

98TH CONGRESS  
1ST SESSION

# S. 1855

To authorize the operation of United States land remote sensing satellite systems,  
and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 20 (legislative day, SEPTEMBER 19), 1983

Mr. HOLLINGS (for himself, Mr. FORD, and Mr. RIEGLE) introduced the following  
bill; which was read twice and referred to the Committee on Commerce,  
Science, and Transportation

---

## A BILL

To authorize the operation of United States land remote sensing  
satellite systems, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That this Act may be cited as the "Land Remote Sensing  
4       Satellite Authorization Act of 1983".

5                               FINDINGS, PURPOSES, AND POLICY

6       SEC. 2. (a) FINDINGS.—The Congress finds and de-  
7       clares that—

8               (1) remote sensing from satellites can assist the  
9       rational management of the Earth's natural resources  
10      and environment by providing data on the geological,

1 biological, hydrological, agricultural, and other natural  
2 features of the Earth's surface;

3 (2) the United States is the world leader in devel-  
4 oping land remote sensing technology through the ex-  
5 perimental Landsat program;

6 (3) remote sensing data from satellites has been  
7 valuable and useful and is expected to be in greater  
8 demand in the future if it is available on a continuous,  
9 timely, and reliable basis, since data continuity is es-  
10 sential to market development;

11 (4) the Federal Government should, for the near  
12 future, continue to be responsible for the existing  
13 United States land remote sensing satellite system (in-  
14 cluding Landsats D and D), so that the market for data  
15 and data products from such a system will expand and  
16 become more mature;

17 (5) the private sector has the technical ability and  
18 financial resources to develop, own, and operate future  
19 United States land remote sensing satellite systems  
20 and, therefore, authority for private sector involvement  
21 in land remote sensing should be provided;

22 (6) the rapid development of follow-on land  
23 remote sensing satellite systems by the private sector  
24 should be encouraged to preserve and enlarge the

1 benefits already realized from the existing United  
2 States land remote sensing satellite system; and

3 (7) the ownership and maintenance of the United  
4 States meteorological satellites are the responsibilities  
5 of the Federal Government and no action should be  
6 taken to transfer, lease, or sell them to the private  
7 sector.

8 (b) PURPOSES.—It is declared to be the purposes of the  
9 Congress in this Act that—

10 (1) the Secretary of Commerce shall be responsi-  
11 ble for the operation of the existing United States land  
12 remote sensing satellite system (including Landsats D  
13 and D), with authority to lease or contract such oper-  
14 ation to the private sector;

15 (2) the Secretary of Commerce shall establish a  
16 process for assuring data continuity after the existing  
17 United States land remote sensing satellite system is  
18 no longer in operation; and

19 (3) any United States land remote sensing satellite  
20 system shall be operated in a manner consistent with  
21 the national security and international obligations of  
22 the United States.

23 (c) POLICY.—It is declared to be the policy of the Con-  
24 gress in this Act that—

1 (1) the United States should take steps to ensure,  
2 on a nondiscriminatory basis, dissemination of data  
3 from any United States land remote sensing satellite  
4 system;

5 (2) all nations have the right to acquire data from  
6 space systems in outer space;

7 (3) space technology developed by programs of  
8 the United States Government should be transferred to  
9 the private sector whenever feasible and cost effective;  
10 and

11 (4) any regulations required under this Act shall  
12 be designed to encourage private sector operation of,  
13 and competition among, land remote sensing satellite  
14 systems.

15 DEFINITIONS

16 SEC. 3. As used in this Act, unless the context other-  
17 wise requires, the term—

18 (1) “data” means a set of signals collected by sen-  
19 sors on a satellite that are useful in describing or view-  
20 ing the Earth’s resources, features, or environment,  
21 but does not include conclusions, manipulations, or cal-  
22 culations derived from such measurements and observa-  
23 tions;

24 (2) “data-handling segment” means that portion  
25 of the United States land remote sensing satellite

1 system that receives, processes, stores, and manages  
2 data transmitted from a satellite, including the aggre-  
3 gation or processing of such data into usable informa-  
4 tion, except that such term does not include the space  
5 segment, as defined in paragraph (3) of this section;

6 (3) "space segment" means that portion of the  
7 United States land remote sensing satellite system as-  
8 sociated with satellite operation and control, and in-  
9 cludes the satellite, its sensors, and associated equip-  
10 ment and facilities for tracking, guidance, and com-  
11 mand purposes, except that such term does not include  
12 the data-handling segment, as defined in paragraph (2)  
13 of this section;

14 (4) "land remote sensing satellite system" means  
15 a system of one or more satellites operating in outer  
16 space, the purpose of which is to obtain data on the  
17 geological, biological, hydrological, agricultural, and  
18 other natural features of the Earth's surface, and in-  
19 cludes the space segment and data-handling segment,  
20 except that the term does not include any satellite  
21 which is intended for (A) national security uses; (B)  
22 commercial telecommunications; (C) weather observa-  
23 tion and forecasting; or (D) research and development;

24 (5) "Landsat" means the existing United States  
25 land remote sensing satellite system operated by the

1 Department of Commerce including the D and D satel-  
2 lites and related ground systems; and

3 (6) "Secretary" means the Secretary of Com-  
4 merce.

5 **AUTHORITY OF THE SECRETARY**

6 **SEC. 4. (a) IN GENERAL.**—The Secretary shall be re-  
7 sponsible, in accordance with the provisions of this Act, for—

8 (1) the management and general oversight of the  
9 existing United States land remote sensing satellite  
10 system (including Landsat D and D);

11 (2) the operation of existing space and data-han-  
12 dling segments, including the leasing or contracting of  
13 such operation to the private sector, if the Secretary  
14 determines such operation to be feasible and cost effec-  
15 tive;

16 (3) the supervision and oversight of any nongo-  
17 vernmental entity or entities operating any land remote  
18 sensing satellite system;

19 (4) determining the basic requirements of the Fed-  
20 eral Government for land remote sensing satellite data;  
21 and

22 (5) assuring data continuity beyond the existing  
23 United States land remote sensing satellite system.

24 **(b) OVERSEEING THE EXISTING SYSTEM.**—The Secre-  
25 tary shall acquire from the National Aeronautics and Space

1 Administration all portions of the existing United States land  
2 remote sensing satellite system, except for those portions  
3 which are devoted solely to research and development. Data  
4 from any research and development portion of such system  
5 should be made available as soon as possible for the purposes  
6 of this Act.

7 (c) DATA CONTINUITY.—(1) The Secretary shall pre-  
8 pare a comprehensive overall plan, with periodic amendments  
9 as necessary, for the management of the existing United  
10 States land remote sensing satellite system, including—

11 (A) procuring or acquiring launch services;

12 (B) launching Landsat D as soon as possible after  
13 Landsat D is no longer in operation;

14 (C) operating and maintaining the existing space  
15 and data-handling segments, including methods for re-  
16 ducing costs; and

17 (D) leasing or contracting the existing space or  
18 data-handling segments, or both, to the private sector.

19 (2) The Secretary shall establish a competitive process  
20 that seeks to provide data continuity after Landsat D is no  
21 longer in operation. Such process shall be based primarily  
22 upon—

23 (A) the Secretary's determination of the potential  
24 availability of cost-effective commercial United States  
25 land remote sensing satellite systems; and

1           (B) those conditions which will stimulate and  
2           foster efforts by the private sector to provide data  
3           continuity.

4   In determining whether a United States land remote sensing  
5   satellite system is cost-effective under this paragraph, the  
6   Secretary shall consider various basic requirements of the  
7   Federal Government for land remote sensing satellite data as  
8   compared to the cost of providing such data.

9           (3) The Secretary shall encourage the private sector to  
10   develop United States land remote sensing satellite systems  
11   which will meet the basic requirements of the Federal Gov-  
12   ernment for such systems after Landsat D is no longer in  
13   operation. To increase the viability of private ownership and  
14   operation of United States land remote sensing satellite sys-  
15   tems, the Secretary shall promote the use, sale and distribu-  
16   tion of Landsat data and data products. The Secretary may  
17   guarantee any lender or lessor against loss of principal and  
18   interest or other contractual commitments on leases or loans  
19   issued to finance development of such systems. If the private  
20   sector can not be encouraged to develop such systems, the  
21   Secretary may undertake to purchase for the Federal Gov-  
22   ernment a land remote sensing satellite system that will meet  
23   such basic requirements.

24           (4) When Landsat D and D are no longer in operation,  
25   the Secretary shall facilitate the transfer or lease to the pri-



1 vate sector of assets and facilities of the space and data-han-  
2 dling segments. Any such transfer or lease shall be conducted  
3 on competitive basis.

4 (d) COOPERATION WITH OTHER AGENCIES.—The  
5 Secretary shall coordinate the operation of the existing  
6 United States land remote sensing satellite system and the  
7 regulation of any commercial United States land remote  
8 sensing satellite system with each department or agency of  
9 the Federal Government interested in such system or its  
10 data.

11 (e) INTERNATIONAL NEGOTIATIONS.—The Secretary,  
12 with the guidance of the Secretary of State, may hold discus-  
13 sions with international bodies or foreign governments in  
14 order to carry out the policies, purposes, and provisions of  
15 this Act.

16 PROHIBITION OF REPRODUCTION FOR SALE OR DISTRIBUTION OF DATA AND BASIC INFORMATION PRODUCTS

17  
18 SEC. 5. (a) PROHIBITED ACTS.—(1) It shall be unlaw-  
19 ful for any person to reproduce for sale or distribution, or to  
20 sell or distribute, any data or basic information product pro-  
21 duced by the existing United States land remote sensing sat-  
22 ellite system, except in accordance with conditions specified  
23 by the Secretary. In setting forth such conditions, the Secre-  
24 tary shall consider the fair use of data by agencies of the

1 Federal Government, and for teaching and research  
2 purposes.

3 (2) Notwithstanding any other provision of law, no data  
4 obtained from any commercial United States land remote  
5 sensing satellite system may be duplicated or released by any  
6 agent or department of the Federal Government or any other  
7 user, except upon prior receipt by the owner of such system  
8 of the price of such data, as if such data had been purchased  
9 directly from the owner.

10 (b) PENALTY.—(1) Any person who violates any provi-  
11 sion of subsection (a) of this section, or any regulation issued  
12 under such subsection, shall be subject to a civil penalty of  
13 not to exceed \$25,000 for each such violation.

14 (2) Any such penalty may be compromised by the Secre-  
15 tary. In determining the amount of the penalty, or the  
16 amount agreed in the compromise, the appropriateness of  
17 such penalty to the size of the business of the person charged  
18 and the gravity of the violation shall be considered. The  
19 amount of such penalty, when finally determined, or the  
20 amount agreed upon in the compromise, may be deducted  
21 from any sums owed by the United States to the person  
22 charged.

23 (c) JURISDICTION.—(1) The United States district court  
24 shall have jurisdiction, for cause shown, to restrain or enjoin  
25 violations of subsection (a) of this section upon petition by the

1 appropriate United States attorney, or the Attorney General  
2 on behalf of the United States.

3 (2) Actions under paragraph (1) of this subsection may  
4 be brought in the district where any act or transaction consti-  
5 tuting the violation occurred or in the district court where the  
6 defendant is found, is an inhabitant, or transacts business.  
7 Process in such cases may be served in any other district or  
8 where the defendant is an inhabitant or wherever the defend-  
9 ant may be found.

10 (3) In any action brought under this subsection, sub-  
11 penas for witnesses who are required to attend a United  
12 States district court may run into any other district.

13 **REGULATIONS**

14 **SEC. 6.** The Secretary is authorized to establish such  
15 regulations as may be necessary to carry out the provisions of  
16 this Act.

17 **ALLOCATION OF COMMUNICATIONS FREQUENCIES**

18 **SEC. 7.** Within one hundred and twenty days after the  
19 date of enactment of this Act, the Federal Communications  
20 Commission shall determine the frequencies for use by United  
21 States Landsat and commercial land remote sensing satellite  
22 systems. In making such determination, the Federal Commu-  
23 nications Commission shall seek the comments of the Secre-  
24 tary. The Federal Communications Commission shall without  
25 prejudice permit the development and construction of any

1 United States land remote sensing system (or component  
2 thereof) while any frequency determination is being made.

3       APPLICABILITY OF THE NATIONAL AERONAUTICS AND  
4                                   SPACE ACT OF 1958

5       SEC. 8. Nothing in this Act shall be construed to reduce  
6 or otherwise affect the authority of the National Aeronautics  
7 and Space Administration under the National Aeronautics  
8 and Space Act of 1958 (42 U.S.C. 2451 et seq.) to continue  
9 the research, development, design, testing, and evaluation of  
10 remote sensing components, subsystems, and systems for ex-  
11 perimental purposes.

○