SEC. 902. AUTHORITY TO PROVIDE GEOSPATIAL INTELLIGENCE SUPPORT TO CERTAIN SECURITY ALLIANCES AND REGIONAL ORGANIZATIONS.

(a) EXTENSION OF AUTHORITY TO CERTAIN SECURITY ALLIANCES AND REGIONAL ORGANIZATIONS.—Section 443(a) of title 10, United States Code, is amended by inserting "**,** regional organizations with defense or security components, and security alliances of which the United States is a member" after "foreign countries".

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of section 443 of such title is amended to read as follows:

"§ 443. Imagery intelligence and geospatial information: support for foreign countries and certain security alliances and regional organizations

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

"443.Imagery intelligence and geospatial information: support for foreign countries and certain security alliances and regional organizations.".

Section-by-Section Analysis

This proposal would permit the National Geospatial-Intelligence Agency (NGA) to provide imagery intelligence and geospatial information support to regional organizations with defense or security components and security alliances of which the United States is a member in addition to the mapping, charting, and geodetic data support permitted under 10 USC 454.

Under current law, the NGA may only provide mapping, charting, and geodetic data to security alliances and regional organizations such as the North Atlantic Treaty Organization (NATO) and the European Union (EU). As a result of the War on Terrorism, piracy, and other recent national security issues, there are increasing requests for NGA to support these alliances and organizations and their forces with a broad range of geospatial intelligence (GEOINT). NGA has been able to find alternative legal bases for the requests to date but requires statutory

changes to address the full range of anticipated requirements from these alliances and organizations.

Pursuant to 10 USC 443(a), NGA is authorized to provide "foreign countries" with imagery intelligence and geospatial information support. However, increasingly NGA has been requested to provide certain GEOINT support to military operations conducted by NATO in Afghanistan and security and peacekeeping operations conducted by the EU in the Balkans and Africa. NGA has responded to these requests by providing support:

1) to the individual countries involved or to coalitions of countries;

2) through supporting the GEOINT requirements of the Department of State and other US Government departments and agencies pursuant to 50 USC 404e(a), as well as supporting elements of the Department of Defense (DoD) as a combat support agency;

3) under a Memorandum of Understanding (MOU) with NATO permitting the purchase of limited distribution maps under the Foreign Military Sales program; and

4) pursuant to other specific, limited, and mostly temporary non-NGA authorities.

In addition to these legal bases for support, pursuant to 10 USC 454 NGA has the authority (delegated by the Secretary of Defense in DoD Directives 5105.60 and 5530.3) 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" (emphasis added). To date, NGA has not concluded such an agreement with NATO, the EU, or any other international organization. However, pursuant to 10 USC 467(4) and (5) "mapping, charting, and geodetic data" is only one form of geospatial information and does not include imagery intelligence.

Although these legal bases are minimally sufficient to meet most requests to date, NGA foresees that they will almost certainly prove inadequate for near- and long-term future requests in support of US Government objectives pertaining to NATO, the EU, and other security alliances and regional organizations such as the African Union. For example, NATO and the EU headquarters are increasingly undertaking planning and other pre-operational functions that would benefit from forms of GEOINT that are beyond the scope of the current NATO MOU, any agreement authorized under 10 USC 454, or any other authorities indentified by NGA. Although it might be possible to provide such support through other DoD organizations or the Department of State, NGA believes that direct support by NGA, subject to the appropriate DoD, Intelligence Community, and other inter-agency approvals, provides the most efficient means of meeting US Government requirements to support these alliances and organizations while providing the maximum protection for information provided by NGA. Therefore, NGA requests that 10 USC 443(a) be changed to permit the provision of imagery intelligence and geospatial information directly to security alliances to which the United States belongs, such as NATO, and regional organizations with defense and security components, such as the EU and the African Union.

Budget Implications: This proposal should have no direct budget implications. NGA is producing the same products and materials for use by US military or intelligence organizations.

RESOURCE REQUIREMENTS ($MILLIONS)								
FY	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**	**FY 2017**	**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 change to section 443 of title 10, United States Code:

§ 443. Imagery intelligence and geospatial information: support for foreign countries and certain security alliances and regional organizations

(a) USE OF APPROPRIATED FUNDS.- The Director of the National Geospatial-Intelligence Agency may use appropriated funds available to the National Geospatial-Intelligence Agency to provide foreign countries, regional organizations with defense or security components, and security alliances of which the United States is a member with imagery intelligence and geospatial information support.

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