

98TH CONGRESS
2D SESSION

H. R. 4836

To establish a system to promote the use of land remote-sensing satellite data,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 9, 1984

Mr. FUQUA (for himself, Mr. WINN, Mr. SCHEUER, Mr. VOLKMER, Mr. LUJAN, Mr. MCGRATH, Mr. NELSON of Florida, Mr. WALKER, Mr. RALPH M. HALL, Mr. CARNEY, Mr. DYMALLY, Mr. CHANDLER, Mr. ANDREWS of Texas, Mr. BATEMAN, Mr. MACKAY, Mr. LEWIS of Florida, and Mr. GREGG) introduced the following bill; which was referred to the Committee on Science and Technology

A BILL

To establish a system to promote the use of land remote-sensing
satellite data, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Land Remote-Sensing
4 Commercialization Act of 1984".

5 **TITLE I—DECLARATION OF FINDINGS,**
6 **PURPOSES, AND POLICIES**

7 **FINDINGS**

8 **SEC. 101.** The Congress finds and declares that—

1 (1) the continuous civilian collection and utiliza-
2 tion of land remote-sensing data from space is of major
3 benefit in managing the Earth's natural resources and
4 in planning or conducting many other activities of eco-
5 nomic importance;

6 (2) the national interest of the United States lies
7 in maintaining international leadership in civil remote-
8 sensing and in broadly promoting the beneficial use of
9 remote-sensing data;

10 (3) land remote-sensing by the Government or pri-
11 vate parties of the United States affects international
12 commitments and policies and national security con-
13 cerns of the United States;

14 (4) the broadest and most beneficial use of land
15 remote-sensing data is likely to result from maintaining
16 a policy of nondiscriminatory access to data;

17 (5) use of land remote-sensing data has been in-
18 hibited by slow market development and by the lack of
19 assurance of data continuity;

20 (6) the private sector, and in particular the
21 "value-added" industry, is best suited to develop land
22 remote-sensing data markets;

23 (7) vigorous, competitive, market-driven private
24 sector involvement in land remote-sensing can lead to

1 rapid realization of the potential benefits of that tech-
2 nology;

3 (8) to utilize fully the strengths of the private
4 sector, any process of commercialization of land
5 remote-sensing should involve the maximum practica-
6 ble competition and the minimum (both in duration and
7 amount) practicable government subsidy;

8 (9) at the present time, it is unclear that the pri-
9 vate sector alone will develop a total land remote-sens-
10 ing system because of the high risk and large capital
11 expenditures involved;

12 (10) cooperation between the Federal Government
13 and the private sector can help assure both data con-
14 tinuity and United States leadership;

15 (11) the time is now appropriate to initiate such
16 cooperation with phased transition to a fully commer-
17 cial system;

18 (12) cooperation between Government and the
19 private sector in civil land remote-sensing should be
20 structured so as to minimize Government direction and
21 regulation and maximize private sector involvement;

22 (13) nevertheless, certain Government oversight
23 must be maintained to assure that private sector activi-
24 ties are in the national interest and that the interna-

1 tional commitments and policies of the United States
2 are honored; and

3 (14) there is no compelling reason to commercial-
4 ize meteorological satellites at this time.

5 PURPOSES

6 SEC. 102. It is therefore the purpose of this Act—

7 (1) to guide the United States Government in pro-
8 moting full, prompt, and proper involvement of the pri-
9 vate sector in civil land remote-sensing from space;

10 (2) to maintain the United States leading position
11 in civil remote-sensing, preserve its national security,
12 and fulfill its international obligations;

13 (3) to prescribe conditions for assuring continuity
14 of remote-sensing data while protecting public and pri-
15 vate non-discriminatory access to these data;

16 (4) to minimize the duration and amount of any
17 further Federal investment that might be necessary to
18 achieve full commercialization of civil land remote-
19 sensing; and

20 (5) to prohibit commercialization of meteorological
21 satellites at this time.

22 POLICIES

23 SEC. 103. (a) It shall be the policy of the United States
24 to preserve its right to acquire and disseminate digital
25 remote-sensing data.

1 (b) It shall be the policy of the United States that civil-
2 ian digital remote-sensing data be made available to all po-
3 tential users on a nondiscriminatory basis.

4 (c) It shall be the policy of the United States both to
5 commercialize those space remote-sensing functions that
6 properly lend themselves to private sector operation and to
7 avoid competition by the Government with such commercial
8 operations, while continuing to preserve our national secu-
9 rity, to honor our international obligations, and to retain in
10 the Government those remote-sensing functions that are es-
11 sentially of a public service nature.

12 DEFINITIONS

13 SEC. 104. For purposes of this Act—

14 (1) The term "digital remote-sensing data" means
15 the unprocessed and minimally processed signals col-
16 lected from civil remote-sensing space systems or origi-
17 nal film products collected from such systems. Such
18 minimal processing shall be limited to rectification of
19 instrumental distortions, registration with respect to
20 features on the Earth, and calibration of spectral re-
21 sponse. Such term does not include conclusions, manip-
22 ulations, or calculations derived from such signals or
23 combination of the signals with other data or informa-
24 tion. Unless otherwise limited, digital remote-sensing
25 data includes land and ocean sensed data.

1 (2) The term "Secretary" means the Secretary of
2 Commerce.

(3)(A) The term "on a nondiscriminatory basis" means without preference, bias, or any other special arrangement regarding delivery, format, financing, or technical considerations which would favor one buyer or class of buyers over another,

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(B) The sale of data is made on a nondiscriminatory basis only if (i) any offer to sell or deliver data is advertised in advance and is equally available to all prospective buyers; (ii) the system operator has not established or changed any price, policy, procedure, or other term or condition in a manner which gives one buyer or class of buyer de facto favored access to data; and (iii) in a case where a system operator offers volume discounts, such discounts are no greater than the demonstrable reductions in the cost of such sales. The sale of data on a nondiscriminatory basis does not preclude the system operator offering discounts other than volume discounts to the extent that such discounts are not inconsistent with any other provision of this paragraph.

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23 (C) The sale of data on a nondiscriminatory basis
24 does not require (i) that a system operator disclose
25 names of buyers or information concerning their pur-

1 chases; (ii) that a system operator maintain all, or any
2 particular subset of, data in a working inventory; or
3 (iii) that a system operator expend equal effort in de-
4 veloping all segments of a market.

5 (4) The term "Landsat system" means Landsat 1,
6 2, 3, 4, and 5, and related ground equipment, systems,
7 and facilities, and any successor civil land remote-sens-
8 ing satellites launched by the United States Govern-
9 ment prior to the commencement of the six-year period
10 described in section 302(b)(2).

11 (5) The term "system operator" means a contrac-
12 tor under title II or a license holder under title IV.

13 TITLE II—CONTRACT FOR EXISTING LAND

14 REMOTE-SENSING SATELLITE SYSTEM

15 CONTRACT REQUIREMENTS

16 SEC. 201. (a) In accordance with the requirements of
17 this Act, the Secretary shall, subject to the availability of
18 appropriations therefor, contract with a United States private
19 sector party (as defined by the Secretary) to market digital
20 remote-sensing data generated by the Landsat system. If the
21 Secretary determines that competition for such contract will
22 be improved and that it will promote the policies and pur-
23 poses of this Act, the Secretary may accept proposals for
24 such contract which include the operation by the private
25 sector party of (1) the space component of the Landsat

1 system, (2) the related ground equipment, systems, and facil-
2 ities, or (3) both such space component and such related
3 equipment, systems, and facilities.

4 (b) A contract awarded under subsection (a) shall be
5 awarded, after competition, in accordance with the conditions
6 of section 203. Such contract may be reawarded competitive-
7 ly after the practical demise of the space segment of the
8 Landsat system, as determined by the Secretary.

9 (c) Any contract authorized by subsection (a)—

10 (1) shall not permit the transfer to any contractor
11 of title to any part or all of the Landsat system; and

12 (2) may specify that the contractor use, and, at
13 his own expense, maintain, repair, modify, or replace
14 elements of the Landsat system as the contractor finds
15 necessary for commercial operations.

16 (d) If, as a result of the competitive process required by
17 subsection (b), the Secretary receives no proposal which he
18 finds acceptable under the conditions of this Act, the Secre-
19 tary shall so certify and fully report his findings to the Con-
20 gress. Thirty days after so certifying and reporting, the Sec-
21 retary may reopen the competition. If no acceptable propos-
22 als are received after such subsequent competition, or if the
23 Secretary decides not to reopen the competition, the Secre-
24 tary shall so certify and fully report his findings to the Con-
25 gress. In the event that no acceptable proposal is received,

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1 the Secretary shall continue to operate the Landsat system
2 and to market data from such system.

3 (e) In defining "United States private sector party" for
4 purposes of subsection (a), the Secretary may take into ac-
5 count key personnel, location of assets, foreign ownership,
6 control, and influence, and other such factors.

7 SALE OF DATA

8 SEC. 202. (a) The United States Government shall
9 retain title to any and all data generated by the Landsat
10 system. However, after the date of the commencement of the
11 contract described in section 201(a), the contractor shall be
12 entitled to the revenues from sales of copies of data from the
13 Landsat system, subject to the conditions specified in sections
14 601 and 602 of this Act.

15 (b) The contractor may continue to sell data previously
16 generated by the Landsat system after the demise of the
17 space segment of that system.

18 CONDITIONS OF COMPETITION FOR CONTRACT

19 SEC. 203. (a) The Secretary of Commerce shall, as part
20 of his advertisement for the competition for the contract au-
21 thorized by section 201, identify and publish the international
22 obligations, national security concerns (with appropriate pro-
23 tection of sensitive information), domestic legal consider-
24 ations, and any other standards or conditions which a private
25 contractor shall be required to meet.

1 (b) In selecting a contractor under this title, the Secre-
2 tary shall consider—

3 (1) ability to market aggressively digital remote-
4 sensing data;

5 (2) the best financial return to the Government,
6 including payment of royalties on data sales and the
7 ability to operate the system at a saving to the Gov-
8 ernment;

9 (3) ability to meet the obligations, concerns, ✓
10 standards, and conditions identified under subsection
11 (a);

12 (4) technical competence, including the ability to
13 assure continuity and timeliness of data from the Land-
14 sat system;

15 (5) absence of any conflicts of interest which could
16 inhibit nondiscriminatory access to such data;

17 (6) ability to effect a smooth transition with the
18 contractor selected under title III of this Act; and

19 (7) such other factors as he deems appropriate.

20 FOREIGN GROUND STATIONS

21 SEC. 204. (a) The contract under this title shall provide
22 that the contractor shall act as the agent of the Secretary by
23 continuing to supply digital remote-sensing data to foreign
24 ground stations for the life, and according to their terms, of
25 those agreements between the United States Government

1 and such foreign ground stations that are in force on the date
2 of the commencement of the contract.

3 (b) Upon the expiration of such agreements, or in the
4 case of foreign ground stations that have no agreement with
5 the United States on the date of commencement of the con-
6 tract, the contract shall provide—

7 (1) that digital remote-sensing data from the
8 Landsat system shall be made available to foreign
9 ground stations only by the contractor; and

10 (2) that such data shall be made available on a
11 nondiscriminatory basis.

12 (c) The Secretary of State may take steps to ensure
13 such nondiscriminatory availability of data.

14 **TITLE III—PROVISION OF DATA CONTINUITY**
15 **DURING TRANSITION PERIOD**

16 **PURPOSES AND DEFINITIONS**

17 **SEC. 301. (a)** It is the purpose of this title—

18 (1) to provide, in an orderly manner and with
19 minimal risk, for a transition between Government op-
20 eration and private, commercial operation of civil land
21 remote-sensing space systems; and

22 (2) to provide for the continuity of MSS data for
23 six years after the practical demise of the space seg-
24 ment of the Landsat system.

25 (b) For purposes of this title—

1 (1) the term "Multi-Spectral Scanner" means the
2 instrument referred to by that name and carried on the
3 Landsat 4 and Landsat 5 satellites; and

4 (2) the term "MSS data" means digital remote-
5 sensing data which, from the point of view of a data
6 user, are—

7 (A) functionally equivalent to data from the
8 Multi-Spectral Scanner; and

9 (B) compatible with data and with equipment
10 used to receive and process data from such Scan-
11 ner.

12 **CONTRACT FOR DATA AVAILABILITY AND CONTINUITY**

13 **SEC. 302. (a)** Subject to the availability of appropri-
14 ations therefor and to the licensing conditions established
15 under title IV, the Secretary shall, after competition, con-
16 tract with a United States private sector party (as defined by
17 the Secretary pursuant to section 201) for the provision by
18 such party of the capability of generating data of a quality at
19 least equal to the quality of MSS data and of selling and
20 delivering such data to the Federal Government. The capa-
21 bility shall include, at a minimum, the capability to generate
22 and deliver MSS data at the annual volume of Federal usage
23 during fiscal year 1983, as determined by the Secretary. The
24 capability may be provided by the contractor using whatever
25 technologies the contractor may select. In addition, the con-

1 tractor may make available data of a higher quality or of a
2 different type than MSS data.

3 (b) The contract authorized by subsection (a)—

4 (1) shall be entered into as soon as practicable, al-
5 lowing for the competitive procurement process;

6 (2) shall, in accordance with criteria determined
7 and published by the Secretary, reasonably assure the
8 provision of the capability described in subsection (a)
9 for a period of six years, beginning as soon as practica-
10 ble in order to minimize any interruption of data avail-
11 ability;

12 (3) shall terminate one year after the expiration of
13 the six-year period described in paragraph (2);

14 (4) may, subject to section 305 of the Federal
15 Property and Administrative Services Act of 1949 (41
16 U.S.C. 255), provide for a payment by the Secretary
17 to cover a portion of the capital cost of providing such
18 capability, which may be paid in installments (A) based
19 on progress prior to the beginning of the six-year
20 period described in paragraph (2), and (B) the sum of
21 which shall be less than the total cost of procuring the
22 system required to assure the capability for six years;

23 (5) shall provide that sale of digital remote-sens-
24 ing data shall be in accordance with the provisions of
25 section 303 of this title;

1 (6) shall not provide for any guaranteed data pur-
2 chases by the Federal Government; and

3 (7) may provide that the contractor utilize, on a
4 space-available basis, civilian Government satellites as
5 platforms for a civil remote-sensing satellite system,
6 if—

7 (A) the contractor immediately reimburses
8 the Government for all related costs incurred with
9 respect to such utilization, including a reasonable
10 and proportionate share of fixed, spacecraft, data
11 transmission, and launch costs; and

12 (B) such utilization would not interfere with
13 or otherwise in any way compromise the intended
14 civilian Government missions, as determined by
15 the agency responsible for the civilian satellite.

16 (c) The contract authorized by subsection (a) shall be
17 awarded on the basis of—

18 (1) the one-time cost to the Government of pro-
19 viding the capability;

20 (2) the reliability, technical competence, and fi-
21 nancial condition of the contractor;

22 (3) the contractor's ability to develop the remote-
23 sensing data market;

24 (4) the contractor's ability to supplement basic ca-
25 pabilities specified in section 302(a) by adding remote-

1 sensing capabilities (at the contractor's expense and
2 consistent with national security concerns) which main-
3 tain United States leadership in remote-sensing;

4 (5) the contractor's ability to meet the conditions
5 for obtaining a license under title IV;

6 (6) the contractor's ability to provide digital
7 remote-sensing data on a timely and reliable basis;

8 (7) the contractor's ability to effect a smooth tran-
9 sition with any contractor selected under title II;

10 (8) the royalty or profit- or revenue-sharing ar-
11 rangement, or other such rebate offered to the Federal
12 Government; and

13 (9) such other factors as the Secretary deems ap-
14 propriate.

15 (d) If, as a result of the competitive process required by
16 subsection (a), the Secretary receives no proposal which he
17 finds acceptable under the conditions of this Act, the Secre-
18 tary shall so certify and fully report his findings to the Con-
19 gress. Thirty days after so certifying and reporting, the Sec-
20 retary may reopen the competition. If no acceptable propos-
21 als are received after such subsequent competition, or if the
22 Secretary decides not to reopen the competition, the Secre-
23 tary shall so certify and fully report his findings to the Con-
24 gress. Ninety days after so certifying and reporting, the Sec-
25 retary is authorized to assure MSS data continuity by pro-

1 curement and operation by the Federal Government of the
2 necessary systems, subject to the availability of appropri-
3 ations therefor. Such procurement and operation may include
4 generation of data of a higher quality than MSS data.

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6 **SALE OF DATA**

7 **SEC. 303. (a)** The contractor selected under section 302
8 shall sell data in accordance with the provisions of sections
9 601 and 602 of this Act.

10 (b) Any sale of digital remote-sensing data by the con-
11 tractor to Federal agencies shall be on a nondiscriminatory
12 basis, with the additional condition that at least 5 per centum
13 of the price of each such sale shall be rebated to the Govern-
14 ment (and thereby reduce the total net cost to the Govern-
15 ment) as a royalty payment to the United States Treasury.
16 Such royalty payments shall be required during the life of the
17 contract authorized in section 302, or until such time as the
18 cumulative total of such royalty payments equals the value of
19 any payment made to the contractor by the Government
20 under section 302(b)(4), whichever first occurs. Data sales to
21 non-Federal buyers shall not be subject to such a rebate.

22 (c) After the six-year period described in section
23 302(b)(2), the contractor may continue to sell data and, if
24 licensed under title IV of this Act, to operate a civil remote-
sensing space system.

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2 **REPORT**

3 **SEC. 304.** Two years after the date of the commence-
4 ment of the six-year period described in section 302(b)(2) the
5 Secretary shall report to the President and to the Congress
6 on the progress of the transition to fully private financing,
7 ownership, and operation of remote-sensing space systems,
8 together with any recommendations for actions, including ac-
9 tions necessary to ensure United States leadership in civilian
10 land remote-sensing from space.

11 **TITLE IV—LICENSING OF PRIVATE REMOTE-**
12 **SENSING SPACE SYSTEMS**

13 **GENERAL AUTHORITY**

14 **SEC. 401.** The Secretary is authorized, after consulta-
15 tion with other appropriate Federal agencies, to grant, sus-
16 pend, modify, or revoke licenses under this title, and to take
17 any other such actions as he deems necessary in order to
18 carry out the provisions of this title.

19 **CONDITIONS FOR OPERATION**

20 **SEC. 402. (a)** No party or consortium may operate any
21 remote-sensing space system which is subject to the jurisdic-
22 tion or control of the United States (as determined by the
23 Secretary) without a license pursuant to section 403.

24 **(b)** A consortium or private sector party may only be
25 licensed to operate a remote-sensing space system subject to
the following conditions:

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1 (1) The system shall be operated in such manner

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2 ~~as to preserve and promote the national security of the~~

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3 United States and to observe and implement the inter-

4 national obligations of the United States.

5 (2) Digital remote-sensing data shall be made
6 available to all potential users on a nondiscriminatory
7 basis.

8 (3) In the case of a consortium, the system shall
9 be administered by a central, responsible entity estab-
10 lished by the consortium for that purpose.

11 (4) No license issued under this title shall protect
12 the license holder from fair competition from other li-
13 cense holders.

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14 (5) Before any consortium or private sector party
15 terminates its operations under the license, it shall
16 make disposition of any orbiting satellites in a manner
17 satisfactory to the President.

18 (6) Any consortium or private sector party propos-
19 ing to be licensed under section 403 shall agree, as a
20 condition for the receipt of such license, to provide to
21 the Secretary any data generated under such license
22 which the Secretary may request for the purpose of ar-
23 chiving pursuant to section 602.

24 (7) For the purposes of ensuring compliance with
25 the provisions of this Act concerning nondiscriminatory

1 access to data, any consortium or private sector party
2 proposing to be licensed under section 403 shall agree,
3 as a condition for the receipt of such license—

4 (A) to notify the Secretary of any “value-
5 added” activities (as defined by the Secretary by
6 regulation) that will be conducted by the licensee
7 or by a subsidiary or affiliate of the licensee; and

8 (B) to provide the Secretary with a plan for
9 the conduct of such activities which will ensure
10 compliance with such provisions concerning non-
11 discriminatory access.

12 **AUTHORITY OF THE SECRETARY**

13 **SEC. 403.** (a) The Secretary is authorized to license
14 qualified private sector parties, consortia of private sector
15 parties, or consortia of private sector parties and Government
16 agencies to operate civil remote-sensing space systems in ac-
17 cordance with the provisions of this Act.

18 (b) Any license issued under subsection (a) shall be in
19 effect for such period as the Secretary may specify.

20 (c) Any person may apply to the Secretary for issuance,
21 transfer, or termination of a license under this title in a form
22 and manner prescribed by the Secretary. Each application
23 under this section shall set forth the activities proposed to be
24 carried out under the license, including measures taken to

1 comply with those operating requirements specified in section
2 402 of this Act.

3 (d) No license shall be granted by the Secretary unless
4 he determines in writing that the applicant will comply with
5 the requirements of this Act, the regulations issued pursuant
6 to this Act, and the international obligations and national se-
7 curity concerns of the United States. The Secretary shall
8 review any application and make a determination thereon
9 within one hundred and twenty days of the receipt of an ap-
10 plication. If final action has not occurred within such time,
11 the Secretary shall inform the applicant of any pending issues
12 and of actions required to resolve them.

13 (e) The Secretary may revoke, suspend, or modify a li-
14 cense issued under this title if the Secretary determines and
15 notifies the licensee in writing that the licensee has substan-
16 tially failed to comply with any provision of this Act, with
17 any regulation issued under this Act, with any terms, condi-
18 tions, or restrictions of such license, or with any international
19 obligation or national security concern of the United States.

20 (f) Any applicant or licensee who makes a timely re-
21 quest for review of a denial of issuance, transfer, revocation,
22 suspension, conditioning, or modification of a license shall be
23 entitled to adjudication by the Secretary on the record after
24 an opportunity for an agency hearing with respect to such
25 denial. Any final action by the Secretary under this subsec-

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1 tion shall be subject to judicial review under chapter 7 of title
2 5, United States Code.

3 REGULATORY AUTHORITY OF THE SECRETARY

4 SEC. 404. (a) The Secretary may issue regulations to
5 carry out the provisions of this title.

6 (b) Regulations issued by the Secretary under this title
7 and the issuance, transfer, revocation, suspension, condition-
8 ing, or modification of any license issued under this title shall
9 be carried out only after public notice and hearings in accord-
10 ance with the provisions of title 5, United States Code.

11 ENFORCEMENT AUTHORITY OF THE SECRETARY

12 SEC. 405. (a) Each license issued by the Secretary may
13 require the licensee—

14 (1) to allow the Secretary or his designated offi-
15 cers to inspect any financial or business records associ-
16 ated with remote-sensing or “value-added” activities,
17 or

18 (2) to allow the Secretary or his designated offi-
19 cers to inspect any space-related or ground segment
20 hardware or software to be utilized by the licensee in
21 remote-sensing activities.

22 (b) It is unlawful for any person to violate any regula-
23 tion or provision of any license issued under this Act, to vio-
24 late any space treaty or law implementing any space treaty,
25 or to prevent or inhibit the monitoring of remote-sensing ac-

1 tivities or "value-added" activities by the Secretary or his
2 designated officers.

3 (c) Any person who after notice and opportunity to be
4 heard in accordance with title 5, United States Code, is found
5 by the Secretary to have committed any act prohibited by
6 subsection (b) shall be liable for a civil penalty of not more
7 than \$10,000 for each violation. Each day of continuing op-
8 eration in violation shall constitute a separate penalty. The
9 Secretary may compromise, modify, or remit any such civil
10 penalty.

11 (d) For the purpose of conducting any hearing under this
12 section, the Secretary may issue subpoenas for any materials,
13 documents, or records, or for the attendance and testimony of
14 witnesses.

15 (e) In carrying out his enforcement responsibilities, the
16 Secretary may—

17 (1) seize any object, record, or report where it
18 reasonably appears that such was used, is being used,
19 or is likely to be used in violation of this Act; or

20 (2) make investigations and inquiries and adminis-
21 ter to or take from any person an oath affirmation or
22 affidavit concerning any matter relating to the enforce-
23 ment of this Act.

24 (f) The Secretary is authorized to terminate any licensed
25 operations on an immediate basis when it reasonably appears

1 that continued operation in violation of any provision of this
2 Act, or any provision of a license issued under this Act, or of
3 any obligation of the United States under a space treaty,
4 would be detrimental to the national interest. ✓

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6 **AGENCY ROLES**

7 **SEC. 406.** (a) The Secretary shall offer his offices for
8 assistance in the formation of consortia under this title.

9 (b) Federal agencies are authorized and encouraged to
10 conduct joint ventures in remote-sensing space systems by
11 forming consortia with private firms (which consortia will not
12 compete with other United States private sector activities) in
13 accordance with the provisions of sections 402 and 403 of
14 this Act, if—

15 (1) such activities are appropriate to the agencies'
16 mission; and

17 (2) appropriated funds are available for that pur-
18 pose.

19 **TERMINATION**

20 **SEC. 407.** If, five years after the expiration of the six-
21 year period described in section 302(b)(2), no firm or consor-
22 tium has been licensed and continued in operation under the
23 provisions of this title, the authority of this title shall termi-
nate.

1 **TITLE V—RESEARCH AND DEVELOPMENT**2 **PURPOSE AND POLICY**

3 **SEC. 501.** It is the purpose of this title to provide for a
4 comprehensive program of research, technology, and moni-
5 toring of the phenomena of the atmosphere, oceans, and land
6 surfaces using the capabilities of remote-sensing from space.

7 **CONTINUED FEDERAL RESEARCH AND DEVELOPMENT**

8 **SEC. 502.** (a) The Administrator of the National Aero-
9 nautics and Space Administration, the Administrator of the
10 National Oceanic and Atmospheric Administration, and the
11 heads of other appropriate Federal agencies are directed to
12 conduct programs of remote-sensing research and develop-
13 ment and are encouraged to conduct experimental space
14 remote-sensing programs (including applications demonstra-
15 tion programs and basic research at universities) and to de-
16 velop remote-sensing technologies and techniques in support
17 of their authorized missions, using funds appropriated for
18 those purposes. In carrying out such programs Federal agen-
19 cies are authorized and encouraged to cooperate with private
20 industry, universities, State and local governments, foreign
21 governments, and international organizations.

22 (b) The Administrator of the National Oceanic and At-
23 mospheric Administration shall establish a continuing pro-
24 gram of applications research and monitoring of the atmos-
25 phere, oceans, and land surfaces.

1 (c) The National Aeronautics and Space Administration
2 shall, pursuant to its authority under title IV of the National
3 Aeronautics and Space Act of 1958, continue programs of
4 research, technology, and monitoring of the atmosphere,
5 oceans, and land surfaces.

6 (d) The Administrators of the National Oceanic and At-
7 mospheric Administration and the National Aeronautics and
8 Space Administration shall, within one year after the date of
9 enactment of this Act and biennially thereafter, jointly devel-
10 op and transmit to the Congress a report which includes (1) a
11 unified national plan for remote-sensing research and devel-
12 opment applied to the Earth and its atmosphere; (2) a compi-
13 lation of progress in the relevant ongoing research and devel-
14 opment activities of the Federal agencies; and (3) an assess-
15 ment of the state of our knowledge of the Earth and its at-
16 mosphere, the needs for additional research (including re-
17 search related to operational Federal remote-sensing space
18 programs), and opportunities available for further progress.

19 USE OF EXPERIMENTAL DATA

20 SEC. 503. Data gathered in Federal experimental space
21 remote-sensing programs may be used in related research
22 and development programs funded by the Federal Govern-
23 ment (including applications programs) and cooperative re-
24 search programs, but not for commercial uses or in competi-

1 tion with private sector activities, except as permitted by sec-
2 tion 504.

3 **SALE OF EXPERIMENTAL DATA**

4 **SEC. 504.** Data gathered in Federal experimental space
5 remote-sensing programs may be competitively sold en bloc
6 (consistent with national security interests and international ✓
7 obligations of the United States) to any United States entity
8 which will market the data on a nondiscriminatory basis.

9 **TITLE VI—GENERAL PROVISIONS**

10 **NONDISCRIMINATORY DATA AVAILABILITY**

11 **SEC. 601.** (a) Any digital remote-sensing data generated
12 by any system operator under the provisions of this Act shall
13 be made available to all users on a nondiscriminatory basis in
14 accordance with the requirements of this Act.

15 (b) Any system operator shall make publicly available
16 the prices, policies, procedures, and other terms and condi-
17 tions upon which the operator will sell such data.

18 **ARCHIVING OF DATA**

19 **SEC. 602.** (a) It is in the public interest for the United
20 States Government—

21 (1) to maintain an archive of land remote-sensing
22 satellite data for historical, scientific, and technical
23 purposes, including long-term global environmental
24 monitoring;

1 (2) to control the content and scope of the ar-
2 chive; and

3 (3) to assure the quality, integrity, and continuity
4 of the archive.

5 (b) The Secretary shall provide for long-term storage,
6 maintenance, and upgrading of a basic land remote-sensing
7 data set (hereafter referred to as the "basic data set") and
8 shall follow reasonable archival practices to assure proper
9 storage and preservation of the basic data set and timely
10 access for parties requesting data. The basic data set which
11 the Secretary assembles in the Government archive shall
12 remain distinct from any inventory of data which a system
13 operator may maintain for sales and for other purposes.

14 (c) In determining the initial content of, or in upgrading,
15 the basic data set, the Secretary shall—

16 (1) use as a baseline the MSS data currently ar-
17 chived;

18 (2) take into account future technical and scientif-
19 ic developments and needs;

20 (3) consult with and seek the advice of users and
21 producers of remote-sensing data and data products,
22 keeping the Congress advised of such contacts;

23 (4) consider the public's need for data which may
24 be duplicative in terms of geographical coverage but

1 which differ in terms of season, spectral bands, resolu-
2 tion, or other relevant factors; and

3 (5) include, as the Secretary deems appropriate,
4 digital remote-sensing data generated either by the
5 Landsat system, pursuant to title III, or by license
6 holders under title IV.

7 (d) All original data (or copies thereof) shall, on request,
8 be made promptly available to the Secretary by any system
9 operator in a form suitable for processing for data storage,
10 maintenance, and access. The Secretary is authorized (sub-
11 ject to the availability of appropriations) to pay to such
12 system operator reasonable costs for reproduction and trans-
13 mittal of any such data.

14 (e) Any system operator shall have the exclusive right
15 to sell all data that the operator provides to the United States
16 remote-sensing data archive for a period to be determined by
17 the Secretary but not to exceed ten years from the date the
18 data are sensed. In the case of data generated from the Land-
19 sat system prior to the implementation of the contract de-
20 scribed in section 201(a) of this Act, the system operator
21 shall have the exclusive right to sell such data for a period
22 determined by the Secretary but not to exceed ten years after
23 the implementation of such contract. A system operator may
24 relinquish his exclusive right and consent to distribution from

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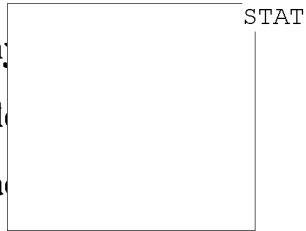
1 the archive before the period of exclusive right has expired by
2 terminating his offer to sell particular data.

3 (f) After expiration of such exclusive right to sell, or
4 after relinquishment of such right, the data provided to the
5 United States remote-sensing data archive shall be in the
6 public domain and shall be made available to requesting par-
7 ties by the Secretary at prices reflecting reasonable costs of
8 reproduction and transmittal.

9 (g) In carrying out the functions of this section, the Sec-
10 retary may use existing facilities or may contract with a pri-
11 vate sector party or parties for the performance of such func-
12 tions, subject to the availability of appropriations therefor.

13 NONREPRODUCTION

14 SEC. 603. Digital remote-sensing data generated by any
15 system operator under the provisions of this Act may be sold
16 under the condition that such data will not be reproduced and
17 disseminated by the purchaser.



18 REIMBURSEMENT FOR ASSISTANCE; SALE OF EQUIPMENT

19 SEC. 604. (a) The Administrator of the National Aero-
20 nautics and Space Administration, the Secretary of Defense,
21 and the heads of other Federal agencies are authorized to
22 provide assistance to system operators under the provisions
23 of this Act. Substantial assistance, such as launch services,
24 shall be reimbursed by the system operator.

1 (b) The Secretary may allow a licensee under section
2 403, or any other private sector party, to buy or otherwise
3 acquire the use of equipment from the Landsat system, when
4 such equipment is no longer needed for the operation of that
5 system or for the sale of data from that system. Officials of
6 other Federal civilian agencies are authorized and encour-
7 aged to cooperate with the Secretary in carrying out this
8 subsection.

9

RADIO FREQUENCY ALLOCATION

10 SEC. 605. The Federal Communications Commission
11 and the Secretary are encouraged to allocate to any license
12 holder under title IV of this Act access to Government radio
13 frequencies and other civil radio frequencies appropriate for
14 space remote-sensing systems in a timely manner consistent
15 with international obligations and with the national interest.

16

CONSULTATION

17 SEC. 606. (a) The Secretary shall consult with the Sec-
18 retary of Defense on all matters under this Act affecting na-
19 tional security. The Secretary of Defense shall be responsible
20 for identifying and notifying the Secretary of those national
21 security concerns of the United States which are relevant to
22 activities under this Act.

23 (b)(1) The Secretary shall consult with the Secretary of
24 State on all matters under this Act affecting international
25 obligations. The Secretary of State shall be responsible for

1 identifying and notifying the Secretary of those international
2 obligations of the United States which are relevant to activi-
3 ties under this Act.

4 (2) The Secretary of State is authorized and encouraged
5 to provide land remote-sensing data, technology, and training
6 to developing nations as a component of programs of interna-
7 tional aid.

8 (c)(1) The Secretary ^{is} ~~is~~ authorized to make determina-
9 tions as to the appropriateness and reasonableness of condi-
10 tions based on national security ~~or international obligations~~
11 which Federal agencies may seek to impose on any system
12 operator

13 ~~(3)(2)~~ If, as a result of conditions imposed on a system
14 operator on the basis of national security or international ob-
15 ligations, the Secretary determines that additional costs will
16 be incurred by the system operator, or investments will be
17 lost to the system operator, the Secretary may require the
18 agency or agencies requesting such conditions to reimburse
19 the system operator for such additional costs or lost invest-
20 ments.

21 RELATION TO OTHER LAWS

22 SEC. 607. The requirements of this Act are in addition
23 to, and not in lieu of, any other provision of law.

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1 AUTHORIZATION OF APPROPRIATIONS

2 SEC. 608. (a) There are authorized to be appropriated to
3 the Secretary \$10,000,000 for fiscal year 1985 for the pur-
4 pose of carrying out the provisions of this Act.

5 (b) The authorization provided for under subsection (a)
6 shall be in addition to moneys authorized pursuant to title II
7 of the National Aeronautics and Space Administration Au-
8 thorization Act of 1983 (Public Law 97-324).

9 TITLE VII—PROHIBITION OF COMMERCIALIZA-
10 TION OF WEATHER SATELLITES

11 PROHIBITION

12 SEC. 701. Neither the President nor any other official of
13 the Government shall make any effort to lease, sell, or trans-
14 fer to the private sector, commercialize, or otherwise disman-
15 tle any portion of the weather satellite systems operated by
16 the Department of Commerce or any successor agency.

17 FUTURE CONSIDERATIONS

18 SEC. 702. Regardless of any change in circumstances
19 subsequent to the enactment of this Act, even if such change
20 makes it appear to be in the national interest to commercial-
21 ize weather satellites, neither the President nor any official
22 shall make any effort to commercialize weather satellites
23 unless this title has first been repealed.

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