

(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 alternative 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

- Sec. 1901. Definitions.
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- Sec. 1903. Grants, contracts, and cooperative agreements.
 - (a) In general.
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 - (a) In general.
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 - (d) Center activities.
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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;
 - (G) for purposes of this section and sections 1902 through 1905 of this title only, methane hydrate; and
 - (H) other marine resources that are not—
 - (i) oil and gas;
 - (ii) fisheries; or
 - (iii) marine mammals.
- (7) The term “methane hydrate” means—
 - (A) a methane clathrate that is in the form of a methane-water ice-like crystalline material and is stable and occurs naturally in deep-ocean and permafrost areas; and
 - (B) other natural gas hydrates found in association with deep-ocean and permafrost deposits of methane hydrate.
- (8) 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; amended Pub. L. 106-193, §4, May 2, 2000, 114 Stat. 236.)

AMENDMENTS

2000—Par. (6)(G), (H). Pub. L. 106-193, §4(1), added subpar. (G) and redesignated former subpar. (G) as (H).

Pars. (7), (8). Pub. L. 106-193, §4(2), (3), added par. (7) and redesignated former par. (7) as (8).

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-Fed-

eral 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.)

METHANE HYDRATE RESEARCH AND DEVELOPMENT

Pub. L. 106-193, May 2, 2000, 114 Stat. 234, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Methane Hydrate Research and Development Act of 2000’.

“SEC. 2. DEFINITIONS.

“In this Act:

“(1) CONTRACT.—The term ‘contract’ means a procurement contract within the meaning of section 6303 of title 31, United States Code.

“(2) COOPERATIVE AGREEMENT.—The term ‘cooperative agreement’ means a cooperative agreement within the meaning of section 6305 of title 31, United States Code.

“(3) DIRECTOR.—The term ‘Director’ means the Director of the National Science Foundation.

“(4) GRANT.—The term ‘grant’ means a grant awarded under a grant agreement, within the meaning of section 6304 of title 31, United States Code.

“(5) INDUSTRIAL ENTERPRISE.—The term ‘industrial enterprise’ means a private, nongovernmental enterprise that has an expertise or capability that relates to methane hydrate research and development.

“(6) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ means an institution of higher education, within the meaning of section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)).

“(7) SECRETARY.—The term ‘Secretary’ means the Secretary of Energy, acting through the Assistant Secretary for Fossil Energy.

“(8) SECRETARY OF COMMERCE.—The term ‘Secretary of Commerce’ means the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.

“(9) SECRETARY OF DEFENSE.—The term ‘Secretary of Defense’ means the Secretary of Defense, acting through the Secretary of the Navy.

“(10) SECRETARY OF THE INTERIOR.—The term ‘Secretary of the Interior’ means the Secretary of the Interior, acting through the Director of the United States Geological Survey and the Director of the Minerals Management Service.

“SEC. 3. METHANE HYDRATE RESEARCH AND DEVELOPMENT PROGRAM.

“(a) IN GENERAL.—

“(1) COMMENCEMENT OF PROGRAM.—Not later than 180 days after the date of the enactment of this Act [May 2, 2000], the Secretary, in consultation with the Secretary of Commerce, the Secretary of Defense, the Secretary of the Interior, and the Director, shall commence a program of methane hydrate research and development in accordance with this section.

“(2) DESIGNATIONS.—The Secretary, the Secretary of Commerce, the Secretary of Defense, the Secretary of the Interior, and the Director shall designate individuals to carry out this section.

“(3) COORDINATION.—The individual designated by the Secretary shall coordinate all activities within the Department of Energy relating to methane hydrate research and development.

“(4) MEETINGS.—The individuals designated under paragraph (2) shall meet not later than 270 days after the date of the enactment of this Act and not less frequently than every 120 days thereafter to—

“(A) review the progress of the program under paragraph (1); and

“(B) make recommendations on future activities to occur subsequent to the meeting.

“(b) GRANTS, CONTRACTS, COOPERATIVE AGREEMENTS, INTERAGENCY FUNDS TRANSFER AGREEMENTS, AND FIELD WORK PROPOSALS.—

“(1) ASSISTANCE AND COORDINATION.—In carrying out the program of methane hydrate research and development authorized by this section, the Secretary may award grants or contracts to, or enter into cooperative agreements with, institutions of higher education and industrial enterprises to—

“(A) conduct basic and applied research to identify, explore, assess, and develop methane hydrate as a source of energy;

“(B) assist in developing technologies required for efficient and environmentally sound development of methane hydrate resources;

“(C) undertake research programs to provide safe means of transport and storage of methane produced from methane hydrates;

“(D) promote education and training in methane hydrate resource research and resource development;

“(E) conduct basic and applied research to assess and mitigate the environmental impacts of hydrate degassing (including both natural degassing and degassing associated with commercial development);

“(F) develop technologies to reduce the risks of drilling through methane hydrates; and

“(G) conduct exploratory drilling in support of the activities authorized by this paragraph.

“(2) COMPETITIVE MERIT-BASED REVIEW.—Funds made available under paragraph (1) shall be made available based on a competitive merit-based process.

“(c) CONSULTATION.—The Secretary shall establish an advisory panel consisting of experts from industrial enterprises, institutions of higher education, and Federal agencies to—

“(1) advise the Secretary on potential applications of methane hydrate;

“(2) assist in developing recommendations and priorities for the methane hydrate research and development program carried out under subsection (a)(1); and

“(3) not later than 2 years after the date of the enactment of this Act [May 2, 2000], and at such later dates as the panel considers advisable, submit to Congress a report on the anticipated impact on global climate change from—

“(A) methane hydrate formation;

“(B) methane hydrate degassing (including natural degassing and degassing associated with commercial development); and

“(C) the consumption of natural gas produced from methane hydrates.

Not more than 25 percent of the individuals serving on the advisory panel shall be Federal employees.

“(d) LIMITATIONS.—

“(1) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amount made available to carry out this section for a fiscal year may be used by the Secretary for expenses associated with the administration of the program carried out under subsection (a)(1).

“(2) CONSTRUCTION COSTS.—None of the funds made available to carry out 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).

“(e) RESPONSIBILITIES OF THE SECRETARY.—In carrying out subsection (b)(1), the Secretary shall—

“(1) facilitate and develop partnerships among government, industrial enterprises, and institutions of higher education to research, identify, assess, and explore methane hydrate resources;

“(2) undertake programs to develop basic information necessary for promoting long-term interest in methane hydrate resources as an energy source;

“(3) ensure that the data and information developed through the program are accessible and widely disseminated as needed and appropriate;

“(4) promote cooperation among agencies that are developing technologies that may hold promise for methane hydrate resource development; and

“(5) report annually to Congress on accomplishments under this section.

“SEC. 4. AMENDMENTS TO THE MINING AND MINERALS POLICY ACT OF 1970.

“[Amended section 1901 of this title.]

“SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to the Secretary of Energy to carry out this Act—

“(1) \$5,000,000 for fiscal year 2001;

“(2) \$7,500,000 for fiscal year 2002;

“(3) \$11,000,000 for fiscal year 2003;

“(4) \$12,000,000 for fiscal year 2004; and

“(5) \$12,000,000 for fiscal year 2005.

Amounts authorized under this section shall remain available until expended.

“SEC. 6. SUNSET.

“Section 3 of this Act shall cease to be effective after the end of fiscal year 2005.

“SEC. 7. NATIONAL RESEARCH COUNCIL STUDY.

“The Secretary shall enter into an agreement with the National Research Council for such council to conduct a study of the progress made under the methane hydrate research and development program implemented pursuant to this Act, and to make recommendations for future methane hydrate research and development needs. The Secretary shall transmit to the Congress, not later than September 30, 2004, a report containing the findings and recommendations of the National Research Council under this section.

“SEC. 8. REPORTS AND STUDIES.

“The Secretary of Energy shall provide to the Committee on Science of the House of Representatives copies of any report or study that the Department of Energy prepares at the direction of any committee of the Congress.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1901 of this title.

§ 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 environmental 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1901 of this title.

§ 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;¹
 - (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.

(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.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1901 of this title.

§ 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.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1901 of this title.

¹ So in original. The semicolon probably should be a colon.