

Appendix A

Proposed Policy for Handling Remotely Sensed Data

S.2297 Land Remote Sensing Policy Act of 1992, Section 202 Dissemination of Unenhanced Data.

(a) **DISSEMINATION POLICY**-The Administrator and the Secretary of Defense shall implement a Landsat data dissemination policy, defined in the plan required by section 201(b)(3), that—

(1) ensures that existing Landsat data and future unenhanced data **acquired by the Landsat system are routinely available** to Earth and global change research scientists at costs that do not exceed the marginal cost of filling a specific user request;

(2) considers the reasonable and legitimate requirements of all segments of the satellite land remote sensing user community for access to unenhanced Landsat data; and

(3) ensures that copies of all unenhanced data acquired by the Landsat system are provided to the Secretary of the Interior for permanent preservation.

(b) **AUTHORITY NOT AFFECTED**—The provisions of this section shall not affect the authority of the Administrator and the Secretary of Defense to contract for the dissemination of data acquired by the Landsat system, so long as—

(1) the Federal Government retains ownership of all unenhanced data acquired by the Landsat system;

(2) no exclusive marketing rights are extended to any contractor.

(3) the Federal Government retains the right to set pricing policy for unenhanced data; and

(4) all other requirements of this section are met.

Section 501. Nondiscriminatory Data Availability.

(a) **MAKING DATA AVAILABLE**—Any Unenhanced data generated by the Landsat system, or 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) **INFORMATION**-The Administrator and the Secretary of Defense and any other system operator shall make publicly available the prices, policies, procedures, and other terms and conditions (but not necessarily the names of buyers or their purchases) upon which the operator will sell such data.

Section 502. Archiving of Data.

(a) **PUBLIC INTEREST**-It is in the public interest for the Federal 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.

H.3614 National Landsat Policy Act of 1992. Section 203. Data Policy for Landsat 1 through 6.

(a) **CONTRACT NEGOTIATIONS**-Within 30 days after the date of enactment of the National Landsat Policy Act of 1992, the Landsat Program Management shall enter into negotiations with the Landsat 6 contractor, with respect to pricing, distribution, acquisition, archiving, and access of Landsat 1 through 6 unenhanced data.

(b) **CONSIDERATIONS**-In carrying out negotiations under this section, the Landsat Program Management shall—

(1) seek to ensure that such unenhanced data shall be provided to the United States Government and its affiliated users at the cost of fulfilling user requests, on the condition that such unenhanced data is used solely for noncommercial purposes;

(2) seek to ensure that instructional data sets, selected from the Landsat data archives, will be made available to educational institutions exclusively for noncommercial, educational purposes at the cost of fulfilling user requests;

(3) seek to ensure that Landsat data users are able to acquire unenhanced data contained in the collective archives of foreign ground stations as easily and affordably as practicable;

(4) seek to ensure that the United States Government and its affiliated users shall not be prohibited from reproduction or dissemination of unenhanced data to other agencies of the United States Government and other affiliated users, as long as the unenhanced data will be solely for noncommercial purposes;

(5) explore options, including the provision of vouchers and data grants, for providing unenhanced data to nonprofit, public interest entities engaged in environmental research at the cost of fulfilling user requests, as long as the unenhanced data will be used solely for noncommercial purposes; and

(6) seek to ensure a viable role for the private sector in the promotion and development of the commercial market for unenhanced data from the Landsat system.

(c) **FAILURE TO REACH AGREEMENT**—If negotiations under subsection (a) have not, within 120 days after the date of the enactment of the National Landsat Policy Act of 1992, resulted in an agreement that the Landsat Program Management determines generally

achieves the goals stated in subsection (b)(1) through (4), the Administrator and the Secretary of Defense shall, within 30 days after the date of such determination, jointly certify and report such determination to the Congress. The report shall include a review of options for achieving, and recommendations with respect to, such goals. The options reviewed shall include--

(1) retaining the existing or modified contract with the Landsat 6 contractor.

(2) the termination of existing contracts for the exclusive marketing rights of Landsat unenhanced data; and

(3) the establishment of an alternative private sector mechanism for the marketing and commercial distribution of such data.

Section 204. Transfer of Landsat 6 Program Responsibilities.

The responsibilities of the Secretary of Commerce with respect to Landsat 6 shall be transferred to the Landsat Program Management, as agreed to between the Secretary of Commerce, the Secretary of Defense, and the Administrator pursuant to section 201.

Section 205. Data Policy for Landsat 7.

(a) **LANDSAT 7 DATA POLICY PLANS**-The Landsat Program Management, in consultation with the Secretary and appropriate officers of other appropriate United States Government agencies, shall develop a preliminary and a Final Landsat 7 Data Policy Plan in accordance with subsections (b) and (c). The Preliminary and Final Landsat 7 Data Policy Plans shall-

(1) define the roles and responsibilities of the various public and private sector entities that would be involved in the acquisition, processing, distribution, and archiving of Landsat 7 data and in the operations of the Landsat 7 spacecraft;

(2) ensure timely and dependable delivery of unenhanced data to the full spectrum of civilian, national security, commercial, and foreign users, and the National Satellite Land Remote Sensing Data Archive;

(3) seek to ensure that unenhanced data shall be provided to the United States Government and its affiliated users at the cost of fulfilling user requests, on the condition that such unenhanced data is used solely for noncommercial purposes;

(4) ensure that instructional data sets, selected from the Landsat data archives, shall be made available to educational institutions exclusively for noncommercial, educational purposes at the cost of fulfilling user requests;

(5) ensure that the United States Government and its affiliated users shall not be prohibited from reproduction or dissemination of unenhanced data to other agencies of the United States Government and other affiliated users, as long as such unenhanced data is used solely for noncommercial purposes;

(6) ensure that the proposed data distribution system contributes to the commercialization goal for land remote-sensing; and

(7) to the extent possible, ensure that the data distribution system for Landsat 7 is compatible with the Earth Observing System Data and Information System.

(b) **PRELIMINARY PLAN AND REPORT**-Not later than December 31, 1993, the Landsat Program Management shall develop and submit to the Congress a report that contains a Preliminary Landsat 7 Data Policy Plan and that addresses each of the issues identified in subsection (a).

(c) **FINAL PLAN AND REPORT**-Not later than July 15, 1996, the Landsat Program Management shall develop and submit to the Congress a report that contains a Final Landsat 7 Data Policy Plan. In developing the report and plan, the Landsat Program Management shall assess the operational effectiveness of the data distribution system and policies for Landsat 1 through 6, established pursuant to section 203, in order to assist the Landsat Program Management in determining what, if any, modifications should be made in the preliminary Landsat 7 Data Policy Plan. The report shall address any such modifications.