

(3) demonstrate within such 5-year period an advanced land remote sensing system design that could be less expensive to procure and operate than the Landsat system projected to be in operation through the year 2000, and that therefore holds greater potential for private sector investment and control.

(b) EXECUTION OF PROGRAM.—In executing the technology demonstration program, the President shall seek to apply technologies associated with United States National Technical Means of intelligence gathering, to the extent that such technologies are appropriate for the technology demonstration and can be declassified for such purposes without causing adverse harm to United States national security interests.

(c) BROAD APPLICATION.—To the greatest extent practicable, the technology demonstration program established under subsection (a) shall be designed to be responsive to the broad civilian, national security, commercial, and foreign policy needs of the United States.

(d) PRIVATE SECTOR FUNDING.—The technology demonstration program under this section may be carried out in part with private sector funding.

(e) LANDSAT PROGRAM MANAGEMENT COORDINATION.—The Landsat Program Management shall have a coordinating role in the technology demonstration program carried out under this section.

(Pub. L. 111-314, §3, Dec. 18, 2010, 124 Stat. 3418.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
60133	15 U.S.C. 5633(a)-(e).	Pub. L. 102-555, title III, §303(a)-(e), Oct. 28, 1992, 106 Stat. 4174.

In subsection (a)(1), the date “October 28, 1992” is substituted for “the date of the enactment of this Act” to reflect the date of enactment of the Land Remote Sensing Policy Act of 1992 (Public Law 102-555, 106 Stat. 4163). At the end of paragraph (1), a semicolon is substituted for the period to correct an error in the law.

§ 60134. Preference for private sector land remote sensing system

(a) IN GENERAL.—If a successor land remote sensing system to Landsat 7 can be funded and managed by the private sector while still achieving the goals stated in subsection (b) without jeopardizing the domestic, national security, and foreign policy interests of the United States, preference should be given to the development of such a system by the private sector without competition from the United States Government.

(b) GOALS.—The goals referred to in subsection (a) are—

(1) to encourage the development, launch, and operation of a land remote sensing system that adequately serves the civilian, national security, commercial, and foreign policy interests of the United States;

(2) to encourage the development, launch, and operation of a land remote sensing system that maintains data continuity with the Landsat system; and

(3) to incorporate system enhancements, including any such enhancements developed

under the technology demonstration program under section 60133 of this title, which may potentially yield a system that is less expensive to build and operate, and more responsive to data users, than is the Landsat system otherwise projected to be in operation in the future.

(Pub. L. 111-314, §3, Dec. 18, 2010, 124 Stat. 3418.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
60134(a)	15 U.S.C. 5641(c).	Pub. L. 102-555, title IV, §401(b), (c), Oct. 28, 1992, 106 Stat. 4176.
60134(b)	15 U.S.C. 5641(b).	

In subsection (b), in the matter before paragraph (1), the words “In carrying out subsection (a), the Landsat Program Management shall consider the ability of each of the options to” are omitted as obsolete. The omitted words refer to section 401(a) of the Land Remote Sensing Policy Act of 1992 (15 U.S.C. 5641(a)), which required, within 5 years after October 28, 1992, the Landsat Program Management, in consultation with representatives of appropriate United States Government agencies, to assess and report to Congress on options for a successor land remote sensing system to Landsat 7.

In subsection (b)(3), the words “otherwise projected to be in operation in the future” are substituted for “projected to be in operation through the year 2000” to eliminate obsolete language.

SUBCHAPTER V—GENERAL PROVISIONS

§ 60141. Nondiscriminatory data availability

(a) IN GENERAL.—Except as provided in subsection (b), any unenhanced data generated by the Landsat system or any other land remote sensing system funded and owned by the United States Government shall be made available to all users without preference, bias, or any other special arrangement (except on the basis of national security concerns pursuant to section 60146 of this title) regarding delivery, format, pricing, or technical considerations which would favor one customer or class of customers over another.

(b) EXCEPTIONS.—Unenhanced data generated by the Landsat system or any other land remote sensing system funded and owned by the United States Government may be made available to the United States Government and its affiliated users at reduced prices, in accordance with this chapter, on the condition that such unenhanced data are used solely for noncommercial purposes.

(Pub. L. 111-314, §3, Dec. 18, 2010, 124 Stat. 3419.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
60141	15 U.S.C. 5651.	Pub. L. 102-555, title V, §501, Oct. 28, 1992, 106 Stat. 4176.

§ 60142. Archiving of data

(a) PUBLIC INTEREST.—It is in the public interest for the United States Government to—

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

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

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

(b) ARCHIVING PRACTICES.—The Secretary of the Interior, in consultation with the Landsat Program Management, shall provide for long-term storage, maintenance, and upgrading of a basic, global, land remote sensing data set (hereafter in this section referred to as the “basic data set”) and shall follow reasonable archival practices to ensure proper storage and preservation of the basic data set and timely access for parties requesting data.

(c) DETERMINATION OF CONTENT OF BASIC DATA SET.—In determining the initial content of, or in upgrading, the basic data set, the Secretary of the Interior shall—

(1) use as a baseline the data archived on October 28, 1992;

(2) take into account future technical and scientific developments and needs, paying particular attention to the anticipated data requirements of global environmental change research;

(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 of the Interior considers appropriate, unenhanced data generated either by the Landsat system, pursuant to subchapter II, or by licensees under subchapter III;

(6) include, as the Secretary of the Interior 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 60146 of this title.

(d) PUBLIC DOMAIN.—After the expiration of any exclusive right to sell, or after relinquishment of such right, the data provided to the National Satellite Land Remote Sensing Data Archive shall be in the public domain and shall be made available to requesting parties by the Secretary of the Interior at the cost of fulfilling user requests.

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3419.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
60142	15 U.S.C. 5652.	Pub. L. 102–555, title V, § 502, Oct. 28, 1992, 106 Stat. 4176.

In subsection (b), the words “hereafter in this section” are substituted for “hereinafter” for clarity.

In subsection (c), in the matter before paragraph (1), the words “of the Interior” are substituted for “of Interior” to correct an error in the law.

In subsection (c)(1), the date “October 28, 1992” is substituted for “the date of enactment of this Act” to reflect the date of enactment of the Land Remote Sensing Policy Act of 1992 (Public Law 102–555, 106 Stat. 4163).

§ 60143. Nonreproduction

Unenhanced data distributed by any licensee under subchapter III may be sold on the condition that such data will not be reproduced or disseminated by the purchaser for commercial purposes.

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3420.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
60143	15 U.S.C. 5653.	Pub. L. 102–555, title V, § 503, Oct. 28, 1992, 106 Stat. 4177.

§ 60144. Reimbursement for assistance

The Administrator, the Secretary of Defense, and the heads of other United States Government agencies may provide assistance to land remote sensing system operators under the provisions of this chapter. Substantial assistance shall be reimbursed by the operator, except as otherwise provided by law.

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3420.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
60144	15 U.S.C. 5654.	Pub. L. 102–555, title V, § 504, Oct. 28, 1992, 106 Stat. 4177.

§ 60145. Acquisition of equipment

The Landsat Program Management may, by means of a competitive process, allow a licensee under subchapter III 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 United States Government civilian agencies are authorized and encouraged to cooperate with the Secretary in carrying out this section.

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3420.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
60145	15 U.S.C. 5655.	Pub. L. 102–555, title V, § 505, Oct. 28, 1992, 106 Stat. 4177.

§ 60146. Radio frequency allocation

(a) APPLICATION TO FEDERAL COMMUNICATIONS COMMISSION.—To the extent required by the Communications Act of 1934 (47 U.S.C. 151 et seq.), an application shall be filed with the Federal Communications Commission for any radio facilities involved with commercial remote sensing space systems licensed under subchapter III.

(b) DEADLINE FOR FCC ACTION.—It is the intent of Congress that the Federal Communications Commission complete the radio licensing process under the Communications Act of 1934 (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 chapter, within 120 days of the receipt of an application for such licensing.