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MEMORANDUM OF AGREEMENT
BETWEEN THE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
AND THE
UNITED STATES GEOLOGICAL SURVEY
TO
ESTABLISH AND OPERATE
THE NATIONAL SATELLITE LAND REMOTE SENSING DATA ARCHIVE

I. PURPOSES

The purposes of this Memorandum of Agreement (MOA) between the National Oceanic and Atmospheric Administration (NOAA) and the United States Geological Survey 'USGS' are 1) to engage in a joint program to establish and operate the National Satellite Land Remote Sensing Data Archive ("the Archive"); 2) to identify the principal functional elements of that program; and 3) to define the major roles and responsibilities of each Agency in supporting that program.

II. AUTHORITY

This MOA is entered into by authority of the Land Remote Sensing Commercialization Act of 1984, 15 U.S.C. 4201 et seq. (the Act) as well as the Economy Act of June 30, 1932, 31 U.S.C. 686.

III. OBJECTIVES

The objectives of this program are to establish and operate an Archive that will provide for long-term

preservation of an irreplaceable, global land remote sensing data set consisting of data acquired over the past decade by U.S. land remote sensing satellite systems, as well as future data to be acquired by U.S. and foreign, operational and experimental, commercial and government land remote sensing satellite systems.

IV. BACKGROUND AND JUSTIFICATION

Title VI of the Act states, "It is in the public interest for the United States Government to maintain an archive of land remote sensing data for historical, scientific, and technical purposes, including long-term global environmental monitoring." This Title further directs the Secretary of Commerce to provide for long-term storage, maintenance, and upgrading of a global, land remote sensing data set (termed "the basic data set"); to follow reasonable archival practices to assure proper storage and preservation of the basic data set; to provide timely access for parties requesting data; and, to the extent practicable, use existing Government facilities for the Archive.

Title VI further stipulates that system operators shall provide data promptly at reasonable costs for reproduction and transmittal when requested by the Secretary of Commerce. This Title also confirms that system operators have the exclusive right to sell all data that they provide to the Archive for a period determined by the

Secretary but not to exceed ten years from the date of sensing. For Landsat data acquired before implementation of the contract under Title II of the Act, the contractor shall have the exclusive right to sell those data for the duration of the contract which expires July 17, 1994. A system operator may relinquish the exclusive right and consent to distribution from the Archive before this right normally expires by terminating the offer to sell particular data. After expiration or relinquishment of this exclusive right, the Government shall consider these data in the public domain and available upon request at prices reflecting reasonable costs for reproduction and transmittal.

V. ARCHIVE ADVISORY GROUP

NOAA and USGS jointly will establish and maintain an advisory group for the National Satellite Land Remote Sensing Data Archive, with members representing government, private industry, and academic institutions. The advisory group will meet, as required, to provide information and advice concerning Archive policy, including basic data set content and general Archive operations.

VI. RESPONSIBILITIES

Responsibilities of NOAA and USGS associated with the establishment and operation of the Archive are as follows:

A. NOAA and USGS jointly will:

1. Define the scope and content of the Archive basic data set. Such definition will take into account recommendations of the Archive advisory group, the availability of funds, and technical capabilities of various systems of interest.
 2. Determine and implement an Archive basic data set acquisition strategy.
 3. Define, document, and widely disseminate a clear policy statement covering conditions and limitations for user access to Archive data consistent with the provisions of 15 U.S.C. 1201.
 4. Prepare an annual report detailing previous and projected activities related to Archive operations and basic data set acquisition.
- B. USGS will:
1. In consultation with NOAA, provide and maintain Archive operations at the EROS Data Center, including data receipt, data storage, digital and photographic data copy, and appropriate data distribution functions. Specifically, USGS will:
 - a. Provide suitable environmentally controlled physical storage facilities to assure long-term data quality, integrity, and preservation.

- b. Provide a suitable short-term data storage system, utilizing appropriate storage media, for near-term preservation of Archive data.
 - c. Develop and maintain an efficient Archive data catalog system, supported by appropriate accession aids and a user-accessible telecommunications network.
 - d. Provide all data processing and product generation facilities, equipment, and capabilities required for Archive operations.
2. Develop and implement, as technological advancements permit, a long-term Archive data storage system, utilizing advanced storage media, to provide increased storage capacity, more efficient data access, and improved data durability, integrity, and reliability.
 3. In consultation with NOAA, define and implement a process to screen, select, and convert existing (on short-term storage media) archived data to the advanced storage media for long-term preservation in the Archive.

C. NOAA will:

1. In consultation with USGS, establish all necessary agreements to obtain selected land remote sensing satellite data from U.S. commercial satellite systems, foreign operational satellite systems, and domestic and foreign experimental satellite systems for inclusion in the Archive basic data set.

D. General

NOAA and USGS will prepare, within 90 days following signature of this MOA or as soon thereafter as practical, a detailed Program Definition and Implementation Plan. The Plan will identify and describe the scope of all major Archive program elements and associated requirements, including estimated funding requirements. The Plan also will include an implementation schedule.

VII. MANAGEMENT

- A. Approval of this MOA and any amendments will be by the NOAA Administrator and the USGS Director.
- B. Implementation of this MOA will be the responsibility of the Director, Office of Landsat Commercialization, National Environmental Satellite, Data, and Information Service (NESDIS), NOAA, and the Chief, National Mapping Division, USGS, or his designee.

C. Any issues and problems that cannot be resolved by the Director, Office of Landsat Commercialization, and the Chief, National Mapping Division, or his designee, will be brought to the NOAA-USGS Interagency Committee for Program Coordination for resolution or for referral to higher authority. Meetings between agency designates will be held as needed to review the program and resolve conflicts.

VIII. FUNDING

NOAA and USGS jointly will establish and execute a plan that provides for initial NOAA funding of basic data set acquisition and Archive operations, and for the transfer of funding and operational responsibility from NOAA to USGS.

IX. CONDITIONS

Performance of either party under this MOA is subject to the availability of appropriated funds.

X. RENEGOTIATION

Upon 30 days written notice by either party stating an intent to alter conditions of or activities under this MOA, a formal meeting for reconsideration and resolution will be scheduled.

