

118TH CONGRESS  
1ST SESSION

# S. 2634

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

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IN THE SENATE OF THE UNITED STATES

JULY 27, 2023

Mr. HICKENLOOPER (for himself and Mr. CORNYN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

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

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

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

5 **SEC. 2. COMMERCIAL SATELLITE DATA.**

6 (a) FINDINGS.—Congress makes the following find-  
7 ings:

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

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

1           (3) The Administrator of NASA established the  
2           Commercial SmallSat Data Acquisition Pilot Pro-  
3           gram in 2019 to identify, validate, and acquire from  
4           commercial sources data that support the Earth  
5           science research and application goals.

6           (4) The Administrator of NASA has—

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

12                  (B) established a formal process for evalu-  
13                  ating and onboarding new commercial vendors  
14                  in such pilot program;

15                  (C) increased the number of commercial  
16                  vendors and commercial data products available  
17                  through such pilot program; and

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

22           (b) COMMERCIAL SATELLITE DATA ACQUISITION  
23 PROGRAM.—

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

4   **“§ 60307. Commercial Satellite Data Acquisition Pro-**  
5                                   **gram**

6           “(a) IN GENERAL.—The Administrator shall estab-  
7           lish within the Earth Science Division of the Science Mis-  
8           sion Directorate a program to acquire and disseminate  
9           commercial Earth observation data and imagery in order  
10          to satisfy the scientific, operational, and educational re-  
11          quirements of the Administration, and where appropriate,  
12          of other Federal agencies and scientific researchers.

13          “(b) DATA PUBLICATION AND TRANSPARENCY.—The  
14          terms and conditions of commercial remote sensing data  
15          acquisitions under the program described in subsection (a)  
16          shall not prevent—

17                 “(1) the publication of commercial data for sci-  
18                 entific purposes; or

19                 “(2) the publication of information that is de-  
20                 rived from, incorporates, or enhances the original  
21                 commercial data of a vendor.

22          “(c) AUTHORIZATION.—In carrying out the program  
23          under this section, the Administrator may—

1           “(1) procure the remote sensing data and im-  
2           agery from commercial vendors necessary to advance  
3           scientific research and applications;

4           “(2) establish or modify end-use license terms  
5           and conditions to allow for the use of procured data  
6           and imagery by individuals other than NASA-funded  
7           users, consistent with the goals of the program; and

8           “(3) as practicable, procure remote sensing  
9           data and imagery from commercial vendors to sup-  
10          port—

11                   “(A) nonscientific applications; and

12                   “(B) nonmilitary activities of Federal  
13           agencies.

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

21                   “(1)(A) In the case of the initial report, a list  
22           of all vendors that are providing remote sensing data  
23           and imagery to NASA as of the date of the report.

1           “(B) For each subsequent report, a list of all  
2 vendors that have provided remote sensing data and  
3 imagery to NASA during the reporting period.

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

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

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

16           (2) CLERICAL AMENDMENT.—The table of con-  
17 tents for chapter 603 of title 51, United States  
18 Code, is amended by adding at the end the following  
19 new item:

“60307. Commercial Satellite Data Acquisition Program.”.

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