SEC. 903. BROADENING OF AUTHORITY FOR EXCHANGES OF MAPPING, CHARTING, AND GEODETIC DATA TO INCLUDE NONGOVERNMENTAL ORGANIZATIONS AND ACADEMIC INSTITUTIONS.

(a) BROADENING OF AUTHORITY.—Section 454 of title 10, United States Code, is amended—

(1) by inserting "(a) FOREIGN COUNTRIES AND INTERNATIONAL ORGANIZATIONS.—" before "The Secretary of Defense"; and

(2) by adding at the end the following new subsection:

"(b) NONGOVERNMENTAL ORGANIZATIONS AND ACADEMIC INSTITUTIONS.—The Secretary may authorize the National Geospatial-Intelligence Agency to exchange or furnish mapping, charting, and geodetic data, supplies and services relating to areas outside of the United States to a nongovernmental organization or an academic institution engaged in geospatial information research or production of such areas pursuant to an agreement for the production or exchange of such data.".

(b) CONFORMING AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

"§454. Exchange of mapping, charting, and geodetic data with foreign countries, international organizations, nongovernmental organizations, and academic institutions".

(2) TABLE OF SECTIONS.—The item relating to such section in the table of sections at the beginning of subchapter II of chapter 22 of such title is amended to read as follows:

"454. Exchange of mapping, charting, and geodetic data with foreign countries, international organizations, nongovernmental organizations, and academic institutions.".

Section-by-Section Analysis

This proposal would amend section 454 of title 10, United States Code, to permit the National Geospatial-Intelligence Agency (NGA) to exchange mapping, charting and geodetic data, supplies and services relating to areas outside of the United States with non-governmental organizations or academic institutions.

Under the current statute authority, the Secretary of Defense may authorize NGA to exchange mapping, charting and geodetic data only with foreign countries and international organizations. However, non-governmental organizations (NGO) and academic institutions are increasingly important sources of such data. A change in NGA's statutory authority to allow the exchange of these types of data relating to areas outside of the United States with NGOs and academic institutions would permit the agency to, among other things, acquire this geospatial information more easily and cheaply.

Background. Pursuant to 10 U.S.C. 454, the Secretary of Defense may authorize NGA to exchange or furnish mapping, charting, and geodetic data, supplies and services to a foreign country or international organization pursuant to an agreement for the production or exchange of such data. NGA has been delegated this authority pursuant to Department of Defense (DoD) Directives 5105.60 and 5530.3. However, NGA has found that NGOs and academic institutions, e.g., universities and their affiliated research organizations, are increasingly important sources of such data, particularly in areas where government funding of geospatial information activities is lacking. NGOs and academic institutions often have geospatial information of foreign countries that is not readily obtainable from government sources, particularly in areas of increasing interest to the U.S. Government such as sub-Saharan Africa. Statutory authority to exchange such data with NGOs and academic institutions would permit the agency to more easily and cheaply obtain mapping, charting and geodetic data from areas where NGA currently lacks good sources of geospatial information. It would also permit NGA to more easily support U.S. Government initiatives to improve the economies of certain countries through better geospatial information. Since this proposed change is aimed at foreign geospatial information, NGA would not furnish or exchange mapping, charting or geodetic data relating to the United States pursuant to this new authority.

While NGA is currently working with NGOs and academic institutions in critical areas through the Department of State, NGA believes that direct support by NGA, subject to the appropriate DoD and other inter-agency approvals, would provide the most efficient means of meeting U.S. Government requirements to support these organizations while providing the maximum protection for information provided by NGA. Therefore, NGA requests that 10 U.S.C. 454 be revised to permit the exchange or furnishing of certain geospatial information to NGOs and academic institutions that are engaged in geospatial information research or production relating to areas outside of the United States pursuant to an agreement. While agreements with foreign countries and international organizations under 10 U.S.C. 454 are considered to be international agreements subject to the Case Act, NGA believes that agreements

with NGOs and academic institutions would not constitute such agreements since these are not governmental entities.

For the use of this authority, NGA will consult with the appropriate USG agencies, including the Department of State, to ensure that an organization is not on any USG prohibited list or that the organization otherwise should not receive such information. NGA would negotiate an agreement with the organization that would include provisions on protecting the information and ensuring that transfers to third parties, if permitted, would require NGA approval.

Budget Implications: This proposal should have no direct budget implications. NGA is currently providing some mapping, charting and geodetic data through other U.S. Government agencies. In addition, if direct agreements with NGOs and academic institutions were authorized, NGA would receive geospatial information from the organizations, reducing the need for NGA to pay for such information. Moreover, NGA is already producing much of the information that might be exchanged for other purposes. Therefore, NGA believes that the fiscal impact of the changes would be minimal.

RESOURCE REQUIREMENTS ($MILLIONS)								
FY	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**	**Appropriation From**	**Budget Activity**	**Dash-1 Line Item**
Amount	0.1	0.1	0.1	0.1	0.1	O&M DW	Various	Various

Changes to Existing Law: This proposal would make the following changes to section 454 of title 10, United States Code:

§ 454. Exchange of mapping, charting, and geodetic data with foreign countries, ~~and~~ international organizations, nongovernmental organizations, and academic institutions

(a) FOREIGN COUNTRIES AND INTERNATIONAL ORGANIZATIONS.—The Secretary of Defense may authorize the National Geospatial-Intelligence Agency to exchange or furnish mapping, charting, and geodetic data, supplies and services to a foreign country or international organization pursuant to an agreement for the production or exchange of such data.

(b) NONGOVERNMENTAL ORGANIZATIONS AND ACADEMIC INSTITUTIONS.—The Secretary may authorize the National Geospatial-Intelligence Agency to exchange or furnish mapping, charting, and geodetic data, supplies and services relating to areas outside of the United States to a nongovernmental organization or an academic institution engaged in geospatial information research or production of such areas pursuant to an agreement for the production or exchange of such data.