

1 under section 302(b)(4), whichever first occurs. Data sales to
2 non-Federal buyers shall not be subject to such a rebate.

3 (c) After the six-year period described in section
4 302(b)(2), the contractor may continue to sell data and, if
5 licensed under title IV of this Act, to operate a civil remote-
6 sensing space system.

7

REPORT

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

16 TITLE IV—LICENSING OF PRIVATE REMOTE- 17 SENSING SPACE SYSTEMS

18

GENERAL AUTHORITY

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

1 the receipt of such license, to provide to the Secretary
2 any data generated under such license which the Sec-
3 retary may request for the purpose of archiving pursu-
4 ant to section 602.

5 (6) For the purposes of ensuring compliance with
6 the provisions of this Act concerning nondiscriminatory
7 access to data, any private sector party proposing to be
8 licensed under section 403 shall agree, as a condition
9 for the receipt of such license—

10 (A) to notify the Secretary of any “value-
11 added” activities (as defined by the Secretary by
12 regulation) that will be conducted by the licensee
13 or by a subsidiary or affiliate of the licensee; and

14 (B) to provide the Secretary with a plan for
15 the conduct of such activities which will ensure
16 compliance with such provisions concerning non-
17 discriminatory access.

18 **AUTHORITY OF THE SECRETARY**

19 **SEC. 403.** (a) The Secretary is authorized to license
20 qualified private sector parties to operate civil remote-sensing
21 space systems in accordance with the provisions of this Act.

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

24 (c) Any private sector party may apply to the Secretary
25 for issuance, transfer, or termination of a license under this

1 title in a form and manner prescribed by the Secretary. Ea
2 application under this section shall set forth the activit
3 proposed to be carried out under the license, including mea
4 ures taken to comply with those operating requirements spe
5 ified in section 402 of this Act.

6 (d) No license shall be granted by the Secretary unles
7 he determines in writing that the applicant will comply w
8 the requirements of this Act, the regulations issued pursua
9 to this Act, and the international obligations and national
10 curity concerns of the United States. The Secretary sh
11 review any application and make a determination there
12 within one hundred and twenty days of the receipt of an a
13 plication. If final action has not occurred within such tin
14 the Secretary shall inform the applicant of any pending issu
15 and of actions required to resolve them.

16 (e) The Secretary may revoke, suspend, or modify a
17 cense issued under this title if the Secretary determines a
18 notifies the licensee in writing that the licensee has subst
19 tially failed to comply with any provision of this Act, w
20 any regulation issued under this Act, with any terms, con
21 tions, or restrictions of such license, or with any internatio
22 obligation or national security concern of the United Stat

23 (f) Any applicant or licensee who makes a timely
24 quest for review of a denial of issuance or transfer; revo
25 tion; suspension; conditioning; or modification of a licen

1 shall be entitled to adjudication by the Secretary on the
2 record after an opportunity for an agency hearing with re-
3 spect to such denial, revocation, suspension, conditioning, or
4 modification. Any final action by the Secretary under this
5 subsection shall be subject to judicial review under chapter 7
6 of title 5, United States Code.

7 REGULATORY AUTHORITY OF THE SECRETARY

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

10 (b) Regulations issued by the Secretary under this title
11 shall be promulgated only after public notice and comment in
12 accordance with the provisions of section 553 of title 5,
13 United States Code.

14 ENFORCEMENT AUTHORITY OF THE SECRETARY

15 SEC. 405. (a) Each license issued by the Secretary shall
16 require the licensee—

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

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

1 (b) It is unlawful for any person to violate any re
2 tion or provision of any license issued under this Act, to
3 late any space treaty or law implementing any space tr
4 or to prevent or inhibit the monitoring of remote-sensin
5 tivities or "value-added" activities by the Secretary o
6 designated officers.

7 (c) Any person who after notice and opportunity t
8 heard in accordance with title 5, United States Code, is f
9 by the Secretary to have committed any act prohibite
10 subsection (b) shall be liable for a civil penalty of not
11 than \$10,000 for each violation. Each day of continuing
12 eration in violation shall constitute a separate violation.
13 Secretary may compromise, modify, or remit any such
14 penalty.

15 (d) For the purpose of conducting any hearing under
16 section, the Secretary may issue subpoenas for any mater
17 documents, or records, or for the attendance and testimon
18 witnesses.

19 (e) In carrying out his enforcement responsibilities,
20 Secretary may—

21 (1) seize any object, record, or report where
22 reasonably appears that such was used, is being us
23 or is likely to be used in violation of this Act; or

24 (2) make investigations and inquiries and admir
25 ter to or take from any person an oath affirmation

1 affidavit concerning any matter relating to the enforce-
2 ment of this Act.

3 (f) The Secretary is authorized to terminate any licensed
4 operations on an immediate basis when it reasonably appears
5 that operation in violation of any provision of this Act, or any
6 provision of a license issued under this Act, or of any obliga-
7 tion of the United States under a space treaty, would be det-
8 rimental to the national interest.

9 **AGENCY ROLES**

10 **SEC. 406. (a)** A private sector party may apply for a
11 license to operate a remote-sensing space system which uti-
12 lizes, on a space-available basis, a civilian United States
13 Government satellite or vehicle as a platform for such
14 system.

15 (b) The Secretary, pursuant to the authorities of this
16 title, may license such system if it meets all conditions of this
17 Act, and if—

18 (1) the applicant agrees, as a condition for the re-
19 ceipt of such license, to reimburse the Government im-
20 mediately for all related costs incurred with respect to
21 such utilization, including a reasonable and proportion-
22 ate share of fixed, spacecraft, data transmission, and
23 launch costs; and

24 (2) such utilization would not interfere with or
25 otherwise compromise the intended Government mis-

1 sions, as determined by the agency responsible for t
2 satellite or vehicle.

3 (c) The Secretary may offer assistance to private sect
4 parties in finding appropriate opportunities for su
5 utilization.

6 (d) Federal agencies are authorized to enter into agre
7 ments for such utilization if such agreements are consiste
8 with the agency's mission, statutory authority, and appropri
9 ation Acts, and if such remote-sensing space system is
10 censed by the Secretary.

11 (e) The provisions of this section do not apply to activ
12 ties carried out pursuant to title V.

13 **TERMINATION**

14 **SEC. 407.** If, five years after the expiration of the six
15 year period described in section 302(b)(2), no private sect
16 party has been licensed and continued in operation under th
17 provisions of this title, the authority of this title sha
18 terminate.

19 **TITLE V—RESEARCH AND DEVELOPMENT**

20 **PURPOSE AND POLICY**

21 **SEC. 501.** It is the purpose of this title to provide for
22 comprehensive civilian program of research, development
23 and demonstration to enhance the United States capabilitie
24 for remote-sensing from space, as well as to enhance the ap
25 plication and utilization of such capabilities.

1 CONTINUED FEDERAL RESEARCH AND DEVELOPMENT

2 SEC. 502. (a)(1) The Administrator of the National
3 Aeronautics and Space Administration is directed to continue
4 and to enhance such Administration's programs of remote-
5 sensing research and development.

6 (2) The Administrator is authorized and encouraged
7 to—

8 (A) conduct experimental space remote-sensing
9 programs (including applications demonstration pro-
10 grams and basic research at universities);

11 (B) develop remote-sensing technologies and tech-
12 niques, including those needed for monitoring the
13 Earth and its environment; and

14 (C) conduct such research and development in co-
15 operation with other public and private research enti-
16 ties, including private industry, universities, State and
17 local governments, foreign governments, and interna-
18 tional organizations, and to enter into arrangements
19 (including joint ventures) which will foster such
20 cooperation.

21 (b)(1) The Secretary shall conduct a continuing program
22 of—

23 (A) research in applications of remote-sensing;

24 (B) monitoring of the Earth and its environment;

25 and

1 (C) development of technology for such monito
2 ing.

3 (2) Such program may include support of basic researc
4 at universities.

5 (3) The Secretary is authorized and encouraged to con
6 duct such research, monitoring, and development in cooper
7 tion with other public and private research entities, includin
8 private industry, universities, State and local government
9 foreign governments, and international organizations, and t
10 enter into arrangements (including joint ventures) which wi
11 foster such cooperation.

12 (c) Other Federal agencies are authorized and encour
13 aged to conduct research and development on the use o
14 remote-sensing in fulfillment of their authorized mission
15 using funds appropriated for such purposes.

16 (d) The Secretary and the Administrator of the Nation
17 Aeronautics and Space Administration shall, within one yea
18 after the date of enactment of this Act and biennially thereat
19 ter, jointly develop and transmit to the Congress a repor
20 which includes (1) a unified national plan for remote-sensin
21 research and development applied to the Earth and its atmos
22 phere; (2) a compilation of progress in the relevant ongoin
23 research and development activities of the Federal agencies
24 and (3) an assessment of the state of our knowledge of th
25 Earth and its atmosphere, the needs for additional research.

1 (including research related to operational Federal remote-
2 sensing space programs), and opportunities available for fur-
3 ther progress.

4 USE OF EXPERIMENTAL DATA

5 SEC. 503. Data gathered in Federal experimental space
6 remote-sensing programs may be used in related research
7 and development programs funded by the Federal Govern-
8 ment (including applications programs) and cooperative re-
9 search programs, but not for commercial uses or in competi-
10 tion with private sector activities, except as permitted by sec-
11 tion 504.

12 SALE OF EXPERIMENTAL DATA

13 SEC. 504. Data gathered in Federal experimental space
14 remote-sensing programs may be sold en bloc through a com-
15 petitive process (consistent with national security interests
16 and international obligations of the United States) to any
17 United States entity which will market the data on a nondis-
18 criminatory basis.

19 TITLE VI—GENERAL PROVISIONS

20 NONDISCRIMINATORY DATA AVAILABILITY

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

1 (b) Any system operator shall make publicly available
2 the prices, policies, procedures, and other terms and conditions
3 (but not, in accordance with section 104(3)(C)
4 names of buyers or their purchases) upon which the operator
5 will sell such data.

6 ARCHIVING OF DATA

7 SEC. 602. (a) It is in the public interest for the United
8 States Government—

9 (1) to maintain an archive of land remote-sensing
10 satellite data for historical, scientific, and technical
11 purposes, including long-term global environmental
12 monitoring;

13 (2) to control the content and scope of the
14 archive; and

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

17 (b) The Secretary shall provide for long-term storage
18 maintenance, and upgrading of a basic, global, land remote-
19 sensing data set (hereafter referred to as the “basic data set”)
20 and shall follow reasonable archival practices to assure
21 proper storage and preservation of the basic data set and
22 timely access for parties requesting data. The basic data set
23 which the Secretary assembles in the Government archives
24 shall remain distinct from any inventory of data which

1 system operator may maintain for sales and for other
2 purposes.

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

5 (1) use as a baseline the MSS data currently
6 archived;

7 (2) take into account future technical and scien-
8 tific developments and needs;

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

12 (4) consider the public's need for data which may
13 be duplicative in terms of geographical coverage but
14 which differ in terms of season, spectral bands, resolu-
15 tion, or other relevant factors;

16 (5) include, as the Secretary deems appropriate,
17 digital remote-sensing data generated either by the
18 Landsat system, pursuant to title III, or by license
19 holders under title IV; and

20 (6) include, as he deems appropriate, data collect-
21 ed by foreign ground stations or by foreign remote-
22 sensing space systems.

23 (d) All original data (or copies thereof) shall, on request,
24 be made promptly available to the Secretary by any system
25 operator in a form suitable for processing for data storage,

1 maintenance, and access. The Secretary is authorized
2 ject to the availability of appropriations) to pay to
3 system operator reasonable costs for reproduction and
4 mittal of any such data.

5 (e) Any system operator shall have the exclusive
6 to sell all data that the operator provides to the United
7 remote-sensing data archive for a period to be determin
8 the Secretary but not to exceed ten years from the da
9 data are sensed. In the case of data generated from the
10 sat system prior to the implementation of the contrac
11 scribed in section 201(a) of this Act, any contractor sel
12 pursuant to section 201 shall have the exclusive rig
13 market such data on behalf of the United States Govern
14 for the duration of such contract. A system operator
15 relinquish his exclusive right and consent to distribution
16 the archive before the period of exclusive right has expire
17 terminating his offer to sell particular data.

18 (f) After expiration of such exclusive right to sell
19 after relinquishment of such right, the data provided to
20 United States remote-sensing data archive shall be in
21 public domain and shall be made available to requesting
22 ties by the Secretary at prices reflecting reasonable cost
23 reproduction and transmittal.

24 (g) In carrying out the functions of this section, the S
25 retary may use existing facilities or may contract with a

1 vate sector party or parties for the performance of such func-
2 tions, subject to the availability of appropriations therefor.

3 **NONREPRODUCTION**

4 **SEC. 603.** Digital remote-sensing data distributed by
5 any system operator under the provisions of this Act may be
6 sold under the condition that such data will not be repro-
7 duced or disseminated by the purchaser.

8 **REIMBURSEMENT FOR ASSISTANCE; SALE OF EQUIPMENT**

9 **SEC. 604. (a)** The Administrator of the National Aero-
10 nautics and Space Administration, the Secretary of Defense,
11 and the heads of other Federal agencies are authorized to
12 provide assistance to system operators under the provisions
13 of this Act. Substantial assistance, such as launch services,
14 shall be reimbursed by the system operator.

15 (b) The Secretary may allow a licensee under section
16 403, or any other private sector party, to buy or otherwise
17 acquire the use of equipment from the Landsat system, when
18 such equipment is no longer needed for the operation of that
19 system or for the sale of data from that system. Officials of
20 other Federal civilian agencies are authorized and encour-
21 aged to cooperate with the Secretary in carrying out this
22 subsection.

23 **RADIO FREQUENCY ALLOCATION**

24 **SEC. 605.** The Federal Communications Commission
25 and the Secretary are encouraged to allocate to any license

1 holder under title IV of this Act access to Government rad
2 frequencies and other civil radio frequencies appropriate f
3 space remote-sensing systems in a timely manner consiste
4 with international obligations and with the national interes

5
6 **CONSULTATION**

7 **SEC. 606. (a)** The Secretary shall consult with the Sec
8 retary of Defense on all matters under this Act affecting na
9 tional security. The Secretary of Defense shall be responsibl
10 for determining those conditions, consistent with this Act
11 necessary to meet national security concerns of the United
12 States and for notifying the Secretary promptly of such
13 conditions.

14 **(b)(1)** The Secretary shall consult with the Secretary of
15 State on all matters under this Act affecting international
16 obligations. The Secretary of State shall be responsible for
17 determining those conditions, consistent with this Act, neces-
18 sary to meet international obligations and policies of the
19 United States and for notifying the Secretary promptly of
20 such conditions.

21 **(2)** The Secretary of State is authorized and encouraged
22 to provide land remote-sensing data, technology, and training
23 to developing nations as a component of programs of interna-
tional aid.

1 (3) The Secretary of State shall promptly report to the
2 Secretary any instances outside the United States of discrimi-
3 natory distribution of data.

4 (c) If, as a result of conditions imposed on a system
5 operator on the basis of national security or international ob-
6 ligations or policies, the Secretary (in consultation with the
7 Secretary of Defense or the Secretary of State, as the case
8 may be) determines that additional costs will be incurred by
9 the system operator, or that past development costs (includ-
10 ing the cost of capital) will not be recovered by the system
11 operator, the Secretary may require the agency or agencies
12 requesting such conditions to reimburse the system operator
13 for such additional or development costs, excluding antici-
14 pated profits.

15 AMENDMENT TO NATIONAL AERONAUTICS AND SPACE

16 ADMINISTRATION AUTHORIZATION, 1983

17 SEC. 607. Subsection (a) of section 201 of the National
18 Aeronautics and Space Administration Authorization, 1983,
19 is amended to read as follows:

20 “(a) The Secretary of Commerce is hereby authorized to
21 plan and provide for the management and operation of civil
22 remote-sensing space systems, which may include the Land-
23 sat 4 and 5 satellites and associated ground system equip-
24 ment transferred from the National Aeronautics and Space
25 Administration; to provide for user fees; and to plan for the

1 transfer of the ownership and operation of civil, operation
2 remote-sensing space systems to the private sector when
3 the national interest.”.

4
5 **RELATION TO OTHER LAWS**

6 **SEC. 608.** The requirements of this Act are in additio
7 to, and not in lieu of, any other provision of law.

8
9 **AUTHORIZATION OF APPROPRIATIONS**

10 **SEC. 609. (a)** There are authorized to be appropriated to
11 the Secretary \$10,000,000 for fiscal year 1985 for the pur-
12 pose of carrying out the provisions of section 302, title IV,
13 and section 602 of this Act.

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

18
19 **TITLE VII—PROHIBITION OF COMMERCIALIZA-
20 TION OF WEATHER SATELLITES**

21
22 **PROHIBITION**

23 **SEC. 701.** Neither the President nor any other official of
the Government shall make any effort to lease, sell, or trans-
fer to the private sector, commercialize, or in any way dis-
mantle any portion of the weather satellite systems operated
by the Department of Commerce or any successor agency.

FUTURE CONSIDERATIONS

1
2 SEC. 702. Regardless of any change in circumstances
3 subsequent to the enactment of this Act, even if such change
4 makes it appear to be in the national interest to commercial-
5 ize weather satellites, neither the President nor any official
6 shall take any action prohibited by section 701 of this Act
7 unless this title has first been repealed.

○