



September 25, 2023

Office of the Director of National Intelligence  
Office of Policy and Capabilities  
Requirements, Cost & Effectiveness

**Re: Request for Information (RFI): Overcoming Barriers to Use Commercial Overhead Data and Analytic Services in the Intelligence Community and Department of Defense**

To Whom it May Concern:

The U.S. Chamber of Commerce (“Chamber”) is pleased to respond to the “Barriers to Use Commercial Overhead Data and Analytic Services in the Intelligence Community and Department of Defense” Request for Information (RFI), issued by the Office of the Director of National Intelligence (“ODNI”).

Despite the repeated recognition by senior leaders within the U.S. Intelligence Community (“USIC”) and the Department of Defense (“DOD”) that the U.S. space industry provides valuable remote sensing data and analytic services in support of a range of national security, disaster response and diplomatic missions, as well as legislation that directs the U.S. Government (“USG”) to acquire commercial products and services, the USG has lagged in establishing the programs, mechanisms and processes to leverage this existing capability.

While the Chamber appreciates ODNI’s interest in improving its ability to leverage commercial capabilities, it has been more than five years since relevant USG departments and agencies were directed to eliminate impediments and accelerate the use of commercial capabilities. Accordingly, we believe that the time for a study to examine how to overcome barriers to the use of commercial remote sensing/space-based data and analytic services has passed. The USIC and DOD must act urgently to procure, integrate and utilize the value these products and services provide on a much broader scale to ensure the viability of domestic commercial remote sensing capabilities for the long-term.

The USG is not extracting the full value that commercial remote sensing capabilities and analytic services can provide due to systemic challenges in how DOD and the USIC partner with industry. Continued delays in providing guidance, setting requirements, issuing Requests for Proposals (“RFPs”), and transitioning mature capabilities from study and pilot programs to operational support contracts have created a tremendous amount of uncertainty both for government and industry,

resulting in operators in the field not getting the support they need to safely accomplish their national security and civil missions.

For example, the RFP and award for the Electro-Optical Commercial Layer (EOCL) contract was delayed by over 24 months. Due to the size and the scope of this program, the delay had a negative material impact on revenue forecasts and financial performance of companies participating in the program. Moreover, the implementation delay diverted resources that degraded industry's ability to compete for business with commercial customers and foreign partners. Delays like this have long-term negative consequences for the ability of U.S. industry to respond to USG requirements, and it transfers innovation offshore, as was the case with synthetic aperture radar (SAR) systems<sup>1</sup>, potentially into the hands of adversary nations.

The value of unclassified commercial remote sensing data has been proven on the battlefield in Ukraine, and in other conflict zones and disaster response operations around the globe. While private sector innovation continues to improve the quality and functionality of remote-sensing data, it already is a mature and proven capability. Our members have documented requests for data from USG users in the field who needed access to data sources and analytics from commercial companies to fill intelligence gaps in situations where national-level systems were unable to address.

A 2022 Government Accountability Office ("GAO") report cited that the National Reconnaissance Office ("NRO") awarded five study contracts as of July 2021, but had only transitioned one commercial vendor to an operational support contract. Two of the five commercial vendors that had study contracts indicated that the small dollar amount of the study contract type limits the ability of vendors to expand and enhance service offerings.<sup>2</sup> The report noted further that it is not clear that NRO funding provided by the Commercial Space Program Office meets the USG's strategic goal of maximizing commercial imagery use.<sup>3</sup>

The USG's reliance on low-value study and prototype contracts, along with the lack of a process for transitioning contracts associated with Broad Agency Announcements to operational contracts, jeopardizes the long-term viability of the U.S. commercial remote-sensing data and analytics industry. Many other nations subsidize their domestic remote sensing and analytic services, which reflects a commitment to the

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<sup>1</sup> Wong, Jonathan P., Yool Kim, Krista Langeland, George Nacouzi, Krista Romita Grocholski, Jonathan Balk, Karishma V. Patel, and Barbara Bicksler, "Leveraging Commercial Space Services: Opportunities and Risks for the Department of the Air Force", Rand Corporation, available at [https://www.rand.org/pubs/research\\_reports/RRA1724-1.html](https://www.rand.org/pubs/research_reports/RRA1724-1.html).

<sup>2</sup> Government Accountability Office, "Actions Needed to Better Use Commercial Satellite Imagery and Analytics" GAO-22-106106 National Security Space

<sup>3</sup> Government Accountability Office, "Actions Needed to Better Use Commercial Satellite Imagery and Analytics" GAO-22-106106 National Security Space

success of their respective industrial bases. Actions such as these undercut the ability of U.S. companies to win contracts abroad and puts the U.S. at risk of losing its competitive advantage over other nations and adversaries. In response, the DOD and USIC should establish funded programs of record to leverage the extraordinary capabilities of U.S. companies to ensure the American warfighter has a technological and decision-making advantage in combat and non-combat operations.

ODNI and DOD should take the following actions to leverage the full value of available commercial remote sensing data and analytic services:

- **Provide Clarity:** The 2022 GAO report states that DOD and the USIC have not established clear roles and responsibilities for the acquisition of commercial satellite imagery and analytic services, resulting in uncertainty regarding when government can acquire data and services.<sup>4</sup> DOD and the USIC should update existing guidance and clearly communicate roles and responsibilities for acquiring commercial satellite imagery and analytic services across the Defense and Intelligence Community enterprise.
- **Introduce Metrics and Increase the Acquisition of Commercial Data and Services:** The USG should assess the value that commercial remote sensing data and analytic services provide against requirements so DOD and the USIC can prioritize sustained and increasing funding for commercial imagery. Per the 2022 GAO report, the USG does not have performance metrics in place to compare the cost of commercially sourced images to government-sourced images with similar attributes.<sup>5</sup> DOD and the USIC should commit to acquiring 50% of space information services from commercial sources -as outlined in the 2020 State of the Space Industrial Base report - based on the affordability, effectiveness and resiliency of the data.<sup>6</sup>
- **Sustain and bolster budgets to acquire commercial remote sensing data and analytic services** - As the USG continues to validate commercial remote sensing data and analytic services, we believe it would be beneficial to implement an alternative to the NRO's Strategic Commercial Enhancements Broad Agency Announcement as a primary means for executing contracts with the DOD and USIC. A dedicated line item in the budget for commercial space services would

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<sup>4</sup> Government Accountability Office, "Actions Needed to Better Use Commercial Satellite Imagery and Analytics" GAO-22-106106 National Security Space

<sup>5</sup> Government Accountability Office, "Actions Needed to Better Use Commercial Satellite Imagery and Analytics" GAO-22-106106 National Security Space

<sup>6</sup> US Space Force, Defense Innovation Unit, "State of the Space Industrial Base 2020", July 2020, available at: <https://apps.dtic.mil/sti/pdfs/AD1106608.pdf>

enable the Government to fully leverage the speed, innovation, and capabilities offered by the commercial space sector. Setting measurable objectives in the form of sustained and increasing budget growth with regard to the NIP, MIP, NGP, and NRP, aligned with commercial data and analytics will help drive real change and take full advantage of commercial opportunities.

- **Adopt Agile Acquisition Practices:** The acquisition best practices being implemented by the U.S. Space Force and Space Development Agency should be used as examples on how to more regularly assess and acquire remote sensing data and analytic services from the U.S. commercial industry. U.S. Space Force Space Systems Command (SSC) task order recently issued to Ursa Space Systems, Inc<sup>7</sup> is a good example of the government’s ability to be agile in using its contracting authorities to support operational missions in the field. The Chamber hopes that SSC will share this acquisition use case as a best practice to be scaled into a major contract vehicle giving the government the ability to quickly issue task orders as short-fused mission requirements dictate. As stated in the 2022 GAO report, the Statement of Capability (SOC) developed for the EOCL contract awarded in the spring of 2022 took five years to develop using the USIC and DOD’s traditional requirements processes.<sup>8</sup> Due to the rapid innovation of commercial capabilities, there should be multiple opportunities throughout the acquisition process to assess all commercial offerings, including new commercial phenomenologies such as radio-frequency, and innovative analytic services that have the potential to greatly increase the value of commercial remote sensing data.
- **Promote U.S. Remote Sensing Data and Analytic Services Capabilities to International Partners:** DOD and the USIC should consider additional mechanisms, such as the Foreign Military Sales program, to promote the use of unclassified, publicly available commercial remote sensing data and analytic services by allied nations to increase international collaboration and support the space industrial base.
- **Invest in Understanding Commercial Business Models:** DOD and the USIC would benefit from learning how industry partners operate their business, manage product development cycles, and license their products and services to better

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<sup>7</sup> Ursa Space Systems Inc, “Space Force Tasks Ursa Space to Provide SOUTHCOM with Maritime Situational Awareness to SOUTHCOM”, September 11, 2023, available at: [https://ursaspace.com/blog/space-force-southcom/?utm\\_campaign=Partnerships&utm\\_content=263845262&utm\\_medium=social&utm\\_source=linkedin&hss\\_channel=lcp-9272522](https://ursaspace.com/blog/space-force-southcom/?utm_campaign=Partnerships&utm_content=263845262&utm_medium=social&utm_source=linkedin&hss_channel=lcp-9272522).

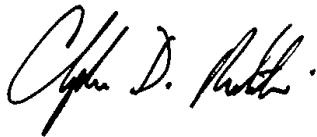
<sup>8</sup> Government Accountability Office, “Actions Needed to Better Use Commercial Satellite Imagery and Analytics” GAO-22-106106 National Security Space

understand the forces that drive their decision-making and the urgency with which they must operate their businesses. In addition to having more frequent direct contact with industry and implementing exchange programs with industry, the DOD and the USIC should leverage the knowledge base of its reserve and National Guard personnel with industry experience to better inform its understanding of the capabilities of commercial companies in this field.

U.S. Government policy dating back to 2003 recognizes that maintaining leadership in remote sensing space activities and sustaining and enhancing the U.S. remote sensing industry is in the national interest. It directed the USG to develop a long-term, sustainable relationship with industry.<sup>9</sup> The current system, while well-intentioned, sends muddled demand signals to industry with respect to how the USG values commercial remote sensing data and analytic services and how it intends to leverage these very capable technologies to support its missions in the future. Consistent, transparent communication with industry is needed and will benefit the USG by allowing commercial actors to respond faster to changing requirements - or step aside from programs where they cannot provide the best value - either of which would allow the USG to acquire the products and services it needs in the most efficient manner.

In addition to this written response, the U.S. Chamber would welcome the opportunity to convene industry and relevant stakeholders within DOD and the USIC to engage in dialog on the topics discussed above, as well as other issues identified in the RFI.

Sincerely,



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U.S. Chamber of Commerce



John P. Neal  
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<sup>9</sup> Office of Space Commerce, "U.S. Commercial Remote Sensing Space Policy", January 25, 2003, available at: <https://www.space.commerce.gov/policy/u-s-commercial-remote-sensing-space-policy/>