

research and demonstration projects relating to the implementation of, and compliance with, subchapter V of this chapter, and provide technical assistance to states¹ for that purpose. Prior to approving any such studies, research or demonstration projects the Director, Office of Surface Mining Reclamation and Enforcement, shall first consult with the Director, Bureau of Mines, and obtain a determination from such Director that the Bureau of Mines is not already conducting like or similar studies, research or demonstration projects. Studies, research and demonstration projects for the purposes of subchapter IV of this chapter shall only be conducted in accordance with section 1231(c)(6)² of this title.

(Pub. L. 95-87, title VII, §721, as added Pub. L. 102-486, title XXV, §2504(c)(3), Oct. 24, 1992, 106 Stat. 3105.)

Editorial Notes

REFERENCES IN TEXT

Section 1231(c)(6) of this title, referred to in text, was repealed and paragraph (8) of section 1231(c) was redesignated (6) by Pub. L. 109-432, div. C, title II, §201(a)(1), Dec. 20, 2006, 120 Stat. 3006.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Bureau of Mines redesignated United States Bureau of Mines by section 10(b) of Pub. L. 102-285, set out as a note under section 1 of this title. For provisions relating to closure and transfer of functions of the United States Bureau of Mines, see Transfer of Functions note set out under section 1 of this title.

SUBCHAPTER VIII—UNIVERSITY COAL RESEARCH LABORATORIES

§ 1311. Establishment of university coal research laboratories

(a) Designation by Secretary of Energy

The Secretary of Energy, after consultation with the National Academy of Engineering, shall designate thirteen institutions of higher education at which university coal research laboratories will be established and operated. Ten such designations shall be made as provided in subsection (e) and the remaining three shall be made in fiscal year 1980.

(b) Criteria

In making designations under this section, the Secretary of Energy shall consider the following criteria:

(1) Those ten institutions of higher education designated as provided in subsection (e) shall be located in a State with abundant coal reserves.

(2) The institution of higher education shall have experience in coal research, expertise in several areas of coal research, and potential or currently active, outstanding programs in coal research.

(3) The institution of higher education has the capacity to establish and operate the coal laboratories to be assisted under this subchapter.

(c) Location of coal laboratories

Not more than one coal laboratory established pursuant to this subchapter shall be located in a single State and at least one coal laboratory shall be established within each of the major coal provinces recognized by the United States Bureau of Mines, including Alaska.

(d) Period for submission of applications for designation; contents

The Secretary of Energy shall establish a period, not in excess of ninety days after August 3, 1977, for the submission of applications for designation under this section. Any institution of higher education desiring to be designated under this subchapter shall submit an application to the Secretary of Energy in such form, at such time, and containing or accompanied by such information as the Secretary of Energy may reasonably require. Each application shall—

(1) describe the facilities to be established for coal energy resources and conversion research and research on related environmental problems including facilities for interdisciplinary academic research projects by the combined efforts of specialists such as mining engineers, mineral engineers, geochemists, mineralogists, mineral economists, fuel scientists, combustion engineers, mineral preparation engineers, coal petrographers, geologists, chemical engineers, civil engineers, mechanical engineers, and ecologists;

(2) set forth a program for the establishment of a test laboratory for coal characterization which, in addition, may be used as a site for the exchange of coal research activities by representatives of private industry engaged in coal research and characterization;

(3) set forth a program for providing research and development activities for students engaged in advanced study in any discipline which is related to the development of adequate energy supplies in the United States. The research laboratory shall be associated with an ongoing educational and research program on extraction and utilization of coal.

(e) Time limit

The Secretary of Energy shall designate the ten institutions of higher education under this section not later than ninety days after the date on which such applications are to be submitted.

(Pub. L. 95-87, title VIII, §801, Aug. 3, 1977, 91 Stat. 526; Pub. L. 95-617, title VI, §604(a), (c), Nov. 9, 1978, 92 Stat. 3166, 3167; Pub. L. 102-285, §10(b), May 18, 1992, 106 Stat. 172.)

Editorial Notes

AMENDMENTS

1978—Subsec. (a). Pub. L. 95-617, §604(a), substituted “The Secretary of Energy” for “The Administrator, Energy Research and Development Administration (hereafter referred to as ‘Administrator’ in this subchapter)” and “shall designate thirteen institutions” for “is authorized and directed to designate ten institutions” and inserted provision that ten such designations be made as provided in subsection (e) of this section and the remaining three be made in fiscal year 1980.

Subsec. (b). Pub. L. 95-617, §604(a), (c), substituted in provisions preceding par. (1) “Secretary of Energy” for

¹ So in original. Probably should be capitalized.

² See References in Text note below.

“Administrator” and in par. (1) “Those ten institutions of higher education designated as provided in subsection (e)” for “The institution of higher education”.

Subsecs. (d), (e). Pub. L. 95-617, §604(c), substituted “Secretary of Energy” for “Administrator” wherever appearing.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

“United States Bureau of Mines” substituted for “Bureau of Mines” in subsec. (c) pursuant to section 10(b) of Pub. L. 102-285, set out as a note under section 1 of this title. For provisions relating to closure and transfer of functions of the United States Bureau of Mines, see Transfer of Functions note set out under section 1 of this title.

§ 1312. Financial assistance

(a) The Secretary of Energy is authorized to make grants to any institution of higher education designated under section 1311 of this title to pay the Federal share of the cost of establishing (including the construction of such facilities as may be necessary) and maintaining a coal laboratory.

(b) Each institution of higher education designated pursuant to section 1311 of this title shall submit an application to the Secretary of Energy. Each such application shall—

(1) set forth the program to be conducted at the coal laboratory which includes the purposes set forth in section 1311(d) of this title;

(2) provide assurances that the university will pay from non-Federal sources the remaining costs of carrying out the program set forth;

(3) provide such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of and accounting for Federal funds received under this subchapter;

(4) provide for making an annual report which shall include a description of the activities conducted at the coal laboratory and an evaluation of the success of such activities, and such other necessary reports in such form and containing such information as the Secretary of Energy may require, and for keeping such records and affording such access thereto as may be necessary to assure the correctness and verification of such reports; and

(5) set forth such policies and procedures as will insure that Federal funds made available under this section for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available for the purposes of the activities described in subsections (d)(1), (2), and (3) of section 1311 of this title, and in no case supplant such funds.

(Pub. L. 95-87, title VIII, §802, Aug. 3, 1977, 91 Stat. 527; Pub. L. 95-617, title VI, §604(c), Nov. 9, 1978, 92 Stat. 3167.)

Editorial Notes

AMENDMENTS

1978—Pub. L. 95-617 substituted “Secretary of Energy” for “Administrator” wherever appearing.

§ 1313. Limitation on payments

(a) No institutions of higher education may receive more than \$4,000,000 for the construction of its coal research laboratory, including initially installed fixed equipment, nor may it receive more than \$1,500,000 for initially installed movable equipment, nor may it receive more than \$500,000 for new program startup expenses.

(b) No institution of higher education may receive more than \$1,500,000 per year from the Federal Government for operating expenses.

(Pub. L. 95-87, title VIII, §803, Aug. 3, 1977, 91 Stat. 528.)

§ 1314. Payments; Federal share of operating expenses

(a) From the amounts appropriated pursuant to section 1316 of this title, the Secretary of Energy shall pay to each institution of higher education having an application approved under this subchapter an amount equal to the Federal share of the cost of carrying out that application. Such payments may be in installments, by way of reimbursement, or by way of advance with necessary adjustments on account of underpayments or overpayments.

(b) The Federal share of operating expenses for any fiscal year shall not exceed 50 per centum of the cost of the operation of a coal research laboratory.

(Pub. L. 95-87, title VIII, §804, Aug. 3, 1977, 91 Stat. 528; Pub. L. 95-617, title VI, §604(c), Nov. 9, 1978, 92 Stat. 3167.)

Editorial Notes

AMENDMENTS

1978—Subsec. (a). Pub. L. 95-617 substituted “Secretary of Energy” for “Administrator” wherever appearing.

§ 1315. Advisory Council on Coal Research

(a) Establishment; members

There is established an Advisory Council on Coal Research which shall be composed of—

(1) the Secretary of Energy, who shall be Chairman;

(2) the Director of the United States Bureau of Mines of the Department of the Interior;

(3) the President of the National Academy of Sciences;

(4) the President of the National Academy of Engineering;

(5) the Director of the United States Geological Survey; and

(6) six members appointed by the Secretary of Energy from among individuals who, by virtue of experience or training, are knowledgeable in the field of coal research and mining, and who are representatives of institutions of higher education, industrial users of coal and coal-derived fuels, the coal industry, mine workers, nonindustrial consumer groups, and institutions concerned with the preservation of the environment.

(b) Furnishing advice to Secretary of Energy

The Advisory Council shall advise the Secretary of Energy with respect to the general ad-

ministration of this subchapter, and furnish such additional advice as he may request.

(c) Annual report to President; transmittal to Congress

The Advisory Council shall make an annual report of its findings and recommendations (including recommendations for changes in the provisions of this subchapter) to the President not later than December 31 of each calendar year. The President shall transmit each such report to the Congress.

(d) Compensation and travel expenses

(1) Members of the Council who are not regular officers or employees of the United States Government shall, while serving on business of the Council, be entitled to receive compensation at rates fixed by the Secretary of Energy but not exceeding the daily rate prescribed for GS-18 of the General Schedule under section 5332 of title 5 and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 for persons in the Government service employed intermittently.

(2) Members of the Council who are officers or employees of the Government shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out their duties on the Council.

(e) Alternate members

Whenever a member of the Council appointed under clauses (1) through (5) is unable to attend a meeting, that member shall appoint an appropriate alternate to represent him for that meeting.

(Pub. L. 95-87, title VIII, §805, Aug. 3, 1977, 91 Stat. 528; Pub. L. 95-617, title VI, §604(c), Nov. 9, 1978, 92 Stat. 3167; Pub. L. 102-285, §10(b), May 18, 1992, 106 Stat. 172.)

Editorial Notes

AMENDMENTS

1978—Pub. L. 95-617 substituted “Secretary of Energy” for “Administrator” wherever appearing.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

“United States Bureau of Mines” substituted for “Bureau of Mines” in subsec. (a)(2) pursuant to section 10(b) of Pub. L. 102-285, set out as a note under section 1 of this title. For provisions relating to closure and transfer of functions of the United States Bureau of Mines, see Transfer of Functions note set out under section 1 of this title.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsec. (c) of this section relating to requirement that the President transmit each annual report to Congress, 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 153 of House Document No. 103-7.

TERMINATION OF ADVISORY COMMITTEES

Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a committee established by the

President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided for by law. See section 1013 of Title 5, Government Organization and Employees.

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.

§ 1316. Authorization of appropriations

(a) For the ten institutions referred to in the last sentence of section 1311(a) of this title, there are authorized to be appropriated not to exceed \$30,000,000 for the fiscal year ending September 30, 1979 (including the cost of construction, equipment, and startup expenses), and not to exceed \$7,500,000 for the fiscal year 1980 and for each fiscal year thereafter through the fiscal year ending before October 1, 1984, to carry out the provisions of this subchapter.

(b) For the three remaining institutions referred to in the last sentence of section 1311(a) of this title, there are authorized to be appropriated not to exceed \$6,500,000 for the fiscal year 1980 (including the cost of construction, equipment, and startup expenses), and not to exceed \$2,000,000 for each fiscal year after fiscal year 1980 ending before October 1, 1984, to carry out the provisions of this subchapter.

(Pub. L. 95-87, title VIII, §806, Aug. 3, 1977, 91 Stat. 529; Pub. L. 95-617, title VI, §604(b), Nov. 9, 1978, 92 Stat. 3166.)

Editorial Notes

AMENDMENTS

1978—Pub. L. 95-617 designated existing provisions as subsec. (a), inserted reference to ten institutions referred to in last sentence of section 1311(a) of this title and substituted provisions authorizing appropriations for each fiscal year thereafter through the fiscal year ending before October 1, 1984, for provisions authorizing appropriations each fiscal year thereafter through the fiscal year ending June 30, 1983, and added subsec. (b).

SUBCHAPTER IX—ENERGY RESOURCE GRADUATE FELLOWSHIPS

§ 1321. Fellowship awards

(a) Graduate study and research in areas of applied science and engineering relating to production, conservation, and utilization of fuels and energy

The Secretary of Energy is authorized to award under the provisions of this subchapter not to exceed one thousand fellowships for the fiscal year ending September 30, 1979, and each of the five succeeding fiscal years. Fellowships shall be awarded under the provisions of this subchapter for graduate study and research in those areas of applied science and engineering that are related to the production, conservation, and utilization of fuels and energy. Fellowships shall be awarded to students in programs lead-