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*Regulating Commercial Remote Sensing Satellites Over Israel: A Black Hole in the Open Skies Doctrine?*

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This article discusses the regulation of private remote sensing satellites. Originally, remote sensing satellites existed only for military purposes, but that changed in 1972 when NASA launched the first experimental, civilian remote sensing satellite. The Land Remote Sensing Policy Act of 1992 (1992 Policy Act) gives the Secretary of Commerce the power to license private remote sensing systems, which, for the first time, allowed private companies to build and operate remote sensing satellites. Licensing authority was given to the National Oceanic and Atmospheric Administration (NOAA) by the Secretary of Commerce. Although many restrictions were imposed on the private remote sensing activities, companies were still eager to participate. Spatial resolution was one area in which the United States did not legislate restrictions, but that changed when Israel was concerned about its national security and asked the United States to consider preventing the flow of satellite imagery into the commercial arena.

In response, Congress passed section 1064 of the 1997 National Defense Authorization Act, which is called "Prohibition on Collection and Release of detailed Satellite Imagery Relating to Israel. This section, which is a departure from Congress's usual approach of allowing commercial entities to freely gather images of earth, prohibits United States license holders from imaging Israel at high resolution. This section of the 1997 National Defense Authorization Act is a departure from the Open Skies Doctrine, which allows for the free use of airspace.