

**Editorial Notes****REFERENCES IN TEXT**

MMS, referred to in text, means the Minerals Management Service.

**CODIFICATION**

Section was enacted as part of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006, and not as part of the Federal Oil and Gas Royalty Management Act of 1982 which comprises this chapter.

**Statutory Notes and Related Subsidiaries****SIMILAR PROVISIONS**

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 108-447, div. E, title I, Dec. 8, 2004, 118 Stat. 3053.

Pub. L. 108-108, title I, Nov. 10, 2003, 117 Stat. 1255.

Pub. L. 108-7, div. F, title I, Feb. 20, 2003, 117 Stat. 229.

Pub. L. 107-63, title I, Nov. 5, 2001, 115 Stat. 428.

Pub. L. 106-291, title I, Oct. 11, 2000, 114 Stat. 932.

**Executive Documents****TRANSFER OF FUNCTIONS**

The Minerals Management Service was abolished and functions divided among the Office of Natural Resources Revenue, the Bureau of Ocean Energy Management, and the Bureau of Safety and Environmental Enforcement. See Secretary of the Interior Orders No. 3299 of May 19, 2010, and No. 3302 of June 18, 2010, and chapters II, V, and XII of title 30, Code of Federal Regulations, as revised by final rules of the Department of the Interior at 75 F.R. 61051 and 76 F.R. 64432.

**§ 1759. Fees and charges**

In fiscal year 2009 and each fiscal year thereafter, fees and charges authorized by section 9701 of title 31 may be collected only to the extent provided in advance in appropriations Acts.

(Pub. L. 111-8, div. E, title I, Mar. 11, 2009, 123 Stat. 711.)

**Editorial Notes****CODIFICATION**

Section was enacted as part of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2009, and also as part of the Omnibus Appropriations Act, 2009, and not as part of the Federal Oil and Gas Royalty Management Act of 1982 which comprises this chapter. Section is based on a proviso in the par. under the headings “MINERALS MANAGEMENT SERVICE” and “ROYALTY AND OFFSHORE MINERALS MANAGEMENT” in title I of div. E of Pub. L. 111-8.

**CHAPTER 30—NATIONAL CRITICAL MATERIALS COUNCIL****§§ 1801 to 1811. Repealed. Pub. L. 116-260, div. Z, title VII, § 7002(n)(1), Dec. 27, 2020, 134 Stat. 2576**

Section 1801, Pub. L. 98-373, title II, §202, July 31, 1984, 98 Stat. 1249, related to Congressional findings and declaration of purposes.

Section 1802, Pub. L. 98-373, title II, §203, July 31, 1984, 98 Stat. 1250, related to establishment of National Critical Materials Council.

Section 1803, Pub. L. 98-373, title II, §204, July 31, 1984, 98 Stat. 1250, related to responsibilities and authorities of Council.

Section 1804, Pub. L. 98-373, title II, §205, July 31, 1984, 98 Stat. 1251, related to program and policy for advanced materials research and technology.

Section 1805, Pub. L. 98-373, title II, §206, July 31, 1984, 98 Stat. 1252, related to innovation in basic and advanced materials industries.

Section 1806, Pub. L. 98-373, title II, §207, July 31, 1984, 98 Stat. 1252, related to compensation of members and reimbursement.

Section 1807, Pub. L. 98-373, title II, §208, July 31, 1984, 98 Stat. 1253, related to Executive Director.

Section 1808, Pub. L. 98-373, title II, §209, July 31, 1984, 98 Stat. 1253, related to responsibilities and duties of Director.

Section 1809, 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, related to general authority of Council.

Section 1810, 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, related to authorization of appropriations.

Section 1811, Pub. L. 98-373, title II, §212, July 31, 1984, 98 Stat. 1254, defined the term “materials”.

**Statutory Notes and Related Subsidiaries****SHORT TITLE**

Pub. L. 98-373, title II, §201, July 31, 1984, 98 Stat. 1248, provided that title II of Pub. L. 98-373 (enacting this chapter) could be cited as the “National Critical Materials Act of 1984”, prior to repeal by Pub. L. 116-260, div. Z, title VII, §7002(n)(1), Dec. 27, 2020, 134 Stat. 2576.

**CHAPTER 31—MARINE MINERAL RESOURCES RESEARCH****Sec.**

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| 1901. | Definitions.                                   |
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| 1903. | Grants, contracts, and cooperative agreements. |
| 1904. | Marine mineral research centers.               |
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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.)

#### Editorial Notes

##### 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).

#### Statutory Notes and Related Subsidiaries

##### SHORT TITLE

Pub. L. 104-325, §1, Oct. 19, 1996, 110 Stat. 3994, 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.)

#### Statutory Notes and Related Subsidiaries

##### METHANE HYDRATE RESEARCH AND DEVELOPMENT

Pub. L. 106-193, May 2, 2000, 114 Stat. 234, known as the Methane Hydrate Research and Development Act of 2000, which was set out as a note under this section, was amended and transferred to chapter 32 (§2001 et seq.) of this title by Pub. L. 109-58, title IX, §968, Aug. 8, 2005, 119 Stat. 894.

### § 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) 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.)

**Editorial Notes**

**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.

**(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), 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.)

## CHAPTER 32—METHANE HYDRATE RESEARCH AND DEVELOPMENT

Sec.	Findings.
2001.	Definitions.
2002.	
2003.	Methane hydrate research and development program.
2004.	National Research Council study.
2005.	Reports and studies for Congress.
2006.	Authorization of appropriations.

**Editorial Notes****CODIFICATION**

This chapter is comprised of Pub. L. 106-193, as amended generally by Pub. L. 109-58, title IX, §968(a), Aug. 8, 2005, 119 Stat. 894, known as the Methane Hydrate Research and Development Act of 2000, which was formerly set out as a note under section 1902 of this title.

**§ 2001. Findings**

Congress finds that—

(1) in order to promote energy independence and meet the increasing demand for energy, the United States will require a diversified portfolio of substantially increased quantities of electricity, natural gas, and transportation fuels;

(2) according to the report submitted to Congress by the National Research Council entitled “Charting the Future of Methane Hydrate Research in the United States”, the total United States resources of gas hydrates have been estimated to be on the order of 200,000 trillion cubic feet;

(3) according to the report of the National Commission on Energy Policy entitled “Ending the Energy Stalemate—A Bipartisan Strategy to Meet America’s Energy Challenge”, and dated December 2004, the United States may be endowed with over one-fourth of the methane hydrate deposits in the world;

(4) according to the Energy Information Administration, a shortfall in natural gas supply from conventional and unconventional sources is expected to occur in or about 2020; and

(5) the National Academy of Sciences states that methane hydrate may have the potential to alleviate the projected shortfall in the natural gas supply.

(Pub. L. 106-193, §2, as added Pub. L. 109-58, title IX, §968(a), Aug. 8, 2005, 119 Stat. 894.)

**Editorial Notes****PRIOR PROVISIONS**

A prior section 2 of Pub. L. 106-193 was set out in a note under section 1902 of this title prior to the general amendment of Pub. L. 106-193 by Pub. L. 109-58.

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