



A Beginner's Guide to U.S. Satellite System Data Policy

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Presented to

National Wetlands Research Center

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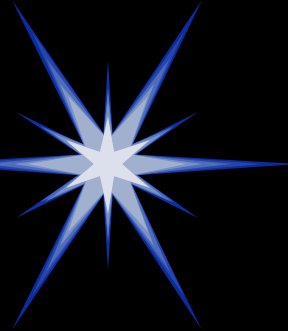
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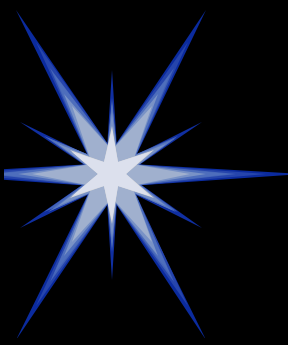


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Some major laws and policies applicable to satellite data policy

- **Land Remote Sensing Policy Act**
- **Commercial Space Act**
- **Ⓟ "Public good"**
- **Ⓟ NOAA private systems licensing regulations**
- **Ⓟ NASA Authorization Act**





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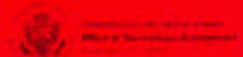
"Public Good" Defined

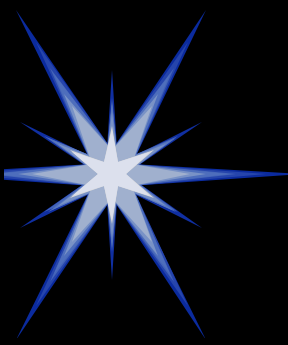
“a good or service for which it is impossible or undesirable for reasons of efficiency to charge customers a price or user fee for services rendered.”

REMOTE SENSING AND
THE PRIVATE SECTOR
ISSUES FOR DISCUSSION

A TECHNICAL MEMORANDUM

MARCH 1991



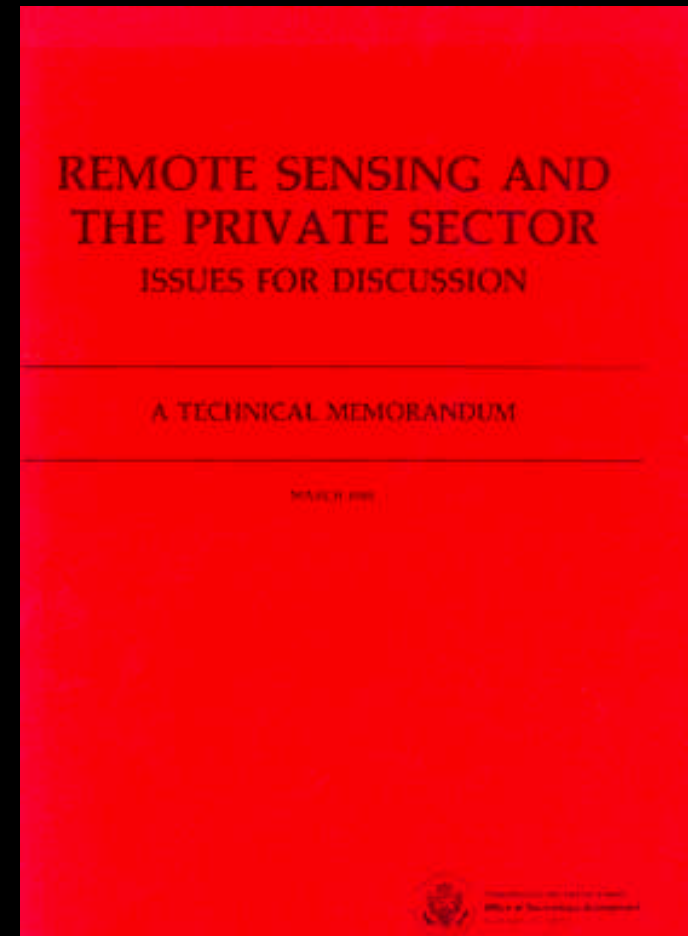


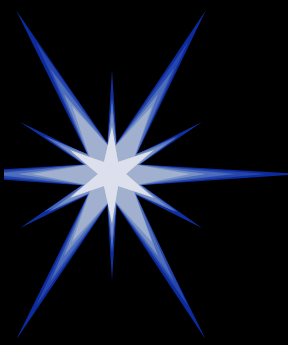
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"Public Good" Defined

The Policy Question:

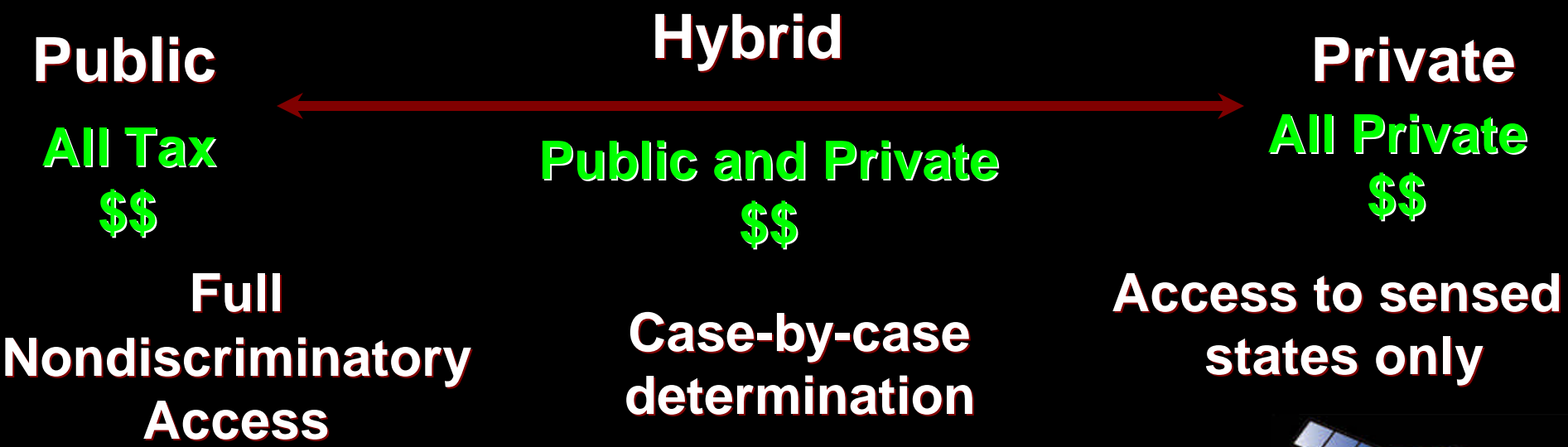
Do satellite data fall into this definition so that they can appropriately be placed on the public end of the public-private spectrum?

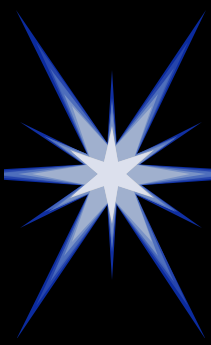




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The Public - Private Spectrum





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NOAA License Regulations and Data Ownership

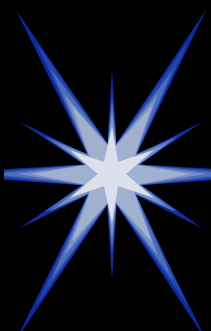
- **Company must disclose**

- ◆ Amount of government resources that went into, or will contribute toward, the development, fabrication, launch, or operation of the system

- **If fully government funded**

- ◆ All unenhanced data available on nondiscriminatory basis



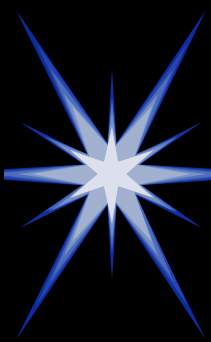


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NOAA License Regulations and Data Ownership

- If entirely privately funded
 - ◆ Data provided according to reasonable commercial terms and conditions
 - ◆ "Sensed state"
- If partial government support
 - ◆ Some access to unenhanced data on a nondiscriminatory basis
 - ◆ NOAA makes case-by-case determination with provisions included in the individual license





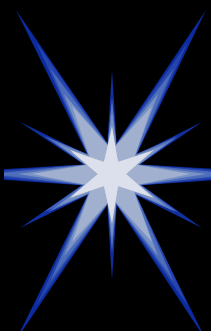
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NASA Authorization Act of 2000 “Commercialization”

“Actions or policies which promote or facilitate the private creation or expansion of commercial markets for privately developed and privately provided space goods and services, including privatized space activities”

(Emphasis added)





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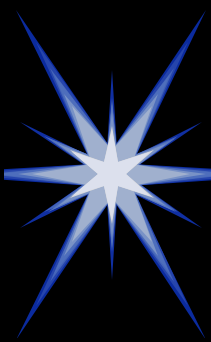
NASA Authorization Act of 2000

“Commercial Purchase”

“Purchase by the Federal Government of space goods and services at a market price from a private entity which has invested private resources to meet commercial requirements”

(Emphasis added)





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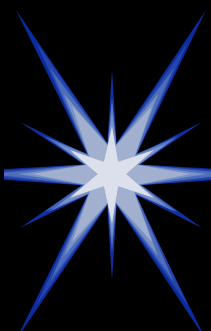
NASA Authorization Act of 2000

“Commercial Use of Federal Assets”

“the use of Federal assets by a private entity to deliver services to commercial customers, with or without putting private capital at risk”

(Emphasis added)





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NASA Authorization Act of 2000

“Privatization”

■ Is “process of transferring”

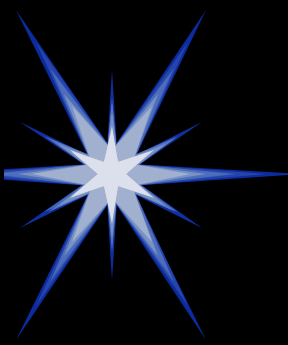
◆ “(A) control and ownership of Federal space-related assets, along with the responsibility for operating, maintaining, and upgrading those assets, to the private sector;

or

◆ (B) control and responsibility for space-related functions from the Federal Government to the private sector.”

(Emphasis added)



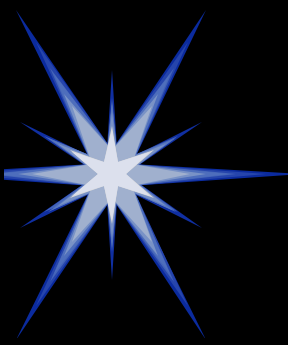


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Some Legal Criteria

- Who will actually pay for system, its parts and operation?
 - ◆ Private dollars or tax dollars?
 - ◆ Regardless of form: contract, data buy, lease, etc.
- Who will manage system?
 - ◆ Day-to-day ops?
 - ◆ Government furnished equipment?
 - ◆ Privately furnished equipment?



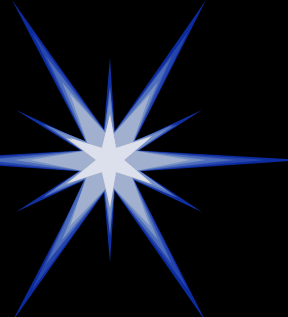


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Some Legal Criteria

- **Who is ultimately liable?**
 - ◆ **Company or government?**
 - ◆ **Regardless of form: contract, data buy, lease, etc.**
- **Who has actual, not just apparent, authority?**
 - ◆ **Over what?**
 - ◆ **Data, services, distribution, applications?**





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- **Questions?**
- **Comments?**

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