

(1) may consult with representatives of academia, industry, labor, State and local governments, and other groups; and

(2) shall utilize to the fullest extent possible the services, facilities, and information (including statistical information) of public and private agencies, organizations, and individuals.

**(d) Utilization of voluntary and uncompensated labor and services**

Notwithstanding section 1342 of title 31, the Council may utilize voluntary and uncompensated labor and services in carrying out its duties and functions.

(Pub. L. 98-373, title II, §208, July 31, 1984, 98 Stat. 1253.)

REFERENCES IN TEXT

Level III of the Executive Schedule, referred to in subsec. (a), is set out in section 5314 of Title 5, Government Organization and Employees.

CODIFICATION

In subsec. (d), "section 1342 of title 31" substituted for "section 367(b) of the Revised Statutes (31 U.S.C. 665(b))" on authority of Pub. L. 97-258, §4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

PERSONNEL MATTERS

Pub. L. 100-418, title V, §5182, Aug. 23, 1988, 102 Stat. 1454, provided that:

"(a) REQUIREMENT TO INCREASE STAFF.—Not later than 30 days after the date of the enactment of this Act [Aug. 23, 1988], the Executive Director of the National Critical Materials Council shall increase the number of employees of the Council by the equivalent of 5 full-time employees over the number of employees of the Council on the date of the enactment of this Act.

"(b) QUALIFICATIONS OF STAFF.—Not less than the equivalent of 4 full-time employees appointed pursuant to subsection (a) shall be permanent professional employees who have expertise in technical fields that are relevant to the responsibilities of the National Critical Materials Council, such as materials science and engineering, environmental matters, minerals and natural resources, ceramic or composite engineering, metallurgy, and geology."

**§ 1808. Responsibilities and duties of Director**

In carrying out his functions the Director shall assist and advise the Council on policies and programs of the Federal Government affecting critical and advanced materials by—

(1) providing the professional and administrative staff and support for the Council;

(2) assisting the Federal agencies and departments in appraising the effectiveness of existing and proposed facilities, programs, policies, and activities of the Federal Government, including research and development, which affect critical materials availability and needs;

(3) cataloging, as fully as possible, research and development activities of the Government, private industry, and public and private institutions; and

(4) initiating Government and private studies and analyses, including those to be conducted by or under the auspices of the Council, designed to advance knowledge of critical or advanced materials issues and develop alter-

native proposals, including research and development, to resolve national critical materials problems.

(Pub. L. 98-373, title II, §209, July 31, 1984, 98 Stat. 1253.)

**§ 1809. General authority of Council**

The Council is authorized—

(1) to establish such internal rules and regulations as may be necessary for its operation;

(2) to enter into contracts and acquire materials and supplies necessary for its operation to such extent or in such amounts as are provided for in appropriation Acts;

(3) to publish, consistent with title 44, or arrange to publish critical materials information that it deems to be useful to the public and private industry to the extent that such publication is consistent with the national defense and economic interest;

(4) to utilize such services or personnel as may be provided to the Council on a nonreimbursable basis by any agency of the United States; and

(5) to exercise such authorities as may be necessary and incidental to carrying out its responsibilities and duties under this chapter.

(Pub. L. 98-373, title II, §210, July 31, 1984, 98 Stat. 1253; Pub. L. 100-418, title V, §5183, Aug. 23, 1988, 102 Stat. 1454.)

AMENDMENTS

1988—Par. (4). Pub. L. 100-418 substituted "nonreimbursable" for "reimbursable".

**§ 1810. Authorization of appropriations**

There are hereby authorized to be appropriated to carry out the provisions of this chapter a sum not to exceed \$500,000 for the fiscal year ending September 30, 1985, and such sums as may be necessary thereafter: *Provided*, That the authority provided for in this chapter shall expire on September 30, 1992, unless otherwise authorized by Congress.

(Pub. L. 98-373, title II, §211, July 31, 1984, 98 Stat. 1254; Pub. L. 100-418, title V, §5184, Aug. 23, 1988, 102 Stat. 1454.)

AMENDMENTS

1988—Pub. L. 100-418 substituted "1992" for "1990".

**§ 1811. "Materials" defined**

As used in this chapter, the term "materials" has the meaning given it by section 1601(b) of this title.

(Pub. L. 98-373, title II, §212, July 31, 1984, 98 Stat. 1254.)

**CHAPTER 31—MARINE MINERAL RESOURCES RESEARCH**

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### § 1901. Definitions

In this chapter:

(1) The term “contract” has the same meaning as “procurement contract” in section 6303 of title 31.

(2) The term “cooperative agreement” has the same meaning as in section 6305 of title 31.

(3) The term “eligible entity” means—

(A) a research or educational entity chartered or incorporated under Federal or State law;

(B) an individual who is a United States citizen; or

(C) a State or regional agency.

(4) The term “grant” has the same meaning as “grant agreement” in section 6304 of title 31.

(5) The term “in-kind contribution” means a noncash contribution provided by a non-Federal entity that directly benefits and is related to a specific project or program. An in-kind contribution may include real property, equipment, supplies, other expendable property, goods, and services.

(6) The term “marine mineral resource” means—

(A) sand and aggregates;

(B) placers;

(C) phosphates;

(D) manganese nodules;

(E) cobalt crusts;

(F) metal sulfides; and

(G) other marine resources that are not—

(i) oil and gas;

(ii) fisheries; or

(iii) marine mammals.

(7) The term “Secretary” means the Secretary of the Interior.

(Pub. L. 91-631, title II, §201, as added Pub. L. 104-325, §2(3), Oct. 19, 1996, 110 Stat. 3994.)

#### SHORT TITLE

Section 1 of Pub. L. 104-325 provided that: “This Act [enacting this chapter] may be cited as the ‘Marine Mineral Resources Research Act of 1996.’”

### § 1902. Research program

#### (a) In general

The Secretary shall establish and carry out a program of research on marine mineral resources.

#### (b) Program goal

The goal of the program shall be to—

(1) promote research, identification, assessment, and exploration of marine mineral resources in an environmentally responsible manner;

(2) assist in developing domestic technologies required for efficient and environmentally sound development of marine mineral resources;

(3) coordinate and promote the use of technologies developed with Federal assistance, and the use of available Federal assets, for research, identification, assessment, exploration, and development of marine mineral resources; and

(4) encourage academia and industry to conduct basic and applied research, on a joint basis, through grants, cooperative agreements, or contracts with the Federal Government.

#### (c) Responsibilities of Secretary

In carrying out the program, the Secretary shall—

(1) promote and coordinate partnerships between industry, government, and academia to research, identify, assess, and explore marine mineral resources in an environmentally sound manner;

(2) undertake programs to develop the basic information necessary to the long-term national interest in marine mineral resources (including seabed mapping) and to ensure that data and information are accessible and widely disseminated as needed and appropriate;

(3) identify, and promote cooperation among agency programs that are developing, technologies developed by other Federal programs that may hold promise for facilitating undersea applications related to marine mineral resources, including technologies related to vessels and other platforms, underwater vehicles, survey and mapping systems, remote power sources, data collection and transmission systems, and various seabed research systems; and

(4) foster communication and coordination between Federal and State agencies, universities, and private entities concerning marine mineral research on seabeds of the continental shelf, ocean basins, and arctic and cold water areas.

In carrying out these responsibilities, the Secretary shall ensure the participation of non-Federal users of technologies and data related to marine mineral resources in planning and priority setting.

(Pub. L. 91-631, title II, §202, as added Pub. L. 104-325, §2(3), Oct. 19, 1996, 110 Stat. 3995.)

### § 1903. Grants, contracts, and cooperative agreements

#### (a) Assistance and coordination

##### (1) In general

The Secretary shall award grants or contracts to, or enter into cooperative agreements with, eligible entities to support research for the development or utilization of—

(A) methods, equipment, systems, and components necessary for the identification, assessment, and exploration of marine mineral resources in an environmentally responsible manner;

(B) methods of detecting, monitoring, and predicting the presence of adverse environ-

mental effects in the marine environment and remediating the environmental effects of marine mineral resource exploration, development, and production; and

(C) education and training material in marine mineral research and resource management.

**(2) Cost-sharing for contracts or cooperative agreements**

**(A) Federal share**

Except as provided in subparagraph (B)(ii), the Federal share of the cost of a contract or cooperative agreement carried out under this subsection shall not be greater than 80 percent of the total cost of the project.

**(B) Non-Federal share**

The remaining non-Federal share of the cost of a project carried out under this section may be—

(i) in the form of cash or in-kind contributions, or both; and

(ii) comprised of funds made available under other Federal programs, except that non-Federal funds shall be used to defray at least 10 percent of the total cost of the project.

**(C) Consultation**

Not later than 180 days after October 19, 1996, the Secretary shall establish, after consultation with other Federal agencies, terms and conditions under which Federal funding will be provided under this subsection that are consistent with the Agreement on Subsidies and Countervailing Measures referred to in section 3511(d)(12) of title 19.

**(b) Competitive review**

**(1) In general**

An entity shall not be eligible to receive a grant or contract, or participate in a cooperative agreement, under subsection (a) of this section unless—

(A) the entity submits a proposal to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require; and

(B) the proposal has been evaluated by a competitive review panel under paragraph (3).

**(2) Competitive review panels**

**(A) Composition**

A competitive review panel shall be chaired by the Secretary or by the Secretary's designee and shall be composed of members who meet the following criteria:

**(i) Appointment**

The members shall be appointed by the Secretary.

**(ii) Experience**

Not less than 50 percent of the members shall represent or be employed by private marine resource companies that are involved in exploration of the marine environment or development of marine mineral resources.

**(iii) Interest**

None of the members may have an interest in a grant, contract, or cooperative agreement being evaluated by the panel.

**(B) No compensation**

A review panel member who is not otherwise a Federal employee shall receive no compensation for performing duties under this section, except that, while engaged in the performance of duties away from the home or regular place of business of the member, the member may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as a person employed intermittently in the Government service under section 5703 of title 5.

**(3) Evaluation**

A competitive review panel shall base an evaluation of a proposal on criteria developed by the Secretary that shall include—

(A) the merits of the proposal;

(B) the research methodology and costs of the proposal;

(C) the capability of the entity submitting the proposal and any other participating entity to perform the proposed work and provide in-kind contributions;

(D) the amount of matching funds provided by the entity submitting the proposal or provided by other Federal, State, or private entities;

(E) the extent of collaboration with other Federal, State, or private entities;

(F) in the case of a noncommercial entity, the existence of a cooperative agreement with a commercial entity that provides for collaboration in the proposed research;

(G) whether the proposal promotes responsible environmental stewardship; and

(H) such other factors as the Secretary considers appropriate.

**(c) Limitations**

**(1) Administrative expenses**

Not more than 10 percent of the amount made available to carry out this section during a fiscal year may be used by the Secretary for expenses associated with administration of the program authorized by this section.

**(2) Construction costs**

None of the funds made available under this section may be used for the construction of a new building or the acquisition, expansion, remodeling, or alteration of an existing building (including site grading and improvement and architect fees).

**(d) Reports**

An eligible entity that receives a grant or contract or enters into a cooperative agreement under this section shall submit an annual progress report and a final technical report to the Secretary that—

(1) describes project activities, implications of the project, the significance of the project to marine mineral research, identification, assessment, and exploration, and potential commercial and economic benefits and effects of the project; and

(2) in the case of an annual progress report, includes a project plan for the subsequent year.

(Pub. L. 91-631, title II, §203, as added Pub. L. 104-325, §2(3), Oct. 19, 1996, 110 Stat. 3995.)

## CODIFICATION

October 19, 1996, referred to in subsec. (a)(2)(C), was in the original “the date of enactment of this Act”, which was translated as meaning the date of enactment of Pub. L. 104-135, which enacted this chapter, to reflect the probable intent of Congress.

**§ 1904. Marine mineral research centers****(a) In general**

No later than 90 days after October 19, 1996, the Secretary shall designate 3 centers for marine mineral research and related activities.

**(b) Concentration**

One center shall concentrate primarily on research in the continental shelf regions of the United States, 1 center shall concentrate primarily on research in deep seabed and near-shore environments of islands, and 1 center shall concentrate primarily on research in arctic and cold water regions.

**(c) Criteria**

In designating a center under this section, the Secretary shall give priority to a university that—

(1) administers a federally funded center for marine minerals research;

(2) matriculates students for advanced degrees in marine geological sciences, nonenergy natural resources, and related fields of science and engineering;

(3) is a United States university with established programs and facilities that primarily focus on marine mineral resources;

(4) has engaged in collaboration and cooperation with industry, governmental agencies, and other universities in the field of marine mineral resources;

(5) has demonstrated significant engineering, development, and design experience in two or more of the following areas;<sup>1</sup>

(A) seabed exploration systems;

(B) marine mining systems; and

(C) marine mineral processing systems;

and

(6) has been designated by the Secretary as a State Mining and Mineral Resources Research Institute.

<sup>1</sup> So in original. The semicolon probably should be a colon.

**(d) Center activities**

A center shall—

(1) provide technical assistance to the Secretary concerning marine mineral resources;

(2) advise the Secretary on pertinent international activities in marine mineral resources development;

(3) engage in research, training, and education transfer associated with the characterization and utilization of marine mineral resources; and

(4) promote the efficient identification, assessment, exploration, and management of marine mineral resources in an environmentally sound manner.

**(e) Allocation of funds**

In distributing funds to the centers designated under subsection (a) of this section, the Secretary shall, to the extent practicable, allocate an equal amount to each center.

**(f) Limitations****(1) Administrative expenses**

Not more than 5 percent of the amount made available to carry out this section during a fiscal year may be used by the Secretary for expenses associated with administration of the program authorized by this section.

**(2) Construction costs**

None of the funds made available under this section may be used for the construction of a new building or the acquisition, expansion, remodeling, or alteration of an existing building (including site grading and improvement and architect fees).

(Pub. L. 91-631, title II, §204, as added Pub. L. 104-325, §2(3), Oct. 19, 1996, 110 Stat. 3998.)

**§ 1905. Authorization of appropriations**

There is authorized to be appropriated such sums as are necessary to carry out this chapter.

(Pub. L. 91-631, title II, §205, as added Pub. L. 104-325, §2(3), Oct. 19, 1996, 110 Stat. 3999.)