

43 USC Ch. 46: GEOSPATIAL DATA

From Title 43—PUBLIC LANDS

CHAPTER 46—GEOSPATIAL DATA

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§2801. Definitions

In this chapter—

(1) the term "Advisory Committee" means the National Geospatial Advisory Committee established under section 2803(a) of this title;

(2) the term "Committee" means the Federal Geographic Data Committee established under section 2802(a) of this title;

(3) the term "covered agency"—

(A) means—

(i) an Executive department, as defined in section 101 of title 5 that collects, produces, acquires, maintains, distributes, uses, or preserves geospatial data on paper or in electronic form to fulfill the mission of the Executive department, either directly or through a relationship with another organization, including a State, local government, Indian tribe, institution of higher education, business partner or contractor of the Federal Government, and the public;

(ii) the National Aeronautics and Space Administration; or

(iii) the General Services Administration; and

(B) does not include the Department of Defense (including 30 components and agencies performing national missions) or any element of the intelligence community;

(4) the term "GeoPlatform" means the GeoPlatform described in section 2807(a) of this title;

(5) the term "geospatial data"—

(A) means information that is tied to a location on the Earth, including by identifying the geographic location and characteristics of natural or constructed features and boundaries on the Earth, and that is generally represented in vector datasets by points, lines, polygons, or other complex geographic features or phenomena;

(B) may be derived from, among other things, remote sensing, mapping, and surveying technologies;

(C) includes images and raster datasets, aerial photographs, and other forms of geospatial data or datasets in digitized or non-digitized form; and

(D) does not include—

(i) geospatial data and activities of an Indian tribe not carried out, in whole or in part, using Federal funds, as determined by the tribal government;

(ii) classified national security-related geospatial data and activities of the Department of Defense, unless declassified;

(iii) classified national security-related geospatial data and activities of the Department of Energy, unless declassified;

(iv) geospatial data and activities under chapter 22 of title 10 or section 3045 of title 50;

(v) intelligence geospatial data and activities, as determined by the Director of National Intelligence; or

(vi) certain declassified national security-related geospatial data and activities of the intelligence community, as determined by the Secretary of Defense, the Secretary of Energy, or the Director of National Intelligence;

(6) the term "Indian tribe" has the meaning given that term under section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b); ¹

(7) the term "institution of higher education" has the meaning given that term under section 1002 of title 20;

(8) the term "intelligence community" has the meaning given that term in section 3003 of title 50;

(9) the term "lead covered agency" means a lead covered agency for a National Geospatial Data Asset data theme designated under section 2805(b)(1) of this title;

(10) the term "local government" means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State;

(11) the term "metadata for geospatial data" means information about geospatial data, including the content, source, vintage, accuracy, condition, projection, method of collection, and other characteristics or descriptions of the geospatial data;

(12) the term "National Geospatial Data Asset data theme" means the National Geospatial Data Asset core geospatial datasets (including electronic records and coordinates) relating to a topic or subject designated under section 2805 of this title;

(13) the term "National Spatial Data Infrastructure" means the technology, policies, criteria, standards, and employees necessary to promote geospatial data sharing throughout the Federal Government, State, tribal, and local governments, and the private sector (including nonprofit organizations and institutions of higher education); and

(14) the term "proven practices" means methods and activities that advance the use of geospatial data for the benefit of society.

(Pub. L. 115–254, [div. B, title VII, §752, Oct. 5, 2018](#), 132 Stat. 3414.)

REFERENCES IN TEXT

Section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b), referred to in par. (6), is section 4 of Pub. L. 93–638, [Jan. 4, 1975](#), 88 Stat. 2204, which was formerly classified to section 450b of Title 25, Indians, prior to editorial reclassification as section 5304 of Title 25.

SHORT TITLE

Pub. L. 115–254, [div. B, title VII, §751\(a\), Oct. 5, 2018](#), 132 Stat. 3413, provided that: "This subtitle [subtitle F (§§751–759C) of title VII of div. B of Pub. L. 115–254, enacting this chapter] may be cited as the 'Geospatial Data Act of 2018'."

FINDINGS

Pub. L. 115–254, [div. B, title VII, §751\(b\), Oct. 5, 2018](#), 132 Stat. 3413, provided that: "Congress finds that

— "(1) open and publicly available data is essential to the successful operation of the GeoPlatform;

"(2) the private sector in the United States, for the purposes of acquiring and producing quality geospatial data and geospatial data services, has been and continues to be invaluable in carrying out the varying missions of Federal departments and agencies, as well as contributing positively to the United States economy; and

"(3) over the last 2 decades, Congress has passed legislation that promotes greater access and use of Government information and data, which has—

"(A) sparked new, innovative start-ups and services;

"(B) spurred economic growth in many sectors, such as in the geospatial services;

"(C) advanced scientific research;

"(D) promoted public access to Federally funded services and data; and

"(E) improved access to geospatial data for the purposes of promoting public health, weather forecasting, economic development, environmental protection, flood zone research, and other purposes."

¹ See References in Text note below.

§2802. Federal Geographic Data Committee

(a) In general

There is established within the Department of the Interior an interagency committee to be known as the Federal Geographic Data Committee, which shall act as the lead entity in the executive branch for the development, implementation, and review of policies, practices, and standards relating to geospatial data.

(b) Membership

(1) Chairperson and Vice Chairperson

The Secretary of the Interior and the Director of the Office of Management and Budget shall serve as Chairperson of the Committee and Vice Chairperson of the Committee, respectively.

(2) Other members

(A) In general

The head of each covered agency and the Director of the National Geospatial-Intelligence Agency shall each designate a representative of their respective agency to serve as a member of the Committee.

(B) Requirement for appointments

An officer appointed to serve as a member of the Committee shall hold a position as an assistant secretary, or an equivalent position, or a higher ranking position.

(3) Guidance

Not later than 1 year after October 5, 2018, and as needed thereafter, the Director of the Office of Management and Budget shall update guidance with respect to membership of the Committee and the roles of members of the Committee.

(c) Duties

The Committee shall—

- (1) lead the development and management of and operational decision making for the National Spatial Data Infrastructure strategic plan and geospatial data policy in accordance with section 2804 of this title;
- (2) designate National Geospatial Data Asset data themes and oversee the coordinated management of the National Geospatial Data Asset data themes in accordance with section 2805 of this title;
- (3) establish and maintain geospatial data standards in accordance with section 2806 of this title;
- (4) periodically review and determine the extent to which covered agencies comply with geospatial data standards;
- (5) ensure that the GeoPlatform operates in accordance with section 2807 of this title;
- (6) direct and facilitate national implementation of the system of National Geospatial Data Asset data themes;
- (7) communicate with and foster communication among covered agencies and other entities and individuals relating to geospatial data technology development, transfer, and exchange in order to—
 - (A) identify and meet the needs of users of geospatial data;
 - (B) promote cost-effective data collection, documentation, maintenance, distribution, and preservation strategies; and
 - (C) leverage Federal and non-Federal resources, such as promoting Federal shared services and cross-agency coordination for marketplace solutions;
- (8) define roles and responsibilities and promote and guide cooperation and coordination among agencies of the Federal Government, State, tribal, and local governments, institutions of higher education, and the private sector in the collection, production, sharing, and use of geospatial information, the implementation of the National Spatial Data Infrastructure, and the identification of proven practices;
- (9) coordinate with international organizations having an interest in the National Spatial Data Infrastructure or global spatial data infrastructures;
- (10) make available online and update at least annually—
 - (A) a summary of the status for each National Geospatial Data Asset data theme, based on the report submitted by the applicable lead covered agency under section 2805(b)(3)(E)(ii)(I) of this title, which shall include—
 - (i) an evaluation of the progress of each lead covered agency in achieving the requirements under subparagraphs (A), (B), (C), and (D) of section 2805(b)(3) of this title; and
 - (ii) a determination of whether, for each of subparagraphs (A), (B), (C), and (D) of section 2805(b)(3) of this title, each lead covered agency meets expectations, has made progress toward expectations, or fails to meet expectations;
 - (B) a summary and evaluation of the achievements of each covered agency, based on the annual report submitted by the covered agency under section 2808(b)(1) of this title, which shall include a determination of whether the covered agency meets expectations, has made progress toward expectations, or fails to meet expectations for each of paragraphs (1) through (13) of section 2808(a) of this title;
 - (C) a collection of periodic technical publications, management articles, and reports related to the National Spatial Data Infrastructure; and
 - (D) a membership directory for the Committee, including identifying members of any subcommittee or working group of the Committee;
- (11)(A) make available to and request comments from the Advisory Committee regarding the summaries and evaluations required under subparagraphs (A) and (B) of paragraph (10);
 - (B) if requested by the Advisory Committee, respond to any comments by the Advisory Committee; and
 - (C) not less than once every 2 years, submit to Congress a report that includes the summaries and evaluations required under subparagraphs (A) and (B) of paragraph (10), the comments of the Advisory Committee, and the responses of the Committee to the comments;

(12)(A) make available to and request comments from covered agencies regarding the summaries and evaluations required under subparagraphs (A) and (B) of paragraph (10); and

(B) not less than once every 2 years, submit to Congress a report that includes the comments of the covered agencies and the responses of the Committee to the comments; and

(13) support and promote the infrastructure of networks, systems, services, and standards that provide a digital representation of the Earth to users for many applications.

(d) Staff support

The Committee shall establish an Office of the Secretariat within the Department of the Interior to provide administrative support, strategic planning, funding, and technical support to the Committee.

(Pub. L. 115–254, div. B, title VII, §753, Oct. 5, 2018, 132 Stat. 3415.)

§2803. National Geospatial Advisory Committee

(a) Establishment

The Secretary of the Interior shall establish within the Department of the Interior the National Geospatial Advisory Committee to provide advice and recommendations to the Chairperson of the Committee.

(b) Membership

(1) Composition

The Advisory Committee shall be composed of not more than 30 members, at least one of which will be from the National Geospatial-Intelligence Agency, who shall—

(A) be appointed by the Chairperson of the Committee;

(B) be selected—

- (i) to generally achieve a balanced representation of the viewpoints of various interested parties involved in national geospatial activities and the development of the National Spatial Data Infrastructure; and
- (ii) with consideration of a geographic balance of residence of the members; and

(C) be selected from among groups involved in the geospatial community, including—

- (i) States;
- (ii) local governments;
- (iii) regional governments;
- (iv) tribal governments;
- (v) private sector entities;
- (vi) geospatial information user industries;
- (vii) professional associations;
- (viii) scholarly associations;
- (ix) nonprofit organizations;
- (x) academia;
- (xi) licensed geospatial data acquisition professionals; and
- (xii) the Federal Government.

(2) Chairperson

The Chairperson of the Committee shall appoint the Chairperson of the Advisory Committee.

(3) Period of appointment; vacancies

(A) In general

Members shall be appointed for a term of 3 years, with the term of 1/3 of the members expiring each year.

(B) Vacancies

Any vacancy in the Advisory Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

(4) Limit on terms

Except for the member from the National Geospatial-Intelligence Agency, an individual—

(A) may not be appointed to more than 2 consecutive terms as a member of the Advisory Committee; and

(B) after serving for 2 consecutive terms, is eligible to be appointed as a member of the Advisory Committee on and after the date that is 2 years after the end of the second consecutive term of the individual as a member of the Advisory Committee.

(5) Ethical requirements

A member of the Advisory Committee may not participate in any specific-party matter (including a lease, license, permit, contract, claim, agreement, or related litigation) with the Department of the Interior in which the member has a direct financial interest.

(6) Incumbents

(A) In general

An individual serving on the day before October 5, 2018, as a member of the National Geospatial Advisory Committee established by the Secretary of the Interior may serve as a member of the Advisory Committee until the end of the term of the individual under the appointment.

(B) Limit on terms

Any period of service as a member of the National Geospatial Advisory Committee established by the Secretary of the Interior shall be considered a period of service as a member of the Advisory Committee for purposes of paragraph (4).

(c) Subcommittees

A subcommittee of the Advisory Committee—

(1) may be formed for the purposes of compiling information or conducting research;

(2) shall be composed of members appointed by the Chairperson of the Advisory Committee;

(3) shall act under the direction of the Chairperson of the Advisory Committee and the officer or employee designated under section 10(e) of the Federal Advisory Committee Act (5 U.S.C. App.) with respect to the Advisory Committee;

(4) shall report the recommendations of the subcommittee to the Advisory Committee for consideration; and

(5) shall meet as necessary to accomplish the objectives of the subcommittee, subject to the approval of the Chairperson of the Advisory Committee and the availability of resources.

(d) Meetings

(1) In general

The Advisory Committee shall meet at the call of the Chairperson, not less than 1 time each year and not more than 4 times each year.

(2) Quorum

A majority of the members of the Advisory Committee shall constitute a quorum, but a lesser number of members may hold meetings or hearings.

(e) Duties of the Advisory Committee

The Advisory Committee shall—

(1) provide advice and recommendations relating to—

(A) the management of Federal and national geospatial programs;

(B) the development of the National Spatial Data Infrastructure; and

(C) implementation of this chapter;

(2) review and comment on geospatial policy and management issues; and

(3) ensure the views of representatives of non-Federal interested parties involved in national geospatial activities are conveyed to the Committee.

(f) Powers of the Advisory Committee

(1) Meetings

The Advisory Committee may hold meetings (which shall be open to the public) and sit and act at such times and places as the Advisory Committee considers advisable to carry out this chapter.

(2) Information from covered agencies

(A) In general

The Advisory Committee, with the concurrence of the Chairperson of the Committee, may secure directly from any covered agency such information as the Advisory Committee considers necessary to carry out this chapter. Upon request of the Chairperson of the Advisory Committee, the head of such agency shall furnish such information to the Advisory Committee.

(B) Noncooperation

The Advisory Committee shall include in the comments of the Advisory Committee submitted under section 2802(c)(11) of this title a discussion of any failure by a covered agency to furnish information in response to a request under subparagraph (A) of this paragraph.

(3) Postal services

The Advisory Committee may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(g) Advisory Committee personnel matters

(1) No compensation of members

(A) Non-Federal employees

A member of the Advisory Committee who is not an officer or employee of the Federal Government shall serve without compensation.

(B) Federal employees

A member of the Advisory Committee who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(2) Travel expenses

The members of the Advisory Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5 while away from their homes or regular places of business in the performance of services for the Advisory Committee.

(3) Detail of Government employees

Any Federal Government employee may be detailed to the Committee to support the Advisory Committee without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(4) Staff support

The Office of the Secretariat established by the Committee under section 2802(d) of this title shall provide administrative support to the Advisory Committee.

(h) Applicability of FACA

(1) In general

Except as provided in paragraph (2), the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Advisory Committee.

(2) No termination

Section 14(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Committee.

(i) Termination

(1) In general

Except as provided in paragraph (2), the Advisory Committee shall terminate 10 years after October 5, 2018.

(2) Continuation

The Advisory Committee may be continued for successive 10-year periods by action taken by the Secretary of the Interior to renew the Advisory Committee before the date on which the Advisory Committee would otherwise terminate.

(Pub. L. 115–254, div. B, title VII, §754, Oct. 5, 2018, 132 Stat. 3418.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsecs. (c)(3) and (h), is Pub. L. 92–463, [Oct. 6, 1972](#), 86 Stat. 770, which is set out in the Appendix to Title 5, Government Organization and Employees.

§2804. National spatial data infrastructure

(a) In general

The National Spatial Data Infrastructure shall ensure that geospatial data from multiple sources (including the covered agencies, State, local, and tribal governments, the private sector, and institutions of higher education) is available and easily integrated to enhance the understanding of the physical and cultural world.

(b) Goals

The goals of the National Spatial Data Infrastructure are to—

(1) ensure—

(A) that geospatial data are reviewed prior to disclosure to ensure—

(i) compliance with section 552a of title 5 (commonly known as the "Privacy Act of 1974"); and

(ii) that personally identifiable information is not disclosed, which shall include an assessment of re-identification risk when determining what data constitute personally identifiable information;

(B) that geospatial data are designed to enhance the accuracy of statistical information, both in raw form and in derived information products;

(C) free and open access for the public to geospatial data, information, and interpretive products, in accordance with Office of Management and Budget Circular A–130, or any successor thereto;

(D) the protection of proprietary interests related to licensed information and data; and

(E) the interoperability and sharing capabilities of Federal information systems and data to enable the drawing of resources from covered agencies and partners of covered agencies; and

(2) support and advance the establishment of a Global Spatial Data Infrastructure, consistent with national security, national defense, national intelligence, and international trade requirements, including ensuring that covered agencies develop international geospatial data in accordance with international voluntary consensus standards, as defined in Office of Management and Budget Circular A–119, or any successor thereto.

(c) Strategic plan

The Committee shall prepare and maintain a strategic plan for the development and implementation of the National Spatial Data Infrastructure in a manner consistent with national security, national defense, and emergency preparedness program policies regarding data accessibility.

(d) Advisory role

The Committee shall advise Federal and non-Federal users of geospatial data on their responsibilities relating to implementation of the National Spatial Data Infrastructure.

(Pub. L. 115–254, [div. B, title VII, §755, Oct. 5, 2018](#), 132 Stat. 3420.)

§2805. National Geospatial Data Asset data themes

(a) In general

The Committee shall designate as National Geospatial Data Asset data themes the primary topics and subjects for which the coordinated development, maintenance, and dissemination of geospatial data will benefit the Federal Government and the interests of the people of the United States, which shall—

- (1) be representations of conceptual topics describing digital spatial information for the Nation; and
- (2) contain associated datasets (with attribute records and coordinates)—
 - (A) that are documented, verifiable, and officially designated to meet recognized standards;
 - (B) that may be used in common; and
 - (C) from which other datasets may be derived.

(b) Lead covered agencies

(1) In general

For each National Geospatial Data Asset data theme, the Committee shall designate one or more covered agencies as the lead covered agencies for the National Geospatial Data Asset data theme.

(2) General responsibility

The lead covered agencies for a National Geospatial Data Asset data theme shall be responsible for ensuring the coordinated management of the data, supporting resources (including technology and personnel), and related services and products of the National Geospatial Data Asset data theme.

(3) Specific responsibilities

To assist in fulfilling the responsibilities under paragraph (2) with respect to a National Geospatial Data Asset data theme, the lead covered agencies shall—

- (A) provide leadership and facilitate the development and implementation of geospatial data standards for the National Geospatial Data Asset data theme, with a particular emphasis on a data content standard for the National Geospatial Data Asset data theme, including by—
 - (i) assessing existing standards;
 - (ii) identifying anticipated or needed data standards; and
 - (iii) developing a plan to originate and implement needed standards with relevant community and international practices—
 - (I) in accordance with Office of Management and Budget Circular A–119, or any successor thereto; and
 - (II) consistent with or as a part of the plan described in subparagraph (B);
- (B) provide leadership and facilitate the development and implementation of a plan for nationwide population of the National Geospatial Data Asset data theme, which shall—
 - (i) include developing partnership programs with States, Indian tribes, institutions of higher education, private sector entities, other Federal agencies, and local governments;
 - (ii) meet the needs of users of geospatial data;
 - (iii) address human and financial resource needs;
 - (iv) identify needs relating to standards, metadata for geospatial data within the National Geospatial Data Asset data theme, and the GeoPlatform; and
 - (v) expedite the development of necessary National Geospatial Data Asset data themes;

(C) establish goals that support the strategic plan for the National Spatial Data Infrastructure prepared under section 2804(c) of this title;

(D) as necessary, collect and analyze information from users of geospatial data within the National Geospatial Data Asset data theme regarding the needs of the users for geospatial data and incorporate the needs of users in strategies relating to the National Geospatial Data Asset data theme; and

(E) as part of administering the National Geospatial Data Asset data theme—

(i) designate a point of contact within the lead covered agency who shall be responsible for developing, maintaining, coordination relating to, and disseminating data using the GeoPlatform;

(ii) submit to the Committee—

(I) a performance report, at least annually, that documents the activities relating to and implementation of the National Geospatial Data Asset data theme, including progress in achieving the requirements under subparagraphs (A), (B), (C), and (D); and

(II) comments, as appropriate, regarding the summary and evaluation of the performance report provided by the Committee under section 2802(c)(12) of this title;

(iii) publish maps or comparable graphics online (in accordance with the mapping conventions specified by the Committee) showing the extent and status of the National Geospatial Data Asset data themes for which the covered agency is a lead covered agency;

(iv) encourage individuals and entities that are a source of geospatial data or metadata for geospatial data for the National Geospatial Data Asset data theme to provide access to such data through the GeoPlatform;

(v) coordinate with the GeoPlatform; and

(vi) identify and publish proven practices for the use and application of geospatial data of the lead covered agency.

(Pub. L. 115–254, div. B, title VII, §756, Oct. 5, 2018, 132 Stat. 3421.)

§2806. Geospatial data standards

(a) In general

In accordance with section 216 of the E-Government Act of 2002 (44 U.S.C. 3501 note), the Committee shall establish standards for each National Geospatial Data Asset data theme, which—

(1) shall include—

(A) rules, conditions, guidelines, and characteristics for the geospatial data within the National Geospatial Data Asset data theme and related processes, technology, and organization; and

(B) content standards for metadata for geospatial data within the National Geospatial Data Asset data theme;

(2) to the maximum extent practicable, shall be consistent with international standards and protocols;

(3) shall include universal data standards that shall be acceptable for the purposes of declassified intelligence community data; and

(4) the Committee shall periodically review and update as necessary for the standards to remain current, relevant, and effective.

(b) Development of standards

The Committee shall—

(1) develop and promulgate standards under this section—

(A) in accordance with Office of Management and Budget Circular A–119, or any successor thereto; and

(B) after consultation with a broad range of data users and providers;

(2) to the maximum extent possible, use national and international standards adopted by voluntary standards consensus bodies; and

(3) establish new standards only to the extent standards described in paragraph (2) do not exist.

(c) Exclusion

The Secretary of the Interior shall withhold from public disclosure any information the disclosure of which reasonably could be expected to cause damage to the national interest, security, or defense of the United States, including information relating to geospatial intelligence data activities, as determined in consultation with the Director of National Intelligence.

(Pub. L. 115–254, div. B, title VII, §757, Oct. 5, 2018, 132 Stat. 3423.)

REFERENCES IN TEXT

Section 216 of the E-Government Act of 2002, referred to in subsec. (a), is section 216 of Pub. L. 107–347, which is set out in a note under section 3501 of Title 44, Public Printing and Documents.

§2807. Geoplatform

(a) In general

The Committee shall operate an electronic service that provides access to geospatial data and metadata for geospatial data to the general public, to be known as the GeoPlatform.

(b) Implementation

(1) In general

The GeoPlatform—

(A) shall—

- (i) be available through the internet and other communications means;
 - (ii) be accessible through a common interface;
 - (iii) include metadata for all geospatial data collected by covered agencies, directly or indirectly;
 - (iv) include download access to all open geospatial data directly or indirectly collected by covered agencies;
- and
- (v) include a set of programming instructions and standards providing an automated means of accessing available geospatial data, which—
 - (I) harmonize sources and data standards associated with geospatial data, including metadata; and
 - (II) to the maximum extent practicable, as determined by the Chairperson of the Committee, shall be made publicly available;

(B) may include geospatial data from a source other than a covered agency, if determined appropriate by the Committee; and

(C) shall not store or serve proprietary information or data acquired under a license by the Federal Government, unless authorized by the data provider.

(2) Managing partner

The Chairperson of the Committee shall designate an agency to serve as the managing partner for developing and operating the GeoPlatform, taking direction from the Committee on the scope, functionality, and performance of the GeoPlatform.

(c) Clarification

Although the GeoPlatform is intended to include all National Geospatial Data Asset and other Federal datasets, nothing in this chapter shall be construed to prevent a covered agency from also presenting, providing, or disseminating data that is—

- (1) specific to the functions of the covered agency; or
- (2) targeted to information consumers that directly interface with the services, portals, or other mechanisms of the covered agency.

(Pub. L. 115–254, div. B, title VII, §758, Oct. 5, 2018, 132 Stat. 3424.)

§2808. Covered agency responsibilities

(a) In general

Each covered agency shall—

- (1) prepare, maintain, publish, and implement a strategy for advancing geographic information and related geospatial data and activities appropriate to the mission of the covered agency, in support of the strategic plan for the National Spatial Data Infrastructure prepared under section 2804(c) of this title;
- (2) collect, maintain, disseminate, and preserve geospatial data such that the resulting data, information, or products can be readily shared with other Federal agencies and non-Federal users;
- (3) promote the integration of geospatial data from all sources;
- (4) ensure that data information products and other records created in geospatial data and activities are included on agency record schedules that have been approved by the National Archives and Records Administration;
- (5) allocate resources to fulfill the responsibilities of effective geospatial data collection, production, and stewardship with regard to related activities of the covered agency, and as necessary to support the activities of the Committee;
- (6) use the geospatial data standards, including the standards for metadata for geospatial data, and other appropriate standards, including documenting geospatial data with the relevant metadata and making metadata available through the GeoPlatform;
- (7) coordinate and work in partnership with other Federal agencies, agencies of State, tribal, and local governments, institutions of higher education, and the private sector to efficiently and cost-effectively collect, integrate, maintain, disseminate, and preserve geospatial data, building upon existing non-Federal geospatial data to the extent possible;

(8) use geospatial information to—

- (A) make Federal geospatial information and services more useful to the public;
- (B) enhance operations;
- (C) support decision making; and
- (D) enhance reporting to the public and to Congress;

(9) protect personal privacy and maintain confidentiality in accordance with Federal policy and law;

(10) participate in determining, when applicable, whether declassified data can contribute to and become a part of the National Spatial Data Infrastructure;

(11) search all sources, including the GeoPlatform, to determine if existing Federal, State, local, or private geospatial data meets the needs of the covered agency before expending funds for geospatial data collection;

(12) to the maximum extent practicable, ensure that a person receiving Federal funds for geospatial data collection provides high-quality data; and

(13) appoint a contact to coordinate with the lead covered agencies for collection, acquisition, maintenance, and dissemination of the National Geospatial Data Asset data themes used by the covered agency.

(b) Reporting

(1) In general

Each covered agency shall submit to the Committee an annual report regarding the achievements of the covered agency in preparing and implementing the strategy described in subsection (a)(1) and complying with the other requirements under subsection (a).

(2) Budget submission

Each covered agency shall—

(A) include geospatial data in preparing the budget submission of the covered agency to the President under sections 1105(a) and 1108 of title 31;

(B) maintain an inventory of all geospatial data assets in accordance with OMB Circular A–130, or any successor thereto; and

(C) prepare an annual report to Congress identifying Federal-wide geospatial data assets, as defined in OMB Circular A–16, as set forth in OMB memo M–11–03, Issuance of OMB Circular A–16 Supplemental Guidance (November 10, 2010), or any successor thereto.

(3) Disclosure

Each covered agency shall disclose each contract, cooperative agreement, grant, or other transaction that deals with geospatial data, which may include posting information relating to the contract, cooperative agreement, grant, or other transaction on www.USAspending.gov and www.itdashboard.gov, or any successors thereto.

(4) OMB review

In reviewing the annual budget justifications submitted by covered agencies, the Office of Management and Budget shall take into consideration the summary and evaluations required under subparagraphs (A) and (B) of section 2802(c)(10) of this title, comments, and replies to comments as required under paragraphs (11) and (12) of section 2802(c) of this title, in its annual evaluation of the budget justification of each covered agency.

(5) Reporting

The Office of Management and Budget shall include a discussion of the summaries and evaluation of the progress in establishing the National Spatial Data Infrastructure in each E-Government status report submitted under section 3606 of title 44.

(c) Audits

Not less than once every 2 years, the inspector general of a covered agency (or senior ethics official of the covered agency for a covered agency without an inspector general) shall submit to Congress an audit of the collection, production, acquisition, maintenance, distribution, use, and preservation of geospatial data by the covered agency, which shall include a review of—

(1) the compliance of the covered agency with the standards for geospatial data, including metadata for geospatial data, established under section 2806 of this title;

(2) the compliance of the covered agency with the requirements under subsection (a); and

(3) the compliance of the covered agency on the limitation on the use of Federal funds under section 2809 of this title.

(Pub. L. 115–254, div. B, title VII, §759, Oct. 5, 2018, 132 Stat. 3425.)

§2809. Limitation on use of Federal funds

(a) Definition

In this section, the term "implementation date" means the date that is 5 years after the date on which standards for each National Geospatial Data Asset data theme are established under section 2806 of this title.

(b) Limitation

Except as provided otherwise in this section, on and after the implementation date, a covered agency may not use Federal funds for the collection, production, acquisition, maintenance, or dissemination of geospatial data that does not comply with the applicable standards established under section 2806 of this title, as determined by the Committee.

(c) Exception for existing geospatial data

On and after the implementation date, a covered agency may use Federal funds to maintain and disseminate geospatial data that does not comply with the applicable standards established under section 2806 of this title if the geospatial data was collected, produced, or acquired by the covered agency before the implementation date.

(d) Waiver

(1) In general

The Chairperson of the Committee may grant a waiver of the limitation under subsection (b), upon a request from a covered agency submitted in accordance with paragraph (2).

(2) Requirements

A request for a waiver under paragraph (1) shall—

- (A) be submitted not later than 30 days before the implementation date;
- (B) provide a detailed explanation of the reasons for seeking a waiver;
- (C) provide a detailed plan to achieve compliance with the applicable standards established under section 2806 of this title; and
- (D) provide the date by which the covered agency shall achieve compliance with the applicable standards established under section 2806 of this title.

(e) Best efforts to comply during transition

During the period beginning on the date on which standards for a National Geospatial Data Asset data theme are established under section 2806 of this title and ending on the implementation date, each covered agency, to the maximum extent practicable, shall collect, produce, acquire, maintain, and disseminate geospatial data within the National Geospatial Data Asset data theme in accordance with the standards.

(Pub. L. 115–254, div. B, title VII, §759A, Oct. 5, 2018, 132 Stat. 3427.)

§2810. Savings provision

Nothing in this chapter shall repeal, amend, or supersede any existing law unless specifically provided in this chapter.

(Pub. L. 115–254, div. B, title VII, §759B, Oct. 5, 2018, 132 Stat. 3427.)

§2811. Private sector

The Committee and each covered agency may, to the maximum extent practical, rely upon and use the private sector in the United States for the provision of geospatial data and services.

(Pub. L. 115–254, div. B, title VII, §759C, Oct. 5, 2018, 132 Stat. 3427.)