

NATIONAL LAND REMOTE SENSING OUTREACH ACT

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OCTOBER 21, 2009.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed
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Mr. RAHALL, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 2489]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 2489) to authorize a comprehensive national cooperative geospatial imagery mapping program through the United States Geological Survey, to promote use of the program for education, workforce training and development, and applied research, and to support Federal, State, tribal, and local government programs, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Land Remote Sensing Outreach Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) PROGRAM.—The term “Program” means the National Land Remote Sensing Outreach Program established in section 3.

(2) EDUCATIONAL INSTITUTION.—The term “educational institution” means any public or private elementary or secondary school, or any institution of vocational, professional, or higher education (including a junior college or teachers’ college).

(3) GEOSPATIAL IMAGERY.—The term “geospatial imagery”—

(A) means satellite land remote sensing image data registered to map or other spatial coordinates derived from features on the ground; and

(B) includes a wide range of graphical products that convey information about natural phenomena and human activities occurring on Earth’s surface.

(4) IMAGE DATA.—The term “image data” means the raw, unprocessed form of data captured from a sensing instrument.

(5) **LAND REMOTE SENSING.**—The term “land remote sensing” means image data of land, coastal areas, or islands and reefs acquired from above the surface of the Earth by instruments on satellite platforms.

(6) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(7) **STATE.**—The term “State” means—

- (A) each of the several States of the United States;
- (B) the District of Columbia;
- (C) the Commonwealth of Puerto Rico;
- (D) Guam;
- (E) American Samoa;
- (F) the Commonwealth of the Northern Mariana Islands; and
- (G) the United States Virgin Islands.

(8) **INDIAN TRIBE.**—The term “Indian tribe” has the same meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

SEC. 3. NATIONAL LAND REMOTE SENSING OUTREACH PROGRAM.

(a) **IN GENERAL.**—The Secretary shall establish and maintain a national land remote sensing outreach program within the U.S. Geological Survey to advance the availability, timely distribution, and widespread use of geospatial imagery for education, research, assessment, and monitoring purposes in each State and the lands of an Indian tribe.

(b) **PURPOSES.**—The purposes of the program are—

(1) to increase accessibility to, and expand the use of, remote sensing data in a standard, easy-to-use format by Federal, State, local, and tribal governments, communities, educational institutions, and the commercial sector; and

(2) to assist each participating State and Indian tribe in establishing the cooperative infrastructure necessary to increase access to geospatial imagery for research and educational purposes.

(c) **ACTIVITIES.**—

(1) **NATIONAL LAND REMOTE SENSING OUTREACH PROGRAM.**—The Secretary shall—

(A) support geospatial imagery sharing, applied research, and educational programs of each participating State and Indian tribe;

(B) identify new geospatial imagery needs and infrastructure;

(C) share and cooperate in the development of geospatial imagery applications, education, and training infrastructure in each participating State and the lands of an Indian tribe;

(D) cooperate with participating States and Indian tribes to encourage the expansion of geospatial imagery mapping courses taught at appropriate educational institutions;

(E) encourage expansion of geospatial imagery research at appropriate educational institutions;

(F) encourage expansion of the knowledge and use of geospatial imagery products in the workforce through outreach programs, workshops, and other training opportunities;

(G) encourage participating States and Indian tribes to build partnerships with local governments to identify unique research and development needs and geospatial imagery application pilot programs;

(H) promote cooperation and sharing of expertise regarding geospatial imagery applications among participating States and Indian tribes; and

(I) provide a mechanism to enable the States and Indian tribes to transfer geospatial imagery and applications to the U.S. Geological Survey as appropriate.

(2) **GRANTS.**—

(A) **IN GENERAL.**—The Secretary is authorized to provide grants to qualified educational institutions, or to State, local, and tribal governments, or to consortia of these entities, on a competitive basis to—

(i) advance the interest of the Federal Government in promoting the use of imagery by educational institutions, States, localities, and Indian tribes; and

(ii) achieve the purposes of the Program described in section 3(b).

(B) **MATCHING FUNDS.**—

(i) **IN GENERAL.**—The Federal share of the cost of each program for which a grant is made under this Act may not exceed 75 percent of the total cost of the program.

(ii) **NON-FEDERAL CONTRIBUTION.**—In providing the non-Federal contribution required under this paragraph, a grantee—

(I) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, technology, or services; and

(II) may provide for such share through State sources or local sources, including private funds or donated services.

(iii) WAIVER.—The Secretary may waive the requirements of subparagraph (B), in whole or in part, with respect to any program if the Secretary determines that the grantee has made a good faith effort to obtain the non-Federal contribution at the local level but is unable to do so.

(3) FEDERAL PARTNER ADVISORY COMMITTEE.—

(A) IN GENERAL.—The Secretary shall establish and maintain a committee to advise the Director of the U.S. Geological Survey regarding the Program.

(B) MEMBERSHIP AND APPOINTMENT.—The advisory committee under subparagraph (A) shall be chaired by the U.S. Geological Survey and composed of such representatives of Federal and State agencies, tribal governments, and educational institutions as the Secretary may designate.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary \$10,000,000 to carry out this Act for each of fiscal years 2010 through 2019.

SEC. 5. SUNSET DATE.

This Act is repealed on the date that is 10 years after the date of the enactment of this Act.

Amend the title so as to read:

A bill to authorize a national cooperative geospatial imagery program through the United States Geological Survey to promote use of remote sensing data.

PURPOSE OF THE BILL

The purpose of H.R. 2489, as ordered reported, is to authorize a national cooperative geospatial imagery program through the United States Geological Survey to promote use of remote sensing data.

BACKGROUND AND NEED FOR LEGISLATION

Since 1998, the U.S. Geological Survey (USGS) has partnered with a consortium of universities—first called Gateway to the Earth, then incorporated as “AmericaView”—to facilitate and expand the use of data and imagery from U.S. earth observation satellites for education, research, hazards monitoring, and natural resource management. Through AmericaView, schools, citizens, and public agencies have benefited from easier access to USGS remote sensing data,¹ training in the use of remote sensing data to solve real-world problems, and workforce development opportunities. Currently, AmericaView partner programs exist in 36 states.

The USGS geospatial imagery outreach program has never been formally authorized. However, the program was appropriated approximately \$3 million annually from fiscal year 1998–2006, and approximately \$1 million annually from fiscal year 2007–2009. Program advocates have urged authorization to increase the program’s recognition, expand the program to additional states and territories, provide impetus for increased funding, and provide for Congressional direction and oversight.

¹The U.S. Geological Survey’s Land Remote Sensing Program operates two remote sensing satellites (Landsat 5 and Landsat 7) and houses the largest archive of remotely sensed land data in the world, supplying continuous access to current and historical land images worldwide.

COMMITTEE ACTION

H.R. 2489 was introduced on May 19, 2009 by Representative Stephanie Herseth Sandlin (D–SD). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Energy and Mineral Resources. On July 23, 2009, the Subcommittee held a legislative hearing on the bill.

On September 30, 2009 the Subcommittee was discharged from further consideration of H.R. 2489 and the full Natural Resources Committee met to consider the bill. Representative Herseth Sandlin offered an amendment in the nature of a substitute.

The substitute made several important changes and clarifications to the bill as introduced in response to comments from the Administration, witnesses, and advocacy groups. At the Administration's suggestion, the substitute replaced all references to "AmericaView" with a phrase descriptive of the program: "National Land Remote Sensing Outreach." This is consistent with the current name of the USGS program that sponsors research and education using remote sensing data, and is intended to dispel any confusion related to the nonprofit organization called "AmericaView, Inc." which has been the grant contract recipient of the program.

Further, the substitute deleted any reference to "mapping" or setting "standards" for mapping to remove any suggestion that the program would supersede, interfere, or compete with USGS's mapping mission, other public or private programs that supply aerial photography for mapping, or other entities that develop national mapping standards, such as the Federal Geographic Data Committee or the National Geospatial Advisory Committee.

The amendment in the nature of a substitute also added an annual appropriations cap of \$10 million to the program, sunset the program after 10 years, and set a 25% state and tribal cost-sharing match, which could be provided through in-kind contributions.

The amendment in the nature of a substitute was adopted by unanimous consent. The bill, as amended, was then ordered favorably reported to the House of Representatives by unanimous consent.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section provides that this Act may be cited as the "National Land Remote Sensing Outreach Act".

Section 2. Definitions

This section defines key terms used in the legislation.

Section 3. National land remote sensing outreach program

This section establishes a national land remote sensing outreach program within the U.S. Geological Survey to facilitate the use of geospatial data for education, research, assessment, and monitoring purposes in States and on lands of Indian tribes. Program activities include supporting or cooperating with states and Indian tribes to share geospatial imagery; identifying new geospatial imagery needs and infrastructure; encouraging expansion of geospatial imagery mapping courses and research at educational institutions; expanding workforce training programs that use

geospatial imagery; encouraging partnerships with local governments in the use of remote sensing data; promoting the sharing of expertise among participating entities; and enabling states and Indian tribes to transfer geospatial imagery to the USGS.

This section also authorizes the Secretary to provide grants on a competitive basis to qualified educational institutions, government agencies, or consortia of these entities, in support of up to 75% of the program's costs. Grantee contributions of 25% of the program costs can be in cash or in-kind. It is the Committee's intent that the Department of the Interior allows a broad array of "in-kind" support to be used to meet the matching requirement. Importantly, the Secretary also is given the discretion to waive the matching requirements when grantees cannot obtain adequate funds, so as not to make the new program requirement too onerous to discourage program expansion to new state partners or to undermine valuable current programs.

This section also establishes a committee, chaired by the U.S. Geological Survey, to advise on the outreach program.

Section 4. Authorization of appropriations

This section authorizes \$10 million to be appropriated per year from fiscal years 2010–2019.

Section 5. Sunset date

This section repeals the Act after 10 years.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

FEDERAL ADVISORY COMMITTEE STATEMENT

The functions of the proposed advisory committee authorized in the bill are not currently being nor could they be performed by one or more agencies, an advisory committee already in existence or by enlarging the mandate of an existing advisory committee.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not

contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill, as ordered reported, is to authorize a national cooperative geospatial imagery program through the United States Geological Survey to promote use of remote sensing data.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 2489—National Land Remote Sensing Outreach Act

Summary: H.R. 2489 would authorize the appropriation of \$10 million a year through 2019 for a Department of the Interior (DOI) grant program to support various activities related to geospatial imagery mapping. Assuming appropriation of the authorized amounts, CBO estimates that implementing the legislation would cost \$46 million over the 2010–2014 period and \$54 million after 2014. Enacting the legislation would not affect revenues or direct spending.

H.R. 2489 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the federal government: The estimated budgetary impact of H.R. 2489 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—					
	2010	2011	2012	2013	2014	2010–2014
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Authorization Level	10	10	10	10	10	50
Estimated Outlays	7	9	10	10	10	46

Basis of estimate: For this estimate, CBO assumes that HR. 2489 will be enacted early in fiscal year 2010 and that the authorized amounts will be appropriated for each year. Estimated outlays are based on historical spending patterns for similar DOI programs.

H.R. 2489 would authorize the appropriation of \$10 million a year through 2019 for a DOI grant program to support various activities related to geospatial imagery mapping. Under the bill, DOI would provide grants to state-based consortia of geospatial imagery users (known as StateView programs) for education, workforce training, and research. In 2009, DOI provided \$1 million for grants to more than 35 existing StateView programs to carry out activities similar to those that would be supported by the new grant program. Based on information from DOI, CBO expects that, over the next three years, the number of StateView programs will expand to 53 (including one in the District of Columbia and two in U.S. territories). Assuming appropriation of the authorized amounts, CBO estimates that implementing the bill would cost \$46 million over the 2010–2014 period and \$54 million after 2014.

Intergovernmental and private-sector impact: H.R. 2489 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Previous CBO estimate: On August 27, 2009, CBO transmitted a cost estimate for S. 1078, the AmericaView Geospatial Imagery Mapping Program Act, as ordered reported by the Senate Committee on Commerce, Science, and Transportation on August 5, 2009. The two versions of the legislation are similar but include different authorization levels. CBO estimates implementing the Senate bill would cost \$148 million over the 2010–2014 period.

Estimate prepared by: Federal Costs: Jeff LaFave, Impact on State, Local, and Tribal Governments: Melissa Merrell, Impact on the Private Sector: Amy Petz.

Estimate approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 2489 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

