

Hickenlooper-1



AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—119th Cong., 1st Sess.

**S. 1437**

To require the Administrator of the National Aeronautics and Space Administration to establish a program to identify, evaluate, acquire, and disseminate commercial Earth remote sensing data and imagery in order to satisfy the scientific, operational, and educational requirements of the Administration, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended  
to be proposed by Mr. HICKENLOOPER

Viz:

1 Strike all after the enacting clause and insert the fol-  
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Accessing Satellite Ca-  
5 pabilities to Enable New Discoveries Act” or the “AS-  
6 CEND Act”.

7 **SEC. 2. COMMERCIAL SATELLITE DATA.**

8 (a) FINDINGS.—Congress makes the following find-  
9 ings:

1           (1) Section 60501 of title 51, United States  
2 Code, states that the goal for the Earth Science pro-  
3 gram of the National Aeronautics and Space Admin-  
4 istration (referred to in this section as “NASA”)  
5 shall be to pursue a program of Earth observations;  
6 research, and applications activities to better under-  
7 stand the Earth, how it supports life, and how  
8 human activities affect its ability to do so in the fu-  
9 ture.

10           (2) Section 50115 of title 51, United States  
11 Code, states that the Administrator of NASA shall,  
12 to the extent possible and while satisfying the sci-  
13 entific or educational requirements of NASA, and  
14 where appropriate, of other Federal agencies and  
15 scientific researchers, acquire, where cost effective,  
16 space-based and airborne commercial Earth remote  
17 sensing data, services, distribution, and applications  
18 from a commercial provider.

19           (3) After the completion of the Private-Sector  
20 Small Constellation Satellite Data Product Pilot  
21 launch in 2017, the Administrator of NASA estab-  
22 lished the Commercial SmallSat Data Acquisition  
23 Pilot Program in 2019 to identify, evaluate, validate,  
24 and acquire from commercial sources data that sup-

1 port the Earth science research and application  
2 goals.

3 (4) The Administrator of NASA has—

4 (A) determined that the pilot program de-  
5 scribed in paragraph (3) has been a success, as  
6 described in the final evaluation entitled “Com-  
7 mercial SmallSat Data Acquisition Program  
8 Pilot Evaluation Report” issued in 2020;

9 (B) established a formal process for evalu-  
10 ating and onboarding new commercial vendors  
11 in such pilot program;

12 (C) increased the number of commercial  
13 vendors and commercial data products available  
14 through such pilot program; and

15 (D) expanded procurement arrangements  
16 with commercial vendors to broaden user access  
17 to provide Earth remote sensing data and im-  
18 agery to federally funded researchers.

19 (b) COMMERCIAL SATELLITE DATA ACQUISITION  
20 PROGRAM.—

21 (1) IN GENERAL.—Chapter 603 of title 51,  
22 United States Code, is amended by adding at the  
23 end the following:

1 **“§ 60307. Commercial Satellite Data Acquisition Pro-**  
2 **gram**

3 “(a) IN GENERAL.—The Administrator shall estab-  
4 lish within the Earth Science Division of the Science Mis-  
5 sion Directorate a program, to be known as the ‘Commer-  
6 cial Satellite Data Acquisition Program’, to cost-effectively  
7 acquire and disseminate commercial Earth observation  
8 data and imagery in order to complement the scientific,  
9 operational, and educational requirements of the Adminis-  
10 tration, and where appropriate, of other Federal agencies  
11 and scientific researchers.

12 “(b) DATA PUBLICATION AND ACCESSIBILITY.—The  
13 terms and conditions of commercial Earth remote sensing  
14 data and imagery acquisitions under the program de-  
15 scribed in subsection (a) shall not prevent—

16 “(1) the publication of commercial data or im-  
17 agery in academic or scientific articles, papers, or  
18 other similar publications for scientific purposes; or

19 “(2) the publication, in academic or scientific  
20 articles, papers, or other similar publications, of in-  
21 formation that is derived from, incorporates, or en-  
22 hances the original commercial data or imagery of a  
23 vendor.

24 “(c) AUTHORIZATION.—

25 “(1) IN GENERAL.—In carrying out the pro-  
26 gram under this section, the Administrator may—

1           “(A) procure commercial Earth remote  
2           sensing data and imagery from commercial ven-  
3           dors to advance scientific research and applica-  
4           tions for the purpose set forth in subsection (a);  
5           and

6           “(B) establish or modify end-use license  
7           terms and conditions to allow for the widest  
8           possible use of procured commercial Earth re-  
9           mote sensing data and imagery by individuals  
10          other than NASA-funded users, consistent with  
11          the goals of the program.

12          “(2) ACQUISITION FROM UNITED STATES VEN-  
13          DORS.—The commercial Earth remote sensing data  
14          and imagery procured under this subsection shall be  
15          procured, to the maximum extent practicable, from  
16          United States vendors.

17          “(d) REPORT.—Not later than 180 days after the  
18          date of the enactment of this section, and annually there-  
19          after, the Administrator shall submit to the Committee on  
20          Commerce, Science, and Transportation of the Senate and  
21          the Committee on Science, Space, and Technology of the  
22          House of Representatives a report that includes the fol-  
23          lowing:

24                 “(1)(A) In the case of the initial report, a list  
25                 of all vendors that are providing commercial Earth

1 remote sensing data and imagery to NASA as of the  
2 date of the report.

3 “(B) For each subsequent report, a list of all  
4 vendors that have provided commercial Earth remote  
5 sensing data and imagery to NASA during the re-  
6 porting period.

7 “(2) A description of the end-use license terms  
8 and conditions for each such vendor.

9 “(3) A description of the manner in which each  
10 such vendor is advancing scientific research and ap-  
11 plications, including priorities recommended by the  
12 National Academies of Sciences, Engineering, and  
13 Medicine decadal surveys.

14 “(4) Information specifying whether the Admin-  
15 istrator has entered into an agreement with a com-  
16 mercial vendor or a Federal agency that permits the  
17 use of data and imagery by Federal Government em-  
18 ployees, contractors, or non-Federal users.

19 “(e) DEFINITION OF UNITED STATES VENDOR.—In  
20 this section, the term ‘United States vendor’ means a com-  
21 mercial or nonprofit entity incorporated in the United  
22 States.”.

23 (2) CLERICAL AMENDMENT.—The table of con-  
24 tents for chapter 603 of title 51, United States

- 1 Code, is amended by adding at the end the following
- 2 new item:  
"60307. Commercial Satellite Data Acquisition Program."