



FAX TRANSMISSION

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MESSAGE: Remote Sensing Q&A's

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REMOTE SENSING Q'S & A'S

Pending Licenses

- Q:** *Now that the Administration's policy is in place, when can we expect the release of licenses currently pending at the Department of Commerce? The Department of State?*
- A:** **Commerce:** The new policy provides guidance on several important issues. Therefore, as soon as this guidance can be incorporated into the text of pending licenses, we expect that these licenses will be issued very soon.
- A:** **State:** This policy provides essential guidance relevant to the issue of our pending export license applications. The State Department will review these applications in light of this new policy and complete processing of them as quickly as possible.
- Q:** *Does this policy adopt a time frame by which future export license applications at the State Department will be completed?*
- A:** **State:** No. The policy leaves intact existing laws and regulations governing export licensing. However, it is the intent of this policy and the State Department to process all export license applications as expeditiously as possible.

Shutter Control

- Q:** *Does this policy allow for regular government management or control over the tasking of commercial remote sensing systems?*
- A:** No. Consistent with the terms of the Land Remote Sensing Policy Act, this policy provides that during periods when national security or international obligations and/or foreign policies may be compromised, the Secretary of Commerce, after consultation with the Secretary of Defense or Secretary of State, may require the licensed company to limit the collection and distribution of data to the extent required by the given situation. The decision to impose such limits is a Cabinet-level decision of the Secretary of Commerce, made after consultation with the Secretary of Defense or State. Therefore, any decision to limit data collection or distribution will be neither trivial nor routine.
- Q:** *What is the enforcement mechanism by which the Government would restrict commercial companies from imaging certain areas?*

A: We believe that such restrictions should be necessary only in extreme circumstances. However, if they are necessary, the Secretary of Commerce would notify licensed companies of the need to limit the collection or distribution of their data to the extent required by the given situation. The Secretary of Commerce, would use whatever other enforcement mechanisms are necessary, consistent with the provisions of the Act.

Expanded Partnerships

Q: *What is the Administration's policy with regard to expanding intelligence partnerships into areas of potential commercial interest?*

A: At this time, there are no plans for the significant expansion of foreign intelligence or defense partnerships in ways that would raise questions about U.S. Government competition with the private sector. Moreover, any proposed intelligence or defense arrangements that would raise such questions would be submitted for prior inter-agency review.

Q: *Will the Intelligence Community revise its existing intelligence arrangements to conform to this new policy?*

A: The current policy is designed to provide a stable and supportive environment for the U.S. commercial remote sensing industry. All Government agencies will reexamine their existing operations to insure their conformity with this policy.

Government Review of Foreign Customers

Q: *Will this policy require the Government to give prior approval to all agreements with foreign customers?*

A: No. This policy requires that U.S. companies that have been issued operating licenses notify the U.S. Government of its intent to enter into *significant or substantial agreements* with *new* foreign customers. This is consistent with the notice provisions contained in the Land Remote Sensing Policy Act. Interested federal agencies will be given advance notice of such agreements to allow them to review the proposed agreements in light of the national security, international obligations and/or foreign policy concerns of the U.S. Once a foreign entity has been reviewed, it will not be necessary to submit subsequent agreements to Commerce with that same entity for later review.

Q: *What is meant by "significant or substantial agreements?"*

A: The Commerce Department, in its regulations, will define the meaning of a "significant or substantial agreement." However, this definition would exclude small transactions that would be administratively burdensome to review.

Export of Turn-Key Systems

Q: *Will the export of turn-key systems be allowed under this policy?*

A: The U.S. will consider, on a case by case basis, request to export remote sensing systems whose characteristics are available or planned for availability in the world market.

Q: *What criteria will be applied in reviewing applications for the export of turn-key systems?*

A: Any license for the export of a turn-key system will take into account the foreign entity's willingness to commit to U.S. provisions concerning sharing, protection and denial of products and data; technical constraints of the system.

Among other things, the license will also be expected to satisfy the conditions that:

- o certain diplomatic notices must be given in the affected region; and

- o the system may be subject to the terms of a government to government agreement.

Export of Sensitive Technology

Q: *Does this policy allow for the export of remote sensing subsystems and technologies?*

A: The U.S. will consider, on a restricted basis, applications for the export of sensitive subsystems and technologies. Such technologies shall only be available to foreign customers on the basis of a government to government agreement.

USML vs. CCL

- Q:** *Will any remote sensing systems or technology be moved from the US Munitions List to the Commerce Control List? If yes, when?*
- A:** The Department of State currently has under review a proposal to move certain remote sensing satellites to the Commerce Department's jurisdiction. This review should result in publication of a Federal Register Notice.
- Q:** *Are there any countries to which you would not provide either remote sensing data or systems?*
- A:** Yes. As you know, either law or policy would prohibit us from providing either the data or remote sensing systems to countries such as Iran, Iraq, Libya and North Korea.

NASA and NOAA Weather Satellites

- Q:** *Does this policy change affect the activities of civil government agencies involved in global change research or weather tracking?*
- A:** No. This policy is not intended to affect the activities of U.S. government agencies involved in global change research or operating meteorological satellites.

Multilateral Export Control Regime

- Q:** *Will there be an attempt to establish a multilateral export control regime to control the export of remote sensing technology?*
- A:** An inter-agency group will be convened to examine the feasibility of such a multilateral export control regime and to develop an approach to discuss with potential foreign suppliers possible mutual constraints on foreign access to remote sensing capabilities. Any such proposal that resulted from this review would be submitted for inter-agency review.

Prior National Space Policy Directives

- Q:** *Does this policy supersede any prior National Space Policy Directives?*
- A:** No. It continues to be the policy of the U.S. Government that "governmental space sectors shall not conduct activities with potential commercial applications that preclude or deter commercial sector space activities, except for national security or public safety reasons."