

project is located certifies in writing to the Secretary that there is reasonable assurance that the project will be located, designed, constructed, and operated to comply with applicable air and water quality standards. If the Administrator has not prescribed those standards, certification shall be obtained from the Administrator. Notice of certification or refusal to certify shall be provided not later than 60 days after the Secretary receives the application.

(2) The Secretary of Transportation shall condition the approval of an application on compliance with applicable air and water quality standards during construction and operation.

(d) COMPLIANCE WITH LAWS AND REGULATIONS.—The Secretary of Transportation may require a certification from a sponsor that the sponsor will comply with all applicable laws and regulations. The Secretary may rescind at any time acceptance of a certification from a sponsor under this subsection. This subsection does not affect any responsibility of the Secretary under another law, including—

- (1) section 303 of title 49;
- (2) title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.);
- (3) title VIII of the Act of April 11, 1968 (42 U.S.C. 3601 et seq.);
- (4) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and
- (5) the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1344, §70304 of title 49; renumbered §70304 then §51104 of title 51 and amended Pub. L. 111–314, §4(d)(2), (4)(D), (6)(B), Dec. 18, 2010, 124 Stat. 3440, 3441, 3443.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
70304	15:5804(e).	Nov. 4, 1992, Pub. L. 102–588, §505(e), 106 Stat. 5126.

In subsection (a), the words “policy of the United States” are substituted for “national policy”, and the words “of the United States” are substituted for “of the Nation”, for consistency. The words “included in a project grant application” and “full and” are omitted as surplus.

In subsection (b), the words “of objectives” are omitted as surplus.

In subsection (c), the words “chief executive officer” are substituted for “Governor” for consistency in the revised title and because the word “State” includes the territories and possessions of the United States.

In subsection (d), before clause (1), the words “in connection with any project”, “imposed on such sponsor under this section in connection with such project”, and “or discharge” are omitted as surplus. The words “laws and regulations” are substituted for “statutory and administrative requirements” for consistency in the revised title.

REFERENCES IN TEXT

The Civil Rights Act of 1964, referred to in subsec. (d)(2), is Pub. L. 88–352, July 2, 1964, 78 Stat. 241. Title VI of the Act is classified to subchapter V (§2000d et seq.) of chapter 21 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2000a of Title 42 and Tables.

Title VIII of the Act of April 11, 1968, referred to in subsec. (d)(3), is title VIII of Pub. L. 90–284, Apr. 11,

1968, 82 Stat. 81, known as the Fair Housing Act, which is classified principally to subchapter I (§3601 et seq.) of chapter 45 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 3601 of Title 42 and Tables.

The National Environmental Policy Act of 1969, referred to in subsec. (d)(4), is Pub. L. 91–190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, referred to in subsec. (d)(5), is Pub. L. 91–646, Jan. 2, 1971, 84 Stat. 1894, which is classified principally to chapter 61 (§4601 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4601 of Title 42 and Tables.

AMENDMENTS

2010—Pub. L. 111–314, §4(d)(2), (4)(D), successively renumbered section 70304 of title 49 and section 70304 of this title as this section.

Subsec. (d)(1). Pub. L. 111–314, §4(d)(6)(B), substituted “section 303 of title 49” for “section 303 of this title”.

§ 51105. Authorization of appropriations

Not more than \$10,000,000 may be appropriated to the Secretary of Transportation to make grants under this chapter. Amounts appropriated under this section remain available until expended.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1345, §70305 of title 49; renumbered §70305 then §51105 of title 51, Pub. L. 111–314, §4(d)(2), (4)(E), Dec. 18, 2010, 124 Stat. 3440, 3441.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
70305	15:5804(b) (2d, last sentences).	Nov. 4, 1992, Pub. L. 102–588, §505(b) (2d, last sentences), 106 Stat. 5125.

AMENDMENTS

2010—Pub. L. 111–314 successively renumbered section 70305 of title 49 and section 70305 of this title as this section.

Subtitle VI—Earth Observations

CHAPTER 601—LAND REMOTE SENSING POLICY

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SUBCHAPTER I—GENERAL

§ 60101. Definitions

In this chapter:

(1) **COST OF FULFILLING USER REQUESTS.**—The term “cost of fulfilling user requests” means the incremental costs associated with providing product generation, reproduction, and distribution of unenhanced data in response to user requests and shall not include any acquisition, amortization, or depreciation of capital assets originally paid for by the United States Government or other costs not specifically attributable to fulfilling user requests.

(2) **DATA CONTINUITY.**—The term “data continuity” means the continued acquisition and availability of unenhanced data which are, from the point of view of the user—

(A) sufficiently consistent (in terms of acquisition geometry, coverage characteristics, and spectral characteristics) with previous Landsat data to allow comparisons for global and regional change detection and characterization; and

(B) compatible with such data and with methods used to receive and process such data.

(3) **DATA PREPROCESSING.**—The term “data preprocessing”—

(A) may include—

(i) rectification of system and sensor distortions in land remote sensing data as it is received directly from the satellite in preparation for delivery to a user;

(ii) registration of such data with respect to features of the Earth; and

(iii) calibration of spectral response with respect to such data; but

(B) does not include conclusions, manipulations, or calculations derived from such data, or a combination of such data with other data.

(4) **LAND REMOTE SENSING.**—The term “land remote sensing” means the collection of data which can be processed into imagery of surface features of the Earth from an unclassified satellite or satellites, other than an operational United States Government weather satellite.

(5) **LANDSAT PROGRAM MANAGEMENT.**—The term “Landsat Program Management” means

the integrated program management structure—

(A) established by, and responsible to, the Administrator and the Secretary of Defense pursuant to section 60111(a) of this title; and

(B) consisting of appropriate officers and employees of the Administration, the Department of Defense, and any other United States Government agencies the President designates as responsible for the Landsat program.

(6) **LANDSAT SYSTEM.**—The term “Landsat system” means Landsats 1, 2, 3, 4, 5, and 6, and any follow-on land remote sensing system operated and owned by the United States Government, along with any related ground equipment, systems, and facilities owned by the United States Government.

(7) **LANDSAT 6 CONTRACTOR.**—The term “Landsat 6 contractor” means the private sector entity which was awarded the contract for spacecraft construction, operations, and data marketing rights for the Landsat 6 spacecraft.

(8) **LANDSAT 7.**—The term “Landsat 7” means the follow-on satellite to Landsat 6.

(9) **NATIONAL SATELLITE LAND REMOTE SENSING DATA ARCHIVE.**—The term “National Satellite Land Remote Sensing Data Archive” means the archive established by the Secretary of the Interior pursuant to the archival responsibilities defined in section 60142 of this title.

(10) **NONCOMMERCIAL PURPOSES.**—The term “noncommercial purposes” means activities undertaken by individuals or entities on the condition, upon receipt of unenhanced data, that—

(A) such data shall not be used in connection with any bid for a commercial contract, development of a commercial product, or any other non-United States Government activity that is expected, or has the potential, to be profitmaking;

(B) the results of such activities are disclosed in a timely and complete fashion in the open technical literature or other method of public release, except when such disclosure by the United States Government or its contractors would adversely affect the national security or foreign policy of the United States or violate a provision of law or regulation; and

(C) such data shall not be distributed in competition with unenhanced data provided by the Landsat 6 contractor.

(11) **SECRETARY.**—The term “Secretary” means the Secretary of Commerce.

(12) **UNENHANCED DATA.**—The term “unenhanced data” means land remote sensing signals or imagery products that are unprocessed or subject only to data preprocessing.

(13) **UNITED STATES GOVERNMENT AND ITS AFFILIATED USERS.**—The term “United States Government and its affiliated users” means—

(A) United States Government agencies;

(B) researchers involved with the United States Global Change Research Program and its international counterpart programs; and

(C) other researchers and international entities that have signed with the United