

proceeding for the issuance, amendment, or repeal of a rule under this chapter.

(2) Such petitions shall be filed in the principal office of the Director and shall set forth the facts which it is claimed established that it is necessary to issue, amend, or repeal a rule under this chapter.

(3) The Director may hold a public hearing or may conduct such investigation or proceeding as the Director deems appropriate in order to determine whether or not such petition should be granted.

(4) Within ninety days after filing of a petition described in paragraph (1), the Director shall either grant or deny the petition. If the Director grants such petition, the Director shall promptly commence an appropriate proceeding in accordance with the provisions of this chapter. If the Director denies such petition, the Director shall so notify the petitioner in writing setting forth the reasons for such denial.

(Pub. L. 95-87, title II, §201, Aug. 3, 1977, 91 Stat. 449; Pub. L. 95-240, title I, §100, Mar. 7, 1978, 92 Stat. 109; 1978 Reorg. Plan No. 2, §102, eff. Jan. 1, 1979, 43 F.R. 36037, 92 Stat. 3783; Pub. L. 96-511, §4(b), Dec. 11, 1980, 94 Stat. 2826.)

REFERENCES IN TEXT

The Federal Coal Mine Health and Safety Act of 1969, referred to in subsecs. (b) and (d), is Pub. L. 91-173, Dec. 30, 1969, 83 Stat. 742, as amended, which was redesignated the Federal Mine Safety and Health Act of 1977 by Pub. L. 95-164, title I, §101, Nov. 9, 1977, 91 Stat. 1290, and is classified principally to chapter 22 (§801 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 801 of this title and Tables.

AMENDMENTS

1980—Subsec. (e). Pub. L. 96-511 struck subsec. (e) which provided for consideration of Office of Surface Mining Reclamation and Enforcement as an independent Federal regulatory agency. See section 3502(10) of Title 44, Public Printing and Documents.

1978—Subsec. (b). Pub. L. 95-240 substituted “V” for “IV”.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-511 effective Apr. 1, 1981, see section 5 of Pub. L. 96-511, set out as a note under section 2904 of Title 44, Public Printing and Documents.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsec. (f) of this section relating to requirement to report to Congress on actions taken and not taken under subsec. (f), see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 109 of House Document No. 103-7.

TRANSFER OF FUNCTIONS

“The Director of the Office of Personnel Management” substituted for “a majority of members of the Civil Service Commission” in subsec. (b) pursuant to Reorg. Plan No. 2 of 1978, §102, 43 F.R. 36037, 92 Stat. 3783, set out under section 1101 of Title 5, Government Organization and Employees, which transferred all functions vested by statute in the United States Civil Service Commission to the Director of the Office of Personnel Management (except as otherwise specified), effective Jan. 1, 1979, as provided by section 1-102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, §101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

TRAVEL AND PER DIEM EXPENSES

Pub. L. 100-446, title I, Sept. 27, 1988, 102 Stat. 1793, provided: “That notwithstanding any other provisions of law, appropriations for the Office of Surface Mining Reclamation and Enforcement may, hereafter, provide for the travel and per diem expenses of State and tribal personnel attending OSMRE sponsored training”.

Similar provisions were contained in the following appropriations acts:

Pub. L. 110-161, div. F, title I, Dec. 26, 2007, 121 Stat. 2109.

Pub. L. 109-54, title I, Aug. 2, 2005, 119 Stat. 512.

Pub. L. 108-447, div. E, title I, Dec. 8, 2004, 118 Stat. 3054.

Pub. L. 108-108, title I, Nov. 10, 2003, 117 Stat. 1256.

Pub. L. 108-7, div. F, title I, Feb. 20, 2003, 117 Stat. 230.

Pub. L. 107-63, title I, Nov. 5, 2001, 115 Stat. 429.

Pub. L. 106-291, title I, Oct. 11, 2000, 114 Stat. 933.

Pub. L. 106-113, div. B, §1000(a)(3) [title I], Nov. 29, 1999, 113 Stat. 1535, 1501A-147.

Pub. L. 105-277, div. A, §101(e) [title I], Oct. 21, 1998, 112 Stat. 2681-231, 2681-244.

Pub. L. 105-83, title I, Nov. 14, 1997, 111 Stat. 1553.

Pub. L. 104-208, div. A, title I, §101(d) [title I], Sept. 30, 1996, 110 Stat. 3009-181, 3009-191.

Pub. L. 104-134, title I, §101(c) [title I], Apr. 26, 1996, 110 Stat. 1321-156, 1321-168; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327.

Pub. L. 103-332, title I, Sept. 30, 1994, 108 Stat. 2510.

Pub. L. 103-138, title I, Nov. 11, 1993, 107 Stat. 1389.

Pub. L. 102-381, title I, Oct. 5, 1992, 106 Stat. 1387.

Pub. L. 102-154, title I, Nov. 13, 1991, 105 Stat. 1002.

Pub. L. 101-512, title I, Nov. 5, 1990, 104 Stat. 1927.

Pub. L. 101-121, title I, Oct. 23, 1989, 103 Stat. 712.

SUBCHAPTER III—STATE MINING AND MINERAL RESOURCES RESEARCH INSTITUTES

CODIFICATION

Subchapter was not enacted as part of the Surface Mining Control and Reclamation Act of 1977 which comprises this chapter.

§ 1221. Authorization of State allotments to institutes

(a)(1) There are authorized to be appropriated to the Secretary of the Interior (hereafter in this subchapter referred to as the “Secretary”) funds adequate to provide for each participating State \$400,000 for each of the fiscal years ending September 30, 1990, through September 30, 1994, to assist the States in carrying on the work of a competent and qualified mining and mineral resources research institute or center (hereafter in this subchapter referred to as the “institute”) at one public college or university in the State which meets the eligibility criteria established in section 1230 of this title.

(2)(A) Funds appropriated under this section shall be made available for grants to be matched on a basis of no less than 2 non-Federal dollars for each Federal dollar.

(B) If there is more than one such eligible college or university in a State, funds appropriated

under this subchapter shall, in the absence of a designation to the contrary by act of the legislature of the State, be granted to one such college or university designated by the Governor of the State.

(C) Where a State does not have a public college or university eligible under section 1230 of this title, the Committee on Mining and Mineral Resources Research established in section 1229 of this title (hereafter in this subchapter referred to as the "Committee") may allocate the State's allotment to one private college or university which it determines to be eligible under such section.

(b) It shall be the duty of each institute to plan and conduct, or arrange for a component or components of the college or university with which it is affiliated to conduct research, investigations, demonstrations, and experiments of either, or both, a basic or practical nature in relation to mining and mineral resources, and to provide for the training of mineral engineers and scientists through such research, investigations, demonstrations, and experiments. The subject of such research, investigation, demonstration, experiment, and training may include exploration; extraction; processing; development; production of fuel and nonfuel mineral resources; mining and mineral technology; supply and demand for minerals; conservation and best use of available supplies of minerals; the economic, legal, social, engineering, recreational, biological, geographic, ecological, and other aspects of mining, mineral resources, and mineral reclamation. Such research, investigation, demonstration, experiment and training shall consider the interrelationship with the natural environment, the varying conditions and needs of the respective States, and mining and mineral resources research projects being conducted by agencies of the Federal and State governments and other institutes.

(Pub. L. 98-409, §1, Aug. 29, 1984, 98 Stat. 1536; Pub. L. 100-483, §§2-4, Oct. 12, 1988, 102 Stat. 2339.)

CODIFICATION

Section was enacted as part of the Mining and Mineral Resources Research Institute Act of 1984, and not as part of the Surface Mining Control and Reclamation Act of 1977 which comprises this chapter.

PRIOR PROVISIONS

A prior section 1221, Pub. L. 95-87, title III, §301, Aug. 3, 1977, 91 Stat. 451, contained provisions similar to this section covering fiscal years 1978 through 1984.

AMENDMENTS

1988—Subsec. (a)(1). Pub. L. 100-483, §2, substituted "\$400,000 for each of the fiscal years ending September 30, 1990, through September 30, 1994" for "\$300,000 for the fiscal year ending September 30, 1985, and \$400,000 to each participating State for each fiscal year thereafter for a total of five years".

Subsec. (a)(2)(A). Pub. L. 100-483, §3, amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: "Funds appropriated under this section shall be made available for grants to be matched on a basis of no less than one and one-half non-Federal dollars for each Federal dollar during the fiscal years ending September 30, 1985, and September 30, 1986, and no less than two non-Federal dollars for each Federal dollar during the fiscal years ending September 30, 1987, September 30, 1988, and September 30, 1989."

Subsec. (b). Pub. L. 100-483, §4, substituted "production of fuel and nonfuel mineral resources" for "production of mineral resources".

SHORT TITLE

For short title of Pub. L. 98-409, which enacted this subchapter, as the Mining and Mineral Resources Institutes Act, see section 11 of Pub. L. 98-409, as amended, set out as a note under section 1201 of this title.

§ 1222. Research funds to institutes

(a) Authorization of appropriations

There is authorized to be appropriated to the Secretary not more than \$15,000,000 for each of the fiscal years ending September 30, 1990, through September 30, 1994, which shall remain available until expended. Such funds when appropriated shall be made available to an institute or to institutes participating in a generic mineral technology center to meet the necessary expenses for purposes of—

(1) specific mineral research and demonstration projects of broad application, which could not otherwise be undertaken, including the expenses of planning and coordinating regional mining and mineral resources research projects by two or more institutes; and

(2) research into any aspects of mining and mineral resources problems related to the mission of the Department of the Interior, which are deemed by the Committee to be desirable and are not otherwise being studied.

There is authorized to be appropriated to the Secretary not more than \$1,800,000 for each of the fiscal years after fiscal year 1996 to be made available by the Secretary to an institute or institutes experienced in investigating the continental shelf regions of the United States, the deep seabed and near shore environments of islands, and the Arctic and cold water regions as a source for nonfuel minerals. Such funds are to be used by the institute or institutes to assist in developing domestic technological capabilities required for the location of, and the efficient and environmentally sound recovery of, minerals (other than oil and gas) from the Nation's shallow and deep seabed.

(b) Application for funds; contents

Each application for funds under subsection (a) of this section shall state, among other things, the nature of the project to be undertaken; the period during which it will be pursued; the qualifications of the personnel who will direct and conduct it; the estimated costs; the importance of the project to the Nation, region, or State concerned; its relation to other known research projects theretofore pursued or being pursued; the extent to which the proposed project will provide opportunity for the training of mining and mineral engineers and scientists; and the extent of participation by nongovernmental sources in the project.

(c) Research facilities; selection of institutes; designation of funds for scholarships and fellowships

The Committee shall review all such funding applications and recommend to the Secretary the use of the institutes, insofar as practicable, to perform special research. Recommendations