et seq, (commonly known as the Brooks Act) and implemented in part 36.6 of the Federal Acquisition Regulation (FAR), as well as the “mini-Brooks Acts” found in almost every state law, past broadband mapping contracts were awarded without regard to the experience, past performance, qualifications, or competence of selected service providers. Many contracts were awarded based on price, including numerous awards to the lowest bidder, or to unqualified entities, who had no prior experience, capacity, capability, or record of successful performance of such professional services contracts.

The 2023 Farm Bill presents the opportunity to change course. The new generation of Broadband Mapping, pursuant to the Broadband DATA Act (P.L. 116-130) and Infrastructure Investment and Jobs Act (IIJA, P.L. 117-58), should place an emphasis on the utilization of qualified surveying and mapping firms, selected based on qualifications. NSPS believes additional consultation, coordination, and leveraging between RUS, NTIA, and FCC is now necessary since originally authorized by Section 6212 of the 2018 Farm Bill (P.L. 115-334). Compliance with the Brooks Act, FAR part 36.6 and, in the case of contracts awarded by state or local government using grants or loans from the Federal government, is essential to the success of the current Broadband Mapping. There are numerous reasons this emphasis on qualification and competence, rather than price, as evaluation and selection factors, is not only good policy, but a requirement of the law:

- Accuracy is important for public involvement and government dispute process;
- The Broadband Loop Support (BLS) fabric, if done properly, can provide the base map data necessary for high level design (HLD) for fiber-to-the-home and fixed wireless networks; and
- The use of QBS in the selection of professional surveying and mapping firms will expedite the engineering and construction process for funded areas to get connected.

There is a major need to not just improve the granularity of mapping data, but also to make sure that Federal broadband agencies fully leverage existing mapping efforts in other agencies where data is collected in a consistent standard by surveying and mapping professionals. One example of a partnership where such standardized data is leveraged by numerous federal agencies, and state and local governments and stakeholders, is the U.S. Geological Survey’s (USGS) 3D Elevation Program (3DEP). This nationwide elevation dataset using light detection and ranging (LiDAR) technology should be fully leveraged by the RUS, NTIA, and FCC so that the National Broadband Map uses 3DEP data as an accurate base-level map with the terrain and topographic features as well as man-made structures are displayed. As the ISP community builds in their coverage maps using GIS and the “fabric” authorized in the Broadband DATA Act, then a gap analysis is achievable. Understanding the terrain, and coverage gaps, 3DEP data can be leveraged for siting, permitting, and deployment of the related broadband infrastructure, above or underground, allowing maximum coverage. [Click here](#) for the 3DEP connection to Broadband Internet Access.



In the 118<sup>th</sup> Congress, NSPS plans to work with Members of Congress to introduce the Broadband Asset Surety Enhancement (BASE) Mapping Act to accomplish these vital reforms.

### **ACTION REQUESTED:**

**NSPS respectfully urges Members of Congress to co-sponsor legislation, the BASE Mapping Act, making reforms to broadband mapping efforts to help increase accuracy, and provide an improved ability for RUS, NTIA, and FCC to reduce or eliminate the Digital Divide. For more information, contact John "JB" Byrd, NSPS Federal Lobbyist, at [jbyrd@mwcapitol.com](mailto:jbyrd@mwcapitol.com) or (703) 383-1330.**

# FEMA, NFIP & Flood Insurance Mapping Reform

The statutory authority for the National Flood Insurance Program (NFIP) of the Federal Emergency Management Agency (FEMA) will expire on September 30, 2023. Congress passed the Biggert-Waters Act in 2012 and the Homeowner Flood Insurance Affordability Act in 2014 to begin NFIP reform. Further legislation is needed in the next reauthorization to improve the surveying and mapping data needed to provide more accuracy and solvency in the program and fairer premiums for homeowners.

Flood maps identify areas at greatest risk of flooding and provide the foundation for NFIP. Accurate geospatial information is essential to all aspects of flood insurance risk assessment and emergency management (preparedness, prevention, protection, detection, response, recovery). Imagery, map data, and other geospatial assets are of most critical value in emergency response during the initial hours and days immediately before and following a hurricane, flood, or other disaster. This data can be an effective, efficient, and a life-saving tool. In addition, accurate geospatial data facilitates the engineering analysis to perform risk identification and risk assessment. To further improve the nation's flood insurance program, protect homeowners, and help reduce the taxpayers' financial risk, the National Society of Professional Surveyors ([NSPS](#)) recommends a number of surveying and mapping (geospatial) reforms --



- Given that elevation data from USGS for flood maps is on average 35 years old, the USGS 3D Elevation Program ([3DEP](#)) should be designated as the inter-agency, intergovernmental funding pool to collect and maintain elevation data for flood maps and a variety of other national priority applications. Dedicated funding will enable USGS, FEMA and other cooperators to keep elevation map data current on an 8-year repeat cycle. [Click here](#) for the 3DEP connection to Flood Risk Management. For more information on 3DEP including an e-book, please [click here](#).
- Create a National Structure Inventory to aid in flood mapping and engineering, as well as benefit FEMA, first responders and other related agencies providing reliable, accurate data to streamline structure, infrastructure and safety assessments, including response and recovery time, as well as accurate pre and post disaster structure risk assessment and assessment values; simplify the sale, rating and processing of flood insurance; create a cost effective, efficient and accurate structure and infrastructure inventory providing our nation a single platform of flood mapping assessments and inventory.
- Include address and parcel data to permit the integration of address information with structure/parcel information in flood insurance processing and emergency response; to enhance data available for insurance rating; to permit first responders' access to data for life saving activities in a declared emergency.
- Strengthen the USGS National Streamflow Information Program. The USGS streamflow network is critical to the NFIP and flood risk mapping and assessment. Data sharing between FEMA and USGS, including from real-time data feeds, should all be supported in the framework of the NFIP reauthorization.
- In addition, FEMA should: 1) create national, geo-enabled, web access to maps, similar to North Carolina ([www.ncfloodmaps.com](http://www.ncfloodmaps.com)); and 2) ensure that qualifications based selection (QBS) contracting be utilized for all surveying and mapping services.

In the 117th Congress, Representatives Vicente Gonzalez (D-TX) and Alex Mooney (R-WV) [reintroduced](#) legislation ([H.R. 4088](#)) known as the Improvement of Mapping, Addresses, Geography, Elevations and Structures (IMAGES) Act of 2021 to accomplish these vital reforms and will reintroduce the bill again in the 118<sup>th</sup> Congress.

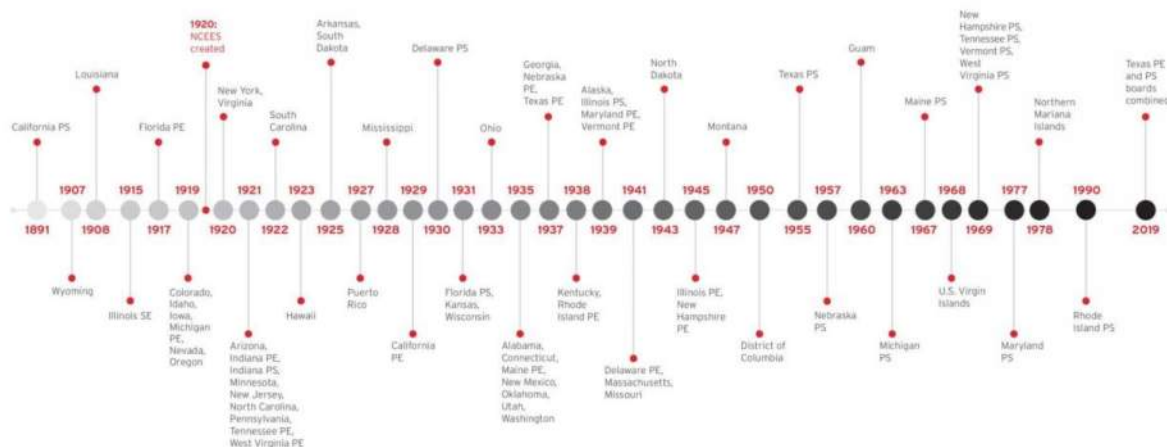
## **ACTION REQUESTED:**

**NSPS respectfully urges members of Congress to cosponsor legislation making technical reforms to the flood maps to help make the program more solvent, increase accuracy, and provide an improved ability for FEMA to quantify risk and provide a more fair and equitable insurance premium program. Representatives are asked to cosponsor this bill by contacting Chandler Mills in Representative Gonzalez's office at 5-2531 or Blayne Callas in Representative Mooney's office at 5-2711. Senators are asked to sponsor a companion bill to this House legislation. For more information, contact John "JB" Byrd, NSPS Federal Lobbyist, at [jbyrd@mwcapitol.com](mailto:jbyrd@mwcapitol.com) or (703) 383-1330.**

## Surveying Licensure Protects Public Health, Safety, and Welfare

There is no question that occupational licensing has gone overboard in the United States. It is estimated that as much as 25 percent of the U.S. workforce is now subject to licensure. Many of the covered occupations have little or no impact on public health, welfare, and safety, and many state licensing arrangements do little more than create unnecessary barriers to entry and limit competition.

The design professions, including professional land surveying, however, do not fall in this category. The current movement to de-license occupations should exempt land surveying, along with architecture and engineering.



Whether it is a boundary survey for home ownership or engineering for an infrastructure project, surveying is essential. The quality and fidelity of the professional responsible for a survey has a significant financial, environmental, safety and quality of life implication. A survey is critical to every phase of an infrastructure project -- planning, design, construction, operation, and maintenance.

Just as a poorly designed dam can burst, resulting in loss of life, destruction of property, and serious litigation and liability claims, a poorly planned or executed survey can unleash a flood of problems, creating an impediment to the expeditious completion of a project, causing substantial loss of time and money, and jeopardizing the public safety. A high-quality survey or map will stand the test of time and will ensure that a project can proceed with its design, construction or resource planning project based on complete and precise groundwork. Surveying combines field measurements, the application of law and mathematics, and other knowledge, skills, and judgment. Professional licensing assures the public that a practitioner has met certain minimal qualifications to carry out a sound and reliable surveying service.

Licensing of professional surveyors is neither recent nor rare. All 50 states and the territories license surveyors. Licensing in surveying began in 1891. This demonstrates the longstanding importance of a system for assuring the public that practitioners have met the requisite education, experience, and examination to engage in professional practice.

### **ACTION REQUESTED:**

**NSPS respectfully urges members of Congress to sponsor a “sense of the Congress” resolution highlighting the important role licensing of surveyors, architects, and engineers play in protecting the public health, safety, and welfare. For more information, contact John “JB” Byrd, NSPS Federal Lobbyist, at [jbyrd@mwcapitol.com](mailto:jbyrd@mwcapitol.com) or 703-383-1330.**

118th CONGRESS  
1st Session

H. CON. RES.

Expressing the sense of Congress regarding the public health, welfare, and safety implications of licensure of design professionals.

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IN THE HOUSE OF REPRESENTATIVES  
\_\_\_\_\_, 2023

Mr./Ms. \_\_\_\_ (for himself/herself, \_\_\_\_\_) submitted the following concurrent resolution; which was referred to the Committee on \_\_\_\_\_

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**CONCURRENT RESOLUTION**

Expressing the sense of Congress regarding the public health, welfare, and safety implications of licensure of design professionals.

Whereas, the several states have traditionally licensed individuals in the practice of certain design occupations with California having passed the first surveying licensure law in 1891, Illinois passed the first architecture licensing law in 1897, and Wyoming passed the first engineering licensure law in 1907;

Whereas, all 50 states, as well as territories and possessions, license individuals in the design profession disciplines;

Whereas, the National Transportation Safety Board has recognized the importance of professional licensing among certain design professions, most recently in NTSB/PSR-18/02, an incident safety report regarding a natural gas distribution system in the northeast region of the Merrimack Valley, Massachusetts;

Whereas, as more than thirty years ago Congress recognized the importance of professional licensing in design disciplines in its report *Structural Failures in Public Facilities* (H. Rept. 98-61) which recommended “all necessary architectural and engineering design and on-site services in public construction projects are furnished by licensed professionals who are qualified and experienced to assure the construction of safe structures”;

Whereas many states are reducing requirements for or eliminating the licensing of certain occupations due to concerns over competition, market entry, and over-regulation that does not serve the public interest, but in many cases such state action do not distinguish those professional design occupations in which licensing has a significant benefit to public health, safety, and welfare: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—*

- (1) Occupations in design professions, including but not limited to architecture, engineering, surveying, and mapping are essential to the integrity of the built and natural environment and critical to the successful research, planning, design, construction, development, alteration, repair, operation, and maintenance of real property, our Nation's physical infrastructure, and resource planning activities that contribute to maintaining the country's economic prosperity, national security, and environmental protection; and
- (2) Continuation of licensure of such occupations and professions by the several states is in the best interest of public health, safety, and welfare.

**NSPS Government Affairs Update**  
**Prepared by**  
**Miller/Wenhold Capitol Strategies, LLC**  
**NSPS Government Affairs Consultants, Advisors & Lobbyist**  
**March 2023**

This report, prepared for the March 2023 NSPS Board of Directors and Government Affairs Committee meetings, provides an update on issues and activities in the NSPS Government Affairs program, as authored by Miller/Wenhold Capitol Strategies, LLC, the NSPS government affairs consultants.

The current Congress, covering 2023-2024, is the 118<sup>th</sup> Congress.

**Major NSPS Highlights Since July 2022**

- John “JB” Byrd testified on behalf of NSPS on the FLAIR Act and the Sinkhole Mapping Act before the House Committee on Natural Resources in July 2022.
- On December 29, 2022 NSPS scored a major legislative victory when a modified version of the Federal Land Asset Inventory Reform (FLAIR) Act was enacted as part of the Omnibus appropriations bill (P.L. 117-328) President Biden signed. This legislation will provide for a current, accurate inventory (“cadastre”) of Federal land owned by the Department of the Interior as well as the U.S. Forest Service. The FLAIR Act, a top legislative priority for NSPS for several years will assist surveyors when doing survey records research or building a GIS by making such data access and integration much more efficient.
- Impacted the September 2022 National Academies of Science (NAS) finalized report for the technical review of Federal Communications Commission (FCC) Order 20-48, approved by the Federal Communications Commission in April 2020, which authorized Ligado Networks LLC to operate a low-power terrestrial radio network adjacent to the Global Positioning System (GPS) frequency band; they found that the Ligado system would interfere with the Department of Defense’s satellite communication services, as well as some older GPS receivers.
- Educated stakeholders on exemptions needed for surveying, mapping, and geospatial activities during the September 2022 public comment session hosted by the Federal Trade Commission.
- Presented technical expertise in October 2022 at the 2nd Annual Water Adaptations to Ensure Regional Success (WATERS) summit co-hosted by U.S. Representatives David Rouzer (R-NC) and Greg Murphy (R-NC) in Wilmington, North Carolina. In a presentation pursuant to an invitation from the Congressional hosts facilitated by the NSPS government affairs program, National Geospatial Advisory Committee Chair Gary Thompson of North Carolina focused on Flood Inundation Mapping and Alert Network (FIMAN) as Deputy Risk Management Chief for the NC Department of Public Safety in the Division of Emergency Management.
- Celebrated the 50<sup>th</sup> Anniversary of the Brooks Act in October 2022 being signed into law by President Nixon. This law provides for qualifications based selection (QBS) of architecture, engineering, (A&E) and related services, including surveying and mapping.
- Commemorated GIS Day in Congress in November 2022 via H.Res.1473. In a news release issued by the Congressional sponsors, NSPS President Amanda Allred was quoted in a statement of support.
- Provided a comprehensive database of legislation in February 2023 affecting surveying and pending in the 2023 session of all 50 state legislatures.
- Advocating positions on licensing, Broadband Mapping reform efforts, and NFIP mapping reform efforts before Congress as part of the NSPS “Day on the Hill” on March 29, 2023.

**NSPS 2023 “Day on the Hill”**

On March 29, NSPS plans to hold the first in person “Day on the Hill” since the recent Pandemic. This event seeks to match surveyors with their states’ Congressional delegation for a series of in person meetings. The voice of the

surveying profession will be heard loud and clear in Congress. More than 75 NSPS members from 40 states will visit more than 100 members of the U.S. Senate and House of Representatives and their staff to discuss the role of the surveying profession in pending legislation. In these meetings, NSPS members will educate Congressmen, Senators, and their staff on the three issues: 1) Design professional occupational licensing; 2) Improvement in Broadband Mapping efforts to enhance the related telecom infrastructure deployment; and 3) Reform of FEMA's National Flood Insurance Program (NFIP) surveying and mapping. NSPS hosted an online training session to prepare all participants for their Congressional meetings.

### **Congressional Opportunities at the State Level**

In October 2022, NSPS member Gary Thompson, who served as Chair of the National Geospatial Advisory Committee (NGAC) and Chief at NC Geodetic Survey, was a featured technical speaker at the 2nd Annual Water Adaptations to Ensure Regional Success (WATERS) summit co-hosted by U.S. Representatives David Rouzer (R-NC) and Greg Murphy (R-NC) in Wilmington, North Carolina. In a presentation pursuant to an invitation from the Congressional hosts facilitated by the NSPS government affairs program, Thompson focused on Flood Inundation Mapping and Alert Network (FIMAN) as Deputy Risk Management Chief for the NC Department of Public Safety in the Division of Emergency Management. Senator Thom Tillis (R-NC) opened the session with remarks delivered virtually. NSPS affiliates are encouraged to work with NSPS Federal Lobbyist John "JB" Byrd to identify other issues and opportunities where Members of Congress host similar sessions in their respective states.

### **NSPS Government Affairs Issues**

#### **Appropriations/CR/Shutdown**

On December 29, 2022, President Biden signed into law H.R. 2607, the Continuing Appropriations Act, 2023 (P.L. 117-328), which provides appropriations to Federal agencies through September 30, 2023, for continuing projects and activities of the Federal Government. Also included in the bill is a continuing authorization for FEMA's National Flood Insurance Program (NFIP).

### **COVID**

The NSPS "Day on the Hill" set for Wednesday, March 29, will be in person as Congress has been re-opened to the public. NSPS took part in a large and diverse group advocating for the reopening of Congress by returning to normal citizen access to the Capitol Building, as well as the House and Senate office buildings. In March 2022, more than 250 organizations and individuals, including NSPS, delivered a letter to the House and Senate leadership asking that Capitol Hill be reopened for meetings, appointments, and hearings so the American people can exercise their First Amendment right to "petition the Government for a redress of grievances".

### **Department of Commerce**

#### **Climate Change/Sea Level Rise**

In February 2022, NOAA released the Sea Level Rise Technical Report providing the most up-to-date sea level rise projections available for all U.S. states and territories. This multi-agency effort, representing the first update since 2017, offers projections out to the year 2150 and information to help communities assess potential changes in average tide heights and height-specific threshold frequencies as they strive to adapt to sea level rise. Subsidence is referenced 36 times in the report.

#### **Digital Coast**

NSPS led the efforts to secure twelve bipartisan House members to cosign a House letter in April 2022, and four Senators to cosign the Senate letter in May 2022. The Senate letter was led by Sen. Tammy Baldwin (D-WI), the original sponsor of the bill that became law, and the House letter was led by Reps. Lisa Blunt Rochester (D-DE) and Buddy Carter (R-GA). The letters request the Appropriations Committees to "fully fund the Digital Coast Program" at \$4 million, as authorized.

The 2023 Omnibus Appropriations Bill included the following report language:

*Digital Coast. -The agreement provides \$3,500,000 for the implementation of the Digital Coast Act (Public Law 116- 223).*

### FLOODS Act

In February 2021, the leadership of the House Science Committee introduced H.R. 1438, the Flood Level Observation, Operations, and Decision Support (FLOODS) Act, a bill to establish a National Integrated Flood Information System, primarily in NOAA. NSPS was listed as a supporter of the bill in news releases issued by lead House sponsor Rep. Mikie Sherrill (D-NJ) and the Science Committee. S. 558, the companion bill, passed the Senate in September 2021, and was enacted into law (P.L. 117-316) December 27, 2022.

### NSRS

In October, the National Geodetic Survey (NGS) announced a revised schedule for the modernization of the National Spatial Reference System to mid-2025 and an extension of the deadline for submission of GPS on Benchmarks (GPSonBM) data for the transformation tools through the end of September 2023.

### PRECIP Act

In November 2021, the House Science Committee reported H.R. 1437, the Providing Research and Estimates of Changes in Precipitation (PRECIP) Act out of Committee, and then the House passed it in May 2022. The bill will update out-of-date precipitation data in the U.S. by providing NOAA with consistent funding to collect data and conduct studies. The bill provides critical updates to extreme precipitation data to help improve the understanding of how changing precipitation patterns affect flood risk. Included is a NSPS-initiated provision calling for “in-situ, airborne, and space-based observation requirements, that could enhance precipitation estimation and development of models, including an examination of the use of geographic information systems and geospatial technology for integration, analysis, and visualization of precipitation data”. NSPS was listed as a supporter of the bill in news releases issued by lead House sponsor Rep. Mikie Sherrill (D-NJ) and the Science Committee. S. 3043, the companion bill was reported favorably out of the Senate Commerce Committee as amended. This bill is in part the result of a hearing Rep. Sherrill held on February 27, 2020 on “An Examination of Federal Flood Maps in a Changing Climate” at which Ryan R. Branfort, PLS, GISP, Senior Vice President of Wilson & Company, Inc., Engineers & Architects, Salina, KS, and an NSPS member, testified.

### Survey Foot

In October 2020, the National Institute of Standards and Technology (NIST) and the National Geodetic Survey (NGS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), [announced](#) a final decision and rule to deprecate use of the “U.S. survey foot” on December 31, 2022. Beginning on January 1, 2023, the U.S. survey foot should not be used and will be superseded by the “international foot” definition (i.e., 1 foot = 0.3048 meter exactly) in all applications. The international foot is currently used throughout the U.S. for a large majority of applications and is typically referred to as simply the “foot.” Over time this terminology will become more prevalent in land surveying and mapping communities. Either the term “foot” or “international foot” may be used, as required for clarity in technical applications.

## **Department of Defense**

### WRDA

NSPS focused on the 2022 WRDA during the 2022 NSPS Day on the Hill.

In May 2022, the House Committee voted to advance H.R. 7776, the Water Resources Development Act of 2022 (WRDA), and was passed by the full House on June 8. The legislation provides authority for the Civil Works Division of the U.S. Army Corps of Engineers (USACE) to carry out water resources development projects and studies in flood control navigation, and other programs and applications. The Senate version of WRDA was approved by its Committee on Environment and Public Works in May 2022. In July 2022, the Senate passed the WRDA by a 93-1 vote.



In September 2022, NSPS cosigned a coalition letter with over ten other organizations urging Congress to pass the 2022 Water Resources Development Act (WRDA), which primarily authorizes civil works projects of the U.S. Army Corps of Engineers (USACE). The bill, which funds USACE projects and policies every two years, was added to the 2023 National Defense Authorization Act (NDAA). Section 8110 of that bill authorized a National Coastal Mapping Study. The pilot program, anchored in North Carolina, will allow USACE to identify new or advanced geospatial information and remote sensing tools for coastal mapping; best practices for coastal change mapping; and how to most effectively collect and analyze such advanced geospatial information; disseminate such geospatial information to relevant offices of the Corps of Engineers, other Federal agencies, States, Tribes, and local governments; and make such geospatial information available to other stakeholders.

#### NDAA

NSPS has been pursuing a Workforce Development provision for the 2023 National Defense Authorization Act (NDAA) by adding language to the House NDAA that would create a pilot program within the DoD Transition Assistance Program (TAP) to spur certain categories and classifications of servicemen and women, knowledgeable of topography, elevation, and contours, who are transitioning out of the military and into civilian life and careers and help them toward pursuing the Surveying Profession as the next step in their respective careers. NSPS will now focus on this effort for the 2024 NDAA.

A Task Order Requirement Notice (TORN) policy and process implemented by the U.S. Army Corps of Engineers (USACE) in 2020 will change as the Senate version of the 2023 NDAA was enacted. The TORN process requires a new level of competition and submission of data by firms on multiple-award, task order contracts (MATOCs) for A&E services under the Brooks Act. Many firms were concerned that the new TORN process resulted in unnecessary delays in awarding task orders and imposed a burden on firms, particularly small firms, by requiring additional paperwork filings with the contracting officer. COFPAES, of which NSPS is a member, has been addressing the TORN requirements with USACE. Included in the 2023 NDAA is the following:

*SEC. 823. TASK AND DELIVERY ORDER CONTRACTING FOR ARCHITECTURAL AND ENGINEERING SERVICES. Section 3406 of title 10, United States Code, is amended by adding at the end the following new subsection: “(h) Architectural and Engineering Services. -- (1) Task or delivery orders for architectural and engineering services issued under section 3403 or 3405 of this title shall be qualification-based selections executed in accordance with chapter 11 of title 40. (2) When issuing a task or delivery orders for architectural and engineering services under a multiple award contract, the head of an agency shall not routinely request additional information from contractors but may request additional information or conduct discussions with contractors when available information is insufficient, in order to determine the most highly qualified contractor to perform the work in accordance with chapter 11 of title 40.”*

This provision only amends title 10, which covers military construction, but not contracts for Corps civil works, which is authorized by title 33.

### **Department of Homeland Security/FEMA**

#### FEMA/NFIP Reform

This is one of the three issues NSPS is taking to Capitol Hill on March 29, 2023 as part of the NSPS Day on the Hill.

Public Law 117-328, the Continuing Appropriations Act, 2023, signed into law on December 29, 2022, extended FEMA’s NFIP until September 30, 2023.

NSPS focused on the FEMA’s NFIP during the NSPS Day on the Hill in 2022. In June 2021, NSPS worked with Reps. Vicente Gonzalez (D-TX) and Alex Mooney (R-WV) to reintroduce the “Improvement of Mapping, Addresses, Geography, Elevations, and Structures (IMAGES) Act (H.R. 4088 in the 117<sup>th</sup> Congress) with numerous mapping reforms in the Federal Emergency Management Agency’s (FEMA) program, the National Flood Insurance Program (NFIP) that NSPS secured in the comprehensive reform bill (H.R. 3167) passed out of the House Financial Services Committee in the 116<sup>th</sup> Congress.

In July 2021, Sen. Marco Rubio (R-FL) and Rep. Bill Posey (R-FL) introduced the Flood Insurance Rate Map Interagency Technology (FIRM IT) Act (S. 2418/H.R. 4605). NSPS and FSMS were quoted in the Senate news release. This bicameral legislation would direct FEMA to consult with the U.S. Department of Defense (DOD), the USGS, and NOAA in order to obtain the most up-to-date information relevant to NFIP rate maps. This will provide Americans who utilize NFIP, with the most accurate data for flood hazard identification. Rubio and Posey first introduced this legislation in April 2019.

The 2023 Omnibus Appropriations Bill included report language providing \$312,750,000 for FEMA’s Flood Hazard Mapping and Risk Analysis Program (RiskMAP).

## **Department of the Interior**

### USGS Leadership

In August 2022, the U.S. Senate confirmed geologist David Applegate to serve as director of the U.S. Geological Survey by voice vote. A career USGS official, Applegate joined the agency in 2004 as senior science adviser for earthquake and geological hazards and then led its natural hazards mission area for a decade. He was named the agency’s interim director at the start of the Biden administration and was nominated as Biden’s appointee in March 2022. At his nomination hearing in April 2022, Applegate fielded questions from senators on energy security and critical minerals and highlighted the agency’s Earth Mapping Resources Initiative (Earth MRI), a project to survey critical mineral concentrations across the U.S. Applegate is also a strong proponent of the 3D Elevation Program (3DEP), for which NSPS has been a leading advocate.

### 3DEP

NSPS has been a leader in efforts to ensure the program is fully funded at \$146 million per year.

In March 2023, NSPS led the efforts to secure thirty-five bipartisan House members to cosign a House letter, and is currently working with Senators to cosign the Senate letter. The Senate letter is being led by Sens. Maria Cantwell (D-WA) and Dan Sullivan (R-AK), and the House letter was led by Reps. Susan DelBene (D-WA) and Cathy McMorris Rodgers (R-WA). The letters request “robust funding” from the Appropriations Committees.

The 2023 Omnibus Appropriations Bill included the following report language:

*“The National Geospatial program is funded at \$93,650,000 including \$500,000 for the 3D National Topography Model; \$42,905,000 for 3D Elevation Program (3DEP) providing an increase of \$3,000,000 for Federal lands in western states; \$330,000 for geospatial work focused on Tribal lands; \$1,900,000 for the United States Board of Geographic Names; \$1,350,000 for the National Digital Trails project; and an increase of \$250,000 for topoBuilder. 30 No less than \$10,000,000 is provided for the Alaska mapping and map modernization initiative, which includes modernizing Alaskan hydrography datasets. The direction contained in the joint explanatory statement accompanying Public Law 117-103 regarding Alaska mapping is continued.”*

Signed into law on August 2022, H.R. 5376, the Inflation Reduction Act (IRA), P.L. 117-169, includes an additional \$23.5 Million for USGS 3DEP through 2031.

### Critical Minerals

In February 2022, the Biden administration announced actions taken to bolster the critical mineral supply chain. The minerals targeted by the administration are those used in technologies including electric vehicles, batteries, solar panels, and wind turbines — as well as electronics and defense systems. According to a White House fact sheet, in the federal government, the Interior Department launched an interagency group pursuing “legislative and regulatory reform of mine permitting and oversight.” The working group will hold roundtables with various experts and eventually “will make recommendations for improvements necessary to ensure that new production meets strong environmental and community and Tribal engagement standards during all stages of mine development, from initial exploration through reclamation, while improving the efficiency and outcomes of the permitting process ... and

identify potential best practices that could be adopted by the United States.” The working group will convene a series of roundtables designed to receive comments and feedback from the public and deliver recommendations to Congress.

The 2023 Omnibus Appropriations Bill included the following report language:

*“Mineral Resources is funded at \$70,855,000 which provides \$10,848,000 for the critical minerals Earth Mapping Resources Initiative (Earth MRI) and provides an increase of \$5,000,000 for mine waste research and to characterize mine waste as a potential source for critical minerals.”*

### FLAIR

On December 29, 2022 NSPS scored a major legislative victory when a modified version of the Federal Land Asset Inventory Reform (FLAIR) Act was enacted as part of the Omnibus appropriations bill President Biden signed. This bill provides for a current, accurate inventory (“cadastre”) of Federal land owned by the Department of the Interior as well as the U.S. Forest Service. The FLAIR Act, a top legislative priority for NSPS for several years will assist surveyors when doing survey records research or building a GIS by making such data access and integration much more efficient. In July 2022, NSPS Federal Lobbyist John “JB” Byrd testified on H.R. 5522 before the House Committee on Natural Resources. NSPS and the Wisconsin Society of Land Surveyors (WSLS) were quoted in the House news release following the hearing and testimony provided.

### Geospatial Governance -- COGO/FGDC/NGAC/GDA

OMB has determined that the Geospatial Data Act (GDA) guidance will be provided through a revision of Circular A-16. The proposed revisions to A-16 are currently under review at OMB with no public comment period. In March 2022, the U.S. Department of the Interior announced new appointments to the National Geospatial Advisory Committee (NGAC) and named Gary Thompson, PLS, a NSPS member and Chief of the North Carolina Geodetic Survey, as chairman. The NGAC provides advice and recommendations on national geospatial policy and management issues, the development of the National Spatial Data Infrastructure (NSDI), and the implementation of the Geospatial Data Act of 2018. The NSDI promotes geospatial data sharing across all levels of government, the private and non-profit sectors, and the academic community.

### Landsat

The Landsat 9 remote sensing satellite has passed its post-launch assessment review and is now in its operational phase. The satellite, a joint mission of NASA and the US Geological Survey (USGS), launched from Vandenberg Space Force Base in California in September 2021. NASA led the commissioning campaign and will soon transfer operational control of the two Landsat 9 instruments to the USGS, has begun to distribute (free of charge) and archive the data.

### MAPLand Act

In a legislative victory for NSPS-supported legislation, President Biden signed the Modernizing Access to our Public Land (MAPLand) Act into law, P.L. 117-114 in April 2022. The bill directs federal land management agencies to digitize and standardize mapping records. This will provide federal land users access to essential information about public lands as well as help federal land management agencies identify public lands with limited or nonexistent public access points and take proactive steps to open them to the public. Currently, more than 9.52 million acres of land in the West lack permanent and legal access points for public use, and information on these lands is still kept in paper files. Approximately 5,000 of the Forest Service’s 37,000 recorded easements have been digitized and uploaded to an electronic database. The MAPLand Act will help give federal land management agencies the resources they need to digitize these files for public use, as well as require these agencies to provide information on seasonal vehicle restrictions on public roads and trails, hunting boundaries, and watercraft restrictions.

### National GIS Day

In November 2022, National GIS Day was observed on November 16, as recognized by Representatives John Curtis (R-UT) and Pete Aguilar (D-CA) with a resolution, H.RES.1493. The resolution recognizes that GIS helps foster collaboration and partnerships in the advancement of the National Spatial Data Infrastructure (NSDI). NSPS President Amanda Allred was quoted in the news release:

*“The land surveying profession and GIS community are working hand in hand in mapping and cataloging the Nations vast infrastructure, disaster planning and recovery efforts, floodplain management, natural resources, and other important public policies for the protection and safety of the public.”*

### RECLAIM Act

In March 2021, Reps. Matt Cartwright (D-PA) and Hal Rogers (R-KY) introduced legislation to reauthorize and accelerate federal funding to reclaim abandoned mine lands across America by helping create good jobs, paving the way for new economic development and cleaning up waterways polluted by toxic mine drainage. The Revitalizing the Economy of Coal Communities by Leveraging Local Activities and Investing More (RECLAIM) Act (H.R. 1733) accelerates the release of about \$1 billion in funds already collected for the Abandoned Mine Land Trust Fund to provide support for economic revitalization, diversification, and development in economically distressed mining communities through the reclamation and restoration of land and water resources adversely affected by coal mining. Sen. Joe Manchin (D-WV) is working on a Senate companion bill, S. 1455. NSPS is working with Rep. Cartwright (D-PA) on the bill’s reintroduction in the 118<sup>th</sup> Congress.

### Sinkhole Mapping

In July 2022, NSPS Federal Lobbyist John “JB” Byrd testified on H.R. 3681, the Sinkhole Mapping Act, before the House Committee on Natural Resources. This bill directs USGS to establish a program to study the short-term and long-term mechanisms that cause sinkholes, including extreme storm events, prolonged droughts causing shifts in water management practices, aquifer depletion, and other major changes in water use; and develop maps depicting the zones that are at greater risk of forming sinkholes. The USGS must establish a public website that displays such maps and other relevant information critical for use by community planners and emergency managers. NSPS is working with Rep. Darren Soto (D-FL) on the bill’s reintroduction in the 118<sup>th</sup> Congress.

### Stream Gages

In March 2022, NSPS joined a coalition of organizations on letters supporting [USGS stream gage](#) programs to the [House](#) and [Senate](#) Appropriations committees for FY22 budgeting. These vital networks, managed in the USGS Groundwater and Streamflow Information Program, provide critical and life-saving information, and serve the national interest with continuous streamflow information at over 8,400 locations. Additions to these networks are needed to adequately manage the Nation’s critical water supplies and infrastructure, including for surveying and mapping services related to hydrologic and hydraulic (H&H) studies for the Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP).

The 2023 Omnibus Appropriations Bill included the following report language:

*“Groundwater and Streamflow Information is funded at \$114,558,000 which includes \$500,000 to maintain operational capacity within the existing super-gage network along the Ohio River in basins containing unique geology, distinct soils, and a significant agricultural presence. The agreement also includes \$25,715,000 for Federal priority streamgages and \$29,500,000 for the Next Generation Water Observing System (NGWOS).”*

### Subsidence

In July 2021, a bipartisan amendment led by Representative María Salazar (R-FL) to begin development of a national land subsidence map, passed the U.S. House of Representatives and was included in final passage of HR 4502. The bill funds the Department of the Interior and the U.S. Geological Survey. The amendment, which provides \$5 million for fiscal year 2022, was initiated by NSPS and cosponsored by Representatives Suzan DelBene (D-WA), Ashley Hinson (R-IA), Brian Mast (R-FL), Gus Bilirakis (R-FL), Carlos Gimenez (R-FL), Debbie Wasserman Schultz (D-FL), and Michael Waltz (R-FL). Rep. Salazar and her bipartisan cosponsors worked closely with NSPS lobbyist John “JB” Byrd on the amendment. NSPS and has been coordinating with USGS leadership on this initiative since 2019. The ground subsidence program in USGS was authorized by Section 4 in P.L. 116-323 as authorized by bill sponsor and amendment cosponsor Rep. Suzan DelBene (D-WA).

In February 2022, Reps. Josh Harder (D-CA) and Maria Salazar (R-FL) wrote Congressional leadership as to supporting the subsidence program known as the National Land Level Change (NLLC) Map.

## Wildfires

In 2021, members of Congress introduced the Wildland Fire Mitigation and Management Commission Act to establish a commission of federal and non-federal stakeholders—including city and county level representation—to study and recommend fire prevention, mitigation, management, and rehabilitation policies for forests and grasslands. That bill was included in the recently enacted Infrastructure Investment and Jobs Act (IIJA). The commission was established in November by the U.S. Department of Agriculture (USDA), Department of the Interior (DOI) and Department of Homeland Security's Federal Emergency Management Agency (FEMA). NSPS has been pursuing reforms such as survey mark preservation and believes such a commission could play a role in coordinating on that issue

## **Department of Justice**

### FPI Reform

With membership in the Business Coalition for Fair Competition ([BCFC](#)), NSPS has been involved on FPI Reform due to markets being negatively impacted as prisoners have performed scanning, digitizing, and GIS/CAD conversion instead of being contracted to the private sector. NSPS is working with Rep. Bill Huizenga (R-MI) on reintroduction of FPI Reform legislation.

### PLANT Act

NSPS is working with Rep. Doug LaMalfa (R-CA) for the bipartisan reintroduction of the “Protecting Lands Against Narcotics Trafficking (PLANT) Act”. Section 3 of the bill would coordinate activities among States, political subdivisions of States, and Federal agencies, contracting to use commercially available aerial imagery, remote sensing, and geospatial data acquisition services using manned aircraft operations, unmanned aircraft systems, satellites, and other technologies to observe, monitor, and identify illegal marijuana cultivation.

## **Department of Labor**

### Davis-Bacon

In December 2020, the Trump Administration's Department of Labor issued AAM 235, which rescinded AAM 212, an Obama-era guidance issued in 2013 that defined members of survey crews as "laborers and mechanics" under the Davis-Bacon Act, mandating the "prevailing wage" on a broader range of construction stake-out surveys all Federally funded construction projects. AAM 235 noted “AAM 212 is rescinded effective immediately.” Since the issuance of AAM 212, the surveying community conducted a nearly 7-year campaign to seek rescission of the policy. It included testimony before Congress, meetings with individual Congressmen and Senators, letters by design and construction trade associations and professional societies and taxpayer groups, earning the assistance of the Small Business Administration (SBA), and longstanding negotiations with the Department of Labor and the Wage and Hour Division.

The Department of Labor proposed a massive rewrite of regulations implementing the Davis Bacon Act. A 440+ page revision to regulations implementing the controversial 91-year old Depression-era “prevailing wage” law. In the March 11 proposal, the Biden Administration suggests a new standard to apply to members of survey crews as “laborers or mechanics” under the Act. In the text on page 129-130, the proposed rule blatantly misrepresents the history and the standard by which members of survey crew would be covered by the Act. It discusses a never before utilized standard for application of the Act to a wide variety of construction-related surveying activities or projects financed with Federal funds and fails to mention the longstanding standard established by Secretary Goldberg in 1962 that members of survey crew are exempt except to the extent they are performing duties that are entirely physical in nature, such as those rare instances where the survey crew member is “clearing brush and sharpening stakes”. It is as if the Labor Department staff did not read or consider any of the NSPS submitted material or any prior Labor Department policy on this matter. A footnote 80 on page 129 specifically mentions the Obama Administration's AAM 212 issued in 2013 that sought Davis-Bacon Act expansion to more technician-level surveying activities, and the Trump Administration's rescission of the Obama order, AAM 235, issued in 2020 after an extensive lobbying campaign by NSPS. For further information, [click here](#). NSPS will soon mobilize members to submit comments in opposition to the proposed regulations.

In April 2022, NSPS Government Affairs Consultant John Palatiello voiced the surveying profession's opposition the expansion of the Davis-Bacon Act's (DBA) application in regulations expanding proposed by the U.S. Department of Labor, Wage and Hour Division. His comments were made in a virtual roundtable hosted by the Office of Advocacy within the U.S. Small Business Administration and including staff of the Wage and Hour Division of the Department of Labor, led by Jessica Looman, Acting Administrator. NSPS organized a campaign to submit public comments on the proposed rule prior to the May 17 deadline via a Town Hall session for membership to learn more, mobilize, and take action.

Among the groups that joined NSPS in opposition to the U.S. Department of Labor, Wage and Hour Division proposed rule on the Davis-Bacon Act and Related Acts regulations, the Small Business Administration's Office of Advocacy filed a comment letter (referencing the expansion of Davis-Bacon Act to surveying crews on pages 3, 5, and 8) and a coalition of design and construction organizations. Both comments were coordinated by NSPS's government affairs consultants. In addition, the SBA Office of Advocacy published a fact sheet on the proposed rules and called for a new Regulatory Flexibility Act analysis.

NSPS is working with other organizations within COFPAES to submit comments to clarify that A/E services are exempt from Project Labor Agreements (PLAs), as they do not fall within the definition of "construction", are not "trades", and that nationally, A/E firms are generally not a party to a collective bargaining agreements between building trade unions and contractors.

### Occupational Licensing

This is one of the three issues NSPS is taking to Capitol Hill on March 29, 2023 as part of the NSPS Day on the Hill.

In March 2022, NSPS focused on occupational licensing during the NSPS Day on the Hill. In 2021, President Joe Biden issued an executive order aimed at cracking down on anti-competitive practices in technology, labor, and numerous other sectors. The sweeping order, which includes 72 actions and recommendations that involve more than a dozen federal agencies, is intended to reshape the thinking around corporate consolidation and antitrust laws, according to a White House fact sheet. Among the activities the White House claims to be anti-competitive is occupational licensing. "Overly burdensome occupational licensing requirements that impede worker mobility and suppress wages also restrict competition. Today, almost 30% of jobs in the United States require a license, up from less than 5% in the 1950s. Fewer than 5% of occupations that require licensing in at least one state are treated consistently across all 50 states. That locks some people out of jobs, and it makes it harder for people to move between states—particularly burdening military spouses, 34% of whom work in a field requiring a license and are subject to military-directed moves every few years. The President's rationale, "And, while many occupational licenses are critical to increasing wages for workers and especially workers of color, some overly restrictive occupational licensing requirements can impede workers' ability to find jobs and to move between States." In the Order, the President "Encourages the FTC to ban unnecessary occupational licensing restrictions that impede economic mobility."

## **Department of Transportation**

### Comprehensive Infrastructure Legislation

In November 2021, President Biden signed into law H.R. 3684, the "Infrastructure Investment and Jobs Act (IIJA)," now Public Law 117-58, the \$1.2 trillion bipartisan infrastructure bill. Included in the highway portion of the bill is a provision NSPS long supported, including in prior Day on the Hill activities. Section 11308. Geomatic Data, requires the Secretary of Transportation to "develop guidance for the acceptance and use of information obtained from a non-Federal entity through geomatic techniques, including remote sensing and land surveying, cartography, geographic information systems, global navigation satellite systems, photogrammetry, or other remote means". It further requires the Secretary to "ensure that acceptance or use of information meets the data quality and operational requirements of the Secretary and calls for a public comment period before the issuance of the guidance. The bill also includes provisions regarding utility location and relocation that will require surveying and subsurface utility engineering services.

In March 2022, NSPS Federal lobbyist John “JB” Byrd participated in an online roundtable featuring former New Orleans Mayor Mitch Landrieu attended by major infrastructure related stakeholders and organizations and hosted by Rep. Earl Blumenauer (D-OR). Following the enactment of the IIA, President Biden appointed Mayor Landrieu to oversee the efforts to make sure the infrastructure investments were coordinated closely with state and local governments. JB engaged Mayor Landrieu for a discussion connecting infrastructure projects to FEMA Flood Mapping, NOAA’s Digital Coast, and USGS 3D Elevation Program (3DEP) as part of the National Spatial Data Infrastructure (NSDI) started during the Clinton Administration.

#### Railroad Abandonment

The NSPS Government Affairs Committee continues to explore solutions to the issue of survey monumentation being lost when a railroad line is abandoned. Among the options being considered, in addition to a requirement that the railroad preserve the monumentation, are to provide a limited national right of entry for surveyors and a requirement for disclosure of the intent to abandon to all affected property owners and the state surveyor society of the state in which the abandonment is located. Both Federal and state remedies are being explored.

### **Department of Treasury**

In May 2022, NSPS Federal Lobbyist John “JB” Byrd made a presentation to the Open Data Standards Task Force, co-chaired by Bloomberg and Data Foundation, with support from the Data Coalition Initiative, at a jointly hosted a public forum to facilitate a private-public exchange to help provide insights on federal financial regulatory data. Byrd promoted the 2021 ALTA/NSPS Land Title Survey Standards, the Treasury Department’s role per the Geospatial Data Act (GDA) of 2018 and summary thus far, and the need to populate the National Spatial Data Infrastructure (NSDI). The forum provided an opportunity for financial institutions, the data community, and oversight bodies to offer actionable and practical feedback on how to improve data management strategies across federal financial regulatory and oversight agencies. Feedback gathered during this public forum will be shared with the Financial Stability Oversight Council (FSOC), an oversight agency of the Department of the Treasury.

### **Environmental Protection Agency (EPA)**

#### Lead and Copper Rules

In June 2022, the Biden Administration released a fact sheet on the lead pipe replacement progress since announcing the plan. The Administration announced more than \$4 billion from the bipartisan infrastructure law and annual appropriations that can be used to begin replacing all of America’s lead pipes. In March, the U.S. Environmental Protection Agency (EPA) issued a memorandum to guide collaborative implementation with state, local, and Tribal partners water infrastructure funding through the Bipartisan Infrastructure Law, including \$2.9 billion for lead service line replacement in 2022.

In August 2022, NSPS Federal Lobbyist John “JB” Byrd met with Karen Dettmer, Managing Director for Infrastructure Implementation at the Environmental Protection Agency (EPA). Dettmer, a professional engineer with degrees in architectural and environmental engineering, highlighted EPA’s work on water infrastructure, including the Drinking Water State Revolving Fund (DWSRF), Clean Water State Revolving Fund (CWSRF), and Lead Service Line Replacement with funding at \$15 Billion.

### **Federal Communications Commission (FCC)**

#### Broadband Mapping

This is one of the three issues NSPS is taking to Capitol Hill on March 29, 2023 as part of the NSPS Day on the Hill.

Many of the broadband inventory maps previously produced following an initiative in the Obama-era stimulus bill, known as the American Recovery and Reinvestment Act of 2009, were found to be inaccurate. Complaints have been raised that many states expending ARRA funds failed to require supervision of the mapping by a licensed surveyor, were awarded to the low bidder rather than following qualifications based selection (QBS) laws, and/or were carried out by universities that did not have experience or expertise in such commercial map production services.

In 2020, as a result of a lobbying campaign by Miller/Wenhold Capitol Strategies, on behalf of NSPS, member Brent Birth, PLS, of Pennsylvania was appointed by Federal Communications Commission (FCC) Chairman Ajit Pai to the FCC Task Force Working Group for "Mapping and Analyzing Connectivity on Agricultural Lands"; and then reappointed in January 2022. This working group is reporting to the Task Force for Reviewing the Connectivity and Technology Needs of Precision Agriculture in the United States (Precision Ag Connectivity Task Force) authorized in the 2018 Farm Bill which included a provision NSPS sought for a professional with geospatial expertise be added to the Task Force. Brent's appointment to the working group came as a direct result from the NSPS campaign, including a letter to the FCC, as well as from a Congressional multi-member letter led by Rep. Dan Meuser (R-PA) to the FCC. In December 2020, Brent facilitated USGS 3DEP leadership to present on the importance of 3DEP data for broadband mapping and infrastructure deployment. The task force finalized a report in November 2021 with numerous mentions and references to the U.S. Geological Survey's 3D Elevation Program (3DEP). Brent was responsible for confirming a presentation by USGS Leadership to the FCC and USDA last December. As a result, the FCC and USDA have been urged to participate and to contribute to USGS 3DEP as found in pages 4, 10, 16, and 17 of the report. NSPS has been a strong proponent of the USGS 3D Elevation Program (3DEP). LiDAR provides high-resolution, very accurate three-dimensional (3D) data representations of constructed and natural features on the Earth's surface. Bare-earth and digital surface models derived from LiDAR are used in viewshed analyses for signal propagation studies necessary to identify the optimum locations for cell tower and cell station networks. USGS has published an issue paper outlining the benefits of 3DEP applications to broadband.

#### Congressional GPS Caucus

In February 2021, Rep. Mikie Sherrill (D-NJ) joined Rep. Don Bacon (R-NE) as bipartisan co-chairs of House GPS Caucus to promote the benefits of GPS technology. The Caucus endeavors to educate Members of Congress and their staff on the societal benefits of GPS technology including support of economic growth, national security, and modernized infrastructure while advocating for the continuous availability, accuracy, reliability, and resiliency of the GPS constellation. The Senate GPS Caucus is co-chaired by Senators Tammy Duckworth (D-IL) and Joni Ernst (R-IA). NSPS has been in contact with these Congressional offices to offer the help of the Surveying Profession to the goals of the Caucus, and specifically to help with the messaging and counterbalancing the Ligado policy advocacy on Capitol Hill.

#### Ligado/LightSquared

LightSquared rebranded with a new name, Ligado Networks LLC. In April 2020, the Federal Communications Commission (FCC) announced that it has unanimously approved with conditions Ligado's application to deploy a low-power terrestrial nationwide network in the L-Band that will primarily support 5G and Internet of Things services. The order includes conditions to ensure that adjacent band operations, including the Global Positioning System (GPS), are protected from harmful interference. On January 19, 2021, the FCC rejected on a 3-2 vote a stay of its earlier approval of the Ligado spectrum application that could create signal interference with GPS. The stay was requested by the Trump Administration and supported by a broad coalition of GPS users, including NSPS.

In June 2021, then-NSPS Executive Director Curt Sumner participated in a news conference to mark the introduction of S. 2611, the RETAIN GPS & SatComm Act by Senator James Inhofe R-OK). The legislation offered in the U.S. Senate would mitigate any spectrum interference with GPS signals by any entity, particularly Ligado, by requiring such an entity to financially compensate any party injured by such interference. The bipartisan legislation will require Ligado to cover the cost for correcting any interference their operations create for the public or private sector. While the April 2020 Federal Communications Commission (FCC) order that provided conditional approval of Ligado's spectrum operation mandates that the firm upgrade or replace government devices that are impacted by the order, it does not specify what those costs are and is silent on covering private sector GPS users. This bill specifically outlines that all the areas of potential costs that must be borne by Ligado, including but not limited to engineering, construction, site acquisition, research, personnel or contracting staff, labor costs, etc., and specifically notes that these apply to those impacted in the private sector, such as surveyors, as well. NSPS is a member of several coalitions working to protect GPS. Also participating in the event at the U.S. Capitol was John Palatiello and John "JB" Byrd. Joining Senator Inhofe as cosponsors of the bill are Senators Tammy Duckworth (D-IL), Mike Rounds (R-SD), and Jack Reed (D-RI). Reed is chairman of the Senate Committee on Armed Services, where Inhofe is the ranking



Republican. In July, the House version of the RETAIN Act (H.R. 4634) was introduced by eight original cosponsors including lead sponsors Reps. Jim Cooper (D-TN) and Mike Turner (R-OH).

In January 2022, NSPS Executive Timothy Burch and Federal Lobbyist John “JB” Byrd presented on Ligado’s Damage to the Surveying Profession before the National Academies of Science (NAS) panel authorized in the 2021 National Defense Authorization Act (NDAA).

In August 2022, then-Sen. Jim Inhofe (R-OK) and seven of his colleagues sent a bipartisan letter to the Chair of the Federal Communications Commission, urging,

*“We write to you today to urge the Federal Communications Commission (FCC) to stay and reconsider the FCC’s order granting the applications of Ligado Networks LLC (Ligado) to deploy a terrestrial wireless network in the L-band satellite spectrum neighborhood, FCC 20-48, adopted April 19, 2020 (the Ligado Order). ... We remain gravely concerned that the Ligado Order fails to adequately protect adjacent band operations—including those related to GPS and satellite communications—from harmful interference impacting countless military and commercial activities.”*

Joining Inhofe cosigning the letter were Jack Reed (D-RI), Tammy Duckworth (D-IL), Mazie Hirono (D-HI), Mark Kelly (D-AZ), Mike Rounds (R-SD), Kyrsten Sinema (D-AZ) and Dan Sullivan (R-AK). NSPS is an active participant in coalitions seeking to prevent GPS spectrum interference.

In September 2022, an independent technical review of Ligado Networks’ planned deployment of a terrestrial 5G wireless network found that the system would interfere with the Department of Defense’s satellite communication services provided by Iridium Communications, as well as some older GPS receivers. The report by the National Academies of Sciences, Engineering, and Medicine (NASEM) was mandated by Congress in the 2021 National Defense Authorization Act (NDAA) and impacted by the testimony of NSPS Executive Director Tim Burch and lobbyist John “JB” Byrd in January. In a joint statement following the report’s release, Reed and Inhofe, who pushed to include the NASEM review of Ligado’s network in the 2021 NDAA, said “with this new information, we again urge the FCC to stay and reconsider their 2020 order.”

### **Federal Trade Commission (FTC)**

#### Privacy

NSPS continues to work with Congress to make sure that privacy legislation in the 118th Congress includes exemption language. In July 2022, the House Energy and Commerce Committee marked up H.R. 8152, the American Data Privacy and Protection Act (ADPPA). NSPS is supportive of the exemptions for the Surveying Profession as found in Section 2 which defines “precise geolocation information” to exclude geolocation information identifiable or derived solely from the visual content of a legally obtained image; and also defines “covered data” to exclude publicly available data.

In September 2022, the FTC held a Commercial Surveillance and Data Security Public Forum. NSPS Federal Lobbyist John Byrd provided public comments urging the FTC,

*“to acknowledge that geospatial imagery and data collection, usage, and application is a valued part of the American economy that enhances the quality of life and functions in a manner that does not threaten the privacy of individual citizens. The FTC should also include exemption language for surveying, mapping and geospatial data collection and related services in the rulemaking, and by doing so, the FTC would effectively be codifying the rendering provided by Chairwoman Ramirez in 2014, and consistent with current exemptions found in the American Data Privacy and Protection Act.”*

### **Office of Management and Budget (OMB)/General Services Administration (GSA)/Small Business Administration (SBA)**

The Council on Federal Procurement of Architectural and Engineering Services (COFPAES), a coalition of design societies is being strengthened with NSPS, AIA, and ASCE as the longstanding members, as well as IIBEC and its newest member organization, the Construction Management Association of America (CMAA).

In 2021, Representatives Scott Peters (D-CA) and Peter Stauber (R-MN) held a virtual news conference moderated by NSPS lobbyist John “JB” Byrd to launch a new Construction Procurement Caucus. The caucus will serve as a forum for members of Congress to collaborate on ways to improve efficiency in the federal government procurement process for design and construction related services, including surveying and mapping.

October 27, 2022, marked the 50<sup>th</sup> anniversary of when President Nixon signed the Brooks Act (Public Law 92-582) into law on October 27, 1972. COFPAES is making plans for an observance and celebration and has been contacted by the Jack Brooks Foundation to collaborate on such events and activities.

Helpful report language was added in the FY2023 Omnibus Appropriations Bill, P.L. 117-328:

“Brooks Act.- The agreement directs GSA to not award or facilitate the award of any contract for the provision of architectural, engineering, and related services in a manner inconsistent with the procedures in the Brooks Act (40 U.S.C. 1101 et seq.) and part 36.6 of the Federal Acquisition Regulation.”

COFPAES has long been concerned that several GSA Schedule contracts (also referred to as Multiple Award Schedules (MAS) and Federal Supply Schedules (FSS)) include architecture, engineering, and related services (“A&E”) that fall within the definition of A&E services in The Brooks Act and the FAR. COFPAES requested GSA’s immediate attention to this matter via proper transparency, oversight and enforcement of the Brooks Act and FAR part 36 to be implemented with regard to all MAS/FSS contract programs that have A&E services in their current scopes of work, including but not limited to:

- *OASIS*
- *CIBORG*
- *Professional Services Schedule*
- *Temporary Administrative and Professional Staffing*
- *General Purpose Commercial Information Technology Equipment, Software, and Services*
- *Facilities and Maintenance*

### Climate Change

In 2021, President Biden signed a series of executive actions aimed at combating climate change. Through his executive actions, the president created the White House Office of Domestic Climate Policy and established the National Climate Task Force, composed of officials from 21 federal agencies and departments. His Executive Order on Tackling the Climate Crisis at Home and Abroad states, "the Secretary of the Interior and the Deputy Director for Management of the Office of Management and Budget, in their capacities as the Chair and Vice-Chair of the Federal Geographic Data Committee, shall assess and provide to the Task Force a report on the potential development of a consolidated Federal geographic mapping service that can facilitate public access to climate-related information that will assist Federal, State, local, and Tribal governments in climate planning and resilience activities."

In August 2022, President Biden signed into law H.R. 5376, the Inflation Reduction Act (IRA), P.L. 117-169. The bill is a multi-billion dollar climate, health care and tax package that was approved by the House in a strictly party-line 220-207 vote, following Senate approval with only Democrats in support. It provides \$370 billion for climate and energy programs, with significant funding to states and local governments.

### OMB Circular A-76

NSPS is working with Sen. John Thune (R-SD) and House members to introduce the "Freedom from Government Competition Act (FFGCA), a bill long supported by NSPS. The bills establish a process by which Federal agencies analyze their commercial activities (those for which private sector providers can be found in the Yellow Pages of the phone book) to determine whether government employees or private companies are the most efficient and economical provider of such services, thereby lifting the moratorium on OMB Circular A-76. The Consolidated Appropriations Act of FY2023, P.L. 117-328, had a provision that continues the A-76 moratorium.