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Mr. LONG. I am not going to be there for one good reason. I can have a better time someplace else. It is not all that much fun.

Mr. RANDOLPH. Mr. President, who has the floor? I would like to make a statement.

Mr. BAKER. I think the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, and my colleagues in the Chamber, we had no problem like this in the Democratic National Convention when we nominated Woodrow Wilson in Baltimore in 1912. I was there at the convention, and I want to report that we would have had no need for legislation of this kind to be discussed, let alone possibly passed by the Congress of the United States. My reference to 1912 is not fantasy. I attended that convention when Woodrow Wilson was nominated over Champ Clark, who was then the Speaker of the House of Representatives.

Mr. DOLE. I will be happy to co-sponsor any amendment with the Senator from Louisiana to accomplish his purposes. When would that be effective?

Mr. LONG. Obviously, we cannot do it before the Democratic Convention. I do not care to be partisan about it. I do not want a burden imposed on the Republican Party that is not imposed on the Democratic Party. But I do think starting at the next convention that is how it ought to be. If we spend money, it ought to be for security. Security is becoming an increasing problem. I can understand that. I think the people of the United States can understand that. If you can show this expenditure is for essential security needs, I am sure they would approve of it.

Those cities, by the way, ought to help provide security. As I indicated, I was at the Chicago convention when the antiwar protesters really gave the Democrat a very bad time. It was only because there was a very strong mayor in the city of Chicago that they did not break that convention up. But you cannot expect quite that much of a strong mayor in every city around the United States, and sometimes even with a strong mayor, you may not be able to enforce security, in view of the terrorism and all that which is afoot in the world today.

Mr. DOLE. I have talked to Mr. Jim. He is a very responsible man. I indicated your concern to him less than 15 minutes ago. He indicated that there are many things. One would be some of it to go to the city of Dallas for extra protection; some would go to ushers, maybe. They may not be in uniform, but they are a force as far as orderly conduct in a convention is concerned. I have indicated our reluctance to do the things suggested earlier, and he agreed with that. But he was not prepared to indicate how he would account for every dollar.

I do believe they understand if there is anything that looks like it is improv-

er, it would be difficult to do anything in the future.

Mr. LONG. This is taxpayer money being spent, and it ought to be accounted for just as the President's campaign expenditures have to be accounted for. If there is any irregularity, somebody ought to be accountable. This is not money to be spent just to have a good time.

Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 5950) was ordered to a third reading, was read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, that completes my list. We now must await the receipt of an adjournment resolution from the House of Representatives. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, there is one other matter that I understand has been cleared on both sides for action. That is concurring in a House amendment to the Landsat conference report. I hope we can do that before we leave. While we try to find the papers and the people, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LAND REMOTE-SENSING SATELLITE DATA

Mr. DOLE. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 5155.

The PRESIDING OFFICER. I laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 5155) entitled "An Act to establish a system to promote the use of land remote-sensing

satellite data, and for other purposes", with the following amendment: In lieu of the matter inserted by the said amendment, insert:

That this Act may be cited as the "Land Remote Sensing Commercialization Act of 1984".

TITLE I—DECLARATION OF FINDINGS, PURPOSES, AND POLICIES

FINDINGS

Sec. 101. The Congress finds and declares that—

(1) the continuous civilian collection and utilization of land remote-sensing data from space are of major benefit in managing the Earth's natural resources and in planning and conducting many other activities of economic importance;

(2) the Federal Government's experimental Landsat system has established the United States as the world leader in land remote-sensing technology;

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

(4) land remote sensing by the Government or private parties of the United States affects international commitments and policies and national security concerns of the United States;

(5) the broadest and most beneficial use of land remote-sensing data will result from maintaining a policy of nondiscriminatory access to data;

(6) competitive, market-driven private sector involvement in land remote sensing is in the national interest of the United States;

(7) use of land remote-sensing data has been inhibited by slow market development and by the lack of assurance of data continuity;

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

(9) there is doubt that the private sector alone can currently develop a total land remote-sensing system because of the high risk and large capital expenditure involved;

(10) cooperation between the Federal Government and private industry can help assure both data continuity and United States leadership;

(11) the time is now appropriate to initiate such cooperation with phased transition to a fully commercial system;

(12) such cooperation should be structured to involve the minimum practicable amount of support and regulation by Federal Government and the maximum practicable amount of competition by the private sector, while assuring continuous availability to the Federal Government of land remote-sensing data;

(13) certain Government oversight must be maintained to assure that private sector activities are in the national interest and that the international commitments and policies of the United States are honored; and

(14) there is no compelling reason to commercialize meteorological satellites at this time.

PURPOSES

Sec. 102. The purposes of this Act are to—

(1) guide the Federal Government in achieving proper involvement of the private sector by providing a framework for phased commercialization of land remote sensing and by assuring continuous data availability to the Federal Government;

(2) maintain the United States worldwide leadership in civil remote sensing, preserve

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INCREASE IN FEDERAL CONTRIBUTION FOR QUADRENNIAL POLITICAL PARTY PRESIDENTIAL NATIONAL NOMINATING CONVENTIONS

Mr. BAKER. I ask the Chair lay before the Senate H.R. 5950.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows: A bill (H.R. 5950) to increase the Federal contribution for the Quadrennial Political Party Presidential National Nominating Conventions.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consideration of the bill.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. I yield to the two managers.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, let me indicate to my colleagues that this provision passed the Senate earlier. We went to conference with this provision in the Senate bill. It was rejected ultimately by the House conference. The Senate receded on that provision.

Following that it was suggested, rather than to try to put it on some tax measure, it ought to come over on its own. That bill is before us now. I have talked with a number of people in my party and some in the other party who all have indicated this is very, very important. I have tried to gain assurance because I know of the concern that we will soon hear again from the distinguished author of this provision as we did several years ago about how the money will be used. I have just spoken to Mr. William Timmons, who will play a role in the Republican Convention in Dallas. While he cannot assure me precisely how the money will be spent, it will be spent wisely. [Laughter.]

They are willing to make an accounting. I said, "Would you be willing to account for how the money was spent following the convention?" They are perfectly willing to do that. I think it is important they do that because that would certainly indicate whether this was ever repeated again.

AMENDMENT NO. 3379

(Purpose: To limit increased payments to major political parties to purposes related to convention security)

Mr. LONG. Mr. President, I send my amendment to the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. Long], proposes an amendment number 3397. At the end of the bill add the following new section:

SEC. . Any increase in any payment to a major party under section 9008(b) of the Internal Revenue Code of 1954 made solely by reason of the amendments made by this Act shall only be used to provide police protec-

tion, capital or other improvements made substantially for security reasons, and similar security measures.

Mr. LONG. Mr. President, after we agreed to this amendment in the Senate, I saw a presentation about this matter on one of the major networks. Frankly, it was enough to make me believe that we had made a mistake to permit the convention to have any of the money out of the Presidential campaign fund. We have asked people to mark their tax return if they would like to see \$1 of their tax money go to the Presidential election campaign fund—to help ease the burden of an honorable man and woman who runs for the office of President and Vice President. The people of this country, I do not believe would favor having their money, which they designate for that purpose, spent for a national convention.

I would be willing to go long with this matter if this money is to be used for security. I can understand that there is a growing need for security. I think the American people would not particularly object if we are paying for police protection, or if we are paying to assure the personal safety of the key people involved in holding a convention. There will be demonstrations I am led to believe in connection with the Democratic Convention, I do not know whether this is also the case with the Republican Convention. I was at one convention—in Chicago—where we could have had real trouble if that city had not had a good mayor, Mayor Daly, and a strong police force. At the hotel where I stayed people who were not happy about what was happening put some stink bombs in the elevator shaft. Every time one of us went up or down the elevator we smelled very bad for hours after we departed from the elevator.

There is a need in some situations for security protection. But I do not think the people of this country approve or would approve of any of this money being spent for cocktail parties or for receptions, for food, or beverage, or for lodging of delegates.

It seems to me that the basic law should be amended so that, for the future, the money that will go for the nominating conventions will only be used to pay for security.

Mr. MANATT assured me that all the additional money that is in this bill for the Democratic Convention is going to be used on security. He tells me that he is willing to account for it on that basis. I would insist on this amendment, Mr. President, except that I am advised by our friends on the House side that they might have difficulty getting a quorum to pass this bill at this late hour. But I hope that I could have the assurance of the leadership that, if I permit this bill to go through in this fashion without my amendment, they will help me obtain an opportunity to amend the basic law to limit these funds to security purposes for the future.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, I could not agree more with the Senator from Louisiana. Mr. President, I have to confess, this was brought to me by the two chairmen, the Republican and Democratic national chairmen, as I am sure it was to the minority leader, the chairman, and ranking member of the Finance Committee which has jurisdiction over the Presidential Campaign Fund. So it did not originate here. It is not a partisan issue. It came from both parties. It was presented as a matter of funding extra and additional security precautions, structures, and equipment, and related things. I cannot tell you with reference to the two conventions.

I do not know a thing about it, Mr. President, except what I have just now related. But I do know the Senator from Louisiana is absolutely right. If we amend this thing and send it back to the House. I am afraid that we will never get the bill. I do not know what that amounts to, but I am sure there is not going to be an opportunity to act on a Senate amendment to this bill.

While I was not overenthusiastic with the thing to begin with, and I do not believe the chairman or the ranking member were either, we are faced with it. It has passed once in the Senate already. As the chairman of the committee pointed out, it was dropped in conference.

I do not think the Speaker would mind me repeating a conversation I had with him. That is when he called after it was dropped, he said that he hoped we would send it to them again. I indicated to him that I was not inclined to do that, to ask the Senate to do it again, but if the House sent it back to the Senate, I would be willing to take it up. The House did do that, as we now know, and we have that measure here.

If ever there was a bipartisan measure, this is it. Nobody is claiming the parenthood of this thing. I really urge the Senator from Louisiana to go ahead and do this without that amendment, and I pledge to him that after the conventions, I will join with him in the time I have remaining in taking a look at the generic law and see how we ought to structure it in relation to conventions.

Mr. LONG. Could I have the assurance of the chairman of the committee that at some point, either this year or next year, I could have his cooperation in seeing that we have an opportunity to amend this section of the law? It seems to me that the Senate, on a rollcall vote, would agree to spend this money on fun out at those conventions. That is what a lot of people go to conventions for. Some go there hoping to be nominated for President. I know that.

Mr. BAKER. I never have had any fun at a convention.

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its national security, and fulfill its international obligations;

(3) minimize the duration and amount of further Federal investment necessary to assure data continuity while achieving commercialization of civil land remote sensing;

(4) provide for a comprehensive civilian program of research, development, and demonstration to enhance both the United States capabilities for remote sensing from space and the application and utilization of such capabilities; and

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

POLICIES

Sec. 103. (a) It shall be the policy of the United States to preserve its right to acquire and disseminate unenhanced remote-sensing data.

(b) It shall be the policy of the United States that civilian unenhanced remote-sensing data be made available to all potential users on a nondiscriminatory basis and in a manner consistent with applicable antitrust laws.

(c) It shall be the policy of the United States both to commercialize those remote-sensing space systems that properly lend themselves to private sector operation and to avoid competition by the Government with such commercial operations, while continuing to preserve our national security, to honor our international obligations, and to retain in the Government those remote-sensing functions that are essentially of a public service nature.

DEFINITIONS

Sec. 104. For purposes of this Act:

(1) The term "Landsat system" means Landsats 1, 2, 3, 4, and 5, and any related ground equipment, systems, and facilities, and any successor civil land remote-sensing space systems operated by the United States Government prior to the commencement of the six-year period described in title III.

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

(3)(A) The term "nondiscriminatory basis" means without preference, bias, or any other special arrangement (except on the basis of national security concerns pursuant to section 607) regarding delivery, format, financing, or technical considerations which would favor one buyer or class of buyers over another.

(B) The sale of data is made on a nondiscriminatory basis only if (i) any offer to sell or deliver data is published in advance in such manner as will ensure that the offer 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; (iii) the system operator does not make unenhanced data available to any purchaser on an exclusive basis; and (iv) in a case where a system operator offers volume discounts, such discounts are no greater than the demonstrable reductions in the cost of volume sales. The sale of data on a nondiscriminatory basis does not preclude the system operator from offering discounts other than volume discounts to the extent that such discounts are consistent with the provisions of this paragraph.

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

(4) The term "unenhanced data" means unprocessed or minimally processed signals or film products collected from civil remote-

sensing space systems. Such minimal processing may include rectification of distortions, registration with respect to features of the Earth, and calibration of spectral response. Such minimal processing does not include conclusions, manipulations, or calculations derived from such signals or film products or combination of the signals or film products with other data or information.

(5) The term "system operator" means a contractor under title II or title III or a licensee holder under title IV.

TITLE II—OPERATION AND DATA
MARKETING OF LANDSAT SYSTEM
OPERATION

Sec. 201. (a) The Secretary shall be responsible for—

(1) the Landsat system, including the orbit, operation, and disposition of Landsats 1, 2, 3, 4, and 5; and

(2) provision of data to foreign ground stations under the terms of agreements between the United States Government and nations that operate such ground stations which are in force on the date of commencement of the contract awarded pursuant to this title.

(b) The provisions of this section shall not affect the Secretary's authority to contract for the operation of part or all of the Landsat system, so long as the United States Government retains—

(1) ownership of such system;

(2) ownership of the unenhanced data; and

(3) authority to make decisions concerning operation of the system.

CONTRACT FOR MARKETING OF UNENHANCED
DATA

Sec. 202. (a) In accordance with the requirements of this title, the Secretary, by means of a competitive process and to the extent provided in advance by appropriation Acts, shall contract with a United States private sector party (as defined by the Secretary) for the marketing of unenhanced data collected by the Landsat system. Any such contract—

(1) shall provide that the contractor set the prices of unenhanced data;

(2) may provide for financial arrangements between the Secretary and the contractor including fees for operating the system, payments by the contractor as an initial fee or as a percentage of sales receipts, or other such considerations;

(3) shall provide that the contractor will offer to sell and deliver unenhanced data to all potential buyers on a nondiscriminatory basis;

(4) shall provide that the contractor pay to the U.S. Government the full purchase price of any unenhanced data that the contractor elects to utilize for purposes other than sale;

(5) shall be entered into by the Secretary only if the Secretary has determined that such contract is likely to result in net cost savings for the U.S. Government; and

(6) may be rewarded competitively after the practical demise of the space segment of the Landsat system, as determined by the Secretary.

(b) Any contract authorized by subsection (a) may specify that the contractor use, and, at his own expense, maintain, repair, or modify, such elements of the Landsat system as the contractor finds necessary for commercial operations.

(c) Any decision or proposed decision by the Secretary to enter into any such contract shall be transmitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Rep-

resentatives for their review. No such decision or proposed decision shall be implemented unless (A) a period of 30 calendar days has passed after the receipt by each such committee of such transmittal, or (B) each such committee before the expiration of such period has agreed to transmit and has transmitted to the Secretary written notice to the effect that such committee has no objection to the decision or proposed decision. As part of the transmittal, the Secretary shall include information on the terms of the contract described in subsection (a).

(d) In defining "United States private sector party" for purposes of this Act, the Secretary may take into account the citizenship of key personnel, location of assets, foreign ownership, control, influence, and other such factors.

CONDITIONS OF COMPETITION FOR CONTRACT

Sec. 203. (a) The Secretary shall, as part of the advertisement for the competition for the contract authorized by section 202, identify and publish the international obligations, national security concerns (with appropriate protection of sensitive information), domestic legal considerations, and any other standards or conditions which a private contractor shall be required to meet.

(b) In selecting a contractor under this title, the Secretary shall consider—

(1) ability to market aggressively unenhanced data;

(2) the best overall financial return to the Government, including the potential cost savings to the Government that are likely to result from the contract;

(3) ability to meet the obligations, concerns, considerations, standards, and conditions identified under subsection (a);

(4) technical competence, including the ability to assure continuous and timely delivery of data from the Landsat system;

(5) ability to effect a smooth transition with the contractor selected under title III; and

(6) such other factors as the Secretary deems appropriate and relevant.

(c) If, as a result of the competitive process required by section 202(a), the Secretary receives no proposal which is acceptable under the provisions of this title, the Secretary shall so certify and fully report such finding to the Congress. As soon as practicable but not later than 30 days after so certifying and reporting the Secretary shall reopen the competitive process. The period for the subsequent competitive process shall not exceed 120 days. If, after such subsequent competitive process, the Secretary receives no proposal which is acceptable under the provisions of this title, the Secretary shall so certify and fully report such finding to the Congress. In the event that no acceptable proposal is received, the Secretary shall continue to market data from the Landsat system.

(d) A contract awarded under section 202 may, in the discretion of the Secretary, be combined with the contract required by title III, pursuant to section 304(b).

SALE OF DATA

Sec. 204. (a) After the date of the commencement of the contract described in section 202(a), the contractor shall be entitled to revenues from sales of copies of data from the Landsat system, subject to the conditions specified in sections 601 and 602.

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

FOREIGN GROUND STATIONS

Sec. 205. (a) The contract under this title shall provide that the contractor shall act

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as the agent of the Secretary by continuing to supply unenhanced data to foreign ground stations for the life, and according to the terms, of those agreements between the United States Government and such foreign ground stations that are in force on the date of the commencement of the contract.

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

(1) that unenhanced data from the Landsat system shall be made available to foreign ground stations only by the contractor; and

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

TITLE III—PROVISION OF DATA CONTINUITY AFTER THE LANDSAT SYSTEM

PURPOSES AND DEFINITION

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

(1) to provide, in an orderly manner and with minimal risk, for a transition from Government operation to private, commercial operation of civil land remote-sensing systems; and

(2) to provide data continuity for six years after the practical demise of the space segment of the Landsat system.

(b) For purposes of this title, the term "data continuity" means the continued availability of unenhanced data—

(1) including data which are from the point of view of a data user—

(A) functionally equivalent to the multispectral data generated by the Landsat 1 and 2 satellites; and

(B) compatible with such data and with equipment used to receive and process such data; and

(2) at an annual volume at least equal to the Federal usage during fiscal year 1983.

(c) Data continuity may be provided using whatever technologies are available.

DATA CONTINUITY AND AVAILABILITY

SEC. 302. The Secretary shall solicit proposals from United States private sector parties (as defined by the Secretary pursuant to section 202) for a contract for the development and operation of a remote-sensing space system capable of providing data continuity for a period of six years and for marketing unenhanced data in accordance with the provisions of sections 601 and 602. Such proposals, at a minimum, shall specify—

(1) the quantities and qualities of unenhanced data expected from the system;

(2) the projected date upon which operations could begin;

(3) the number of satellites to be constructed and their expected lifetimes;

(4) any need for Federal funding to develop the system;

(5) any percentage of sales receipts or other returns offered to the Federal Government;

(6) plans for expanding the market for land remote-sensing data; and

(7) the proposed procedures for meeting the national security concerns and international obligations of the United States in accordance with section 607.

AWARDING OF THE CONTRACT

SEC. 303. (a)(1) In accordance with the requirements of this title, the Secretary shall evaluate the proposals described in section 302 and, by means of a competitive process and to the extent provided in advance by appropriation Acts, shall contract with a United States private sector party for the capability of providing data continuity for a

period of six years and for marketing unenhanced data.

(2) Before commencing space operations the contractor shall obtain a license under title IV.

(b) As part of the evaluation described in subsection (a), the Secretary shall analyze the expected outcome of each proposal in terms of—

(1) the net cost to the Federal Government of developing the recommended system;

(2) the technical competence and financial condition of the contractor;

(3) the availability of such data after the expected termination of the Landsat system;

(4) the quantities and qualities of data to be generated by the recommended system;

(5) the contractor's ability to supplement the requirement for data continuity by adding, at the contractor's expense, remote-sensing capabilities which maintain United States leadership in remote sensing;

(6) the potential to expand the market for data;

(7) expected returns to the Federal Government based on any percentage of data sales or other such financial consideration offered to the Federal Government in accordance with section 305;

(8) the commercial viability of the proposal;

(9) the proposed procedures for satisfying the national security concerns and international obligations of the United States;

(10) the contractor's ability to effect a smooth transition with any contractor selected under title II; and

(11) such other factors as the Secretary deems appropriate and relevant.

(c) Any decision or proposed decision by the Secretary to enter into any such contract shall be transmitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives for their review. No such decision or proposed decision shall be implemented unless (1) a period of 30 calendar days has passed after the receipt by each such committee of such transmittal, or (2) each such committee before the expiration of such period has agreed to transmit and has transmitted to the Secretary written notice to the effect that such committee has no objection to the decision or proposed decision. As part of the transmittal, the Secretary shall include the information specified in subsection (a).

(d) If, as a result of the competitive process required by this section, the Secretary receives no proposal which is acceptable under the provisions of this title, the Secretary shall so certify and fully report such finding to the Congress. As soon as practicable but not later than 30 days after so certifying and reporting, the Secretary shall reopen the competitive process. The period for the subsequent competitive process shall not exceed 180 days. If, after such subsequent competitive process, the Secretary receives no proposal which is acceptable under the provisions of this title, the Secretary shall so certify and fully report such finding to the Congress. Not earlier than 90 days after such certification and report, the Secretary may assure data continuity by procurement and operation by the Federal Government of the necessary systems, to the extent provided in advance by appropriation Acts.

TERMS OF CONTRACT

SEC. 304. (a) Any contract entered into pursuant to this title—

(1) shall be entered into as soon as practicable, allowing for the competitive procurement process required by this title;

(2) shall, in accordance with criteria determined and published by the Secretary, reasonably assure data continuity for a period of six years, beginning as soon as practicable in order to minimize any interruption of data availability;

(3) shall provide that the contractor will offer to sell and deliver unenhanced data to all potential buyers on a nondiscriminatory basis;

(4) shall not provide a guarantee of data purchases from the contractor by the Federal Government;

(5) may provide that the contractor utilize, on a space-available basis, a civilian United States Government satellite or vehicle as a platform for a civil land remote-sensing space system, if—

(A) the contractor agrees to reimburse the Government immediately for all related costs incurred with respect to such utilization, including a reasonable and proportionate share of fixed, platform, data transmission, and launch costs; and

(B) such utilization would not interfere with or otherwise compromise intended civilian Government missions, as determined by the agency responsible for the civilian platform; and

(6) may provide financial support by the United States Government, for a portion of the capital costs required to provide data continuity for a period of six years, in the form of loans, loan guarantees, or payments pursuant to section 305 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 255).

(b)(1) Without regard to whether any contract entered into under this title is combined with a contract under title II, the Secretary shall promptly determine whether the contract entered into under this title reasonably effectuates the purposes and policies of title II. Such determination shall be submitted to the President and the Congress, together with a full statement of the basis for such determination.

(2) If the Secretary determines that such contract does not reasonably effectuate the requirements of title II, the Secretary shall promptly carry out the provisions of such title to the extent provided in advance in appropriations acts.

MARKETING

SEC. 305. (a) In order to promote aggressive marketing of land remote-sensing data, any contract entered into pursuant to this title may provide that the percentage of sales paid by the contractor to the Federal Government shall decrease according to stipulated increases in sales levels.

(b) After the six-year period described in section 304(a)(2), the contractor may continue to sell data. If licensed under title IV, the contractor may continue to operate a civil remote-sensing space system.

REPORT

SEC. 306. Two year after the date of the commencement of the six-year period described in section 304(a)(2), the Secretary shall report to the President and to the Congress on the progress of the transition to fully private financing, ownership, and operation of remote-sensing space systems, together with any recommendations for actions, including actions necessary to ensure United States leadership in civilian land remote sensing from space.

TERMINATION OF AUTHORITY

SEC. 307. The authority granted to the Secretary by this title shall terminate 10 years after the date of enactment of this Act.

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TITLE IV—LICENSING OF PRIVATE REMOTE-SENSING SPACE SYSTEMS

GENERAL AUTHORITY

Sec. 410. (a)(1) In consultation with other appropriate Federal agencies, the Secretary is authorized to license private sector parties to operate private remote-sensing space systems for such period as the Secretary may specify and in accordance with the provisions of this title.

(2) In the case of a private space system that is used for remote sensing and other purposes, the authority of the Secretary under this title shall be limited only to the remote-sensing operations of such space system.

(b) No license shall be granted by the Secretary unless the Secretary determines in writing that the applicant will comply with the requirements of this Act, any regulations issued pursuant to this Act, and any applicable international obligations and national security concerns of the United States.

(c) The Secretary shall review any application and make a determination thereon within 120 days of the receipt of such application. If final action has not occurred within such time, the Secretary shall inform the applicant of any pending issues and of actions required to resolve them.

(d) The Secretary shall not deny such license in order to protect any existing licensee from competition.

CONDITIONS FOR OPERATION

Sec. 401. (a) No person who is subject to the jurisdiction or control of the United States may, directly or through any subsidiary or affiliate, operate any private remote-sensing space system without a license pursuant to section 401.

(b) Any license issued pursuant to this title shall specify, at a minimum, that the licensee shall comply with all of the requirements of this Act and shall—

(1) operate the system in such manner as to preserve and promote the national security of the United States and to observe and implement the international obligations of the United States in accordance with section 607;

(2) make unenhanced data available to all potential users on a nondiscriminatory basis;

(3) upon termination of operations under the license, make disposition of any satellites in space in a manner satisfactory to the President;

(4) promptly make available all unenhanced data which the Secretary may request pursuant to section 602;

(5) furnish the Secretary with complete orbit and data collection characteristics of the system, obtain advance approval of any intended deviation from such characteristics, and inform the Secretary immediately of any unintended deviation;

(6) notify the Secretary of any agreement the licensee intends to enter with a foreign nation, entity, or consortium involving foreign nations or entities;

(7) permit the inspection by the Secretary of the licensee's equipment, facilities, and financial records;

(8) surrender the license and terminate operations upon notification by the Secretary pursuant to section 403(a)(1); and

(9)(A) notify the Secretary of any "value added" activities (as defined by the Secretary by regulation) that will be conducted by the licensee or by a subsidiary or affiliate; and

(B) if such activities are to be conducted, provide the Secretary with a plan for compliance with the provisions of this Act concerning nondiscriminatory access.

ADMINISTRATIVE AUTHORITY OF THE SECRETARY

Sec. 403. (a) In order to carry out the responsibilities specified in this title, the Secretary may—

(1) grant, terminate, modify, condition, transfer, or suspend licenses under this title, and upon notification of the licensee may terminate licensed operations on an immediate basis, if the Secretary determines that the licensee has substantially failed to comply with any provision of this Act, with any regulation issued under this Act, with any terms, conditions, or restrictions of such license, or with any international obligations or national security concerns of the United States;

(2) inspect the equipment, facilities, or financial records of any licensee under this title;

(3) provide penalties for noncompliance with the requirements of licenses or regulations issued under this title, including civil penalties not to exceed \$10,000 (each day of operation in violation of such licenses or regulations constituting a separate violation);

(4) compromise, modify, or remit any such civil penalty;

(5) issue subpoenas for any materials, documents, or records, or for the attendance and testimony of witnesses for the purpose of conducting a hearing under this section;

(6) seize any object, record, or report where there is probable cause to believe that such object, record, or report was used, is being used, or is likely to be used in violation of this Act or the requirements of a license or regulation issued thereunder; and

(7) make investigations and inquiries and administer to or take from any person an oath, affirmation, or affidavit concerning any matter relating to the enforcement of this Act.

(b) Any applicant or licensee who makes a timely request for review of an adverse action pursuant to subsections (a)(1), (a)(3), or (a)(6) shall be entitled to adjudication by the Secretary on the record after an opportunity for an agency hearing with respect to such adverse action. Any final action by the Secretary under this subsection shall be subject to judicial review under chapter 7 of title 5, United States Code.

REGULATORY AUTHORITY OF THE SECRETARY

Sec. 404. The Secretary may issue regulations to carry out the provisions of this title. Such regulations shall be promulgated only after public notice and comment in accordance with the provisions of section 553 of title 5, United States Code.

AGENCY ACTIVITIES

Sec. 405. (a) A private sector party may apply for a license to operate a private remote-sensing space system which utilizes, on a space available basis, a civilian United States Government satellite or vehicle as a platform for such system. The Secretary, pursuant to the authorities of this title, may license such system if it meets all conditions of this title and—

(1) the system operator agrees to reimburse the Government immediately for all related costs incurred with respect to such utilization, including a reasonable and proportionate share of fixed, platform, data transmission, and launch costs; and

(2) such utilization would not interfere with or otherwise compromise intended civilian Government missions, as determined by the agency responsible for such civilian platform.

(b) The Secretary may offer assistance to private sector parties in finding appropriate opportunities for such utilization.

(c) To the extent provided in advance by appropriation Acts, any Federal agency may

enter into agreements for such utilization if such agreements are consistent with such agency's mission and statutory authority, and if such remote-sensing space system is licensed by the Secretary before commencing operation.

(d) The provisions of this section do not apply to activities carried out under title V.

(e) Nothing in this title shall affect the authority of the Federal Communications Commission pursuant to the Communications Act of 1934, as amended (47 U.S.C. 151 et seq.).

TERMINATION

Sec. 406. If, five years after the expiration of the six-year period described in section 304(a)(2), no private sector party has been licensed and continued in operation under the provisions of this title, the authority of this title shall terminate.

TITLE V—RESEARCH AND DEVELOPMENT

CONTINUED FEDERAL RESEARCH AND DEVELOPMENT

Sec. 501. (a)(1) The Administrator of the National Aeronautics and Space Administration is directed to continue and to enhance such Administration's programs of remote-sensing research and development.

(2) The administrator is authorized and encouraged to—

(A) conduct experimental space remote-sensing programs (including applications demonstration programs and basic research at universities);

(B) develop remote-sensing technologies and techniques, including those needed for monitoring the Earth and its environment; and

(C) conduct such research and development in cooperation with other Federal agencies and with public and private research entities (including private industry, universities, State and local governments, foreign governments, and international organizations) and to enter into arrangements (including joint ventures) which will foster such cooperation.

(b)(1) The Secretary is directed to conduct a continuing program of—

(A) research in applications of remote-sensing;

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

(C) development of technology for such monitoring.

(2) Such program may include support of basic research at universities and demonstrations of applications.

encouraged to conduct such research, monitoring, and development in cooperation with other Federal agencies and with public and private research entities (including private industry, universities, State and local governments, foreign governments, and international organizations) and to enter into arrangements (including joint ventures) which will foster such cooperation.

(c)(1) In order to enhance the United States ability to manage and utilize its renewable and nonrenewable resources, the Secretary of Agriculture and the Secretary of the Interior are authorized and encouraged to conduct programs of research and development in the applications of remote sensing using funds appropriated for such purposes.

(2) Such programs may include basic research at universities, demonstrations of applications, and cooperative activities involving other government agencies, private sector parties, and foreign and international organizations.

(d) Other Federal agencies are authorized and encouraged to conduct research and development on the use of remote sensing in

fulfillment of their authorized missions, using funds appropriated for such purposes.

(e) The Secretary and the Administrator of the National Aeronautics and Space Administration shall, within one year after the date of enactment of this Act and biennially thereafter, jointly develop and transmit to the Congress a report which includes (1) a unified national plan for remote-sensing research and development applied to the Earth and its atmosphere; (2) a compilation of progress in the relevant ongoing research and development activities of the Federal agencies; and (3) an assessment of the state of our knowledge of the Earth and its atmosphere, the needs for additional research (including research related to operational Federal remote-sensing space programs), and opportunities available for further progress.

USE OF EXPERIMENTAL DATA

SEC. 502. Data gathered in Federal experimental remote sensing space programs may be used in related research and development programs funded by the Federal Government (including applications programs) and cooperative research programs, but not commercial uses or in competition with private sector activities, except pursuant to section 503.

SALE OF EXPERIMENTAL DATA

SEC. 503. Data gathered in Federal experimental remote sensing space programs may be sold en bloc through a competitive process (consistent with national security interest and international obligations of the United States and in accordance with section 607) to any United States entity which will market the data on nondiscriminatory basis.

TITLE VI—GENERAL PROVISIONS

NONDISCRIMINATORY DATA AVAILABILITY

SEC. 601. (a) Any unenhanced data generated by any system operator under the provisions of this Act shall be made available to all users on a nondiscriminatory basis in accordance with the requirements of this Act.

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

ARCHIVING OF DATA

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

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

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

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

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

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

(1) use as a baseline the data archived on the date of enactment of this Act;

(2) take into account future technical and scientific developments and needs;

(3) consult with and seek the advice of users and producers of remote-sensing data and data products;

(4) consider the need for data which may be duplicative in terms of geographical coverage but which differ in terms of season, spectral bands, resolution, or other relevant factors;

(5) include, as the Secretary considers appropriate, unenhanced data generated either by the Landsat system, pursuant to title III, or by licensees under title IV;

(6) include, as the Secretary considers appropriate, data collected by foreign ground stations or by foreign remote-sensing space systems; and

(7) ensure that the content of the archive is developed in accordance with section 607.

(d) Subject to the availability of appropriations, the Secretary shall request data needed for the basis data set and pay to the providing system operator reasonable costs for reproduction and transmission. A system operator shall promptly make requested data available in a form suitable for processing for archiving.

(e) Any system operator shall have the exclusive right to sell all data that the operator provides to the United States remote-sensing data archive for a period to be determined by the Secretary but not to exceed ten years from the date the data are sensed. In the case of data generated from the Landsat system prior to the implementation of the contract described in section 202(a), any contractor selected pursuant to section 202 shall have the exclusive right to market such data on behalf of the United States Government for the duration of such contract. A system operator may relinquish the exclusive right and consent to distribution from the archive before the period of exclusive right has expired by terminating the offer to sell particular data.

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

(g) In carrying out the functions of this section, the Secretary shall, to the extent practicable and as provided in advance by appropriation Acts, use existing Government facilities.

NONREPRODUCTION

SEC. 603. Nonenhanced data distributed by any system operator under the provisions of this Act may be sold on the condition that such data will not be reproduced or disseminated by the purchaser.

REIMBURSEMENT FOR ASSISTANCE

SEC. 604. The Administrator of the National Aeronautics and Space Administration, the Secretary of Defense and the heads of other Federal agencies may provide assistance to system operators under the provisions of this Act. Substantial assistance shall be reimbursed by the operator, except as otherwise provided by law.

ACQUISITION OF EQUIPMENT

SEC. 605. The Secretary may, by means of a competitive process, allow a licensee under title IV or any other private party to buy, lease, or otherwise acquire the use of equipment from the Landsat system, when such equipment is no longer needed for the operation of such system or for the sale of data from such system. Officials of other Federal civilian agencies are authorized and encouraged to cooperate with the Secretary in carrying out the provisions of this section.

RADIO FREQUENCY ALLOCATION

SEC. 606. (a) Within 30 days after the date of enactment of this Act, the President (or the President's delegate, if any, with authority over the assignment of frequencies to radio stations or classes of radio stations operated by the United States) shall make available for non-governmental use spectrum presently allocated to government use, for use by United States Landsat and commercial remote-sensing space systems. The spectrum to be so made available shall conform to any applicable international radio or wire treaty or convention, or regulations annexed thereto. Within 90 days thereafter, the Federal Communications Commission shall utilize appropriate procedures to authorize the use of such spectrum for non-governmental use. Nothing in this section shall preclude the ability of the Commission to allocate additional spectrum to commercial land remote-sensing space satellite system use.

(b) To the extent required by the Communications Act of 1934, as amended (47 U.S.C. 151 et. seq.), an application shall be filed with the Federal Communications Commission for any radio facilities involved with the commercial remote-sensing space system.

(c) It is the intent of Congress that the Federal Communications Commission complete the radio licensing process under the Communications Act of 1934, as amended (47 U.S.C. 151 et. seq.), upon the application of any private sector party or consortium operator of any commercial land remote-sensing space system subject to this Act, within 120 days of the receipt of an application for such licensing. If final action has not occurred within 120 days of the receipt of such an application, the Federal Communications Commission shall inform the applicant of any pending issues and of actions required to resolve them.

(d) Authority shall not be required from the Federal Communications Commission for the development and construction of any United States land remote-sensing space system (or component thereof), other than radio transmitting facilities or components, while any licensing determination is being made.

(e) Frequency allocations made pursuant to this section by the Federal Communications Commission shall be consistent with international obligations and with the public interest.

CONSULTATION

SEC. 607. (a) The Secretary shall consult with the Secretary of Defense on all matters under this Act affecting national security. The Secretary of Defense shall be responsible for determining those conditions, consistent with this Act, necessary to meet national security concerns of the United States and for notifying the Secretary promptly of such conditions.

(b)(1) The Secretary shall consult with the Secretary of State on all matters under this Act affecting international obligations. The Secretary of State shall be responsible for determining those conditions, consistent with this Act, necessary to meet international obligations and policies of the United States and for notifying the Secretary promptly of such conditions.

(2) Appropriate Federal agencies are authorized and encouraged to provide remote-sensing data, technology, and training to developing nations as a component of programs of international aid.

(3) The Secretary of State shall promptly report to the Secretary any instances outside the United States of discriminatory distribution of data.

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(c) If, as a result of technical modifications imposed on a system operator on the basis of national security concerns, the Secretary, in consultation with the Secretary of Defense or with other Federal agencies, determines that additional costs will be incurred by the system operator, or that past development costs (including the cost of capital) will not be recovered by the system operator, the Secretary may require the agency or agencies requesting such technical modifications to reimburse the system operator for such additional or development costs, but not for anticipated profits. Reimbursements may cover costs associated with required changes in system performance, but not costs ordinarily associated with doing business abroad.

AMENDMENT TO NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION, 1983

SEC. 608. Subsection (a) of section 201 of the National Aeronautics and Space Administration Authorization Act, 1983 (Public Law 97-324; 96 Stat. 1601) is amended to read as follows:

"(a) The Secretary of Commerce is authorized to plan and provide for the management and operation of civil remote-sensing space systems, which may include the Landsat 4 and 5 satellites and associated ground system equipment transferred from the National Aeronautics and Space Administration; to provide for user fees; and to plan for the transfer of the operation of civil remote-sensing space systems to the private sector when in the national interest."

AUTHORIZATION OF APPROPRIATIONS

SEC. 609. (a) There are authorized to be appropriated to the Secretary \$75,000,000 for fiscal year 1985 for the purpose of carrying out the provisions of this Act. Such sums shall remain available until expended, but shall not become available until the time periods specified in sections 202(c) and 303(c) have expired.

(b) The authorization provided for under subsection (a) shall be in addition to moneys authorized pursuant to title II of the National Aeronautics and Space Administration Authorization Act, 1983.

TITLE VII—PROHIBITION OF COMMERCIALIZATION OF WEATHER SATELLITES

PROHIBITION

SEC. 701. Neither the President nor any other official of the Government shall make any effort to lease, sell, or transfer to the private sector, commercialize, or in any way dismantle any portion of the weather satellite systems operated by the Department of Commerce or any successor agency.

FUTURE CONSIDERATIONS

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

Mr. GORTON subsequently said: Mr. President, I ask my colleagues to support the House amendments, which represent a compromise between the Senate and the House versions of H.R. 5155, the Land Remote-Sensing Commercialization Act of 1984. The Senate and House bills were quite similar, and the amended bill is not substantially different than H.R. 5155 as passed unanimously by the Senate earlier this month.

This legislation authorizes the phased transfer of land remote-sensing capabilities from the Federal Government to the private sector. Further, the legislation provides a framework for a new remote-sensing industry, balancing national security concerns and international commitments with private, commercial interests.

Many issues and concerns have been discussed since last year when the President proposed to commercialize the Federal Government's Landsat system. Mr. President, I have been favorably impressed with the input this legislation has drawn from Federal agencies, data users, State and local governments, and private industry, all of which have a genuine interest in the commercialization process. Every effort has been made in developing this legislation to balance these interests, and I feel that all concerned parties are satisfied with the legislation.

I would like to describe for my colleagues the evolution of the legislation since I introduced it as S. 2292 on February 9, 1984.

On March 22, 1984, I chaired a hearing on Landsat commercialization before the Science, Technology, and Space Subcommittee of the Commerce Committee. The subcommittee received legislative recommendations from representatives of the Federal agencies, private industry, and data users. I am very grateful for their invaluable assistance in shaping the legislation to its present form.

After the hearing, I worked with my colleagues on the Commerce Committee to develop legislation acceptable to members of the committee and the entire Senate. I am particularly appreciative of the assistance of Senators HOLLINGS and PRESSLER, who each had introduced their own Landsat bills and contributed significantly to the development of this bill.

On May 8, 1984 the bill was unanimously approved by the Commerce Committee as an amendment to the nature of a substitute to its companion, H.R. 5155. The marked-up bill was passed unanimously by the Senate on June 8, 1984.

As I stated, the compromise bill we are considering today is not significantly different from H.R. 5155 as passed by the Senate and has been agreed to by pertinent Members from both Houses of Congress.

Most of the provisions contained in the compromise amendments are drawn from H.R. 5155 either as originally passed by the House or as amended by the Senate; the intent of such provisions is clearly explained in House Report 98-647 or Senate Report 98-458. However, in a number of instances, the language in the compromise amendments does differ from that contained in either the House- or Senate-passed bills. The following paragraphs described these cases where new language appears in the compromise amendment in order to explain congressional intent with re-

spect to commercialization of civil remote-sensing space systems.

Section 104(4). "Unenhanced data" has been redefined to make it clear that such data need not include even the minimal processing described in the House-passed definition.

Section 201(a)(2). "Agreements" rather than "Memoranda of Understanding" is used, as in section 205, to describe arrangements for data exchange between the U.S. Government and foreign ground stations. "Agreements" is a broader term than "Memoranda of Understanding," but clearly includes the latter. The broader term is used in order to include all such relevant arrangements whether or not they are called Memoranda of Understanding. Procedures contained therein because of the unusual, even unique, nature of this phased transfer of an operation from Government to private sector responsibility. Thus, the Congress intends these provisions to take precedence over and to supplement other general procurement law.

Section 202(a)(2). Language regarding the title II contract has been changed to indicate that under such contract, funds could flow either from the Government to the contractor—if the contractor operated the Landsat system in addition to marketing Landsat data—or from the contractor to the Government—if the contractor only marketed Landsat data.

Sections 202(c) and 303(c). Senate language on notification of the Congress regarding the title II and title III contracts has been altered slightly. The "report-and-wait" period has been shortened from 30 days of continuous session of Congress to 30 calendar days, in recognition of the delays which could be imposed on the commercialization process by a requirement to wait for 30 days of continuous session of Congress.

Section 301(b). The original House definition of "MSS data" has been replaced by a definition of "data continuity." Under the new definition, it is clear that the title III contractor is required to meet minimum performance standards, including provision of unenhanced data that meet "compatibility" and "functionally equivalent" standards. The contractor is not required to develop any particular type or level of technology.

Section 303(a)(2). This new subsection makes it clear that the title III contractor must acquire a license under title IV.

Section 303(d). If the Secretary receives no acceptable proposal under title III, it is the clear intent of the Congress that the Secretary should assure data continuity by developing a land remote-sensing space system to be procured and operated by the Federal Government.

Section 304(a)(6). Support of the title III contractor by the Federal Government has been limited to loans, loan guarantees, or direct subsidies by

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removal of language in the Senate amendment which referred to "other financial considerations."

Section 401(a)(2). This new subsection indicates that the licensing authority of the Secretary, in the case of multiple-use space systems, extends only to the remote-sensing portions of such systems.

Section 401(d) and 403(a). The Secretary may deny or condition a license on the basis of national security, international commitments and obligations, or noncompliance with nondiscriminatory access, but not in order to limit competition.

Section 402(b)(6). The original Senate amendment stipulated that the licensee obtain advance approval from the Secretary of any agreement with a foreign entity. In an attempt to balance considerations of commercial viability with the sensitivities involved in international remote sensing, this language has been changed to require only notification of the Secretary of such agreements.

Sections 402(b)(7) and 403(a)(2). The Secretary is authorized to inspect the licensee's equipment, facilities, or financial records. It is intended that the Secretary's authority to inspect financial records be adequate to ensure that the licensee is in compliance with provisions of the act relating to nondiscriminatory access to unenhanced data.

Section 403(a)(6). In light of the international sensitivities involved in remote sensing and the transportability of remote-sensing hardware, the Secretary is given authority for seizure of objects, records, or reports. However, the standard for seizure has been tightened from the House-passed "reasonable appearance" to the more stringent "probable cause."

Section 501(c). Section 501(b) of the Senate amendment has been divided into section 501(b) and section 501(c) to highlight the differing, but complementary, roles in research and development of the Secretary, which appear in section 501(b), and the Secretaries of Agriculture and Interior, which appear in section 501(c).

Sections 601(a) and 104(3). Section 601(a) has changed little during legislative action on H.R. 5155. It is noted here only to emphasize the clear congressional intent that any system operator make unenhanced data available on a nondiscriminatory basis. Thus, for example, a company could not be licensed to operate, and to retain exclusive use of data from, a private remote-sensing space system, even if the company financed, launched, and operated such system in its entirety.

Section 602(d). This section has been redrafted to clarify that the Secretary may not demand data from a system operator for archival purposes unless the Secretary has available appropriated funds to pay such system operator for the costs of reproducing and transmitting the data.

Section 603. A system operator may provide that data not be reproduced or disseminated by any purchaser. However, during the life of existing memoranda of understanding, this provision is not intended to abrogate the authority of foreign ground-station operators with respect to the dissemination of land remote-sensing data.

Section 606. The Senate amendment has been altered to clarify the authority of the Federal Communications Commission to license use of radio facilities by private remote-sensing space systems after the President has made available spectrum for use by such systems.

Section 607(c). This subsection has been redrafted to clarify that reimbursements may cover only costs associated with technical changes in system performance imposed in light of national security concerns. Reimbursement would not cover costs ordinarily associated with the economic and political risks of doing business abroad. Thus, a system operator would not be reimbursed if he were temporarily forbidden to conduct business in a given country. Reimbursements apply only to private sector parties who have obtained a license pursuant to title IV.

Section 609. An authorization of \$75 million is provided for fiscal year 1985, which will be expended largely for development of the land remote/sensing system pursuant to title III. It is expected that the Secretary will submit a supplemental budget request to the Congress during fiscal year 1985 for the financial support authorized under title III, and the level of funding under this section would enable the Secretary to proceed without delay. Any authorization under this section remaining after fiscal year 1985 may be expended by the Secretary in future fiscal years.

Again, these provisions are ones that have not already been clarified by either the Senate or House report. None represent major changes from the Senate version of the bill.

In conclusion, I wish to update my colleagues on the other aspect of the Landsat commercialization process. The Department of Commerce has already solicited and received bids from private parties on development of a follow-on system to Landsat. A decision on the bids by the Secretary of Commerce was expected earlier this month. The Secretary announced today that a decision still has not been reached, and will not be until late this summer.

Mr. President, I hope that the Department will quickly, as the Congress has, so that a follow-on system to Landsat can be developed in time to preserve data continuity. With the enabling legislation in place, a timely decision by the Department, consistent with the legislation, will lead to successful commercialization of Landsat.

● Mr. HOLLINGS. Mr. President, I compliment the distinguished chair-

man of the Science, Technology, and Space Subcommittee [Mr. GORTON] for the excellent job that he has done with the Landsat legislation, H.R. 5155. I strongly support this measure.

The informal agreement reached by the House and Senate has produced a carefully crafted bill that balances the concerns of users and operators, safeguards national security and foreign policy interests, promotes commercialization, and sustains important Federal research and development activities in land remote sensing. Enactment of this bill should facilitate the commercialization of land remote sensing.

I do have a concern with the commercialization process. Frankly, I am worried when I look at the trade press and see where a Federal subsidy of \$1 billion may be required over the next 6 years to commercialize the Landsat system. This is quite a large amount of money and far exceeds any level of funding that I had anticipated. I hope that the trade press accounts are exaggerated. However, in order to ensure that the commercialization process is carried out in compliance with the legislation, I have asked the Comptroller General of the United States to do an immediate evaluation of the contractual proposal and to assess its compliance with the policies established in this legislation, its impact on the Federal budget, and its impact on the future development of land remote sensing in the United States.

Mr. President, I support H.R. 5155 and recommend that this bill be passed and sent to the President for signature.●

Mr. DOLE. Mr. President, I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. Is there objection? Without objection, the motion is agreed to.

ADOLESCENT FAMILY LIFE DEMONSTRATION PROGRAM EXTENSION

Mr. DOLE. Mr. President, I ask the Chair lay before the Senate Calendar No. 940, S. 2616.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows: A bill (S. 2616) to extend the Adolescent Family Life Demonstration Program.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Labor and Human Resources with amendments, as follows:

On page 1, line 6, after "year" insert "ending September 30,".

On page 2, lines 1 and 2, after "year" insert "ending September 30,".

On page 2, after line 2, insert:

(b) Section 2001(a)(5) of such Act is amended to read as follows:

"(5) pregnancy and childbirth among unmarried adolescents, particularly young ado-

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Hertel	Minish	Sharp
Hightower	Mitchell	Shaw
Hiler	Molinari	Shelby
Hopkins	Montgomery	Shumway
Howard	Moody	Shuster
Hubbard	Moore	Sikorski
Huckaby	Moorhead	Siljander
Hughes	Morrison (CT)	Skeen
Hutto	Mrazek	Slattery
Ireland	Murphy	Smith (FL)
Jacobs	Myers	Smith (IA)
Jones (OK)	Natcher	Smith (NE)
Jones (TN)	Neal	Smith (NJ)
Kastch	Nelson	Smith, Denny
Kastenmeier	Nichols	Smith, Robert
Kegovsek	Nielson	Snowe
Kolter	Norwak	Snyder
Kramer	Oskar	Solomon
LaFalce	Oberstar	Spence
Lagomarsino	Obey	Spratt
Lantos	Otin	Staggers
Leach	Ortiz	Stangeland
Leath	Owens	Stenholm
Lehman (CA)	Oxley	Stokes
Leland	Packard	Studds
Lent	Panetta	Stump
Levin	Pashayan	Tallon
Levine	Patman	Tauzin
Levitas	Patterson	Thomas (CA)
Lewis (FL)	Paul	Thomas (GA)
Lloyd	Penny	Torres
Long (MD)	Petri	Torricelli
Lott	Pickle	Towns
Lowry (WA)	Purzell	Udall
Lujan	Rangel	Valentine
Luken	Ratchford	Vandergriff
Lundine	Ray	Vucanovich
Lungren	Richardson	Walgren
Mack	Ridge	Walker
MacKay	Rinaldo	Watkins
Markey	Ritter	Waxman
Marlenee	Roberts	Weaver
Marrlott	Robinson	Weber
Martin (IL)	Rodino	Weiss
Martin (NY)	Roe	Whittaker
Martinez	Rosener	Whitten
Mazzoli	Rogers	Wilson
McCandless	Roth	Winn
McCloskey	Roukema	Wirth
McCollum	Rowland	Wise
McCurdy	Rudd	Wolpe
McEwen	Russo	Wortley
McGrath	Sabo	Wyden
Mica	Savage	Wyllie
Mikulski	Schaefer	Yatron
Miller (CA)	Schroeder	Young (AK)
Miller (OH)	Schulze	Young (FL)
Mineta	Selbasing	Zachas

NOT VOTING—13

Derrick	Hansen (ID)	Sensenbrenner
Dymally	Harrison	Shannon
Eriksen	Hawkins	Stark
Ford (TN)	Kaptur	
Hall (OH)	Moakley	

□ 1140

Mr. BIAGGI changed his vote from "yea" to "nay."

So the bill was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REQUEST FOR CONSIDERATION OF H.R. 5950, INCREASED CONTRIBUTION FOR QUADRENNIAL POLITICAL PARTY PRESIDENTIAL NATIONAL NOMINATING CONVENTION

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent for the immediate consideration in the House of the bill (H.R. 5950) to increase the Federal contribution for the Quadrennial Political Party Presidential National Nominating Conventions.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mrs. MARTIN of Illinois. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 5835

Mr. BIAGGI. Mr. Speaker, I ask unanimous consent that my colleague, the gentleman from New York [Mr. KEMP] be withdrawn as a cosponsor of my bill, H.R. 5835.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PERMISSION FOR COMMITTEE ON ENERGY AND COMMERCE TO HAVE UNTIL 5 O'CLOCK, JULY 16, 1984 TO FILE REPORT ON H.R. 5640, SUPERFUND EXPANSION AND PROTECTION ACT

Mr. OTTINGER. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be permitted to file a report on H.R. 5640, the Superfund Expansion and Protection Act, by 5 o'clock on July 16, 1984. I would like to advise that the minority agrees.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

LAND REMOTE-SENSING COMMERCIALIZATION ACT OF 1984

Mr. FUQUA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5155) to establish a system to promote the use of land remote-sensing satellite data and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment with an amendment.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. OTTINGER. Reserving the right to object, Mr. Speaker, I will not object, but I would like to enter into a colloquy with the gentleman from Florida and acknowledge the excellent work that he, as chairman of the House Committee on Science and Technology and his committee has done in drafting H.R. 5155, which among other things, establishes a framework for the phased commercialization of remote sensing satellite systems.

It is on that bill that I would like to engage the gentleman in a colloquy.

Mr. FUQUA. I will be happy to do so. I would first of all like to say that certainly the Energy and Commerce Committee has cooperated very fully, and we recognize that they have exclu-

sive jurisdiction over the Federal Communications Commission, and the exercise of the FCC's authority pursuant to the Communication Act of 1934 in formulating an approach to the phased commercialization of remote sensing satellite systems and it will promote the use of data from those satellite systems.

Mr. OTTINGER. I thank the gentleman for his kind comments. Section 606 of H.R. 5155 instructs the Federal Communications Commission in the exercise of the authority it has under the Communications Act of 1934 to allocate radio spectrum for nongovernmental use. I too, am pleased that our committees were able to work together to create a balanced framework in which the FCC might exercise its authority with respect to nongovernmental commercial remote sensing systems. I would like to pose two questions to my good friend from Florida:

First, am I correct under the framework established in the bill, private parties may be authorized to operate commercial remote sensing systems, and second, am I also correct that any such private party seeking to operate a commercial remote sensing system must file an application with the FCC to obtain approval to utilize an appropriate portion of the radio spectrum?

Mr. FUQUA. I would say to my friend from New York that in both cases the gentleman is correct.

Mr. OTTINGER. I thank the gentleman for his assurance, and assure him support of my bill.

(Mr. OTTINGER asked and was given permission to revise and extend his remarks.)

Mr. OTTINGER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. The Clerk will report the proposed amendment.

The Clerk read the House amendment to the Senate amendment, as follows:

In lieu of the material proposed to be inserted by the Senate Amendment, insert the following: That this Act may be cited as the "Land Remote Sensing Commercialization Act of 1984".

TITLE I—DECLARATION OF FINDINGS, PURPOSES, AND POLICIES

FINDINGS

Sec. 101. The Congress finds and declares that—

(1) the continuous civilian collection and utilization of land remote-sensing data from space are of major benefit in managing the Earth's natural resources and in planning and conducting many other activities of economic importance;

(2) the Federal Government's experimental Landsat system has established the United States as the world leader in land remote-sensing technology;

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

(4) land remote sensing by the Government or private parties of the United States affects international commitments and policies and national security concerns of the United States;

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(5) the broadest and most beneficial use of land remote-sensing data will result from maintaining a policy of nondiscriminatory access to data;

(6) competitive, market-driven private sector involvement in land remote sensing is in the national interest of the United States;

(7) use of land remote-sensing data has been inhibited by slow market development and by the lack of assurance of data continuity;

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

(9) there is doubt that the private sector alone can currently develop a total land remote-sensing system because of the high and large capital expenditure involved;

(10) cooperation between the Federal Government and private industry can help assure both data continuity and United States leadership;

(11) the time is now appropriate to initiate such cooperation with phased transition to a fully commercial system;

(12) such cooperation should be structured to involve the minimum practicable amount of support and regulation by the Federal Government and the maximum practicable amount of competition by the private sector, while assuring continuous availability to the Federal Government of land remote-sensing data;

(13) certain Government oversight must be maintained to assure that private sector activities are in the national interest and that the international commitments and policies of the United States are honored; and

(14) there is no compelling reason to commercialize meteorological satellites at this time.

PURPOSES

Sec. 102. The purposes of this Act are to—

(1) guide the Federal Government in achieving proper involvement of the private sector by providing a framework for phased commercialization of land remote sensing and by assuring continuous data availability to the Federal Government;

(2) maintain the United States' worldwide leadership in civil remote sensing, preserve its national security, and fulfill its international obligations;

(3) minimize the duration and amount of further Federal investment necessary to assure data continuity while achieving commercialization of civil remote sensing;

(4) provide for a comprehensive civilian program of research, development, and demonstration to enhance both the United States' capabilities for remote sensing from space and the application and utilization of such capabilities; and

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

POLICIES

Sec. 103. (a) It shall be the policy of the United States to preserve its right to acquire and disseminate unenhanced remote-sensing data.

(b) It shall be the policy of the United States that civilian unenhanced remote-sensing data be made available to all potential users on a nondiscriminatory basis and in a manner consistent with applicable anti-trust laws.

(c) It shall be the policy of the United States both to commercialize those remote-sensing space systems that properly lend themselves to private sector operation and to avoid competition by the Government with such commercial operations, while continuing to preserve our national security, to honor our international obligations, and to retain in the Government those remote-

sensing functions that are essentially of a public service nature.

DEFINITIONS

SEC. 104. For purposes of this Act:

(1) The term "Landsat system" means Landsats 1, 2, 3, 4, and 5, and any related ground equipment, systems, and facilities, and any successor civil land remote-sensing space systems operated by the United States Government prior to the commencement of the six-year period described in title III.

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

(3)(A) The term "nondiscriminatory basis" means without preference, bias, or any other special arrangement (except on the basis of national security concerns pursuant to section 607) regarding delivery, format, financing, or technical considerations which would favor one buyer or class of buyers over another.

(B) The sale of data is made on a nondiscriminatory basis only if (i) any offer to sell or deliver data is published in advance in such manner as will ensure that the offer 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; (iii) the system operator does not make unenhanced data available to any purchaser on an exclusive basis; and (iv) in a case where a system operator offers volume discounts, such discounts are no greater than the demonstrable reductions in the cost of volume sales. The sale of data on a nondiscriminatory basis does not preclude the system operator from offering discounts other than volume discounts to the extent that such discounts are consistent with the provisions of this paragraph.

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

(4) The term "unenhanced data" means unprocessed or minimally processed signals or film products collected from civil remote-sensing space systems. Such minimal processing may include rectification of distortions, registration with respect to features of the Earth, and calibration of spectral response. Such minimal processing does not include conclusions, manipulations, or calculations derived from such signals of film products or combination of the signals or film products with other data or information.

(5) The term "system operator" means a contractor under title II or title III or a license holder under title IV.

TITLE II—OPERATION AND DATA MARKETING OF LANDSAT SYSTEM

OPERATION

Sec. 201. (a) The Secretary shall be responsible for—

(1) the Landsat system, including the orbit, operation, and disposition of Landsats 1, 2, 3, 4, and 5; and

(2) provision of data to foreign ground stations under the terms of agreements between the United States Government and nations that operate such ground stations which are in force on the date of commencement of the contract awarded pursuant to this title.

(b) The provisions of this section shall not affect the Secretary's authority to contract for the operation of part or all of the Landsat system, so long as the United States Government retains—

- (1) ownership of such system;
- (2) ownership of the unenhanced data; and
- (3) authority to make decisions concerning operation of the system.

CONTRACT FOR MARKETING OF UNENHANCED DATA

Sec. 202. (a) In accordance with the requirements of this title, the Secretary, by means of a competitive process and to the extent provided in advance by appropriation Acts, shall contract with a United States private sector party (as defined by the Secretary) for the marketing of unenhanced data collected by the Landsat system. Any such contract—

(1) shall provide that the contractor set the prices of unenhanced data;

(2) may provide for financial arrangements between the Secretary and the contractor including fees for operating the system, payments by the contractor as an initial fee or as a percentage of sales receipts, or other such considerations;

(3) shall provide that the contractor will offer to sell and deliver unenhanced data to all potential buyers on a nondiscriminatory basis;

(4) shall provide that the contractor pay to the United States Government the full purchase price of any unenhanced data that the contractor elects to utilize for purposes other than sale;

(5) shall be entered into by the Secretary only if the Secretary has determined that such contract is likely to result in net cost savings for the United States Government; and

(6) may be rewarded competitively after the practical demise of the space segment of the Landsat system, as determined by the Secretary.

(b) Any contract authorized by subsection (a) may specify that the contractor use, and, at his own expense, maintain, repair, or modify, such elements of the Landsat system as the contractor finds necessary for commercial operations.

(c) Any decision or proposed decision by the Secretary to enter into any such contract shall be transmitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives for their review. No such decision or proposed decision shall be implemented unless (A) a period of 30 calendar days has passed after the receipt by each such committee of such transmittal, or (B) each such committee before the expiration of such period has agreed to transmit and has transmitted to the Secretary written notice to the effect that such committee has no objection to the decision or proposed decision. As part of the transmittal, the Secretary shall include information on the terms of the contract described in subsection (a).

(d) In defining "United States private sector party" for purposes of this Act, the Secretary may take into account the citizenship of key personnel, location of assets, foreign ownership, control, influence, and other such factors.

CONDITIONS OF COMPETITION FOR CONTRACT

Sec. 203. (a) The Secretary shall, as part of the advertisement for the competition for the contract authorized by section 202, identify and publish the international obligations, national security concerns (with appropriate protection of sensitive information), domestic legal considerations, and any other standards or conditions which a private contractor shall be required to meet.

(b) In selecting a contractor under this title, the Secretary shall consider—

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- (1) ability to market aggressively unenhanced data;
- (2) the best overall financial return to the Government, including the potential cost savings to the Government that are likely to result from the contract;
- (3) ability to meet the obligations, concerns, considerations, standards, and conditions identified under subsection (a);
- (4) technical competence, including the ability to assure continuous and timely delivery of data from the Landsat system;
- (5) ability to effect a smooth transition with the contractor selected under title III; and

(6) such other factors as the Secretary deems appropriate and relevant.

(c) If, as a result of the competitive process required by section 202(a), the Secretary receives no proposal which is acceptable under the provisions of this title, the Secretary shall so certify and fully report such finding to the Congress. As soon as practicable but not later than 30 days after so certifying and reporting, the Secretary shall reopen the competitive process. The period for the subsequent competitive process shall not exceed 120 days. If, after such subsequent competitive process, the Secretary receives no proposal which is acceptable under the provisions of this title, the Secretary shall so certify and fully report such finding to the Congress. In the event that no acceptable proposal is received, the Secretary shall continue to market data from the Landsat system.

(d) A contract awarded under section 202 may, in the discretion of the Secretary, be combined with the contract required by title III, pursuant to section 304(b).

SALE OF DATA

Sec. 204. (a) After the date of the commencement of the contract described in section 202(a), the contractor shall be entitled to revenues from sales of copies of data from the Landsat system, subject to the conditions specified in sections 601 and 602.

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

FOREIGN GROUND STATIONS

Sec. 205. (a) The contract under this title shall provide that the contractor shall act as the agent of the Secretary by continuing to supply unenhanced data to foreign ground stations for the life, and according to the terms, of those agreements between the United States Government and such foreign ground stations that are in force on the date of the commencement of the contract.

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

- (1) that unenhanced data from the Landsat system shall be made available to foreign ground stations only by the contractor; and
- (2) that such data shall be made available on a nondiscriminatory basis.

TITLE III—PROVISION OF DATA CONTINUITY AFTER THE LANDSAT SYSTEM

PURPOSES AND DEFINITION

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

- (1) to provide, in an orderly manner and with minimal risk, for a transition from Government operation to private, commercial operation of civil land remote-sensing systems; and
- (2) to provide data continuity for six years after the practical demise of the space segment of the Landsat system.

(b) For purposes of this title, the term "data continuity" means the continued availability of unenhanced data—

- (1) including data which are from the point of view of a data user—

(A) functionally equivalent to the multispectral data generated by the Landsat 1 and 2 satellites; and

(B) compatible with such data and with equipment used to receive and process such data; and

- (2) at an annual volume at least equal to the Federal usage during fiscal year 1983.

(c) Data continuity may be provided using whatever technologies are available.

DATA CONTINUITY AND AVAILABILITY

Sec. 302. The Secretary shall solicit proposals from United States private sector parties (as defined by the Secretary pursuant to section 202) for a contract for the development and operation of a remote-sensing space system capable of providing data continuity for a period of six years and for marketing unenhanced data in accordance with the provisions of sections 601 and 602. Such proposals, at a minimum, shall specify—

- (1) the quantities and qualities of unenhanced data expected from the system;
- (2) the projected date upon which operations could begin;
- (3) the number of satellites to be constructed and their expected lifetimes;
- (4) any need for Federal funding to develop the system;
- (5) any percentage of sales receipts or other returns offered to the Federal Government;
- (6) plans for expanding the market for land remote-sensing data; and
- (7) the proposed procedures for meeting the national security concerns and international obligations of the United States in accordance with section 607.

AWARDING OF THE CONTRACT

Sec. 303. (a)(1) In accordance with the requirements of this title, the Secretary shall evaluate the proposals described in section 302 and, by means of a competitive process and to the extent provided in advance by appropriation Acts, shall contract with a United States private sector party for the capability of providing data continuity for a period of six years and for marketing unenhanced data.

(2) Before commencing space operations the contractor shall obtain a license under title IV.

(b) As part of the evaluation described in subsection (a), the Secretary shall analyze the expected outcome of each proposal in terms of—

- (1) the net cost to the Federal Government of developing the recommended system;
- (2) the technical competence and financial condition of the contractor;
- (3) the availability of such data after the expected termination of the Landsat system;
- (4) the quantities and qualities of data to be generated by the recommended system;
- (5) the contractor's ability to supplement the requirement for data continuity by adding, at the contractor's expense, remote-sensing capabilities which maintain United States leadership in remote sensing;
- (6) the potential to expand the market for data;
- (7) expected returns to the Federal Government based on any percentage of data sales or other such financial consideration offered to the Federal Government in accordance with section 305;
- (8) the commercial viability of the proposal;

(9) the proposed procedures for satisfying the national security concerns and international obligations of the United States;

(10) the contractor's ability to effect a smooth transition with any contractor selected under title II; and

(11) such other factors as the Secretary deems appropriate and relevant.

(c) Any decision or proposed decision by the Secretary to enter into any such contract shall be transmitted to the Committee on Commerce, Science and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives for their review. No such decision or proposed decision shall be implemented unless (1) a period of 30 calendar days has passed after the receipt by each such committee of such transmittal, or (2) each such committee before the expiration of such period has agreed to transmit and has transmitted to the Secretary written notice to the effect that such committee has no objection to the decision or proposed decision. As part of the transmittal, the Secretary shall include the information specified in subsection (a).

(d) If, as a result of the competitive process required by this section, the Secretary receives no proposal which is acceptable under the provisions of this title, the Secretary shall so certify and fully report such finding to the Congress. As soon as practicable but not later than 30 days after so certifying and reporting, the Secretary shall reopen the competitive process. The period for the subsequent competitive process shall not exceed 180 days. If, after such subsequent competitive process, the Secretary receives no proposal which is acceptable under the provisions of this title, the Secretary shall so certify and fully report such finding to the Congress. Not earlier than 90 days after such certification and report, the Secretary may assure data continuity by procurement and operation by the Federal Government of the necessary systems, to the extent provided in advance by appropriation Acts.

TERMS OF CONTRACT

Sec. 304. (a) Any contract entered into pursuant to this title—

(1) shall be entered into as soon as practicable, allowing for the competitive procurement process required by this title;

(2) shall, in accordance with criteria determined and published by the Secretary, reasonably assure data continuity for a period of six years, beginning as soon as practicable in order to minimize any interruption of data availability;

(3) shall provide that the contractor will offer to sell and deliver unenhanced data to all potential buyers on a nondiscriminatory basis;

(4) shall not provide a guarantee of data purchases from the contractor by the Federal Government;

(5) may provide that the contractor utilize, on a space-available basis, a civilian United States Government satellite or vehicle as a platform for a civil land remote-sensing space system, if—

(A) the contractor agrees to reimburse the Government immediately for all related costs incurred with respect to such utilization, including a reasonable and proportionate share of fixed, platform, data transmission, and launch costs; and

(B) such utilization would not interfere with or otherwise compromise intended civilian Government missions, as determined by the agency responsible for the civilian platform; and

(6) may provide financial support by the United States Government, for a portion of

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the capital costs required to provide data continuity for a period of six years, in the form of loans, loan guarantees, or payments pursuant to section 305 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 255).

(b)(1) Without regard to whether any contract entered into under this title is combined with a contract under title II, the Secretary shall promptly determine whether the contract entered into under this title reasonably effectuates the purposes and policies of title II. Such determination shall be submitted to the President and the Congress, together with a full statement of the basis for such determination.

(2) If the Secretary determines that such contract does not reasonably effectuate the requirements of title II, the Secretary shall promptly carry out the provisions of such title to the extent provided in advance in appropriations acts.

MARKETING

SEC. 305. (a) In order to promote aggressive marketing of land remote-sensing data, any contract entered into pursuant to this title may provide that the percentage of sales paid by the contractor to the Federal Government shall decrease according to stipulated increases in sales levels.

(b) After the six-year period described in section 304(a)(2), the contractor may continue to sell data. If licensed under title IV, the contractor may continue to operate a civil remote-sensing space system.

REPORT

SEC. 306. Two years after the date of the commencement of the six-year period described in section 304(a)(2), the Secretary shall report to the President and to the Congress on the progress of the transition to fully private financing, ownership, and operation of remote-sensing space systems, together with any recommendations for actions, including actions necessary to ensure United States leadership in civilian land remote sensing from space.

TERMINATION OF AUTHORITY

SEC. 307. The authority granted to the Secretary by this title shall terminate 10 years after the date of enactment of this Act.

TITLE IV—LICENSING OF PRIVATE REMOTE-SENSING SPACE SYSTEMS

GENERAL AUTHORITY

SEC. 401. (a)(1) In consultation with other appropriate Federal agencies, the Secretary is authorized to license private sector parties to operate private remote-sensing space systems for such period as the Secretary may specify and in accordance with the provisions of this title.

(2) In the case of a private space system that is used for remote sensing and other purposes, the authority of the Secretary under this title shall be limited only to the remote-sensing operations of such space system.

(b) No license shall be granted by the Secretary unless the Secretary determines in writing that the applicant will comply with the requirements of this Act, any regulations issued pursuant to this Act, and any applicable international obligations and national security concerns of the United States.

(c) The Secretary shall review any application and make a determination thereon within 120 days of the receipt of such application. If final action has not occurred within such time, the Secretary shall inform the applicant of any pending issues and of actions required to resolve them.

(d) The Secretary shall not deny such license in order to protect any existing licensee from competition.

CONDITIONS FOR OPERATION

SEC. 402. (a) No person who is subject to the jurisdiction or control of the United States may, directly or through any subsidiary or affiliate, operate any private remote-sensing space system without a license pursuant to section 401.

(b) Any license issued pursuant to this title shall specify, at a minimum, that the licensee shall comply with all of the requirements of this Act and shall—

(1) operate the system in such manner as to preserve and promote the national security of the United States and to observe and implement the international obligations of the United States in accordance with section 607;

(2) make unenhanced data available to all potential users on a nondiscriminatory basis;

(3) upon termination of operations under the license, make disposition of any satellites in space in a manner satisfactory to the President;

(4) promptly make available all unenhanced data which the Secretary may request pursuant to section 602;

(5) furnish the Secretary with complete orbit and data collection characteristics of the system, obtain advance approval of any intended deviation from such characteristics, and inform the Secretary immediately of any unintended deviation;

(6) notify the Secretary of any agreement the licensee intends to enter with a foreign nation, entity, or consortium involving foreign nations or entities;

(7) permit the inspection by the Secretary of the licensee's equipment, facilities, and financial records;

(8) surrender the license and terminate operations upon notification by the Secretary pursuant to section 403(a)(1); and

(9)(A) notify the Secretary of any "value added" activities (as defined by the Secretary by regulation) that will be conducted by the licensee or by a subsidiary or affiliate; and

(B) if such activities are to be conducted, provide the Secretary with a plan for compliance with the provisions of this Act concerning nondiscriminatory access.

ADMINISTRATIVE AUTHORITY OF THE SECRETARY

SEC. 403. (a) In order to carry out the responsibilities specified in this title, the Secretary may—

(1) grant, terminate, modify, condition, transfer, or suspend licenses under this title, and upon notification of the licensee may terminate licensed operations on an immediate basis, if the Secretary determines that the licensee has substantially failed to comply with any provision of this Act, with any regulation issued under this Act, with any terms, conditions, or restrictions of such license, or with any international obligations or national security concerns of the United States;

(2) inspect the equipment, facilities, or financial records of any licensee under this title;

(3) provide penalties for noncompliance with the requirements of licenses or regulations issued under this title, including civil penalties not to exceed \$10,000 (each day of operation in violation of such licenses or regulations constituting a separate violation);

(4) compromise, modify, or remit any such civil penalty;

(5) issue subpoenas for any materials, documents, or records, or for the attendance and testimony of witnesses for the purpose of conducting a hearing under this section;

(6) seize any object, record, or report where there is probable cause to believe that such object, record, or report was used,

is being used, or is likely to be used in violation of this Act or the requirements of a license or regulation issued thereunder; and

(7) make investigations and inquiries and administer to or take from any person an oath, affirmation, or affidavit concerning any matter relating to the enforcement of this Act.

(b) Any applicant or licensee who makes a timely request for review of an adverse action pursuant to subsection (a)(1), (a)(3), or (a)(6) shall be entitled to adjudication by the Secretary on the record after an opportunity for an agency hearing with respect to such adverse action. Any final action by the Secretary under this subsection shall be subject to judicial review under chapter 7 of title 5, United States Code.

REGULATORY AUTHORITY OF THE SECRETARY

SEC. 404. The Secretary may issue regulations to carry out the provisions of this title. Such regulations shall be promulgated only after public notice and comment in accordance with the provisions of section 553 of title 5, United States Code.

AGENCY ACTIVITIES

SEC. 405. (a) A private sector party may apply for a license to operate a private remote-sensing space system which utilizes, on a space available basis, a civilian United States Government satellite or vehicle as a platform for such system. The Secretary, pursuant to the authorities of this title, may license such system if it meets all conditions of this title and—

(1) the system operator agrees to reimburse the Government immediately for all related costs incurred with respect to such utilization, including a reasonable and proportionate share of fixed, platform, data transmission, and launch costs; and

(2) such utilization would not interfere with or otherwise compromise intended civilian government missions, as determined by the agency responsible for such civilian platform.

(b) The Secretary may offer assistance to private sector parties in finding appropriate opportunities for such utilization.

(c) To the extent provided in advance by appropriation Acts, any Federal agency may enter into agreements for such utilization if such agreements are consistent with such agency's mission and statutory authority, and if such remote-sensing space system is licensed by the Secretary before commencing operation.

(d) The provisions of this section do not apply to activities carried out under title V.

(e) Nothing in this title shall affect the authority of the Federal Communications Commission pursuant to the Communications Act of 1934, as amended (47 U.S.C. 151 et seq.).

TERMINATION

SEC. 406. If, five years after the expiration of the six-year period described in section 304(a)(2), no private sector party has been licensed and continued in operation under the provisions of this title, the authority of this title shall terminate.

TITLE V—RESEARCH AND DEVELOPMENT

CONTINUED FEDERAL RESEARCH AND DEVELOPMENT

SEC. 501. (a)(1) The Administrator of the National Aeronautics and Space Administration is directed to continue and to enhance such Administration's programs of remote-sensing research and development.

(2) The Administrator is authorized and encouraged to—

(A) conduct experimental space remote-sensing programs (including applications

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demonstration programs and basic research at universities);

(B) develop remote-sensing technologies and techniques, including those needed for monitoring the Earth and its environment; and

(C) conduct such research and development in cooperation with other Federal agencies and with public and private research entities (including private industry, universities, State and local governments, foreign governments, and international organizations) and to enter into arrangements (including joint ventures) which will foster such cooperation.

(b)(1) The Secretary is directed to conduct a continuing program of—

(A) research in applications of remote-sensing;

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

(C) development of technology for such monitoring.

(2) Such program may include support of basic research at universities and demonstrations of applications.

(3) The Secretary is authorized and encouraged to conduct such research, monitoring, and development in cooperation with other Federal agencies and with public and private research entities (including private industry, universities, State and local governments, foreign governments, and international organizations) and to enter into arrangements (including joint ventures) which will foster such cooperation.

(c)(1) In order to enhance the United States' ability to manage and utilize its renewable and nonrenewable resources, the Secretary of Agriculture and the Secretary of the Interior are authorized and encouraged to conduct programs of research and development in the applications of remote sensing using funds appropriated for such purposes.

(2) Such programs may include basic research at universities, demonstrations of applications, and cooperative activities involving other government agencies, private sector parties, and foreign and international organizations.

(d) Other Federal agencies are authorized and encouraged to conduct research and development on the use of remote sensing in fulfillment of their authorized missions, using funds appropriated for such purposes.

(e) The Secretary and the Administrator of the National Aeronautics and Space Administration shall, within one year after the date of enactment of this Act and biennially thereafter, jointly develop and transmit to the Congress a report which includes (1) a unified national plan for remote-sensing research and development applied to the Earth and its atmosphere; (2) a compilation of progress in the relevant ongoing research and development activities of the Federal agencies; and (3) an assessment of the state of our knowledge of the Earth and its atmosphere, the needs for additional research (including research related to operational Federal remote-sensing space programs), and opportunities available for further progress.

USE OF EXPERIMENTAL DATA

SEC. 502. Data gathered in Federal experimental remote-sensing space programs may be used in related research and development programs funded by the Federal Government (including applications programs) and cooperative research programs, but not for commercial uses or in competition with private sector activities, except pursuant to section 503.

SALE OF EXPERIMENTAL DATA

SEC. 503. Data gathered in Federal experimental remote-sensing space programs may

be sold en bloc through a competitive process (consistent with national security interests and international obligations of the United States and in accordance with section 607) to any United States entity which will market the data on a nondiscriminatory basis.

TITLE VI—GENERAL PROVISIONS

NONDISCRIMINATORY DATA AVAILABILITY

SEC. 601. (a) Any unenhanced data generated by any system operator under the provisions of this Act shall be made available to all users on a nondiscriminatory basis in accordance with the requirements of this Act.

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

ARCHIVING OF DATA

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

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

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

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

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

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

(1) use as a baseline the data archived on the date of enactment of this Act;

(2) take into account future technical and scientific developments and needs;

(3) consult with and seek the advice of users and producers of remote-sensing data and data products;

(4) consider the need for data which may be duplicative in terms of geographical coverage but which differ in terms of season, spectral bands, resolution, or other relevant factors;

(5) include, as the Secretary considers appropriate, unenhanced data generated either by the Landsat system, pursuant to title III, or by licensees under title IV;

(6) include, as the Secretary considers appropriate, data collected by foreign ground stations or by foreign remote-sensing space systems; and

(7) ensure that the content of the archive is developed in accordance with section 607.

(d) Subject to the availability of appropriations, the Secretary shall request data needed for the basic data set and pay to the providing system operator reasonable costs for reproduction and transmission. A system operator shall promptly make requested data available in a form suitable for processing for archiving.

(e) Any system operator shall have the exclusive right to sell all data that the operator provides to the United States remote-sensing data archive for a period to be determined by the Secretary but not to exceed ten years from the date the data are sensed. In the case of data generated from the Landsat system prior to the implementation

of the contract described in section 202(a), any contractor selected pursuant to section 202 shall have the exclusive right to market such data on behalf of the United States Government for the duration of such contract. A system operator may relinquish the exclusive right and consent to distribution from the archive before the period of exclusive right has expired by terminating the offer to sell particular data.

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

(g) In carrying out the functions of this section, the Secretary shall, to the extent practicable and as provided in advance by appropriation Acts, use existing Government facilities.

NONREPRODUCTION

SEC. 603. Unenhanced data distributed by any system operator under the provisions of this Act may be sold on the condition that such data will not be reproduced or disseminated by the purchaser.

REIMBURSEMENT FOR ASSISTANCE

SEC. 604. The Administrator of the National Aeronautics and Space Administration, the Secretary of Defense and the heads of other Federal agencies may provide assistance to system operators under the provisions of this Act. Substantial assistance shall be reimbursed by the operator, except as otherwise provided by law.

ACQUISITION OF EQUIPMENT

SEC. 605. The Secretary may, by means of a competitive process, allow a licensee under title IV or any other private party to buy, lease, or otherwise acquire the use of equipment from the Landsat system, when such equipment is no longer needed for the operation of such system or for the sale of data from such system. Officials of other Federal civilian agencies are authorized and encouraged to cooperate with the Secretary in carrying out the provisions of this section.

RADIO FREQUENCY ALLOCATION

SEC. 606. (a) Within 30 days after the date of enactment of this Act, the President (or the President's delegate, if any, with authority over the assignment of frequencies to radio stations or classes of radio stations operated by the United States) shall make available for non-government use spectrum presently allocated to government use, for use by United States Landsat and commercial remote-sensing space systems. The spectrum to be so made available shall conform to any applicable international radio or wire treaty or convention, or regulations annexed thereto. Within 90 days thereafter, the Federal Communications Commission shall utilize appropriate procedures to authorize the use of such spectrum for non-governmental use. Nothing in this section shall preclude the ability of the Commission to allocate additional spectrum to commercial land remote-sensing space satellite system use.

(b) To the extent required by the Communications Act of 1934, as amended (47 U.S.C. 151 et. seq.), an application shall be filed with the Federal Communications Commission for any radio facilities involved with the commercial remote-sensing space system.

(c) It is the intent of Congress that the Federal Communications Commission complete the radio licensing process under the Communications Act of 1934, as amended (47 U.S.C. 151 et. seq.), upon the application

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of any private sector party or consortium operator of any commercial land remote-sensing space system subject to this Act, within 120 days of the receipt of an application for such licensing. If final action has not occurred within 120 days of the receipt of such an application, the Federal Communications Commission shall inform the applicant of any pending issues and of actions required to resolve them.

(d) Authority shall not be required from the Federal Communications Commission for the development and construction of any United States land remote-sensing space system (or component thereof), other than radio transmitting facilities or components, while any licensing determination is being made.

(e) Frequency allocations made pursuant to this section by the Federal Communications Commission shall be consistent with international obligations and with the public interest.

CONSULTATION

Sec. 607. (a) The Secretary shall consult with the Secretary of Defense on all matters under this Act affecting national security. The Secretary of Defense shall be responsible for determining those conditions, consistent with this Act, necessary to meet national security concerns of the United States and for notifying the Secretary promptly of such conditions.

(b)(1) The Secretary shall consult with the Secretary of State on all matters under this Act affecting international obligations. The Secretary of State shall be responsible for determining those conditions, consistent with this Act, necessary to meet international obligations and policies of the United States and for notifying the Secretary promptly of such conditions.

(2) Appropriate Federal agencies are authorized and encouraged to provide remote-sensing data, technology, and training to developing nations as a component of programs of international aid.

(3) The Secretary of State shall promptly report to the Secretary any instances outside the United States of discriminatory distribution of data.

(c) If, as a result of technical modifications imposed on a system operator on the basis of national security concerns, the Secretary, in consultation with the Secretary of Defense or with other Federal agencies, determines that additional costs will be incurred by the system operator, or that past development costs (including the cost of capital) will not be recovered by the system operator, the Secretary may require the agency or agencies requesting such technical modifications to reimburse the system operator for such additional or development costs, but not for anticipated profits. Reimbursements may cover costs associated with required changes in system performance, but not costs ordinarily associated with doing business abroad.

AMENDMENT TO NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION, 1983

Sec. 608. Subsection (a) of section 201 of the National Aeronautics and Space Administration Authorization Act, 1983 (Public Law 97-324; 96 Stat. 1601) is amended to read as follows:

"(a) The Secretary of Commerce is authorized to plan and provide for the management and operation of civil remote-sensing space systems, which may include the Landsat 4 and 5 satellites and associated ground system equipment transferred from the National Aeronautics and Space Administration; to provide for user fees; and to plan for the transfer of the operation of civil remote-sensing space systems to the

private sector when in the national interest."

AUTHORIZATION OF APPROPRIATIONS

Sec. 609. (a) There are authorized to be appropriated to the Secretary \$75,000,000 for fiscal year 1985 for the purpose of carrying out the provisions of this Act. Such sums shall remain available until expended, but shall not become available until the time periods specified in section 202(c) and 303(c) have expired.

(b) The authorization provided for under subsection (a) shall be in addition to moneys authorized pursuant to title II of the National Aeronautics and Space Administration Authorization Act, 1983.

TITLE VII—PROHIBITION OF COMMERCIALIZATION OF WEATHER SATELLITES

PROHIBITION

Sec. 701. Neither the President nor any other official of the Government shall make any effort to lease, sell, or transfer to the private sector, commercialize, or in any way dismantle any portion of the weather satellite systems operated by the Department of Commerce or any successor agency.

FUTURE CONSIDERATIONS

Sec. 702. Regardless of any change in circumstances subsequent to the enactment of this Act, even if such change makes it appear to be in the national interest to commercialize weather satellites, neither the President nor any official shall take any action prohibited by section 701 unless this title has first been repealed.

Mr. FUQUA (during the reading). Mr. Speaker, I ask unanimous consent that the House amendment to the Senate amendment be considered as read and printed in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. LUJAN. Mr. Speaker, reserving the right to object, I have no objection, but I would like to engage in a colloquy with the gentleman.

I want to tell the gentleman from Florida that I agree completely with the objectives of this legislation, and that is the privatization of the Landsat system, because I think that is the entire object of the space program.

I would like to ask the gentleman, in the event, the explanation of the legislation says that if the Secretary receives no acceptable proposal under title III, then it is the clear intent of the Congress that the Secretary should assure data continuity by developing a land remote sensing space system to be procured and operated by the Federal Government.

Now, my question is that if there is a company, say there is not an acceptable proposal made, that the Government then does not have to provide that service if there is, as a matter of fact, the private company that will say we will provide that on our own. It is not mandatory that the Government do it if a private company would do it?

Mr. FUQUA. If the gentleman would yield, that is my understanding also.

Mr. LUJAN. I just wanted to clear that portion because the explanation on the legislation was a little fuzzy.

I thank the gentleman.

Mr. SCHEUER. Mr. Speaker, I rise in strong support of the compromise amendment to H.R. 5155.

This amendment preserves the essence of the House position, while accommodating the legitimate concerns of our colleagues in the other body.

The modifications to the bill as passed by the House in April were amply delineated by my distinguished colleague, the chairman of the Committee on Science and Technology [Mr. FUQUA].

This legislation strikes an appropriate balance between the interests of the private sector in space commercialization and the legitimate public interest in maintaining our national security and international obligations.

The international and national security aspects of remote sensing are precisely the areas which necessitate continuing Government oversight and the area of national security, it would clearly be inappropriate for the United States to engage in activities that amount to intelligence gathering as a commercial enterprise.

In the area of international relations, the Landsat program has served as a valuable foreign policy tool for over a decade, in a number of direct and indirect ways.

We have provided data, services, and training in land remote sensing as a form of foreign aid to over 40 nations worldwide.

By the same token, these exchanges have helped to open lines of communication between U.S. political and business interests and the governmental and technical infrastructure of these nations.

Further, by providing land remote-sensing data without prejudice or favored access, the U.S. civil remote-sensing program has been free from charges of military surveillance or economic exploitation.

By maintaining this high ground, we have been able to argue credibly in international fora that any nation should have a right to observe any other country from space—the so-called open skies policy which has served our national interests well since its first articulation by President Eisenhower.

Mr. Speaker, the United States through the National Aeronautics and Space Administration, developed the land remote-sensing technology and brought it to where it stands today—at the brink of commercial exploitation.

This legislation will enable our aerospace companies to compete effectively.

They support the legislation, as does the administration and a bipartisan coalition on the committee.

This is a good bill, and I urge all Members to lend their strong support.

(Mr. SCHEUER asked and was given permission to revise and extend his remarks.)

Mr. LUJAN. Mr. Speaker, I withdraw my resolution of objection.

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The **SPEAKER**. Is there objection to the request of the gentleman from Florida?

There was no objection.

The **SPEAKER**. Is there objection to the initial request of the gentleman from Florida?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. **FUQUA**. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just considered, and also on the conference report on H.R. 5154, the National Aeronautics and Space Administration Authorization Act.

The **SPEAKER**. Is there objection to the request of the gentleman from Florida?

There was no objection.

CONFERENCE REPORT ON H.R. 5154, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT, 1985

Mr. **FUQUA**. Mr. Speaker, I call up the conference report on the bill (H.R. 5154) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, and ask unani-

mous consent for its immediate consideration.

The Clerk read the title of the bill.

The **SPEAKER**. Is there objection to the request of the gentleman from Florida?

There was no objection.

The **SPEAKER**. Does the gentleman ask that the statement be read?

Mr. **FUQUA**. Yes, Mr. Speaker. I ask unanimous consent that the statement be read in lieu of the report.

The **SPEAKER**. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of Wednesday, June 27, 1984, at page H 7140.)

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Mr. **FUQUA** (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the statement

The **SPEAKER**. Is there objection to the request of the gentleman from Florida?

There was no objection.

The **SPEAKER**. The gentleman from Florida [Mr. **FUQUA**] will be recognized for 30 minutes, and the gentleman from New Mexico [Mr. **LUJAN**] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. **FUQUA**]

Mr. **FUQUA**. Mr. Speaker, I yield myself such time as I may consume.

Mr. **SPEAKER**, the committee of conference for the bill H.R. 5154, authorizing funds for the National Aeronautics and Space Administration for fiscal year 1985 has successfully concluded its work.

The conference report on H.R. 5154, authorizing appropriations for the National Aeronautics and Space Administration, was filed on Wednesday, June 27, and is included in the **RECORD** of that day. The conference report before you includes the disposition of differences in four research and development program line items, three space flight, control, and data communication line items, construction of facilities program funding, the research and program management line item, a number of language amendments, as well as differences in title II which would establish a National Commission on Space.

The NASA budget request for fiscal year 1985 was \$7,491,400,000. The action of the House/Senate conference would authorize \$7,526,400,000, which is \$35 million more than the budget request.

The conference action before us represents a fair compromise between the action of the two Houses. The conference action is \$36.4 million more than the House action and \$58 million less than the Senate action.

I am including in the **RECORD** a summary of the action taken by the committee of conference.

SUMMARY OF ADJUSTMENTS TO H.R. 5154—NASA FY 1985 AUTHORIZATION

Program	Budget Request	House action	Senate action	Substitute amendment
Research and development:				
1 (a) (1) space transportation cap. dev.	\$361,400,000	\$346,400,000	\$356,400,000	\$351,400,000
1 (a) (2) space station	150,000,000	150,000,000	150,000,000	150,000,000
1 (a) (3) physics and astronomy	677,200,000	687,200,000	785,200,000	696,200,000
1 (a) (4) life sciences	63,300,000	63,300,000	63,300,000	63,300,000
1 (a) (5) planetary exploration	286,900,000	296,900,000	296,900,000	296,900,000
1 (a) (6) space applications	344,100,000	384,100,000	407,100,000	390,100,000
1 (a) (7) technology utilization	9,500,000	9,500,000	9,500,000	9,500,000
1 (a) (7) space commercialization	0	0	5,000,000	0
1 (a) (8) aeronautical research and tech	342,400,000	347,400,000	357,400,000	352,400,000
1 (a) (9) space research and tech	150,000,000	150,000,000	150,000,000	150,000,000
1 (a) (10) tracking and data acquisition	15,300,000	15,300,000	15,300,000	15,300,000
Total, research and development	2,400,100,000	2,450,100,000	2,516,100,000	2,475,100,000
Space flight, control and data com:				
1 (b) (1) space shuttle prod./oper. cap.	1,465,600,000	1,496,600,000	1,470,600,000	1,470,600,000
1 (b) (2) space transportation oper.	1,339,000,000	1,329,000,000	1,319,000,000	1,319,000,000
1 (b) (3) space tracking and data acq.	795,700,000	780,700,000	795,700,000	795,700,000
Total, space flight, control and data communications	3,600,300,000	3,600,300,000	3,585,300,000	3,585,300,000
1 (c) construction of facilities	160,000,000	150,000,000	150,000,000	150,000,000
1 (d) research and program management	1,331,000,000	1,331,000,000	1,331,000,000	1,316,000,000
Subtotal	7,491,400,000	7,531,400,000	7,582,400,000	7,526,400,000
General reduction	0	41,400,000	0	0
Grand total	7,491,400,000	7,490,000,000	7,582,400,000	7,526,400,000

I want to acknowledge the efforts of the House conferees and the staff on both sides of the aisle in completing this conference.

I urge the support of my colleagues for this conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. **LUJAN**. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this conference report simply because it is

an accommodation that we had to come to. I am not pleased with the figures. As the House may remember, we had an amendment that cut the authorization, as it came out of committee, by some \$40 million. The Senate was \$92 million above that figure and we compromised at a \$35 million figure above the administration and above, frankly, the appropriations of both the House and the Senate.

But sometimes we have to give in on certain aspects, even though I do not believe that any Member of the House was particularly happy to come back to the House with a figure of \$35 million above what we went in with. However, there are three or four different initiatives in this bill that are most important. Knowing that we cannot spend more than the administration request or the amount that we went

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out of this House with, it really does not make that much difference.

We have in this new starts for a space station which is most important, an upper atmospheric research satellite and a Mars orbiter. We also have a new Presidential commission to plan the activities and the space program for the next 20 years. Most importantly, we have an amendment that was offered by the gentleman from Pennsylvania [Mr. WALKER] in committee. That language underscores NASA's mandate to transfer space technology to the private sector. As I stated in the bill that we just passed a few minutes ago on Landsat, we must keep in mind that the entire objective of the space program is to place it into the private system so our citizens can get some benefit out of it.

So, Mr. Speaker, even though we have come back with a figure that is higher than we went in with, but realizing that \$35 million will never be spent anyway because of the limitation by the Committees on Appropriations of both Houses, I reluctantly support the amendment. While I oppose the dollar figure, I think that the other items that are included in the bill are certainly meritorious and far outweigh the compromise, in terms of dollars, with the Senate.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, I rise in reluctant opposition to this committee of conference report. It is basically a pretty good report. It has a lot of things in it that I think are meritorious. I think, in terms of defining priorities for the future of NASA, it probably is very, very well done.

I am particularly pleased about the fact, for instance, that there is language in there amending the Organic Space Act, which does commit NASA toward a future of commercializing outer space, and I think that is a major step in the right direction and I am pleased by that language.

What I think is wrong about this conference report is that it does not reflect the position of the House with regard to spending. This House made a decision when we passed this bill that we are going to come in at the budget figure. We adopted an amendment that I offered that cut about \$40 million out of the authorization brought to us on the floor. After cutting that \$40 million, we went to conference.

When we went to the conference, what we found was that the House position was immediately abandoned to the Senate. On a straight party line vote of 5 to 3 in the conference committee, we immediately rolled over and adopted essentially the Senate's position on the thing. Ultimately, then, that was compromised and we ended up with a total of \$5 million of savings, rather than the \$40 million of savings that this House had endorsed.

I am disappointed that we did not maintain the position of the House. The position of the House was at the budget figure. It certainly is what NASA requested. It is another one of these areas where we end up spending large amounts of money because we are unwilling to stand up for maintaining the budget figures.

Mr. FRENZEL. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from Minnesota.

Mr. FRENZEL. I thank the gentleman for yielding.

Mr. Speaker, does the gentleman mean to tell me that we lost \$35 million in this conference?

Mr. WALKER. From the House position, we are essentially \$35 million worse than when the bill left the House of Representatives. The gentleman is absolutely right.

Mr. FRENZEL. I find that is hard to believe, and disappointing, but I thank the gentleman.

Mr. LUJAN. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from New Mexico.

Mr. LUJAN. I thank the gentleman for yielding.

Mr. Speaker, we must be fair and point out that while the House figures went up \$35 million, the Senate figures come down to \$92 million. We cannot expect to go into conference and come out whole.

I do not like the whole \$35 million being over the House budget, but that is what compromise is all about.

Mr. WALKER. I thank the gentleman, and it is well to point out that the Senate was \$92 million over the budget figure. What we have done is endorse in large measure the Senate's irresponsibility. That seems to me to be a position that this House should have at least fought a little bit more about than we did in the course of this conference.

That is what disappoints me. It seems to me that we need to oppose this conference report on the basis that the spending in it is in excess of what the House had said that it preferred the spending levels to be.

Mr. FRENZEL. If the gentleman will yield to me again, we obviously do not have a budget, or at least we do not have one in time to have any effect on most of the appropriations bills that are being passed. So the only way we have to restrain our spending is to try to hold down the appropriations bills.

The news the gentleman gives us about this one is exceedingly depressing, and leads me to believe that if this is passed, as we have passed the other ones, our intent to meet whatever down payment deficit reduction the House had in mind in its budget is no intent at all. Apparently, this House is simply unwilling going to give up to its spending desires.

Mr. CONABLE. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from New York.

Mr. CONABLE. I thank the gentleman for yielding.

Mr. Speaker, I am really alarmed about the fact that we did not raise the debt ceiling. I am afraid we cannot afford something like this.

Mr. WALKER. I thank the gentleman.

Mr. FUQUA. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from Florida.

Mr. FUQUA. I thank the gentleman for yielding.

Mr. Speaker, I might point out, in response to the question of my friend, the gentleman from Minnesota, now that the appropriations bill has passed, and it is at the same number that was requested in the administration's budget request.

The reason that this is above the request by \$35 million that the gentleman from Pennsylvania, mentioned, includes some \$40 million for an advanced communications satellite that the administration did not ask any money for. So if we remove that program, or take the money out, we are below what the administration asked. There are many people, including myself, who think we need to proceed with this advanced communications satellite, and that is \$40 million, and is less than the Senate figure.

□ 1200

But that contributes to the amount of money that accounts for the overage in the authorization process. However, I further point out that in the appropriation bill, it is on target with the budget, and this will give NASA a certain amount of flexibility in shifting some funds should other programs need attention. And there is one in tracking; because of an Air Force upper stage, NASA will need probably \$50 million more sometime later in the year.

Mr. WALKER. Mr. Speaker, the gentleman from Florida reflects the situation as it is. My friend, the gentleman from Florida, is absolutely correct that the appropriation bills are at the budget level. That is one of the reasons why it seems to me that we ought to bring the authorization bill in at the budget level as well.

The gentleman from Florida is correct that there are a number of things that we are attempting to do. They are going to have to be done within the appropriation figure, however, or they are going to have to come back at a supplemental level. In order to achieve what we want to do in terms of setting priorities at the authorizing level, it would have been far better to have the authorization at the actual appropriation level so that if they come back with supplemental requests, we, at the

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overturns an earlier ruling by granting Mr. D'Aubuisson a visa. Not only does this fly in the face of their denunciations of terrorists, but it contradicts their actions in denying the visa requests of several ranking Nicaraguan officials.

A State Department spokesman, in explaining the recent reversal, offered that Mr. D'Aubuisson was granted the visa because he holds a key role in Salvadoran politics and the United States is much interested in the evolution of that process. Surely this same standard could be applied to Sandinista leaders denied entry into this country.

Mr. Speaker, Mr. D'Aubuisson has been accorded the finest treatment during his visit to this country. He was the featured guest at a special session with Members of the Senate. He had the privilege of a private meeting with Assistant Secretary of State Langhorne A. Motley. In fact, little pomp has been spared—all this despite recent intelligence information linking Mr. D'Aubuisson to the death squads and to the assassination plot of U.S. Ambassador Thomas R. Pickering.

Our democratic system of Government has historically recognized the importance of opposing opinions in the political process. Just as we need not endorse the views of Mr. D'Aubuisson, we need not endorse the policies of the Nicaraguan Government to allow its representatives to visit the United States. But at a very minimum, we must be evenhanded in deciding who will or will not be allowed to enter and, in particular, who will be greeted with a red carpet. ●

EXPLANATION BY MR. FUQUA OF THE COMPROMISE AMENDMENT TO H.R. 5155

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. FUQUA] is recognized for 5 minutes.

● Mr. FUQUA. Mr Speaker, most of the provisions contained in the compromise amendment are drawn from H.R. 5155 either as originally passed by the House or as amended by the Senate; the intent of such provisions is clearly explained in House Report 98-647 or Senate Report 98-458. However, in a number of instances, the language in the compromise amendment does differ from that contained in either the House- or Senate-passed bills. The following paragraphs describe these cases where new language appears in the compromise amendment in order to explain congressional intent with respect to commercialization of civil remote-sensing space systems.

Section 104(4). "Unenhanced data" has been redefined to make it clear that such data need not include even the minimal processing described in the House-passed definition.

Section 201(a)(2). "Agreements" rather than "Memoranda of Understanding" is used, as in section 205, to describe arrangement for data ex-

change between the U.S. Government and foreign ground stations. "Agreements" is a broader term than "Memoranda of Understanding," but clearly includes the latter. The broader term is used in order to include all such relevant arrangements whether or not they are called memoranda of understanding.

Sections 202(a) and 303(a)(1). In both title II and title III, the House and Senate have agreed expressly to authorize the contracting procedures contained therein because of the unusual, even unique, nature of this phased transfer of an operation from Government to private-sector responsibility. Thus, the Congress intends these provisions to take precedence over and to supplement other general procurement law.

Section 202(a)(2). Language regarding the title II contract has been changed to indicate that under such contract, funds could flow either from the Government to the contractor—if the contractor operated the Landsat system in addition to marketing Landsat data—or from the contractor to the Government—if the contractor only marketed Landsat data.

Section 202(c) and 303(c). Senate language on notification of the Congress regarding the title II and title III contracts has been altered slightly. The report-and-wait period has been shortened from 30 days of continuous session of Congress to 30 calendar days, in recognition of the delays which could be imposed on the commercialization process by a requirement to wait for 30 days of continuous session of Congress.

Section 301(b). The original House definition of "MSS data" has been replaced by a definition of "data continuity." Under the new definition, it is clear that the title III contractor is required to meet minimum performance standards, including provision of unenhanced data that meet compatibility and functionally equivalent standards. The contractor is not required to develop any particular type or level of technology.

Section 303(a)(2). This new subsection makes it clear that the title III contractor must acquire a license under title IV.

Section 303(d). If the Secretary receives no acceptable proposal under title III, it is the clear intent of the Congress that the Secretary should assure data continuity by developing a land remote-sensing space system to be procured and operated by the Federal Government.

Section 304(a)(6). Support of the title III contractor by the Federal Government has been limited to loans, loan guarantees, or direct subsidies by removal of language in the Senate amendment which referred to "other financial considerations."

Section 401(a)(2). This new subsection indicates that the licensing authority of the Secretary, in the case of multiple-use space systems, extends

only to the remote-sensing portions of such systems.

Sections 401(d) and 403(a). The Secretary may deny or condition a license on the basis of national security, international commitments and obligations, or noncompliance with nondiscriminatory access, but not in order to limit competition.

Section 402(b)(6). The original Senate amendment stipulated that the licensee obtain advance approval from the Secretary of any agreement with a foreign entity. In an attempt to balance considerations of commercial viability with the sensitivities involved in international remote sensing, this language has been changed to require only notification of the Secretary of such agreements.

Sections 402(b)(7) and 403(a)(2). The Secretary is authorized to inspect the licensee's equipment, facilities, or financial records. It is intended that the Secretary's authority to inspect financial records be adequate to ensure that the licensee is in compliance with provisions of the act relating to nondiscriminatory access to unenhanced data.

Section 403(a)(6). In light of the international sensitivities involved in remote sensing and the transportability of remote-sensing hardware, the Secretary is given authority for seizure of objects, records, or reports. However, the standard for seizure has been tightened from the House-passed reasonable appearance to the more stringent probable cause.

Section 405(e). Section 405(e) states that nothing in title IV affects the authority of the Federal Communications Commission pursuant to the Communications Act of 1934, as amended.

Section 501(c). Section 501(b) of the Senate amendment has been divided into section 501(b) and section 501(c) to highlight the differing, but complementary, roles in research and development of the Secretary, which appear in section 501(b), and the Secretaries of Agriculture and Interior, which appear in section 501(c).

Sections 601(a) and 104(3). Section 601(a) has changed little during legislative action on H.R. 5155. It is noted here only to emphasize the clear congressional intent that any system operator make unenhanced data available on a nondiscriminatory basis. Thus, for example, a company could not be licensed to operate, and to retain exclusive use of data from, a private remote-sensing space system in its entirety.

Section 602(d). This section has been redrafted to clarify that the Secretary may not demand data from a system operator for archival purposes unless the Secretary has available appropriated funds to pay such system operator for the costs of reproducing and transmitting the data.

Section 603. A system operator may provide that data not be reproduced or

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disseminated by any purchaser. However, during the life of existing memoranda of understanding, this provision is not intended to abrogate the authority of foreign ground-station operators with respect to the dissemination of land remote-sensing data.

Section 606. The Senate amendment has been altered to clarify the authority of the Federal Communications Commission to license use of radio facilities by private remote-sensing space systems after the President has made available spectrum for use by such systems.

Section 607(c). This subsection has been redrafted to clarify that reimbursements may cover only costs associated with technical changes in system performance imposed in light of national security concerns. Reimbursement would not cover costs ordinarily associated with the economic and political risks of doing business abroad. Thus, a system operator would not be reimbursed if he were temporarily forbidden to conduct business in a given country. Reimbursements apply only to private-sector parties who have obtained a license pursuant to title IV.

Section 609. An authorization of \$75 million is provided for fiscal year 1985, which will be expended largely for development of the land remote-sensing system pursuant to title III. It is expected that the Secretary will submit a supplemental budget request to the Congress during fiscal year 1985 for the financial support authorized under title III, and the level of funding under this section would enable the Secretary to proceed without delay. Any authorization under this section remaining after fiscal year 1985 may be expended by the Secretary in future fiscal years. ●

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. FASCELL] is recognized for 5 minutes.

[Mr. FASCELL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

A COMMONSENSE STRATEGY TO KEEP AMERICA STRONG

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. PENNY] is recognized for 15 minutes.

● Mr. PENNY. Mr. Speaker, shortly after we return from our Independence Day recess, the House is expected to begin debate on the defense appropriations bill for fiscal year 1985. We must adopt a commonsense strategy governed by current budget limitations and wise choices of weapon systems that enhance America's national security.

We in Congress must resist weapons systems which are unnecessary or too costly. We can maintain a strong national defense while avoiding expenditures that are destabilizing, wasteful, or duplicative. In the area of defense

spending as in any spending category, more is not necessarily better; only better is better. And we can do better while spending less on the military than we are now planning to spend.

Defense is now the fastest growing function in the Federal budget. It has nearly doubled in the past 4 years. In 1980, our military budget totaled \$146 billion (24 percent of the budget). Today, this budget is almost twice as large at \$264 billion in budget authority and the administration originally requested for next year another \$50 billion (or 18 percent) increase. Most of the growth in this budget has been for the development and purchase of new nuclear and other weapon system. This front loading of procurement of big ticket items leads to further strains on our budget. Worse yet is that fact that we have been buying these major weapons systems on credit. The bill to pay for them will come due in future generations.

When it comes to matters of defense spending, Congress must choose what we need and what we can afford. While fighting the problems of a huge Federal deficit, all areas of spending must be carefully evaluated. This past April, the House passed a budget resolution that established a level of 8.2 percent (3.5 percent real) growth in defense spending for fiscal year 1985. At the very least, we should stay within this limit. Careful planning is required to stay within the budget and to ensure that we do not mortgage the future by borrowing heavily to pay for defense spending today.

COMMONSENSE OPTIONS

Various individuals and groups have issued statements and reports describing how the defense budget can be better structured and directed.

In a recent study by the Brookings Institution, "Economic Choices 1984," William W. Kaufman, consultant to the Foreign Policy Studies Program and a member of the faculty of the Massachusetts Institute of Technology, states that the United States could reduce military costs significantly without weakening the Nation's defense or even altering our basic strategy. He argues persuasively that we could reach the Reagan administration's defense objectives more efficiently by eliminating duplicative weapon systems, moderating the pace of modernization, and abandoning certain questionable programs. In all, these choices would result in a savings of \$175 billion during fiscal years 1985-89. Of that, he estimates \$23.5 billion could be saved in fiscal year 1985.

Business Week recently conducted a thorough study of budget options and has recommended (a) the elimination of several big ticket items (MX, B-1B, DDG-51 destroyers, the Bradley Fighting Vehicle, and the DIVAD air defense system), (b) that procurement be open to more competition and (c) that a number of research projects be slowed or canceled. These suggestions

would result in a \$30 billion budget saving in fiscal year 1989 alone, and at least \$90 billion in savings over the 5-year period 1985-89.

Senator CHARLES GRASSLEY, Republican from Iowa, has suggested that we freeze the defense budget (in addition to freezing all other Federal spending programs) in fiscal year 1985 in order to force the Pentagon to adopt more realistic defense strategies and purchasing practices and to avoid the possibility of block obsolescence of weapon systems 20 years from now. His proposal is very similar to the across-the-board budget freeze which many of us in the House—both Democrats and Republicans—supported earlier this year.

The Grace Commission has issued a set of recommendations to trim the defense budget primarily by improving management and procurement.

Such efforts point out that there is broad-based concern about our current defense spending pattern. These proposals cannot be characterized as defense cuts because in no instance do they recommend spending less on defense—only that we slow the rate of increase. I have voted for budget resolutions which would have allowed for a reasonable rate of growth in defense spending (between 5 percent and 8.2 percent per year). However, I have not voted for defense authorizations or appropriations bills because they have locked us into spending increases greater than these amounts which is, frankly, more than we can afford. Commonsense tells us that in a military budget this large (\$264 billion) we can maintain a strong defense while slowing the rate of military spending increases in the future. Following the lead of these groups and individuals, we in Congress must adopt commonsense defense priorities by making choices that are prudent, affordable and contribute to the effectiveness of our national security capabilities.

A CLOSER LOOK AT BIG TICKET ITEMS

Today, we are not choosing military systems based on what we need or how much we can afford to spend. We are buying virtually every weapon system on the Pentagon wish list—at too fast a pace.

America's strategic nuclear forces must maintain our deterrent strength in order to thwart any effort by an enemy to exploit the advantage of a nuclear attack. At present the United States has such a force, a combination of long-range bombers as well as land- and submarine-based missiles. It is essential to modernize these strategic forces as weapons age and Soviet capability improves.

However, both the Business Week and Brookings Institute studies point to duplication in our military budget. Where is the duplication? First, the Air Force is proceeding with five different ways to penetrate Soviet air defense by bomber or bomber type systems. It is upgrading the B-52 bomber