

Management, pursuant to section 60111 of this title.

(Pub. L. 111-314, §3, Dec. 18, 2010, 124 Stat. 3413.)

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
60112 .....	15 U.S.C. 5614.	Pub. L. 102-555, title I, §104, Oct. 28, 1992, 106 Stat. 4170.

### § 60113. Data policy for Landsat 7

(a) **LANDSAT 7 DATA POLICY.**—The Landsat Program Management, in consultation with other appropriate United States Government agencies, shall develop a data policy for Landsat 7 which should—

(1) ensure that unenhanced data are available to all users at the cost of fulfilling user requests;

(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) ensure that the United States retains ownership of all unenhanced data generated by Landsat 7;

(4) support the development of the commercial market for remote sensing data;

(5) ensure that the provision of commercial value-added services based on remote sensing data remains exclusively the function of the private sector; and

(6) 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) **ADDITIONAL DATA POLICY CONSIDERATIONS.**—In addition, the data policy for Landsat 7 may provide for—

(1) United States private sector entities to operate ground receiving stations in the United States for Landsat 7 data;

(2) other means for direct access by private sector entities to unenhanced data from Landsat 7; and

(3) the United States Government to charge a per image fee, license fee, or other such fee to entities operating ground receiving stations or distributing Landsat 7 data.

(Pub. L. 111-314, §3, Dec. 18, 2010, 124 Stat. 3413.)

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
60113 .....	15 U.S.C. 5615(a), (b).	Pub. L. 102-555, title I, §105(a), (b), Oct. 28, 1992, 106 Stat. 4170.

## SUBCHAPTER III—LICENSING OF PRIVATE REMOTE SENSING SPACE SYSTEMS

### § 60121. General licensing authority

(a) **LICENSING AUTHORITY OF SECRETARY.**—

(1) **IN GENERAL.**—In consultation with other appropriate United States Government 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 subchapter.

(2) **LIMITATION WITH RESPECT TO SYSTEM USED FOR OTHER PURPOSES.**—In the case of a private space system that is used for remote sensing and other purposes, the authority of the Secretary under this subchapter shall be limited only to the remote sensing operations of such space system.

(b) **COMPLIANCE WITH LAW, REGULATIONS, INTERNATIONAL OBLIGATIONS, AND NATIONAL SECURITY.**—

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

(2) **LIST OF REQUIREMENTS FOR COMPLETE APPLICATION.**—The Secretary shall publish in the Federal Register a complete and specific list of all information required to comprise a complete application for a license under this subchapter. An application shall be considered complete when the applicant has provided all information required by the list most recently published in the Federal Register before the date the application was first submitted. Unless the Secretary has, within 30 days after receipt of an application, notified the applicant of information necessary to complete an application, the Secretary may not deny the application on the basis of the absence of any such information.

(c) **DEADLINE FOR ACTION ON APPLICATION.**—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) **IMPROPER BASIS FOR DENIAL.**—The Secretary shall not deny such license in order to protect any existing licensee from competition.

(e) **REQUIREMENT TO PROVIDE UNENHANCED DATA.**—

(1) **DESIGNATION OF DATA.**—The Secretary, in consultation with other appropriate United States Government agencies and pursuant to paragraph (2), shall designate in a license issued pursuant to this subchapter any unenhanced data required to be provided by the licensee under section 60122(b)(3) of this title.

(2) **PRELIMINARY DETERMINATION.**—The Secretary shall make a designation under paragraph (1) after determining that—

(A) such data are generated by a system for which all or a substantial part of the development, fabrication, launch, or operations costs have been or will be directly funded by the United States Government; or

(B) it is in the interest of the United States to require such data to be provided by the licensee consistent with section 60122(b)(3) of this title, after considering the impact on the licensee and the importance of promoting widespread access to remote