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98TH CONGRESS
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H. R. 5155

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 15, 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, Mr. GREGG, Mr. SKEEN, Mr. AKAKA, Mr. LOWERY of California, Mr. TORRICELLI, Mr. DURBIN, Mr. SENSENBRENNER, and Mr. BOEHLERT) 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".

TITLE I—DECLARATION OF FINDINGS,

PURPOSES, AND POLICIES

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 civil land remote-sensing data while protecting
15 public and private nondiscriminatory access to these
16 data;

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

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

1 POLICIES

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

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

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

16 DEFINITIONS

17 SEC. 104. For purposes of this Act:

18 (1) The term "digital remote-sensing data" means
19 the unprocessed and minimally processed signals col-
20 lected from civil remote-sensing space systems or origi-
21 nal film products collected from such systems. Such
22 minimal processing shall be limited to rectification of
23 instrumental distortions, registration with respect to
24 features on the Earth, and calibration of spectral re-
25 sponse. Such term does not include conclusions, manip-

1 ulations, or calculations derived from such signals or
2 combination of the signals with other data or informa-
3 tion. Unless otherwise limited, digital remote-sensing
4 data includes land and ocean sensed data.

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

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

12 (B) The sale of data is made on a nondiscrimina-
13 tory basis only if (i) any offer to sell or deliver data is
14 published in advance in such manner as will ensure
15 that the offer is equally available to all prospective
16 buyers; (ii) the system operator has not established or
17 changed any price, policy, procedure, or other term or
18 condition in a manner which gives one buyer or class
19 of buyer de facto favored access to data; and (iii) in a
20 case where a system operator offers volume discounts,
21 such discounts are no greater than the demonstrable
22 reductions in the cost of such sales. The sale of data
23 on a nondiscriminatory basis does not preclude the
24 system operator offering discounts other than volume

1 discounts to the extent that such discounts are not in-
2 consistent with any other provision of this paragraph.

3 (C) The sale of data on a nondiscriminatory basis
4 does not require (i) that a system operator disclose
5 names of buyers or their purchases; (ii) that a system
6 operator maintain all, or any particular subset of, data
7 in a working inventory; or (iii) that a system operator
8 expend equal effort in developing all segments of a
9 market.

10 (4) The term "Landsat system" means Landsat 1,
11 2, 3, 4, and 5, and related ground equipment, systems,
12 and facilities, and any successor civil land remote-sens-
13 ing satellites operated by the United States Govern-
14 ment prior to the commencement of the six-year period
15 described in section 302(b)(2).

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

18 TITLE II—CONTRACT FOR EXISTING LAND

19 REMOTE-SENSING SATELLITE SYSTEM

20 CONTRACT REQUIREMENTS

21 SEC. 201. (a) In accordance with the requirements of
22 this Act, the Secretary shall, subject to the availability of
23 appropriations therefor, contract with a United States private
24 sector party (as defined by the Secretary) to market digital
25 remote-sensing data generated by the Landsat system. If the

1 Secretary determines that competition for such contract will
2 promote the policies and purposes of this Act, the Secretary
3 may accept proposals for such contract which include the op-
4 eration by such United States private sector party of (1) the
5 space component of the Landsat system, (2) the related
6 ground equipment, systems, and facilities, or (3) both such
7 space component and such related equipment, systems, and
8 facilities.

9 (b) A contract awarded under subsection (a) shall be
10 awarded, after competition, in accordance with the conditions
11 of section 203. Such contract may be reawarded competi-
12 tively after the practical demise of the space segment of the
13 Landsat system, as determined by the Secretary.

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

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

17 (2) may specify that the contractor use, and, at
18 his own expense, maintain, repair, or modify elements
19 of the Landsat system as the contractor finds necessary
20 for commercial operations.

21 (d) If, as a result of the competitive process required by
22 subsection (b), the Secretary receives no proposal which he
23 finds acceptable under the conditions of this Act, the Secre-
24 tary shall so certify and fully report his findings to the Con-
25 gress. Thirty days after so certifying and reporting, the Sec-

1 retary may reopen the competition. If no acceptable propos-
2 als are received after such subsequent competition, or if the
3 Secretary decides not to reopen the competition, the Secre-
4 tary shall so certify and fully report his findings to the Con-
5 gress. In the event that no acceptable proposal is received,
6 the Secretary shall continue to operate the Landsat system
7 and to market data from such system.

8 (e) In defining "United States private sector party" for
9 purposes of subsection (a), the Secretary may take into ac-
10 count the citizenship of key personnel, location of assets, for-
11 eign ownership, control, and influence, and other such
12 factors.

13 **SALE OF DATA**

14 **SEC. 202.** (a) The United States Government shall
15 retain title to any and all data generated by the Landsat
16 system. However, after the date of the commencement of the
17 contract described in section 201(a), the contractor shall be
18 entitled to revenues from sales of copies of data from the
19 Landsat system, subject to the conditions specified in sections
20 601 and 602 of this Act.

21 (b) The contractor may continue to market data previ-
22 ously generated by the Landsat system after the demise of
23 the space segment of that system.

1 **CONDITIONS OF COMPETITION FOR CONTRACT**

2 **SEC. 203. (a)** The Secretary of Commerce shall, as part
3 of his advertisement for the competition for the contract au-
4 thorized by section 201, identify and publish the international
5 obligations, national security concerns (with appropriate pro-
6 tection of sensitive information), domestic legal consider-
7 ations, and any other standards or conditions which a private
8 contractor shall be required to meet.

9 **(b)** In selecting a contractor under this title, the Secre-
10 tary shall consider—

11 (1) ability to market aggressively digital remote-
12 sensing data;

13 (2) the best overall financial return to the Govern-
14 ment, including the potential savings to the Govern-
15 ment;

16 (3) ability to meet the obligations, concerns,
17 standards, and conditions identified under subsection
18 **(a)**;

19 (4) technical competence, including the ability to
20 assure continuity and timeliness of data from the Land-
21 sat system;

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

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

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

2 FOREIGN GROUND STATIONS

3 SEC. 204. (a) The contract under this title shall provide
4 that the contractor shall act as the agent of the Secretary by
5 continuing to supply digital remote-sensing data to foreign
6 ground stations for the life, and according to their terms, of
7 those agreements between the United States Government
8 and such foreign ground stations that are in force on the date
9 of the commencement of the contract.

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

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

17 (2) that such data shall be made available on a
18 nondiscriminatory basis.

19 TITLE III—PROVISION OF DATA CONTINUITY

20 DURING TRANSITION PERIOD

21 PURPOSES AND DEFINITIONS

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

23 (1) to provide, in an orderly manner and with
24 minimal risk, for a transition between Government op-

1 eration and private, commercial operation of civil land
2 remote-sensing space systems; and

3 (2) to provide for the continuity of MSS data for
4 six years after the practical demise of the space seg-
5 ment of the Landsat system.

6 (b) For purposes of this title—

7 (1) the term “Multi-Spectral Scanner” means the
8 instrument referred to by that name and carried on the
9 Landsat 4 and Landsat 5 satellites; and

10 (2) the term “MSS data” means digital remote-
11 sensing data which, from the point of view of a data
12 user, are—

13 (A) functionally equivalent to data from the
14 Multi-Spectral Scanner; and

15 (B) compatible with data and with equipment
16 used to receive and process data from such
17 Scanner.

18 **CONTRACT FOR DATA AVAILABILITY AND CONTINUITY**

19 **SEC. 302.** (a) Subject to the availability of appropri-
20 ations therefor and to the licensing conditions established
21 under title IV, the Secretary shall, after competition, con-
22 tract with a United States private sector party (as defined by
23 the Secretary pursuant to section 201) for the provision by
24 such party of the capability of generating data of a quality at
25 least equal to the quality of MSS data and of selling and

1 delivering such data to the Federal Government. The capa-
2 bility shall include, at a minimum, the capability to generate
3 and deliver MSS data at the annual volume of Federal usage
4 during fiscal year 1983, as determined by the Secretary. The
5 capability may be provided by the contractor using whatever
6 technologies the contractor may select. In addition, the con-
7 tractor may make available data of a higher quality or of a
8 different type than MSS data.

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

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

12 (2) shall, in accordance with criteria determined
13 and published by the Secretary, reasonably assure the
14 provision of the capability described in subsection (a)
15 for a period of six years, beginning as soon as practica-
16 ble in order to minimize any interruption of data
17 availability;

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

20 (4) may, subject to section 305 of the Federal
21 Property and Administrative Services Act of 1949 (41
22 U.S.C. 255), provide for a payment by the Secretary
23 to cover a portion of the capital cost of providing such
24 capability, which may be paid in installments (A) based
25 on progress prior to the beginning of the six-year

1 period described in paragraph (2), and (B) the sum of
2 which shall be less than the total cost of procuring the
3 system required to assure the capability for six years;

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

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

9 (7) may provide that the contractor utilize, on a
10 space-available basis, civilian Government satellites as
11 platforms for a civil remote-sensing satellite system,
12 if—

13 (A) the contractor immediately reimburses
14 the Government for all related costs incurred with
15 respect to such utilization, including a reasonable
16 and proportionate share of fixed, spacecraft, data
17 transmission, and launch costs; and

18 (B) such utilization would not interfere with
19 or otherwise in any way compromise the intended
20 civilian Government missions, as determined by
21 the agency responsible for the civilian satellite.

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

24 (1) the cost to the Government of the payment
25 under subsection (b)(4);

- 1 (2) the reliability, technical competence, and fi-
2 nancial condition of the contractor;
- 3 (3) the contractor's ability to develop the remote-
4 sensing data market;
- 5 (4) the contractor's ability to supplement basic ca-
6 pabilities specified in section 302(a) by adding remote-
7 sensing capabilities (at the contractor's expense and
8 consistent with national security concerns) which main-
9 tain United States leadership in remote-sensing;
- 10 (5) the contractor's ability to meet the conditions
11 for obtaining a license under title IV;
- 12 (6) the contractor's ability to provide digital
13 remote-sensing data on a timely and reliable basis;
- 14 (7) the contractor's ability to effect a smooth tran-
15 sition with any contractor selected under title II;
- 16 (8) the royalty or profit- or revenue-sharing ar-
17 rangement, or other such financial consideration offered
18 to the Federal Government; and
- 19 (9) such other factors as the Secretary deems ap-
20 propriate.
- 21 (d) If, as a result of the competitive process required by
22 subsection (a), the Secretary receives no proposal which he
23 finds acceptable under the conditions of this Act, the Secre-
24 tary shall so certify and fully report his findings to the Con-
25 gress. Thirty days after so certifying and reporting, the Sec-

1 retary may reopen the competition. If no acceptable propos-
2 als are received after such subsequent competition, or if the
3 Secretary decides not to reopen the competition, the Secre-
4 tary shall so certify and fully report his findings to the Con-
5 gress. Ninety days after so certifying and reporting, the Sec-
6 retary is authorized to assure MSS data continuity by pro-
7 curement and operation by the Federal Government of the
8 necessary systems, subject to the availability of appropri-
9 ations therefor. Such procurement and operation may include
10 generation of data of a higher quality than MSS data.

11 **SALE OF DATA**

12 **SEC. 303. (a)** The contractor selected under section 302
13 shall sell data in accordance with the provisions of sections
14 601 and 602 of this Act.

15 (b) Any sale of digital remote-sensing data by the con-
16 tractor to Federal agencies shall be on a nondiscriminatory
17 basis, with the additional condition that at least 5 per centum
18 of the price of each such sale shall be rebated to the Govern-
19 ment (and thereby reduce the total net cost to the Govern-
20 ment) as a royalty payment to the United States Treasury.
21 Such royalty payments shall be required during the life of the
22 contract authorized in section 302, or until such time as the
23 cumulative total of such royalty payments equals the value of
24 any payment made to the contractor by the Government

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 CONDITIONS FOR OPERATION

2 SEC. 402. (a) No private sector party may operate any
3 remote-sensing space system which is subject to the jurisdic-
4 tion or control of the United States (as determined by the
5 Secretary) without a license pursuant to section 403.

6 (b) Any license issued pursuant to section 403 shall be
7 subject to the following conditions:

8 (1) The system shall be operated in such manner
9 as to preserve and promote the national security of the
10 United States and to observe and implement the inter-
11 national obligations of the United States.

12 (2) Digital remote-sensing data shall be made
13 available to all potential users on a nondiscriminatory
14 basis.

15 (3) No license issued under this title shall protect
16 the licensee from fair competition from other li-
17 censeholders.

18 (4) Any private sector party proposing to be li-
19 censed under section 403 shall agree, as a condition for
20 the receipt of such license, that prior to disbanding or
21 terminating operations under the license, the license-
22 holder will make disposition of any orbiting satellites in
23 a manner satisfactory to the President.

24 (5) Any private sector party proposing to be li-
25 censed under section 403 shall agree, as a condition for

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. Each
2 application under this section shall set forth the activities
3 proposed to be carried out under the license, including meas-
4 ures taken to comply with those operating requirements spec-
5 ified in section 402 of this Act.

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

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

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

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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 regula-
2 tion or provision of any license issued under this Act, to vio-
3 late any space treaty or law implementing any space treaty,
4 or to prevent or inhibit the monitoring of remote-sensing ac-
5 tivities or "value-added" activities by the Secretary or his
6 designated officers.

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

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

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

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

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

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 the
2 satellite or vehicle.

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

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

11 (e) The provisions of this section do not apply to activi-
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 sector
16 party has been licensed and continued in operation under the
17 provisions of this title, the authority of this title shall
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 a
22 comprehensive civilian program of research, development,
23 and demonstration to enhance the United States capabilities
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 monitor-
2 ing.

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

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

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

16 (d) The Secretary and the Administrator of the National
17 Aeronautics and Space Administration shall, within one year
18 after the date of enactment of this Act and biennially thereaf-
19 ter, jointly develop and transmit to the Congress a report
20 which includes (1) a unified national plan for remote-sensing
21 research and development applied to the Earth and its atmos-
22 phere; (2) a compilation of progress in the relevant ongoing
23 research and development activities of the Federal agencies;
24 and (3) an assessment of the state of our knowledge of the
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 condi-
3 tions (but not, in accordance with section 104(3)(C), the
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 ar-
14 chive; 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 archive
24 shall remain distinct from any inventory of data which a

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 (sub-
2 ject to the availability of appropriations) to pay to such
3 system operator reasonable costs for reproduction and trans-
4 mittal of any such data.

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

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

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

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 radio
2 frequencies and other civil radio frequencies appropriate for
3 space remote-sensing systems in a timely manner consistent
4 with international obligations and with the national interest.

5

CONSULTATION

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

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

20 (2) The Secretary of State is authorized and encouraged
21 to provide land remote-sensing data, technology, and training
22 to developing nations as a component of programs of interna-
23 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, operational
2 remote-sensing space systems to the private sector when in
3 the national interest.”.

4 RELATION TO OTHER LAWS

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

7 AUTHORIZATION OF APPROPRIATIONS

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

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

16 TITLE VII—PROHIBITION OF COMMERCIALIZA-
17 TION OF WEATHER SATELLITES

18 PROHIBITION

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

