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April 21, 2021

Kevin L. Barnes  
Associate Administrator  
National Agricultural Statistics Service  
U.S. Department of Agriculture  
1400 Independence Avenue, S.W.  
Washington, DC 20250

Dear Mr. Barnes:

The Western Governors' Association (WGA) appreciates the opportunity to provide comments to the National Agricultural Statistics Service (NASS) on the design of the 2022 Census of Agriculture (Census). Western Governors' policy discusses the valuable insights that are provided by Census data and directly references 2017 Census findings related to agricultural workforce and specialty crop production metrics in western states.

WGA Policy Resolutions 2020-06, *Western Agriculture*, and 2020-08, *Broadband Connectivity*, address the precision agriculture sector and the production and conservation opportunities associated with the increased integration of advanced agricultural technologies. As stated in Policy Resolution 2020-08, "[p]roper integration of many advanced agriculture technologies requires producers to have robust broadband connectivity at both their residences and across their operating areas."

The 2017 Census collected information regarding agricultural producers' internet access, and deemed cable, digital subscriber line (DSL), fiber-optic and satellite technologies to be "high-speed." While the exact speeds that a producer experiences with these technologies is difficult to ascertain, it is unlikely that certain technologies would support the effective integration of many precision agriculture technologies. Western Governors encourage NASS to solicit information on whether producers' current internet connectivity could support the use of advanced, data-intensive technologies. This information could be useful for informing public and private investments in broadband infrastructure and precision agriculture technologies. Incorporating additional survey questions regarding producers' adoption of these technologies could provide further insights for states, private industry, and federal agencies, particularly other agencies within the U.S. Department of Agriculture (USDA).

Western Governors recently adopted WGA Policy Resolution 2021-02, *Utilizing State Data in Federal Decision Making*, which discusses opportunities to promote increased interaction between federal and state datasets, where appropriate. Western states may have access to agricultural datasets that could provide interesting comparisons to NASS data. WGA has attached all three policy resolutions referenced in this letter to inform the 2022 Census of Agriculture.

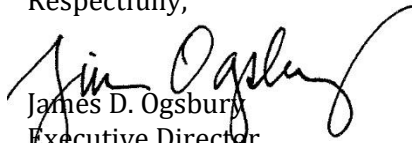
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WGA regards USDA and NASS as critical partners in supporting the success of farms, ranches and rural communities across the West. Thank you for your leadership in developing the 2022 Census of Agriculture, and please let me know if you would like to discuss the recommendations contained in this correspondence.

Respectfully,



James D. Ogsbury  
Executive Director

Attachments



## Policy Resolution 2020-06 Western Agriculture

### A. **BACKGROUND**

1. Agriculture in the western states and territories is significantly different from that in other regions of the country. The West has greater variations in soil, climate, terrain, commodities, production practices and water availability. That difference is even greater for Alaska, Hawai'i and the U.S. territories.
2. Farms and ranches are important contributors to the economies and quality of life of western states. Among other important values, western agricultural lands are primary sources of open space, wildlife habitat, water supplies, and diverse rural economic opportunities in the recreation, food, fiber, energy and bio-based product industries.
3. Agriculture and food industry members support vibrant local economies and robust and stable food security systems across the West.
4. The U.S. Department of Agriculture (USDA), through the National Agricultural Statistics Service, conducts the Census of Agriculture every five years. Census of Agriculture data provides valuable insights on the average age of producers, new and young entrants to the agriculture sector, net cash income, crop insurance payments, specialty crop production and other useful metrics. State-acquired data must also be considered when evaluating industry metrics.
5. The 2017 Census of Agriculture includes many useful findings regarding the agricultural workforce in western states. Notably, only 6 percent of primary producers are age 35 or younger, while over 25 percent are between 65 and 74 years old. Additionally, approximately 14 percent of primary producers in western states have served or serve in the U.S. military. Women's role in agriculture has grown substantially as well, constituting over 38 percent of the agricultural workforce in 2017, versus under 33 percent in 2012. Minority communities and seasonal and temporary workers also make significant contributions to agricultural production and distribution across the West.
6. The 2017 Census of Agriculture illustrates the importance of specialty and high-value crop production in western states. In terms of total cash value of agricultural production, the top ten producing counties are all located in western states.
7. Trade promotion plays an important role in ensuring that western agricultural products have an opportunity to compete with products produced and subsidized internationally. The United States-Mexico-Canada Agreement and programs offered by USDA and the Small Business Administration (SBA) all help improve international market opportunities for American growers and value-added product manufacturers.
8. The West's network of land-grant universities and colleges, as well as Cooperative Extension Service programs and Agricultural Experiment Stations, provide national leadership in research to develop more resilient seeds and crops, manage soil health,

improve the health of public lands, advance technology deployment in the bio-based economy and conduct on-farm experiments that help farmers and ranchers be more effective and efficient.

9. Precision agriculture technologies are helping deliver increased crop yields and farm productivity while reducing the use of water, fertilizer, pesticides and other agricultural inputs. Certain advanced agriculture technologies require fixed or mobile broadband connectivity while others utilize Global Positioning System tools.
10. Proper integration of many advanced agriculture technologies requires producers to have robust broadband connectivity at both their residences and across their operating areas. Wireless technologies and access to wireless spectrum can help support cost-effective technology adoption by agricultural producers. USDA and the Federal Communications Commission (FCC) have recently launched efforts to promote on-farm connectivity and the growth of the precision agriculture sector.
11. Beyond the integration of advanced technologies, broadband access allows producers to conduct necessary agricultural business functions like online advertising and livestock auctions.
12. Western agricultural cooperatives perform many important functions for their members and rural communities. These include provision of seed, feed and fertilizer to growers; product storage, processing and transportation; trade and market promotion; and education and technical assistance.
13. Western Governors recognize that nutrition assistance programs are necessary to meet the needs of children and the most vulnerable, while creating economic opportunity across the agriculture supply chain – from the store where food is purchased, all the way back to the farm.
14. Agricultural production throughout the West requires integrated water management and robust state, federal, and private cooperation and investment in water delivery infrastructure, predictive and adaptive capabilities for extreme weather variability, and data relating to water resource availability.
15. The COVID-19 pandemic has created significant issues across food supply and distribution networks. Growers, value-added businesses, processing facilities, distribution companies and food retailers, including farmers markets, have all faced costly disruptions to their standard operations.
16. Without governmental action, the economic effects of the COVID-19 pandemic on growers, farmworkers, manufacturers, delivery networks, and other agricultural entities are likely to be long-lasting and severe. Circumstances that are likely to affect the economic viability of producers, farmworkers and agricultural businesses include: restaurant, hotel and school closures; reduced consumer spending; seasonal and migratory workforce disruptions; and disease outbreaks within the agricultural community.
17. The COVID-19 pandemic is stressing state departments of agriculture and the Cooperative Extension Services and Agricultural Experiment Station networks. Many state agricultural and food programs which are relied upon for food safety and market development are likely

to be disrupted or canceled due to COVID-related challenges. The Cooperative Extension Services and Agricultural Experiment Station Networks are facing similar impediments to important agricultural and food network research projects due to data collection interruptions, personnel changes and other issues associated with the COVID-19 pandemic.

18. USDA launched the Coronavirus Food Assistance Program and Farmers to Families Food Box Program in order to address challenges facing producers, agricultural businesses, and food insecure families as a result of the COVID-19 pandemic.
19. As western communities struggle to cope with disruptions to our food supply chains and historic job losses due to COVID-19, Governors continue to pursue solutions to connect surplus agricultural products with the growing number of food insecure families in our states. State and local leaders are best positioned to strategically direct food purchasing and distribution due to their understanding of unique challenges facing farmers and food assistance providers in their communities.
20. Local communities and food banks can face capacity issues, such as staffing shortages and refrigeration and storage challenges, while managing the preparation and distribution of emergency food supplies. Many are also adjusting to new packaging and distribution strategies, including grab-and-go meals and home deliveries.

## **B. GOVERNORS' POLICY STATEMENT**

1. Western Governors support funding for the USDA Market Access and Foreign Market Development Programs and SBA State Trade Expansion Program to promote opportunities for western producers to increase export revenues and encourage trade agreements that maximize benefits for the West's farmers and ranchers. Western Governors appreciate the increased alignment between USDA and SBA agricultural trade promotion programs.
2. Western Governors support adequate funding for the USDA Specialty Crop Block Grant Program, which provides critical research, education, and promotion tools to fruit and vegetable producers with an annual re-evaluation of funding formulas and eligible crops.
3. Western states have experienced sharp declines in farm income and farm prices since their peaks in 2013. Western Governors support a farm safety net that recognizes past deficit reduction contributions of the agricultural sector and maintains funding for other key commodity, conservation, crop insurance, research, energy, and export promotion programs.
4. Western Governors encourage the expansion of programs that can meet the unique educational, training, technical and financial needs of new, beginning and veteran farmers and ranchers and other USDA programming that can help returning veterans develop and expand business opportunities in rural communities.
5. Western Governors emphasize that the agriculture industry has a growing need for workers with science, technology, engineering and math (STEM) skills. We support efforts to develop a diverse and skilled agricultural workforce, by increasing awareness of career opportunities, expanding education and training programs, and other means, in order to meet the needs of this increasingly high-tech industry.

6. Western Governors support the expansion of research and implementation funding to address drought, a changing climate and extreme weather risks facing western producers.
7. Western Governors encourage the effective use of Cooperative Extension Services, Agricultural Experiment Stations and other partnerships to deliver practical tools, technologies and information to farmers, ranchers and forest landowners. We support Congressional and Administrative efforts that provide support to the Cooperative Extension Services and Agricultural Experiments Station networks as they address research, staff capacity, and agricultural and food system challenges associated with the COVID-19 pandemic.
8. Western Governors emphasize the importance of supporting the growth of the precision agriculture sector and highlight the substantive policy recommendations contained in our policy resolution addressing broadband connectivity issues.
9. Western Governors support funding for federal programs that provide assistance to agricultural cooperatives across the West. These include USDA Rural Cooperative Development Grants and Value-Added Producer Grants, and programs administered by USDA's Agricultural Marketing Service and National Institute of Food & Agriculture.
10. Nutrition assistance programs should continue to provide flexibility for states to respond to unique economic conditions, serve all eligible participants without drastically reducing benefits, and encourage continued pursuit of transparency, efficiency, and accountability in program administration.
11. Existing federal assistance options that help build connections between growers with surplus products and food insecure families lack the flexibility to nimbly address needs in many western communities. Western Governors support Congressional and Administrative efforts to provide states with emergency funding to purchase goods from local producers who lack a market for their surplus crops, and provide them to food banks and nutrition assistance programs who are facing unprecedented demands.
12. Western Governors encourage USDA to coordinate with state departments of agriculture and local governments in the delivery of the Farmers to Families Food Box Program and other federal efforts focused on addressing food insecurity challenges related to the COVID-19 pandemic. Strong partnerships across federal, state and local agencies can help ensure that food is not wasted due to logistical and capacity constraints at local food banks.
13. Western Governors support legislative measures that provide states with access to flexible funding to respond to urgent and emerging issues in the agricultural economy and food supply chain. Additionally, we support legislative efforts that address agricultural supply chain disruptions; increase food banks and nonprofits' capacity to address growing nutrition demands; provide personal protective equipment and COVID-19 testing capacity to producers and processing facility employees; and promote the ability of producer and business cooperatives, state departments of agriculture, and Cooperative Extension Services to strengthen local food networks.
14. Western Governors recognize that the Farm Bill includes titles and issues not contemplated in this resolution. We encourage Congressional committees, federal agencies and the executive branch to review Governors' existing policy resolutions addressing national forest

and rangeland management; species conservation; voluntary conservation programs; biosecurity and invasive species management; rural development; and broadband connectivity.

**C. GOVERNORS' MANAGEMENT DIRECTIVE**

1. The Governors direct WGA staff to work with Congressional committees of jurisdiction, the Executive Branch, and other entities, where appropriate, to achieve the objectives of this resolution.
2. Furthermore, the Governors direct WGA staff to consult with the Staff Advisory Council regarding its efforts to realize the objectives of this resolution and to keep the Governors apprised of its progress in this regard.

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## Policy Resolution 2020-08 Broadband Connectivity

### A. **BACKGROUND**

1. High-speed internet, commonly referred to as “broadband,”<sup>1</sup> is the critical infrastructure of the 21<sup>st</sup> century and a modern-day necessity for businesses, individuals, schools and government. Many rural western communities lack the business case for private broadband investment due to the high cost of infrastructure and the low number of customers in potential service areas. This has left many rural businesses and citizens at a competitive disadvantage compared to those urban and suburban areas with robust broadband access.
2. Broadband connectivity promotes economic prosperity and diversity. Broadband connectivity is a key element of innovations in precision agriculture, telehealth, remote work and distance learning across the West.
3. Many broadband applications that promote rural, economic and community prosperity rely on speeds greater than 25/3 Mbps. This is especially true for functions that upload large amounts of data, such as telehealth, e-learning and business applications.
4. Western states have unique factors that make planning, siting and maintaining broadband infrastructure especially challenging and costly. These include vast distances between communities, challenging terrain, sparse middle mile and long-haul fiber-optic cable, and the need to permit and site infrastructure across federal, state, Tribal and private lands. Alaska, Hawaii, and the U.S. territories face particular broadband deployment challenges due to factors involving distance, cost and applicable technologies.
5. Western Governors and states are taking significant action to accelerate broadband deployment in rural communities. These actions include direct investment of state funds, reduction of regulatory hurdles, and promotion of public-private partnerships to deliver digital connectivity to unserved and underserved areas.
6. Many western states have sought to expedite broadband infrastructure deployment by adopting “Dig Once” policies, granting non-exclusive and non-discriminatory access to rights-of-way and facilitating efficient “co-location” of new broadband infrastructure on existing structures.
7. A number of federal agencies directly support rural broadband deployment projects and data collection in western states. These include the Federal Communications Commission (FCC), U.S. Department of Agriculture (USDA), National Telecommunications and Information Administration (NTIA) and Economic Development Administration.

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<sup>1</sup> The Federal Communications Commission defines fixed “broadband” as service offering minimum speeds of 25 Megabits per second (Mbps) down and 3 Mbps up.



8. Federal land management agencies, particularly the U.S. Forest Service (USFS), Bureau of Land Management (BLM) and Bureau of Indian Affairs (BIA), play a crucial role in permitting and siting broadband infrastructure in western states.
9. Both the Department of the Interior (DOI) and USFS recently launched online mapping platforms identifying telecommunications infrastructure sites on federal lands. This information can be used to inform private and public broadband infrastructure investments.
10. High-quality data is necessary to ensure that public broadband deployment efforts are cost-effective and prioritize areas that either wholly or significantly lack access. Under its current Form 477 reporting protocols, the FCC considers a census block “served” if a single residence in the block has access to broadband. This practice overstates broadband availability in larger, rural census blocks common in western states. The FCC’s use of “maximum advertised,” not “actual,” speeds when mapping broadband coverage further distorts reporting on the service customers receive.
11. Whether or not an area is considered “served” has significant effects on its eligibility for federal broadband infrastructure support. Inaccurate or overstated data prevents businesses, local governments, and other entities from applying for and securing federal funds to assist underserved or unserved communities.
12. S.1822, the Broadband Deployment Accuracy and Technological Availability (DATA) Act (Pub. L. 116-130), was enacted in March 2020. This law requires the FCC to change the way broadband data is collected, verified, and reported. Specifically, the FCC must collect and disseminate granular broadband service availability data from wired, fixed-wireless, satellite, and mobile broadband providers. The FCC is required to establish the Broadband Serviceable Location Fabric, a dataset of geocoded information for all broadband service locations, atop which broadband maps are overlaid, to report broadband service availability data.
13. Given the number of federal agencies and programs involved in supporting rural broadband deployment, it can be challenging for small, rural providers and communities to identify and pursue appropriate deployment opportunities. Businesses, local governments, electric and telephone cooperatives, Tribes and other rural entities can also face burdens in applying for and managing federal funds. These barriers include areas being incorrectly identified as “served” on broadband coverage maps, excessive application and reporting procedures, and significant match or cash-on-hand requirements.
14. Wireless spectrum is a valuable resource that can help support innovative and cost-effective connectivity solutions in western states.
15. Internet Exchange Points (IXPs) are vital elements of Internet infrastructure that enable networks to exchange traffic with each other. IXPs help promote low-cost data transmission and improved overall local Internet performance in the areas in which they are located.

16. Electric and telephone cooperatives have invested in broadband infrastructure across the West. In certain states, these cooperatives are the entities principally providing broadband to rural communities, often at relatively low costs to their members.
17. The FCC's 2020 Broadband Deployment Report estimates that 27.7 percent of Americans residing in Tribal lands lack fixed terrestrial broadband coverage, compared to 22.3 percent of Americans in rural areas and 1.5 percent in urban areas. A 2018 Government Accountability Office (GAO) Report<sup>2</sup> asserts that the FCC overstates broadband coverage on Tribal lands.
18. Tribal Nations, the majority of which are in western states, face many barriers to the deployment of communications services. These include rural, remote and rugged terrain; areas that are not connected to a road system; minimal access to middle mile and long-haul fiber-optic cable; and difficulty in obtaining rights-of-way to deploy infrastructure across some Tribal lands. These factors can all increase the cost of installing, maintaining, and upgrading infrastructure.
19. Tribal Nations also face challenges securing funds through federal broadband deployment programs. A separate 2018 GAO Report<sup>3</sup> included a review of four federal broadband programs (three FCC, one USDA), and found that from 2010 to 2017, less than 1 percent of funding has gone directly to Tribes or Tribally owned providers.
20. Access to wireless spectrum is another crucial issue for Tribal Nations. In February 2020, the FCC opened a priority filing window for rural Tribes to access 2.5 GHz spectrum in advance of an upcoming spectrum auction. This spectrum is well-suited to provide low-cost broadband service in rural areas.
21. Federal programs often direct broadband infrastructure funding to community anchor institutions such as schools, libraries and health centers. These anchor institutions can help leverage additional public and private investments in surrounding rural areas. Holistic funding approaches that support infrastructure deployment "to and through" community anchor institutions can help promote connectivity for students, patients and community members.
22. Western Governors appreciate USDA Rural Development's efforts to promote broadband connectivity across the rural West. USDA's many offerings, including the ReConnect Program, Community Connect Grants, and Distance Learning and Telemedicine Grants, all help promote prosperity and quality of life in western states.
23. Western Governors have provided significant feedback on the design of the ReConnect program, launched in December 2018. Notably, Western Governors recommended that the ReConnect Program, "prioritize communities that either wholly or severely lack access to broadband," and, "reward project applications that will deliver speeds that ensure rural communities can prosper now and into the future as their data transmission needs expand."

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<sup>2</sup> Government Accountability Office: FCC's Data Overstate Access on Tribal Lands. September 2018.

<sup>3</sup> Government Accountability Office: Few Partnerships Exist and the Rural Utilities Service Needs to Identify and Address Any Funding Barriers Tribes Face. September 2018.

24. The ReConnect Program contains a requirement that areas designated to receive support through the FCC's Connect America Fund Phase II (CAF-II) can only pursue ReConnect funding through the entity that is receiving CAF-II support. This restriction limits deployment of adequate broadband capability in many rural areas.
25. The COVID-19 pandemic has amplified the importance of reliable broadband connectivity as businesses, schools and health care systems have transitioned to digital platforms and practices. The transition to digital learning has been particularly difficult for many rural and low-income communities and K-12 schools due to lack of broadband connectivity at home. Western states have employed creative strategies to address student connectivity and "homework gap" issues within our communities. These efforts include using parking lots and school and transit buses to launch public wi-fi hotspots.

**B. GOVERNORS' POLICY STATEMENT**

1. Western Governors encourage Congress and federal agencies to recognize that the current definition of broadband – 25/3 Mbps – does not correspond with the requisite download and upload speeds necessary to support many business, education and health care applications that promote economic and community prosperity. We support efforts to adopt a higher, scalable standard that more accurately reflects modern innovations and bandwidth demands.
2. Regulations affecting broadband infrastructure permitting and siting vary by state and can create additional obstacles to private and public investment. Where possible, Western Governors should work together to minimize this barrier.
3. Western Governors recommend the FCC, USDA and other federal agencies involved in broadband deployment pursue strong partnerships with Governors and state agencies. Improved coordination related to broadband coverage data collection and verification and public investment can help ensure that public funds are directed to areas in most need of assistance.
4. Western Governors encourage the BLM, BIA and USFS to pursue strategies to prioritize reviews for broadband infrastructure permits on federal lands. We support efforts to improve permitting timelines for broadband infrastructure co-located with existing structures and other linear infrastructure, such as roads, transmission lines and pipelines. We encourage improved planning and permitting coordination between public lands management agencies, as telecommunications projects in western states can cross multiple federal lands jurisdictions. DOI and USFS's online mapping platforms identifying telecommunications infrastructure sites on their lands will be helpful tools to accomplish this goal.
5. Western Governors are encouraged that new data and mapping platforms established by the Broadband DATA Act (Pub. L. 116-130) incorporate state-level data wherever possible. State broadband offices and representatives can offer invaluable information and on-the-ground perspectives regarding broadband coverage in western states. We encourage Congress to provide the FCC with the necessary funds to implement the Act.

6. Western Governors encourage Congress and federal agencies to address application barriers for businesses, local governments, cooperatives, Tribes and other entities involved with broadband deployment in rural communities.
7. Western Governors appreciate the USDA and the FCC's efforts to promote on-farm connectivity and the growth of the precision agriculture sector. We encourage both agencies to engage with Governors' offices, state broadband representatives and state departments of agriculture as they pursue policy and program initiatives to support advanced agriculture technology development and adoption.
8. Western Governors recommend that adequate wireless spectrum be allocated to support advanced and emerging agricultural technologies.
9. Western Governors emphasize the growing importance of IXPs in promoting cost-effective, reliable broadband service in rural areas. We encourage Congress and federal agencies to promote investment in rural IXPs via applicable broadband deployment programs, legislative proposals addressing infrastructure, and other methods.
10. Western Governors encourage federal agencies to continue expanding the eligibility of electric and telephone cooperatives to pursue USDA and FCC broadband deployment program support, as cooperatives' existing infrastructure and access to rights-of-way can help promote low-cost connectivity solutions for rural communities.
11. Western Governors urge federal agencies and Congress to pursue policy, programmatic and fiscal opportunities to improve broadband connectivity on Tribal lands. This includes designing federal programs in a way that promotes partnerships between Tribes, states and various broadband providers. We recommend that federal broadband programs allocate a designated portion of their available funding to supporting projects on Tribal lands.
12. Western Governors encourage Congress and federal agencies to leverage community anchor institutions in rural communities to spur connectivity to surrounding areas. We support efforts to advance "to and through" policies that provide flexibility to incentivize additional private or public broadband infrastructure investment beyond connected community anchor institutions.
13. Western Governors encourage USDA to address the ReConnect Program eligibility criteria related to areas designated to receive satellite support through the FCC's CAF-II auction. This will enable many communities to pursue ReConnect connectivity solutions that will support increased data transmission needs into the future.
14. Western Governors request that FCC, USDA and other federal entities prioritize scalable broadband infrastructure investments that meet communities' increased bandwidth demands into the future. Funds for equipment maintenance and upgrades are essential to ensure federal broadband investments continue to provide high-quality service.
15. Western Governors request that Congress and the FCC leverage states' on-the-ground expertise by providing substantial block grant funds to address rural connectivity challenges. We support the use of state block grant funds to address general broadband

infrastructure issues and respond to connectivity challenges raised by the COVID-19 pandemic.

16. Western Governors support efforts to promote flexibility within the FCC's E-Rate Program in order to deliver home connectivity solutions for unserved and underserved students, and respond to connectivity issues associated with the COVID-19 pandemic. We encourage the FCC to support bus wi-fi and other creative efforts that seek to address the homework gap.

**C. GOVERNORS' MANAGEMENT DIRECTIVE**

1. The Governors direct WGA staff to work with Congressional committees of jurisdiction, the Executive Branch, and other entities, where appropriate, to achieve the objectives of this resolution.
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## Policy Resolution 2021-02

### Utilizing State Data in Federal Decision Making

#### A. **BACKGROUND**

1. State and federal agencies increasingly rely on quantitative and qualitative data to inform evidence-based policymaking, improve service delivery, more effectively manage resources, improve regulatory enforcement, and more accurately measure program performance and effectiveness.
2. States serve a critical function as a primary sources and stewards of economic, social, geospatial, scientific, technical, and other datasets that support a wide array of federal agencies and programs. State agencies often have the best available science, expertise, and other institutional data resources for purposes of federal decision-making processes.
3. States are both sovereignties and the primary administrators of numerous federal administrative and regulatory programs under a system of cooperative federalism, which distinguishes them from other non-federal sources of data.
4. State agencies also rely on timely access to current and accurate federal datasets to inform their own decision-making processes, develop more effective policy, improve service delivery and public communication, and to administer federally-delegated administrative programs.
5. In addition to federal laws and regulations, state agencies operate under their own privacy and data stewardship laws, regulations, and policies that protect personal and confidential information from public disclosure or other inappropriate use or disclosure. These protections help establish public trust that ultimately improves government effectiveness.
6. Public access to datasets that serve as the basis for federal agency actions promotes transparency and accountability in the decision-making process. Nevertheless, blanket requirements to make publicly available all data considered by federal agencies – particularly if this data consists of raw data provided by states – may infringe upon states' statutory imperatives to protect personally identifiable and otherwise sensitive information. It may also infringe upon fundamental privacy and data stewardship principles like purpose specification and data minimization. Even where there is no state legal barrier to disclosure of raw data, state agencies may maintain significant reservations about the public release of raw data.
7. The 2019 Federal Data Strategy directs federal agencies to “[e]ffectively, routinely, transparently, and appropriately use data in policy, planning, and operations to guide decision-making [and] share the data and analyses behind those decisions.” Additionally, agencies are directed to “[f]acilitate data sharing between state, local, and tribal governments and the Federal Government, where relevant and appropriate and with

proper protections, particularly for programs that are federally funded and locally administered, to enable richer analyses for more informed decision-making.”

8. Improvements in intergovernmental data sharing, stewardship, integration, protection, and utilization will require robust federal investments in a modern data infrastructure, technology, and training.

## **B. GOVERNORS' POLICY STATEMENT**

1. State data serves a critical role in the successful implementation of a variety of federal programs and in federal agencies' fulfillment of their statutory missions and directives.
2. Subject to state laws and other requirements for data protection and transparency, federal agencies should be required to incorporate state and local data and expertise into their analysis and decision-making processes. This data should include geospatial, scientific, technical, economic, social, and other information relevant to issues the agency is trying to address.
3. Congress and the Executive Branch should look to states and state agencies as partners – rather than ordinary stakeholders – in the collection, stewardship, analysis, and use of data to inform federal decision-making processes. Federal agencies should recognize the existence and limitations of state privacy and data stewardship laws, regulations, and policies and work with states to develop strategies that encourage effective state-federal data sharing while appropriately protecting data according to state law.
4. State data – particularly non-aggregated raw data – is subject to differing levels of protection under various state laws, regulations, and policies. Western Governors encourage Congress and federal agencies to recognize the limitations on complete transparency of state data in federal decision making and to work with states to identify ways in which protected data can inform federal decision-making processes without conflicting with applicable state laws, regulations, or policies.
5. Federal agencies should consult with states – on a government-to-government basis – in the development and implementation of policies, programs, and strategies to more effectively and consistently incorporate state data into federal decision making, including implementation of applicable federal statutes and programs, as well as the Federal Data Strategy and development of annual Federal Data Strategy Action Plans.
6. Federal agencies should also consult with states to ensure that state and local partners have access to timely and reliable federal datasets for purposes of informing state and local decision-making processes.
7. Congress and the Executive Branch should support, and work with state toward, the modernization of our nation's data infrastructure and intergovernmental data-sharing and analysis capabilities. Data infrastructure should be based on best practices for data stewardship and must properly protect personal and confidential information in accordance with state and federal law. Federal agencies should consult with states to develop guidelines for intergovernmental data-sharing agreements and other protocols that include commitments to fundamental privacy and data stewardship principles like purpose specification and data minimization.

8. Federal agencies should work with state and local partners to develop uniform data standards, where appropriate, to maximize data quality and facilitate intergovernmental data use, access, sharing, and interoperability.
9. Western Governors support congressional efforts to broaden statutory exemptions under the Freedom of Information Act to protect personally identifiable and sensitive state-shared data from disclosure.
10. Western Governors urge the Executive Branch to develop uniform privacy and data stewardship policies based on best practices and uniform interpretations of federal privacy and data stewardship laws, regulations, policies, and other directives applicable to data received from states, as well as other non-federal sources.

**C. GOVERNORS' MANAGEMENT DIRECTIVE**

1. The Governors direct WGA staff to work with congressional committees of jurisdiction, the Executive Branch, and other entities, where appropriate, to achieve the objectives of this resolution.
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