



# *Position Paper*

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## ***Senate Bill S-1253, Geospatial Data Act of 2017, and Similar Resolutions, Bills or Proposals Before the Various State Legislatures***

Recently proposed legislation in the United States Senate as well as similar and companion bills in various state legislatures could effectively exclude anyone with the exception of licensed architects, surveyors and engineers from being awarded federal and or state contracts for GIS, geospatial and mapping services. Please note, this includes activities which traditionally have been out of the scope of professionally licensed surveyors.

The Geospatial Data Act (GDA) of 2017 (S-1253) proposes to create an exclusionary procurement system under the Brooks Act that would prevent most firms and organizations within the innovative GIS and mapping industry from receiving federal contracts for a wide range of activities, including GPS data collection, GIS analysis, web based mapping, geospatial analysis, location based services, remote sensing, academic research involving maps, and digital as well as manual cartography.

S-1253 for a large part is supported by an industry organization – the Management Association for Private Photogrammetric Surveyors (MAPPS). MAPPS is a national organization of primarily large geospatial, engineering and surveying firms. It is GITA's belief that passage and implementation of S-1253 is designed to make it more difficult for smaller firms, entrepreneurs and those industries that do not currently require the need of professionally licensed surveyors and engineers to win government contracts or compete with MAPPS members and their allies.

Interestingly, S-1253 will amend the Brooks Act broadly to include data such as:

- Any information tied to a point on the Earth,
- Most GIS, mapping, cartography, and imagery products and data,
- Data that may be represented by points, lines, and polygons,
- Data depicting the distribution of natural or cultural resources, features, or phenomena,
- Data utilized by Federal agencies,
- Data used to create general maps or prepared for atlases, educational materials, etc.,
- Geospatial data used by law enforcement,
- Geospatial data used by the military, and
- Data that may be developed from GPS units, aerial photography, unmanned aerial vehicles, etc.

You may recall that in 2007, MAPPS, as a representative of various engineering and surveying firms, attempted to accomplish the same goal via court action by filing a court case against the

U.S. government claiming language in the Brooks Act was not limited to “surveying and mapping”. Perversely, MAPPS asserted that the Brooks Act applied to all mapping activities, including those performed by GIS technicians/analysts, cartographers, geographers, geoscientists, planners, and academics.

At that time the geospatial community played a large role in opposing the MAPPS lawsuit. MAPPS was unsuccessful, with Federal District Judge T.S. Ellis issuing a summary judgement against MAPPS.

Unsuccessful at court, MAPPS has now taken their fight to the federal and state legislatures.

GITA opposes implementation of S-1253 for several reasons:

- The bill creates an exclusionary environment favoring large firms,
- Creates a negative impact on small firms who provide quality services but do not have a licensed professional on staff,
- Stifles competition within the dynamic and innovative geospatial sector,
- Is written too broadly to encompass products and data not normally under the purview of a licensed professional,
- Ignores the fact that the geospatial industry has implemented several certification programs to insure the ethical and responsible performance of duties and assure product quality and accuracy,
- Makes no allowance for GISPs to be considered certified professionals,
- Creates an atmosphere where GIS services are merely considered a function of the Architectural & Engineering industry, and
- Constrains government agencies from obtaining the highest quality geospatial data at the most affordable prices, from the most qualified firms or individuals.

In closing, GITA is joining with several other geospatial associations, notably URISA and AAG, to oppose S-1253. We encourage our membership to reach out to their representatives and senators to oppose this bill. A letter that may be customized for mailing to your senators and representatives will be posted on the GITA website shortly for your use.

In the meantime, if you should have any questions or comments, please contact me at the email or number below.

For the Association,



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