

# National Geospatial Advisory Committee May 2019

## Initial Comments on Geospatial Data Act Implementation

The National Geospatial Advisory Committee (NGAC) convened a sub-group to review the initial analysis of the Federal Geographic Data Committee (FGDC) Geospatial Data Act (GDA) Tiger Team. The Tiger Team held its first meeting November 14-15, 2018. The NGAC's initial comments are organized into a general section followed by specific comments related to the different parts of the law that impact the Federal Geographic Data Committee (FGDC) and the NGAC, as well as feedback on the Tiger Team's initial assessment of each section. This paper references the FGDC Tiger Team's initial analysis of the GDA, which is posted at: <https://www.fgdc.gov/gda/fgdc-gda-tiger-team>.

### 1. General Comments

- The GDA focuses on solidifying the present situation with respect to the National Spatial Data Infrastructure (NSDI). It is critical that the FGDC and member agencies look to the future, encouraging modern practices and up-to-date technologies. Refer to the NGAC report: [Emerging Technologies and the Geospatial Landscape](#) (2016).
- The NGAC encourages the Tiger Team to review and recommend the use of papers and recommendations produced by the NGAC to inform the FGDC and agencies on best practices and to provide insights on future directions for geospatial services and technologies. These papers will be referenced when relevant in this document. All NGAC papers are posted at: [www.fgdc.gov/ngac](http://www.fgdc.gov/ngac).
- GDA implementation will require additional Secretariat support for the FGDC, as well as more information management from the covered agencies. FGDC will need appropriate resources to successfully implement the requirements of the GDA.
- Consider what the implications are that the goals of the NSDI are no longer derived from consensus among the drafters of the strategic plan, but are vested in legislative language.
- When implementing the GDA, the Tiger Team and the FGDC should also consider overlapping or complementary requirements of the Foundations for Evidence-Based Policymaking Act (H.R. 4174), which includes the OPEN Government Data Act (H.R. 4174). The 21st Century IDEA Act (H.R. 5759) may also have some relevance and should be reviewed.

### 2. Governance/Organization (Secs 752, 753, 754)

#### Language of the act itself

- 752 (3) The list of covered agencies now excludes some current FGDC members.
- 752 (5) The "geospatial data" definition may need clarification. It is important for the Tiger Team to be aware of and think about the implications of indirectly identifiable data and crowdsourced data.

- 753 (B)(2)(A) and (B) Given the organizational level of an FGDC “appointment,” what should be the organizational level of the covered agency’s designated representative? The status of a position can sometimes exert undue influence so the intent should be to have comparable peer levels of participation.
- 753 (C)(4) This will require some level of self-reporting for member agencies. How will objectivity be ensured?
- 753 (C)(7)(C) The examples are at the Federal level. What is included under “non-Federal resources”?
- 753 (C)(8) How will the FGDC ensure meaningful input from those identified in this section but who do not have representation on the Committee?
- 753 (C)(11) and (12) This review process could be challenging for the NGAC as it will impact their ability to do other committee work, unless the approaches to (11) and (12) are well streamlined.
- 754 (B)(1)(C) This section lists sectors/communities/organizations that include a variety of types of geospatial professionals (i-x and xii), whereas xi calls out a specific group of geospatial professionals (who are presumably already included in i-x and xii). This makes the composition of this list somewhat inconsistent. However, if the list is going in this direction, perhaps it should include a call-out of Certified geospatial professionals (certified by any of the credentialing organization providing geospatial -related certification--GISCI, ASPRS, USGIF, etc.)
- 754 (B)(4)(A) This section does not include any mention of standing subcommittees. The FGDC should consider term limits for non-NGAC members.
- 754 (F)(2)(A) The FGDC should consider an appropriate time by which the request for information should be answered. Unless timelines exist it might be hard to claim lack of cooperation in a meaningful way.
- 754 (F)(2)(A) A process should be put in place to codify how the requests for information are made and approved.

#### Workshop and Tiger Team Assessment Comments

- The NGAC agrees with the following comments:
  - Observation of the elevation of membership of FGDC and the need to determine the impact of this provision.
  - Recognition of the expanded workload is important.
  - Agencies that are currently not listed as covered agencies should be kept on the FGDC.
  - Automation of the reporting process is potentially a good idea. The Tiger Team should study if there is a template that can be used for all of the agencies or if each is specific enough that it needs its own reporting mechanism. The [GeoPlatform Performance Dashboard](#) may be a good starting point for discussion in terms of expansion or as a model.

- General comments:
  - The NGAC charter will need to be redone. The FGDC should look for current models or best practices of other statutory Federal advisory committees by reviewing documentation from the DOI or the GSA.
  - The FGDC and the NGAC should seek input on the charter revisions from the stakeholder partner community as a means of engaging the partners in this new process. This should be done following legal guidance on the FACA rules governing this area.
  - The process by which the NGAC makes its decisions should be carefully considered and described so that all partners have an equal voice.
  - Look to ways to make the governance structures collaborative in order to keep the right people and groups engaged.
  - Identifying spending on geospatial data is difficult because accounting and budgeting systems are not designed to track this information. Given that, it is critical to accurately account for this spending in order to get sufficient budgetary support from Congress. A successful national geospatial effort will take significant, coordinated investment.
  - It is important to ensure that covered agencies understand reporting specifics and that there is agreement on definition of terms.

### **3. Data, Standards, and Delivery (Secs 755,756, 757, 758)**

#### Language of the act itself

- 755 (A) Responsibility for ensuring integration from multiple sources, often with their own jurisdictional authority, will not be trivial.
- 755 (B)(1)(C) This section discusses “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.” “Free and open access” is not mentioned in A-130 although “access” and “accessibility” are noted.
- 755 (D) With what authority and effectiveness can the FGDC influence non-Federal users attention to their “responsibilities”?
- 756 (General) The call for dissemination of data through the geoplatform and usability of that data should encourage the use of services as articulated in the NGAC [Geospatial Data as a Service](#) white paper.
- 756 (A)(2)(B) What does “used in common” mean in this context?
- 756 (B) This section references meeting the needs of the users, following a common pattern in government of taking a more user centric approach. The FGDC should be encouraged to take a user or mission view of data theme priorities, such as cross-cutting challenges like disasters or infrastructure renewal rather than a strictly data-focused view.
- 758 (General) Do the provisions here in any way limit how the platform may adapt to future available/desirable technologies and data sources? Note that the NGAC members reviewed the GeoPlatform and provided comments, which are covered in the [NGAC GeoPlatform Feedback Summary](#) from June 2018.

- 758 (B)(1)(A)(iii) Data and metadata “indirectly” collected may be a challenge and, perhaps, not fully obtainable. Does this appear to be a requirement?

#### Workshop and Tiger Team Assessment Comments

- The NGAC agrees with the following comments:
  - Wise acknowledgment of the growth of lead covered agency responsibilities with the need for resource authorization.
  - We understand the comment about streamlining and minimizing reporting processes to leave more time to work on data, but reporting and showing results are crucial to gain support and funding. There must be a balance.
  - Good comments about the need to coordinate and develop best practices for standards across agencies and multiple standards bodies. See the NGAC paper: [Geospatial Standards: A National Asset](#).
  - We agree with the need to specify metadata requirements that apply to all geospatial data.
- General comments:
  - The definition of ‘authoritative’ is critical, but won’t be easy to achieve. Please refer to page 6 of the [NGAC Geospatial Data as a Service](#) white paper.
  - There is an assumption that the NSDI is going to be developed in partnership with other levels of government, academia, tribes, and the private sector. When creating standards, they must be useful and useable by all. This has not always been the case, such as with cadastral.
  - Note that two NGAC papers may be useful to the Tiger Team: [Comments on OMB Circular A-16 and the Geospatial Policy Framework](#) and the [Comments on the National Geospatial Data Asset \(NGDA\) Portfolio Management Process](#).

#### **4. Covered Agencies/Reporting (Secs 759, 759A)**

##### Language of the act itself

- 759 (A)(2)/(3) The words “share” and “integration” are innocuous but the implementation of the tools and applications needed can be costly. Will the strategic plan mentioned for the NSDI be able to address resource needs? Section 759 (A)(5) mentions “allocate resources to fulfill the responsibilities” but there is lack of evidence that the federal agencies have sufficient budget flexibility to meet this requirement.
- 759 (B)(3) Disclosure and posting information about transactions is still simply data. How would that be used as information or knowledge in some decision process about related transactions? Do the two cited .gov sites have sufficient rigor to support such analysis?

##### Workshop and Tiger Team Assessment Comments

- The Tiger Team recognizes the need for a coordinated budget request for FY21.
- Comments note that there needs to be “a central place where metadata for state data resources are cataloged.” Consider discussing with NSGIC as they have discussion underway as to how to do this properly.

- The identification of “geospatial” relevance to specific transactions by creating some “tag” is insightful but who might have the authority to do that? Who will establish the criteria without ambivalence?
- “Where will resources come from?” is the critical question. The objectives may all be desirable but none can be achieved without sufficient resources. Will each agency need to decide what will be swapped out to address this law? Are there penalties for non-compliance?

## 5. Communication/Outreach

### General comments

- Every upcoming geospatially-related conference for 2019 and 2020 should have a presentation or a session of presentations to explaining the new law and its potential impacts.
- There will be a big education challenge to make sure agencies understand what their new responsibilities are and how to meet them. Consider creating outreach materials such as a YouTube video to explain what has and has not changed, the implications for the agencies, and the implications for the geospatial data producers and users.
- A key role for the geospatial community, and particularly for outside stakeholder partners and professional and trade associations (such as COGO), is to advocate for additional resources for the NSDI. Advocacy requires a coordinated plan with relevant communication materials to be effective. Consider collaborating with groups such as COGO who might be able to lead in development of a plan, creation of the materials, and coordination of the necessary outreach.
- It will be important to begin educating and familiarizing Congressional members on the progress and successes of creating, disseminating, and applying geospatial data to meet government mission needs well in advance of the first reporting requirement. Early engagement will build support and a receptive audience for future requests of support. The geospatial community should consider organizing a “GIS on the Hill” event to help educate Congressional members and staff.
- While addressing the specific requirement of reporting, it’s important to look at the big picture and continue to showcase to Congress the successes and benefits of using, sharing, and applying geospatial data.
- We recommend that the FGDC and NGAC should put together an outreach, communication, and engagement materials for stakeholder partners including those in both the geospatial data provider community and the broader community of data and app consumers (non-geospatial experts).

**NOTE** – This paper was prepared by an NGAC team that included the following members: Julie Sweetkind-Singer (Chair), Pat Cummins, Roberta Lenczowski, Cy Smith, Rebecca Somers, and Jennie Stapp.