HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
70302(b)	15:5804(f).	

In subsection (a), the words ''of the United States'' are substituted for ''Nation's'' for consistency.

AMENDMENTS

2010—Pub. L. 111–314 successively renumbered section 70302 of title 49 and section 70302 of this title as this section.

§ 51103. Grant applications

(a) GENERAL.—A sponsor may submit to the Secretary of Transportation an application for a project grant. The application must state the project to be undertaken and be in the form and contain the information the Secretary requires.

(b) CONSIDERATIONS AND CONSULTATION.—(1) In selecting proposed projects for grants under this section, the Secretary of Transportation shall consider—

(A) the contribution of the project to industry capabilities that serve the United States Government's space transportation needs;

(B) the extent of industry's financial contribution to the project;

(C) the extent of industry's participation in the project;

(D) the positive impact of the project on the international competitiveness of the United States space transportation industry;

(E) the extent of State contributions to the project; and

(F) the impact of the project on launch operations and other activities at Government launch ranges.

(2) The Secretary of Transportation shall consult with the Secretary of Defense, the Administrator of the National Space and Aeronautics Administration, and the heads of other appropriate agencies of the Government about paragraph (1)(A) and (F) of this subsection.

(c) REQUIREMENTS.—The Secretary of Transportation may approve an application only if the Secretary is satisfied that—

(1) the project will contribute to the purposes of this chapter;

(2) the project is reasonably consistent with plans (existing at the time of approval of the project) of public agencies that are—

(A) authorized by the State in which the project is located; and

(B) responsible for the development of the area surrounding the project site;

(3) if the application proposes to use Government property, the specific consent of the head of the appropriate agency has been obtained;

(4) the project will be completed without unreasonable delay;

(5) the sponsor submitting the application has the legal authority to engage in the project; and

(6) any additional requirements prescribed by the Secretary have been met.

(d) PREFERENCE FOR INDUSTRY CONTRIBUTIONS.—The Secretary of Transportation shall give preference to applications for projects for which there will be greater industry financial contributions, all other factors being equal.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1344, § 70303 of title 49; renumbered § 70303 then § 51103 of title 51, Pub. L. 111–314, § 4(d)(2), (4)(C), Dec. 18, 2010, 124 Stat. 3440, 3441.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
70303(a)	15:5804(d)(1).	Nov. 4, 1992, Pub. L. 102–588, § 505(c), (d), 106 Stat. 5125.
70303(b)(1) ..	15:5804(c)(1).	
70303(b)(2) ..	15:5804(c)(2).	
70303(c)	15:5804(d)(2).	
70303(d)	15:5804(c)(3).	

In subsection (a), the words ''for one or more projects'' are omitted as unnecessary because of the definition of ''project'' in section 70301 of the revised title.

In subsection (c)(5), the words ''as proposed'' are omitted as surplus.

AMENDMENTS

2010—Pub. L. 111–314 successively renumbered section 70303 of title 49 and section 70303 of this title as this section.

§ 51104. Environmental requirements

(a) POLICY.—It is the policy of the United States that projects selected under this chapter shall provide for the protection and enhancement of the natural resources and the quality of the environment of the United States. In carrying out this policy, the Secretary of Transportation shall consult with the Secretary of the Interior and the Administrator of the Environmental Protection Agency about a project that may have a significant effect on natural resources, including fish and wildlife, natural, scenic, and recreational assets, water and air quality, and other factors affecting the environment. If the Secretary of Transportation finds that a project will have a significant adverse effect, the Secretary may approve the application for the project only if, after a complete review that is a matter of public record, the Secretary makes a written finding that no feasible and prudent alternative to the project exists and that all reasonable steps have been taken to minimize the adverse effect.

(b) PUBLIC HEARING REQUIREMENT.—The Secretary of Transportation may approve an application only if the sponsor of the project certifies to the Secretary that an opportunity for a public hearing has been provided to consider the economic, social, and environmental effects of the project and its consistency with the goals of any planning carried out by the community. When a hearing is held under this paragraph, the sponsor shall submit a copy of the transcript of the hearing to the Secretary.

(c) COMPLIANCE WITH AIR AND WATER QUALITY STANDARDS.—(1) The Secretary of Transportation may approve an application only if the chief executive officer of the State in which the 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

SUBCHAPTER I—GENERAL

Sec.
60101. Definitions.

SUBCHAPTER II—LANDSAT

60111. Landsat Program Management.
60112. Transfer of Landsat 6 program responsibilities.
60113. Data policy for Landsat 7.

SUBCHAPTER III—LICENSING OF PRIVATE REMOTE SENSING SPACE SYSTEMS

60121. General licensing authority.
60122. Conditions for operation.
60123. Administrative authority of Secretary.
60124. Regulatory authority of Secretary.
60125. Agency activities.

SUBCHAPTER IV—RESEARCH, DEVELOPMENT, AND DEMONSTRATION

60131. Continued Federal research and development.
60132. Availability of federally gathered unenhanced data.
60133. Technology demonstration program.