

April 13, 2018

The Honorable Senator Hatch
104 Hart Senate Office Building
Washington, DC 20510

Dear Senator Hatch,

We very much appreciate and support your leadership in addressing the pressing need to provide timely access to needed geospatial data. These data are critical during emergencies as well as on a daily basis to improve the work of geand e clusions in Section 8 of this Act.

We have two serious concerns with this proposed language. First, there is no basis in law that calls for the government to rely on and use of the private sector in the provision of geospatial data to the maximum extent practical. Other law, federal guidance, policy and practice, such as the Paperwork Reduction Act and the 2016 revision of Circular A-130, do not reflect this over limited and outdated perspective. Instead, in Circular A-130, federal data is seen as a national asset and agencies are required to avoid, establishing, or permitting others to establish on their behalf, exclusive, restricted, or other distributions arrangements that interfere with the agency's ability to disseminate its public information on a timely and equitable basis.¹

As you all know, the widespread use of the Internet has sparked innovative uses of federal data in all sectors. The proposed language above could inhibit such uses and, in fact, limit the timely access and sharing of geospatial data in times

Second, while we appreciate that the proposed amendment states: *Any data acquired through commercial contracts will be made available to the public,* this language also presents serious concerns regarding access to federal contracted data. By entering into a contract with an external party, federal agencies are potentially allowing these parties the ability to assert ownership of such data. One exemption of the Geospatial Act of 2017 states that proprietary data acquired under license by the Federal Government shall not be included in the Geoplatform. A license is

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