

113TH CONGRESS  
1ST SESSION

# H. R. 1604

To establish the National Geospatial Technology Administration within the United States Geological Survey to enhance the use of geospatial data, products, technology, and services, to increase the economy and efficiency of Federal geospatial activities, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 17, 2013

Mr. LAMBORN introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on Oversight and Government Reform, Science, Space, and Technology, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To establish the National Geospatial Technology Administration within the United States Geological Survey to enhance the use of geospatial data, products, technology, and services, to increase the economy and efficiency of Federal geospatial activities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Map It Once, Use It Many Times Act”.

1 (b) TABLE OF CONTENTS.—The table of contents of  
 2 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Purposes.
- Sec. 4. Definitions.
- Sec. 5. Rights and actions.

#### TITLE I—NATIONAL GEOSPATIAL TECHNOLOGY ADMINISTRATION

- Sec. 101. Definitions.
- Sec. 102. National Geospatial Technology Administration.
- Sec. 103. Establishment and maintenance of National Geospatial Database.
- Sec. 104. Reorganization of geospatial and land management activities.
- Sec. 105. Promulgation of standards for Federal geospatial data.
- Sec. 106. Protection of geospatial data.
- Sec. 107. Assumption of geospatial functions of other Federal agencies.
- Sec. 108. Acquisition of geospatial data from public sources.
- Sec. 109. Acquisition of geospatial data from commercial sources.

#### TITLE II—NATIONAL GEOSPATIAL POLICY COMMISSION

- Sec. 201. Establishment; primary duties.
- Sec. 202. Requirements for National Geospatial Data plan.
- Sec. 203. Membership.
- Sec. 204. Terminations.

#### TITLE III—CONTRACTOR PERFORMANCE OF FEDERAL GEOSPATIAL ACTIVITIES

- Sec. 301. Policy.
- Sec. 302. Definitions.
- Sec. 303. Conversion to contractor performance.
- Sec. 304. Requirement for performance in United States.

#### TITLE IV—ENCOURAGING PRIVATE ENTERPRISE

- Sec. 401. Findings; purposes.
- Sec. 402. Strategy for encouraging Federal use of private geospatial firms.

#### TITLE V—GEOSPATIAL RESEARCH AND DEVELOPMENT

- Sec. 501. Purposes.
- Sec. 502. Definitions.
- Sec. 503. Geospatial research plan.
- Sec. 504. Policy directives for research and development.
- Sec. 505. Annual report.
- Sec. 506. National defense and security exemption.

3 **SEC. 2. FINDINGS.**

4 Congress finds the following:

1           (1) Geospatial data is necessary and essential  
2           to—

3                   (A) the management of natural resources;

4                   (B) economic development;

5                   (C) the management, adjudication, and  
6           prevention of future disruptions in the home  
7           mortgage system;

8                   (D) the development and implementation  
9           of a smart energy grid;

10                  (E) the deployment of universal domestic  
11           broadband service;

12                  (F) the management of Federal real prop-  
13           erty assets;

14                  (G) emergency preparedness and response;

15                  (H) homeland security;

16                  (I) the delivery of efficient health care and  
17           other services provided, financed, or regulated  
18           by the Federal Government; and

19                  (J) the maintenance, rehabilitation, and  
20           enhancement of public works, transportation,  
21           and other infrastructure of the United States.

22           (2) The geospatial technology field is a high  
23           growth, high demand, and economically vital sector  
24           of the economy of the United States.

1           (3) The United States is the leader in the glob-  
2           al geospatial technology field. The thousands of  
3           geospatial firms in the United States, which include  
4           many small businesses, are among the most capable  
5           and qualified geospatial firms in the international  
6           market.

7           (4) Geospatial technologies can enhance the op-  
8           erations of Government in planning and analysis,  
9           asset management, situation awareness, workforce  
10          empowerment, citizen engagement, transparency,  
11          education, and other services.

12          (5) The full use and exploitation of geospatial  
13          technologies can foster economic growth, contribute  
14          to environmental stewardship, and enable scientific  
15          and technological excellence.

16          (6) Studies have indicated that Federal agen-  
17          cies are not effectively using geospatial technologies  
18          and can improve the management of information re-  
19          sources and other applications.

20          (7) Efforts to reduce redundancies in geospatial  
21          investments have not been fully successful. Federal  
22          agencies are still independently acquiring and main-  
23          taining potentially duplicative and costly data sets  
24          and systems and until these problems are resolved,

1 duplicative geospatial investments are likely to per-  
2 sist.

3 **SEC. 3. PURPOSES.**

4 The purposes of this Act shall be to—

5 (1) ensure that a centralized and comprehensive  
6 database of geospatial data for the United States is  
7 available for use by the Federal Government to—

8 (A) improve the quality of services pro-  
9 vided by the Federal Government; and

10 (B) reduce the costs to the Federal Gov-  
11 ernment of providing such services;

12 (2) coordinate Federal agencies, State and local  
13 governments, and private entities to—

14 (A) maximize the use of private geospatial  
15 firms for the performance of Federal geospatial  
16 activities; and

17 (B) eliminate redundancy in the Federal  
18 performance of geospatial activities;

19 (3) foster the establishment and growth of pri-  
20 vate geospatial firms in the United States; and

21 (4) facilitate the development of new geospatial  
22 technology in the United States.

23 **SEC. 4. DEFINITIONS.**

24 In this Act:

1           (1) The term “Administrator” means the Ad-  
2           ministrator of the National Geospatial Technology  
3           Administration.

4           (2) The term “geospatial activity” means—

5                 (A) the collection of geospatial data, in-  
6                 cluding collection from terrestrial, ground-  
7                 based, airborne, or spaceborne platforms;

8                 (B) the organization of geospatial data, in-  
9                 cluding organization in a survey (including a  
10                GPS or field survey), map, chart, plan, report,  
11                or description;

12                (C) the storage, dissemination, and re-  
13                trieval of geospatial data;

14                (D) the interpretation and use of  
15                geospatial data;

16                (E) the development of products or tech-  
17                nology to facilitate the activities described in  
18                subparagraphs (A) through (D); and

19                (F) activities (other than exclusively busi-  
20                ness-related activities) for the enhancement of  
21                geospatial data and its use.

22           (3) The term “geospatial data” means data—

23                 (A) relating to natural and human-made  
24                 physical features and phenomena on or below  
25                 the surface of the Earth or in the space above

1 the Earth, which may include data on the size,  
2 shape, and location of such features, and data  
3 on the legal boundaries relating to such fea-  
4 tures; and

5 (B) developed by professionals, including  
6 surveyors, photogrammetrists, hydrographers,  
7 geodesists, and cartographers.

8 (4) The term “licensed geospatial data”  
9 means—

10 (A) commercial off-the-shelf (COTS) data  
11 produced by a commercial provider that exists  
12 prior to any purchase or procurement by the  
13 Government and is made available to the mar-  
14 ket via an agreement of license with specific  
15 terms including rights and restrictions;

16 (B) the cost of such data is available from  
17 the provider’s published price list;

18 (C) delivery of such data is provided at the  
19 point of sale;

20 (D) the specifications for such data are  
21 prescribed by the provider and not subject to  
22 change at the Government’s request; and

23 (E) a transaction in which the Government  
24 does not become involved with defining any por-  
25 tion of the geospatial data product specifica-

1           tions, requirements, uses, or design, which shall  
2           be considered a professional service subject to  
3           section 303 of this Act.

4           (5) The term “private geospatial firm” means  
5           a private individual, firm, partnership, corporation,  
6           association, or other legal entity organized and per-  
7           mitted by law to engage in geospatial activities, that  
8           engages in such activities—

9                   (A) as a regular course of trade or busi-  
10                  ness; and

11                  (B) with the principal objective of liveli-  
12                  hood and profit.

13           (6) The term “real property” means land and—

14                   (A) crops, forests, and other resources at-  
15                  tached to or contained in the land;

16                   (B) buildings or other structures on the  
17                  land; and

18                   (C) improvements to the land, including  
19                  fixtures permanently attached to the land or to  
20                  structures on the land.

21           (7) The term “State” means each of the several  
22           States, the District of Columbia, the Commonwealth  
23           of Puerto Rico, the United States Virgin Islands,  
24           Guam, American Samoa, the Commonwealth of the



1 Northern Mariana Islands, and any other territory  
2 or possession of the United States.

3 **SEC. 5. RIGHTS AND ACTIONS.**

4 Nothing in this Act shall be construed to confer a  
5 private right of action on any person nor shall affect any  
6 valid existing private property rights.

7 **TITLE I—NATIONAL GEOSPATIAL**  
8 **TECHNOLOGY ADMINISTRATION**

9 **SEC. 101. DEFINITIONS.**

10 In this title:

11 (1) The term “cadastral information” means  
12 information on real property that includes informa-  
13 tion on—

14 (A) the location, boundaries, and size of  
15 the property; and

16 (B) the use, value, ownership (including  
17 any interest, benefit, right, or privilege in the  
18 property), and assets of the property.

19 (2) The term “cadastral parcel” means a single  
20 area of land or, more particularly, a volume of  
21 space, under homogeneous real property rights,  
22 unique ownership, subdivision, or description, and  
23 address.

24 (3) The term “geodetic control information”  
25 means information on the coordinate positions of ge-

1       ographic data established using a common reference  
2       system.

3           (4)    The    term    “orthoimagery”    means  
4       georeferenced image maps prepared from an aerial  
5       photograph or remotely sensed data from which dis-  
6       placements of images caused by sensor orientation  
7       and terrain relief have been removed.

8           (5)    The    term    “elevation and bathymetry”  
9       means high-quality topographic data and other  
10      three-dimensional representations of the Nation’s  
11      natural and constructed features, including the  
12      depths of bodies of water.

13   **SEC. 102. NATIONAL GEOSPATIAL TECHNOLOGY ADMINIS-**  
14                           **TRATION.**

15       (a) ESTABLISHMENT.—To carry out the purposes of  
16   this Act, there is established within the Department of the  
17   Interior the National Geospatial Technology Administra-  
18   tion.

19       (b) ADMINISTRATOR.—

20           (1) IN GENERAL.—The National Geospatial  
21   Technology Administration shall be headed by an  
22   Administrator, who shall report directly to the Sec-  
23   retary of the Interior.

1           (2) APPOINTMENT.—The Administrator shall  
2           be appointed by the President, by and with the ad-  
3           vice and consent of the Senate.

4 **SEC. 103. ESTABLISHMENT AND MAINTENANCE OF NA-**  
5 **TIONAL GEOSPATIAL DATABASE.**

6           (a) ESTABLISHMENT.—The Administrator shall es-  
7           tablish and maintain a comprehensive database of  
8           geospatial data for all lands owned or managed by the  
9           United States (including public lands), all Indian trust  
10          parcels, and, to the extent possible, all non-Federal lands  
11          in each State. The database shall be known as the “Na-  
12          tional Geospatial Database”.

13          (b) CONTENTS OF DATABASE.—The National  
14          Geospatial Database shall include, for all lands described  
15          in subsection (a), the following geospatial data (as applica-  
16          ble):

17               (1) Cadastral information, organized on large  
18               scale maps—

19                     (A) using a geodetic network as a ref-  
20                     erence frame;

21                     (B) with a cadastral boundary overlay de-  
22                     lineating all cadastral parcels; and

23                     (C) with a system for indexing and identi-  
24                     fying each cadastral parcel.

25               (2) Geodetic control information.

- 1 (3) Orthoimagery.
- 2 (4) Elevation and bathymetry.
- 3 (5) Information on transportation networks.
- 4 (6) Hydrography.
- 5 (7) Information on underground infrastructure,  
6 including the location, type, size, composition, and  
7 use of underground structures including tunnels and  
8 pipelines, including through reference to—
  - 9 (A) aerial photogrammetric maps;
  - 10 (B) GPS and field surveys;
  - 11 (C) as-built drawings;
  - 12 (D) service connection cards; and
  - 13 (E) historical maps and documents.
- 14 (8) Information on the geographic areas of gov-  
15 ernmental and administrative units.
- 16 (9) In the case of Federal property, any rec-  
17 ommendation the Administrator has made about the  
18 property under section 104(b).
- 19 (10) Other geospatial data determined by the  
20 Administrator, in consultation with the National  
21 Geospatial Policy Commission, to be useful in car-  
22 rying out national priorities including—
  - 23 (A) economic development;

1 (B) the management, adjudication, and  
2 prevention of future disruptions in the home  
3 mortgage system;

4 (C) the development and implementation of  
5 a smart energy grid;

6 (D) the deployment of universal domestic  
7 broadband service;

8 (E) the management of Federal real prop-  
9 erty assets;

10 (F) emergency preparedness and response;

11 (G) homeland security;

12 (H) the delivery of efficient health care  
13 and other services provided, financed, or regu-  
14 lated by the Federal Government; and

15 (I) the maintenance, rehabilitation, and en-  
16 hancement of the public works, transportation,  
17 and other infrastructure of the United States.

18 (c) RETURN ON INVESTMENT.—The Administrator,  
19 in consultation with the National Geospatial Policy Com-  
20 mission, shall provide a return on investment analysis and  
21 economic benefit assessment of the National Geospatial  
22 Database.

23 (d) PUBLIC AVAILABILITY.—

1           (1) IN GENERAL.—Except as provided by para-  
2           graph (2), the National Geospatial Database shall be  
3           available to the public.

4           (2) EXCEPTION FOR NATIONAL SECURITY.—  
5           The Administrator shall withhold from public disclo-  
6           sure any information the disclosure of which reason-  
7           ably could be expected to cause damage to the na-  
8           tional security of the United States.

9           (e) FUNDING STRATEGY.—The Administrator shall  
10          develop and implement a strategy to fund the establish-  
11          ment and maintenance of the National Geospatial Data-  
12          base through means that may include—

13                 (1) the use of appropriated funds;

14                 (2) the establishment of user fees for the Na-  
15          tional Geospatial Database;

16                 (3) the establishment of a revolving fund with  
17          respect to the user fees;

18                 (4) interagency and intergovernmental partner-  
19          ships; and

20                 (5) public-private partnerships.

21 **SEC. 104. REORGANIZATION OF GEOSPATIAL AND LAND**  
22 **MANAGEMENT ACTIVITIES.**

23          (a) IMPLEMENTATION OF NATIONAL GEOSPATIAL  
24          DATA PLAN.—The Administrator shall carry out the rec-  
25          ommendations of the National Geospatial Data Plan de-

1 veloped by the National Geospatial Policy Commission  
2 under section 202(c).

3 (b) DATA WITH RESPECT TO MANAGEMENT OF FED-  
4 ERAL PROPERTY.—The Administrator shall provide data  
5 to heads of other Federal agencies for the determination  
6 as to whether any property owned or managed by the  
7 United States may be better managed through ownership  
8 by a non-Federal entity, including a State or local govern-  
9 ment, a tribal government, a nonprofit organization, or a  
10 private entity.

11 **SEC. 105. PROMULGATION OF STANDARDS FOR FEDERAL**  
12 **GEOSPATIAL DATA.**

13 (a) PROMULGATION.—The Administrator, in con-  
14 sultation with the Administrator of the Office of Elec-  
15 tronic Government, shall promulgate standards to ensure  
16 the interoperability of geospatial data collected by or with  
17 the support of the Federal Government. Such standards  
18 shall be consistent with—

19 (1) standards applicable to geospatial data in  
20 the Federal Real Property Profile established under  
21 section 4(c) of Executive Order No. 13327 of Feb-  
22 ruary 4, 2004; and

23 (2) protocols for the collection of geospatial  
24 data developed under section 216 of the E-Govern-

1 ment Act of 2002 (Public Law 107–347; 44 U.S.C.  
2 3501 note).

3 (b) CONFORMANCE WITH STANDARDS.—

4 (1) REQUIREMENT FOR FEDERAL CONFORM-  
5 ANCE.—The head of each agency of the Federal  
6 Government shall coordinate with the Administrator  
7 to ensure that all geospatial data collected by or  
8 with the support of the agency conforms with the  
9 standards promulgated under subsection (a), includ-  
10 ing geospatial data collected under the following au-  
11 thorities:

12 (A) Office of Management and Budget Cir-  
13 cular A–16.

14 (B) Executive Order No. 12906 of April  
15 11, 1994.

16 (C) The Real Estate Settlement Proce-  
17 dures Act of 1974 (12 U.S.C. 2601 et seq.).

18 (D) The Home Mortgage Disclosure Act of  
19 1975 (12 U.S.C. 2801 et seq.).

20 (2) ENCOURAGEMENT OF NON-FEDERAL CON-  
21 FORMANCE.—The Administrator shall encourage  
22 conformance of all other geospatial data collected for  
23 lands in the United States with the standards pro-  
24 mulgated under paragraph (1).



1 **SEC. 106. PROTECTION OF GEOSPATIAL DATA.**

2 The Administrator shall promulgate regulations and  
3 carry out activities to prevent any inmate in a Federal  
4 Prison Industries program under chapter 307 of title 18,  
5 United States Code, or a work program operated by a  
6 prison or jail of a State or subdivision thereof from having  
7 access to any geospatial data regarding the location of—

8 (1) surface and subsurface infrastructure pro-  
9 viding communications or water or electrical power  
10 distribution or transmission;

11 (2) pipelines for the distribution or trans-  
12 mission of natural gas, bulk petroleum products, or  
13 other commodities;

14 (3) other utilities; or

15 (4) any personal or financial information about  
16 any individual private citizen, including information  
17 relating to such person's real property however de-  
18 scribed.

19 **SEC. 107. ASSUMPTION OF GEOSPATIAL FUNCTIONS OF**  
20 **OTHER FEDERAL AGENCIES.**

21 (a) FUNCTIONS OF DEPARTMENT OF THE INTE-  
22 RIOR.—All geospatial functions vested by law in the De-  
23 partment of the Interior are hereby transferred to the Ad-  
24 ministrator, including the following:

25 (1) The responsibilities for the survey of public  
26 lands and related functions vested by chapter 1 of

1 title 32 of the Revised Statutes of the United States  
2 (43 U.S.C. 52–59).

3 (2) All geospatial functions of the Geography  
4 Division of the United States Geological Survey, in-  
5 cluding functions vested by the Act of June 4, 1897  
6 (43 U.S.C. 31).

7 (3) The responsibilities, vested by the revised  
8 Office of Management and Budget Circular A–16,  
9 dated August, 19, 2006, for stewardship by the Bu-  
10 reau of Land Management of cadastral and Federal  
11 land ownership spatial data themes.

12 (b) FUNCTIONS OF DEPARTMENT OF AGRICULTURE.—All geospatial functions vested by law in the  
13 Department of Agriculture with respect to the National  
14 Forest System are hereby transferred to the Adminis-  
15 trator, including the authority to survey and map lands  
16 in and around the National Forest System lands vested  
17 by authorities, including the following:

18 (1) Public Law 85–569 (7 U.S.C. 1012a).

19 (2) Public Law 97–465 (16 U.S.C. 521d et  
20 seq.).

21 (c) FUNCTIONS OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—All geospatial functions vest-  
22 ed by law in the National Oceanic and Atmospheric Ad-  
23 ministration are hereby transferred to the Administrator,  
24  
25

1 including all functions of the National Geodetic Survey  
2 and other geospatial functions vested by authorities, in-  
3 cluding the following:

4 (1) Section 4685 of the Revised Statutes of the  
5 United States (33 U.S.C. 884).

6 (2) The Act entitled “An Act to define the  
7 functions and duties of the Coast and Geodetic Sur-  
8 vey, and for other purposes”, approved August 6,  
9 1947 (33 U.S.C. 883a et seq.).

10 (3) Reorganization Plan No. 4 of 1970 (84  
11 Stat. 2090).

12 (4) Section 6082 of the Consolidated Omnibus  
13 Budget Reconciliation Act of 1985 (33 U.S.C. 883j).

14 (5) The Hydrographic Services Improvement  
15 Act of 1998 (33 U.S.C. 892a et seq.).

16 (6) Section 206 of the Department of Com-  
17 merce and Related Agencies Appropriations Act,  
18 2003 (33 U.S.C. 883l).

19 (7) The Ocean and Coastal Mapping Integra-  
20 tion Act (33 U.S.C. 3501).

21 (d) EFFECTIVE DATE.—This section shall be effec-  
22 tive on the date that is 270 days after the date of the  
23 enactment of this Act.

1 **SEC. 108. ACQUISITION OF GEOSPATIAL DATA FROM PUB-**  
2 **LIC SOURCES.**

3 (a) **FEDERAL AGENCIES.**—At the request of the Ad-  
4 ministrator, the head of each Federal agency shall make  
5 available to the Administrator for inclusion in the Na-  
6 tional Geospatial Database geospatial data collected by the  
7 agency subject to privacy protections, including—

8 (1) all geospatial data collected under the Real  
9 Estate Settlement Procedures Act of 1974 (12  
10 U.S.C. 2601 et seq.);

11 (2) all geospatial data collected under the Home  
12 Mortgage Disclosure Act of 1975 (12 U.S.C. 2801  
13 et seq.); and

14 (3) notwithstanding sections 9 and 214 of title  
15 13, United States Code, and to the extent consistent  
16 with individual privacy protections, all data on build-  
17 ing addresses and geographical coordinates collected  
18 by the Director of the Bureau of the Census.

19 (b) **NON-FEDERAL ENTITIES.**—

20 (1) **COST-SHARING AGREEMENTS.**—The Admin-  
21 istrator may enter into cost-sharing agreements  
22 with, and provide other financial incentives to, State  
23 and local governments and private entities and indi-  
24 viduals to collect and share with the Administrator  
25 geospatial data for inclusion in the National  
26 Geospatial Database.

1           (2) LIMITATIONS ON AMOUNT.—The Federal  
2 share of any cost-sharing agreement under para-  
3 graph (1) shall not exceed 50 percent of the total  
4 cost to the State of collecting and sharing the data.

5 **SEC. 109. ACQUISITION OF GEOSPATIAL DATA FROM COM-**  
6 **MERCIAL SOURCES.**

7           (a) COMMERCIAL SOURCES.—The Administrator  
8 shall, to the maximum extent practicable, enter into con-  
9 tracts to obtain geospatial data and geospatial activities  
10 from commercial sources.

11           (b) LICENSED DATA.—

12                 (1) IN GENERAL.—In carrying out this Act, the  
13 Administrator may acquire licensed geospatial data  
14 from commercial sources.

15                 (2) CONSIDERATIONS.—In determining whether  
16 to acquire licensed geospatial data from commercial  
17 sources, the Administrator shall take into account—

18                         (A) existing law;

19                         (B) the quality of the data relative to the  
20 intended use;

21                         (C) the preferences of the intended (as op-  
22 posed to incidental) beneficiaries of the data;  
23 and

24                         (D) any restrictions on redistribution of  
25 the licensed data, and their effect on—

- 1 (i) the ability of each agency using the  
2 data to carry out a mandate of the agency;  
3 and  
4 (ii) the benefit of the geospatial data  
5 to its intended users.

6 **TITLE II—NATIONAL GEOSPA-**  
7 **TIAL POLICY COMMISSION**

8 **SEC. 201. ESTABLISHMENT; PRIMARY DUTIES.**

9 There is hereby established a commission, to be  
10 known as the “National Geospatial Policy Commission”  
11 (referred to hereinafter as the “Commission”). The Com-  
12 mission shall—

13 (1) develop and periodically amend a com-  
14 prehensive plan, to be known as the “National  
15 Geospatial Data Plan”;

16 (2) coordinate Federal agencies, State and local  
17 governments, and private entities to eliminate redun-  
18 dancy in the performance of geospatial activities;

19 (3) convert geospatial activities to performance  
20 by private geospatial firms when possible; and

21 (4) reduce the costs to the Federal Government  
22 of geospatial activities not eliminated or converted to  
23 performance by private geospatial firms.

1 **SEC. 202. REQUIREMENTS FOR NATIONAL GEOSPATIAL**  
2 **DATA PLAN.**

3 (a) IDENTIFICATION OF ALL GEOSPATIAL ACTIVI-  
4 TIES PERFORMED BY OR FOR THE FEDERAL GOVERN-  
5 MENT.—The Commission shall identify in the National  
6 Geospatial Data Plan each geospatial activity performed  
7 by or for the Federal Government, and—

- 8 (1) the nature and purpose of the activity;  
9 (2) the authority under which the activity is  
10 performed; and  
11 (3) the amount expended by the Federal Gov-  
12 ernment in fiscal year 2009 for the activity.

13 (b) IDENTIFICATION OF REDUNDANT, INEFFICIENT,  
14 AND UNNECESSARY GEOSPATIAL ACTIVITIES.—The Com-  
15 mission shall identify in the National Geospatial Data  
16 Plan each geospatial activity under subsection (a)—

- 17 (1) the performance of which is unnecessary;  
18 and  
19 (2) that may be converted to performance by a  
20 private geospatial firm.

21 (c) IDENTIFICATION OF BEST MEANS OF ACQUIRING  
22 GEOSPATIAL DATA.—The Commission shall develop and  
23 include in the National Geospatial Data Plan rec-  
24 ommendations (including, as applicable, recommendations  
25 for changes in existing law) for—

1           (1) elimination of geospatial activities identified  
2           under subsection (b)(1);

3           (2) conversion of geospatial activities identified  
4           under subsection (b)(2) to performance by a private  
5           geospatial firm;

6           (3) conversion of performance of geospatial ac-  
7           tivities identified under subsection (b)(3)(A) to per-  
8           formance by a State or local government; and

9           (4) consolidation of geospatial activities identi-  
10          fied under subsection (b)(3)(B).

11          (d) **ESTIMATE OF COST SAVINGS FROM ADOPTING**  
12 **RECOMMENDATIONS.**—The Commission shall include in  
13 the National Geospatial Data Plan an estimate of the sav-  
14 ings to the United States that would result from adopting  
15 the recommendations in subsection (c).

16          (e) **DEADLINE FOR DEVELOPMENT OF NATIONAL**  
17 **GEOSPATIAL DATA PLAN.**—Not later than 1 year after  
18 funds are made available for this purpose, the Commission  
19 shall complete the National Geospatial Data Plan in ac-  
20 cordance with this section.

21 **SEC. 203. MEMBERSHIP.**

22          (a) **NUMBER AND APPOINTMENT.**—The Commission  
23 shall be composed of the following members:

24           (1) The Administrator of the National  
25           Geospatial Technology Administration or designee.



1           (2) The Director of the Office of Management  
2 and Budget or designee.

3           (3) The Director of the Office of Science and  
4 Technology Policy or designee.

5           (4) The Director of the National Economic  
6 Council or designee.

7           (5) The Director of the National Geospatial In-  
8 telligence Agency or designee.

9           (6) The Chairman of the Committee on Home-  
10 land Security and Governmental Affairs of the Sen-  
11 ate or designee.

12           (7) The Chairman of the Committee on Over-  
13 sight and Government Reform of the House of Rep-  
14 resentatives or designee.

15           (8) Eleven citizens with experience in geospatial  
16 activities appointed by the President, including—

17                   (A) two employed in State government;

18                   (B) two employed in regional or local gov-  
19 ernment;

20                   (C) one employed in tribal government;

21                   (D) one employed by a nonprofit organiza-  
22 tion;

23                   (E) one employed by a university; and

1           (F) four employed by a private geospatial  
2           firm, at least one of whom shall be a licensed  
3           surveyor.

4           (b) TERMS.—

5           (1) FEDERAL OFFICIALS.—Each member ap-  
6           pointed under subparagraphs (1) through (7) of sub-  
7           section (a) shall be appointed for the life of the  
8           Commission.

9           (2) MEMBERS APPOINTED BY THE PRESI-  
10          DENT.—Each member appointed under subsection  
11          (a)(8) shall be appointed for a term of six years.

12          (c) VACANCIES.—Any member appointed to fill a va-  
13          cancy occurring before the expiration of the term for which  
14          the member's predecessor was appointed shall be ap-  
15          pointed only for the remainder of that term.

16          (d) PAY AND EXPENSES.—Each member appointed  
17          under subsection (a)(8) shall be entitled to \$100 a day  
18          when performing duties vested in the Commission and re-  
19          imbursement for necessary expenses incurred in per-  
20          forming those duties.

21          (e) CHAIR AND OFFICERS.—The President shall des-  
22          ignate the Chair of the Commission from among the non-  
23          Federal members. The Commission may elect from among  
24          its members other officers as it considers desirable.

1           (f) PERSONNEL.—The Commission may employ a Di-  
2 rector, an executive officer, and other technical and ad-  
3 ministrative personnel as it considers necessary. Without  
4 regard to section 3709 of the Revised Statutes (41 U.S.C.  
5 5) and section 3109, chapters 33 and 51, and subchapter  
6 III of chapter 53, of title 5, the Commission may employ,  
7 by contract or otherwise, the temporary or intermittent  
8 (not more than one year) services of city planners, archi-  
9 tects, engineers, appraisers, and other experts or organiza-  
10 tions of experts, as may be necessary to carry out its func-  
11 tions. The Commission shall fix the rate of compensation  
12 so as not to exceed the rate usual for similar services.

13           (g) EXEMPTION.—The provisions of the Federal Ad-  
14 visory Committee Act (5 U.S.C. Appendix 2) shall not  
15 apply to the Commission.

16 **SEC. 204. TERMINATIONS.**

17           (a) Upon the establishment of the Commission, the  
18 Federal Geographic Data Committee shall be terminated  
19 and all functions, duties, authorities, and responsibilities  
20 outlined in Office of Management Budget Circular A-16  
21 shall be vested in the Commission and the Administrator.

22           (b) Upon the establishment of the National  
23 Geospatial Data Plan, Executive Orders 12906 and 13286  
24 shall be repealed and all functions, duties, authorities, and

1 responsibilities therein shall be vested in the Commission  
2 and the Administrator.

3 (c) Upon the establishment of the Commission, the  
4 National Geospatial Advisory Committee shall be termi-  
5 nated.

6 **TITLE III—CONTRACTOR PER-**  
7 **FORMANCE OF FEDERAL**  
8 **GEOSPATIAL ACTIVITIES**

9 **SEC. 301. POLICY.**

10 It is the policy of the United States, consistent with  
11 the United States Commercial Remote Sensing Policy,  
12 to—

13 (1) rely to the maximum practical extent on the  
14 private sector in the United States for the acquisi-  
15 tion of commercially available geospatial data and  
16 geospatial activities; and

17 (2) develop a long-term, sustainable relationship  
18 with the private geospatial community.

19 **SEC. 302. DEFINITIONS.**

20 In this title, the term “agency head” means the Sec-  
21 retary, the Administrator, or head of a department, agen-  
22 cy, or bureau of the Federal Government.

23 **SEC. 303. CONVERSION TO CONTRACTOR PERFORMANCE.**

24 (a) **CONVERSION OF ACTIVITIES IDENTIFIED BY**  
25 **COMMISSION.**—Each agency head shall convert, to the

1 maximum extent possible, to performance by private  
2 geospatial firms, all activities identified by the National  
3 Geospatial Policy Commission for conversion under section  
4 202(b)(2) that are performed by or for the agency.

5 (b) SOLICITATION OF OFFERS FOR CONTRACTOR  
6 PERFORMANCE OF ELIGIBLE ACTIVITIES.—

7 (1) NOTICE.—Each agency head shall issue a  
8 notice soliciting offers for the performance of each  
9 activity described in subsection (a). The notice shall  
10 include a description of qualifications and experience  
11 determined by the agency head to be necessary for  
12 performance of the activity, and such other criteria  
13 as the agency head determines to be appropriate.

14 (2) SUBMISSION OF OFFERS.—To be considered  
15 for performance of an activity, a private geospatial  
16 firm shall submit to the agency head an offer that  
17 addresses the criteria described in paragraph (1), in-  
18 cluding a statement of qualifications and perform-  
19 ance data.

20 (3) SELECTION.—

21 (A) FIRST STAGE.—Of the private  
22 geospatial firms that submit offers under para-  
23 graph (2), the agency head shall select the  
24 three (or more) private geospatial firms deter-  
25 mined by the agency head to be most qualified

1 for performance of the activity, based on the  
2 private geospatial firms' offers and such other  
3 information related to the qualifications and ex-  
4 perience of the private geospatial firms as the  
5 agency head determines to be appropriate.

6 (B) SECOND STAGE.—The agency head  
7 shall discuss with each private geospatial firm  
8 selected under subparagraph (A) different tech-  
9 nologies and professional approaches to fur-  
10 nishing the required services. Based on the dis-  
11 cussion, the agency head shall rank each such  
12 private geospatial firm in order of most to least  
13 qualified.

14 (C) THIRD STAGE.—The agency head shall  
15 negotiate with each private geospatial firm de-  
16 termined to be the most qualified to perform  
17 the activity required by the agency, for a con-  
18 tract for performance of the activity.

19 (D) FINAL SELECTION.—The agency head  
20 shall enter into a contract with each private  
21 geospatial firm that, in negotiations under sub-  
22 paragraph (C), agrees to a price determined by  
23 the agency head to be fair and reasonable,  
24 based on the value of the services to be ren-

1           dered and the scope, complexity, and specialized  
2           nature of the activity.

3           (E) SELECTION OF ADDITIONAL FIRMS.—

4           If the agency head cannot enter into a contract  
5           with a private geospatial firm under subpara-  
6           graph (D), the agency head shall determine the  
7           next most qualified private geospatial firms for  
8           performance of the activity in accordance with  
9           subparagraph (A) and enter into discussions  
10          and negotiations with such private geospatial  
11          firms under subparagraphs (B) and (C), respec-  
12          tively.

13          (4) EXCEPTION.—The process set forth in this  
14          section shall not apply to licensed geospatial data.

15 **SEC. 304. REQUIREMENT FOR PERFORMANCE IN UNITED**  
16 **STATES.**

17          (a) FEDERAL CONTRACTS.—All Federal contracts for  
18          performance of a geospatial activity shall include—

19                (1) a condition that the geospatial activity be  
20                performed in the United States; and

21                (2) a written certification that the funds will  
22                not be used for geospatial activities performed out-  
23                side the United States.

24          (b) EXCEPTIONS.—The requirements of this section  
25          shall not apply with respect to a geospatial activity—

1 (1) that was converted to performance by a pri-  
2 vate geospatial firm under section 303 and was pre-  
3 viously performed outside the United States by the  
4 Federal Government;

5 (2) required by law (including a treaty or trade  
6 agreement) to be performed outside the United  
7 States;

8 (3) required by geographical necessity to be  
9 performed outside the United States;

10 (4) determined by the Administrator after a  
11 competitive procurement process under section  
12 303(b) to be unavailable in the United States;

13 (5) for which the President has issued a deter-  
14 mination in writing that performance outside of the  
15 United States is necessary for national security; or

16 (6) for the acquisition of commercial off-the-  
17 shelf licensed geospatial data products.

## 18 **TITLE IV—ENCOURAGING**

### 19 **PRIVATE ENTERPRISE**

#### 20 **SEC. 401. FINDINGS; PURPOSES.**

21 (a) FINDINGS.—Congress finds that the competitive  
22 enterprise system, characterized by individual freedom and  
23 initiative, is the primary source of the economic strength  
24 of the United States, and the Federal Government should



1 not perform geospatial functions better suited for perform-  
2 ance by the private sector.

3 (b) PURPOSES.—The purpose of this title is to pro-  
4 mote the establishment and growth of private geospatial  
5 firms in the United States by—

6 (1) encouraging the use by the Federal Govern-  
7 ment of geospatial data, products, technology, and  
8 services to accomplish national priorities;

9 (2) encouraging the acquisition of geospatial  
10 data, products, technology, and services from private  
11 geospatial firms;

12 (3) encouraging the development, and ensuring  
13 the continued employment, of a workforce that will  
14 meet future employment demands in the geospatial  
15 field; and

16 (4) fostering an environment in which all pri-  
17 vate geospatial firms may compete effectively and  
18 grow to their full potential.

19 **SEC. 402. STRATEGY FOR ENCOURAGING FEDERAL USE OF**  
20 **PRIVATE GEOSPATIAL FIRMS.**

21 (a) DEVELOPMENT OF STRATEGY.—Not later than  
22 one year after the date of the enactment of this Act, the  
23 Administrator shall cooperate with private geospatial  
24 firms, and any associations composed exclusively of such  
25 firms, to develop a comprehensive strategy to encourage

1 and enhance the use of private geospatial firms by Federal  
2 agencies and other entities that receive Federal funds, in-  
3 cluding State and local governmental agencies, univer-  
4 sities, nonprofit organizations, and foreign governments.

5 (b) INFORMATION GATHERING.—In developing the  
6 strategy described in subsection (a), the Administrator  
7 shall—

8 (1) examine the current role of private  
9 geospatial firms, including small businesses, in the  
10 economy of the United States;

11 (2) States expending Federal funds;

12 (3) assess the contribution such firms may  
13 make in the future to the growth of the economy of  
14 the United States;

15 (4) evaluate the efforts of each Federal agency  
16 to use private geospatial firms, including the pro-  
17 curement strategies, policies, and methodologies of  
18 each Federal agency; and

19 (5) assemble statistical information on the use  
20 of private geospatial firms by Federal agencies.

21 (c) ENHANCEMENT OF FEDERAL AGENCY USE OF  
22 PRIVATE GEOSPATIAL FIRMS.—

23 (1) The Administrator shall develop and com-  
24 municate to each Federal agency recommendations

1 to encourage and enhance the use by the Federal  
2 agency of private geospatial firms.

3 (2) The Administrator shall establish training  
4 programs and facilitate knowledge sharing among  
5 Federal agencies on the use of geospatial data, prod-  
6 ucts, technology, and services and the process for  
7 procurement of such activities from the private sec-  
8 tor.

9 (3) The Administrator shall cooperate with pub-  
10 lic and private agencies, businesses, and other orga-  
11 nizations to disseminate information about the use  
12 and application of geospatial data, products, tech-  
13 nology, and services, the capabilities of private  
14 geospatial firms, and the ways in which private  
15 geospatial firms may benefit Federal agencies.

16 (d) ADVOCACY AND ASSISTANCE FOR PRIVATE  
17 GEOSPATIAL FIRMS AFFECTED BY FEDERAL POLICIES  
18 AND ACTIVITIES.—

19 (1) The Administrator shall receive, and, as ap-  
20 propriate, address or otherwise act upon complaints,  
21 criticisms, and suggestions from private geospatial  
22 firms regarding the policies and activities of Federal  
23 agencies.

24 (2) If the policies and activities of a Federal  
25 agency affect or may affect private geospatial firms,

1 the Administrator shall represent the views and in-  
2 terests of the private geospatial firms to the Federal  
3 agency.

4 (3) The Administrator shall make counseling  
5 available to private geospatial firms on how to re-  
6 solve questions and problems concerning the rela-  
7 tionship of such firms to the Federal Government.

8 (e) DEVELOPMENT OF STANDARD CLAUSES, CON-  
9 TRACTS, AND FORM LICENSES.—The Administrator shall,  
10 in consultation with trade associations and public interest  
11 groups, develop and promote standard clauses and con-  
12 tracts for use by the Federal Government in the acquisi-  
13 tion of geospatial data and licenses for the acquisition of  
14 licensed geospatial data products.

15 (f) STANDARDS FOR ASSESSMENT OF PROGRESS.—  
16 To evaluate and increase the effectiveness of the strategy,  
17 the Administrator shall develop standards (including  
18 metrics, benchmarks, and measures of performance) by  
19 which to assess—

20 (1) the state of geospatial activities in the  
21 United States; and

22 (2) progress in the development of private  
23 geospatial enterprise in the United States.

1                   **TITLE V—GEOSPATIAL**  
2                   **RESEARCH AND DEVELOPMENT**

3                   **SEC. 501. PURPOSES.**

4                   The purposes of this title are to encourage innovation  
5 and entrepreneurship in the geospatial field by—

6                   (1) promoting the advancement of geospatial  
7 products and technologies, and value-added services  
8 related to such products and technologies; and

9                   (2) providing an avenue through which new and  
10 untested geospatial products and services may be  
11 brought to the marketplace.

12                  **SEC. 502. DEFINITIONS.**

13                  In this title:

14                  (1) The term “Geospatial Research Plan”  
15 means the plan developed under section 503(a).

16                  (2) The term “research and development”—

17                         (A) means—

18                                 (i) a systematic study directed specifi-  
19 cally toward applying new knowledge to  
20 meet a recognized need;

21                                 (ii) a systematic application of knowl-  
22 edge toward the production of useful mate-  
23 rials, devices, and systems or methods, in-  
24 cluding design, development, and improve-

1                   ment of prototypes and new processes to  
2                   meet specific requirements; or

3                   (iii) development of data, products,  
4                   technology, or services not currently avail-  
5                   able in the marketplace and that cannot  
6                   otherwise be procured commercially  
7                   through ordinary business channels; and

8                   (B) may include—

9                   (i) research in the physical and nat-  
10                  ural sciences;

11                  (ii) applied research;

12                  (iii) technology development; and

13                  (iv) social science research.

14 **SEC. 503. GEOSPATIAL RESEARCH PLAN.**

15           (a) DEVELOPMENT.—Not later than one year after  
16 the date of the enactment of this Act, the Administrator  
17 shall develop a plan, to be known as the “Geospatial Re-  
18 search Plan”, to provide a coordinated and integrated ap-  
19 proach to the investment of the United States in  
20 geospatial research and development activities in the 5-  
21 year period beginning on the date of the issuance of the  
22 Plan.

23           (b) REQUIREMENTS.—In the Geospatial Research  
24 Plan, the Administrator shall collaborate with a wide  
25 range of interested persons to identify and recommend in-

1 vestments in geospatial research and development activi-  
2 ties that will—

3           (1) facilitate the establishment the National  
4       Geospatial Database;

5           (2) facilitate the maintenance of a current and  
6       accurate National Geospatial Database;

7           (3) enhance the ability to store and archive  
8       geospatial data;

9           (4) increase public access to and dissemination  
10      of stored and archived geospatial data;

11          (5) improve sensor and other data collection  
12      technologies;

13          (6) improve the ability to acquire, visualize,  
14      analyze, and apply geospatial data;

15          (7) improve the durability and extend the life of  
16      geospatial infrastructure;

17          (8) address geospatial requirements necessary  
18      to meet national needs, Government programs, and  
19      emerging public policy issues, including but not lim-  
20      ited to—

21                (A) protecting and enhancing the environ-  
22                ment;

23                (B) building and maintaining the physical  
24                infrastructure of the United States;

1 (C) managing land and real property as-  
2 sets and resources related thereto;

3 (D) providing for the national defense and  
4 homeland security;

5 (E) managing housing and financial serv-  
6 ices systems;

7 (F) producing and utilizing energy in a  
8 safe and efficient manner;

9 (G) preparing for, responding to, and re-  
10 covering from natural and anthropogenic emer-  
11 gencies;

12 (H) conducting the census;

13 (I) administering the system of justice; and

14 (J) providing for new forms of communica-  
15 tion; and

16 (9) meet any other research and development  
17 needs of the Federal Government and geospatial  
18 data producers and users.

19 (c) ESTIMATED FUNDING LEVELS AND BENEFIT.—

20 In the Geospatial Research Plan, the Administrator shall  
21 describe, for each activity identified under subsection

22 (b)—

23 (1) the anticipated annual funding levels for the  
24 activity for the period described in subsection (a);

25 and



1           (2) the benefit the Administrator expects to  
2           gain from the activity by the end of the period de-  
3           scribed in subsection (a).

4           (d) CONSIDERATIONS.—The Administrator shall en-  
5           sure that the Geospatial Research Plan—

6           (1) includes and integrates the research and de-  
7           velopment activities of the National Geospatial Tech-  
8           nology Administration;

9           (2) defines the respective roles and responsibil-  
10          ities of Federal, State, local, regional, tribal, private  
11          sector, academic, and nonprofit institutions in  
12          geospatial research and development activities; and

13          (3) takes into account the activities of other  
14          Federal, State, private sector, and nonprofit institu-  
15          tions, and avoids unnecessary duplication with such  
16          activities.

17 **SEC. 504. POLICY DIRECTIVES FOR RESEARCH AND DEVEL-**  
18 **OPMENT.**

19          (a) DEVELOPMENT OF POLICY DIRECTIVES.—Not  
20          later than 180 days after the date of the enactment of  
21          this Act, the Administrator shall develop policy directives  
22          for implementation by the Federal Government of  
23          geospatial research and development activities through in-  
24          novative partnerships, cooperative research and develop-  
25          ment agreements, and other means.

1 (b) CONTENTS OF POLICY DIRECTIVES.—The policy  
2 directives developed under subsection (a) shall provide  
3 for—

4 (1) simplified, standardized, and timely solicita-  
5 tions;

6 (2) a simplified, standardized funding process  
7 that provides for—

8 (A) the timely receipt and review of pro-  
9 posals;

10 (B) outside peer review of proposals, if ap-  
11 propriate;

12 (C) protection of proprietary information  
13 provided in proposals;

14 (D) selection of awardees;

15 (E) retention of data rights generated in  
16 the performance of the contract by a business  
17 concern;

18 (F) recognition of the right to intellectual  
19 property rights by the private sector partner;

20 (G) cost sharing; and

21 (H) cost principles and payment schedules;

22 (3) ensuring that research and development ac-  
23 tivities of Government, universities, and nonprofit  
24 institutions do not duplicate or compete with those  
25 of the private sector; and

1           (4) the prompt commercialization of the results  
2           of geospatial research and development activities.

3           (c) **RECOMMENDATIONS FOR LEGISLATION.**—The  
4 Administrator shall propose to Congress any recommenda-  
5 tions for legislation to authorize innovative partnerships  
6 not authorized under existing law.

7 **SEC. 505. ANNUAL REPORT.**

8           The Administrator shall submit to appropriate com-  
9 mittees of Congress an annual report, in conjunction with  
10 the President’s annual budget request as set forth in sec-  
11 tion 1105 of title 31, United States Code, describing the  
12 amount spent in the last completed fiscal year on  
13 geospatial research and development and the amount pro-  
14 posed in the current budget for geospatial research and  
15 development.

16 **SEC. 506. NATIONAL DEFENSE AND SECURITY EXEMPTION.**

17           This title shall not apply to research and development  
18 activities that would adversely affect the national defense  
19 and security of the United States.

○