

104TH CONGRESS
1ST SESSION

S. 1194

To amend the Mining and Mineral Policy Act of 1970 to promote the research, identification, assessment, and exploration of marine mineral resources, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 11 (legislative day, JULY 10), 1995

Mr. AKAKA (for himself and Mr. LOTT) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Mining and Mineral Policy Act of 1970 to promote the research, identification, assessment, and exploration of marine mineral resources, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Mining and Mineral
5 Policy Amendments Act of 1995”.

6 **SEC. 2. RESEARCH PROGRAM.**

7 The Mining and Minerals Policy Act of 1970 (30
8 U.S.C. 21a) is amended—

1 (1) by inserting after the first section the fol-
2 lowing:

3 **“TITLE I—MINING POLICY”;**

4 (2) by redesignating section 2 as section 101;
5 and

6 (3) by adding at the end the following:

7 **“TITLE II—MARINE MINERALS**
8 **RESEARCH PROGRAM**

9 **“SEC. 201. DEFINITIONS.**

10 “In this title:

11 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
12 tity’ means—

13 “(A) a research or educational entity char-
14 tered or incorporated under Federal or State
15 law;

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

18 “(C) a State or regional agency.

19 “(2) MARINE MINERAL RESOURCE.—The term
20 ‘marine mineral resource’ means—

21 “(A) sand and aggregates;

22 “(B) placers;

23 “(C) phosphates;

24 “(D) manganese nodules;

25 “(E) cobalt crusts;

1 “(F) metal sulfides; and

2 “(G) other marine resources that are not—

3 “(i) oil and gas;

4 “(ii) fisheries; or

5 “(iii) marine mammals.

6 “(3) SECRETARY.—The term ‘Secretary’ means
7 the Secretary of the Interior.

8 “(4) IN-KIND CONTRIBUTION.—The term ‘in-
9 kind contribution’ means a non-cash contribution
10 provided by a non-Federal entity that directly bene-
11 fits and is related to a specific project or program.
12 An in-kind contribution may include real property,
13 equipment, supplies, other expendable property,
14 goods, and services.

15 **“SEC. 202. RESEARCH PROGRAM.**

16 “(a) IN GENERAL.—Not later than 180 days after
17 the date of enactment of this title, the Secretary shall es-
18 tablish and carry out a program to promote marine min-
19 eral research.

20 “(b) PROGRAM GOAL.—The goal of the marine min-
21 eral research program shall be to—

22 “(1) promote research, identification, assess-
23 ment, exploration, and development of marine min-
24 eral resources in an environmentally responsible
25 manner; and

1 “(2) encourage academia and industry to jointly
2 conduct basic and applied research through grants,
3 cooperative agreements, or contracts with the Fed-
4 eral Government.

5 “(c) RESPONSIBILITIES OF THE SECRETARY.—In
6 carrying out the marine mineral research program, the
7 Secretary shall—

8 “(1) promote and coordinate partnerships be-
9 tween industry, government, and academia to re-
10 search, identify, assess, and explore marine mineral
11 resources in an environmentally sound manner and
12 reduce the United States trade deficit in mineral
13 commodities; and

14 “(2) foster communication and coordination be-
15 tween Federal and State agencies, universities, and
16 private entities concerning marine mineral research
17 on seabeds of the continental shelf, ocean basins,
18 and related areas.

19 **“SEC. 203. GRANTS, CONTRACTS, AND COOPERATIVE**
20 **AGREEMENTS.**

21 “(a) ASSISTANCE AND COORDINATION.—

22 “(1) IN GENERAL.—The Secretary shall award
23 grants or contracts to, or enter into cooperative
24 agreements with, eligible entities to support research
25 for the development of—

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

5 “(B) methods of detecting, monitoring,
6 and predicting the presence of adverse environ-
7 mental effects in the marine environment and
8 remediating the environmental effects of marine
9 mineral resource exploration, development, and
10 production; and

11 “(C) education and training material in
12 marine mineral research and resource manage-
13 ment.

14 “(2) FUNDING FOR GRANTS, CONTRACTS, OR
15 COOPERATIVE AGREEMENTS.—

16 “(A) FEDERAL SHARE.—Except as pro-
17 vided in subparagraph (B)(ii), the Federal
18 share of the cost of a project carried out under
19 this subsection shall not be greater than 80 per-
20 cent of the total cost of the project.

21 “(B) NON-FEDERAL SHARE.—The remain-
22 ing non-Federal share of the cost of a project
23 carried out under this section may be—

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

1 “(ii) comprised of funds made avail-
2 able under other Federal programs, except
3 that non-Federal funds shall be used to de-
4 fray at least 10 percent of the total cost of
5 the project.

6 “(b) COMPETITIVE REVIEW.—

7 “(1) IN GENERAL.—An entity shall not be eligi-
8 ble to receive a grant or contract, or participate in
9 a cooperative agreement, under subsection (a) un-
10 less—

11 “(A) the entity submits a proposal to the
12 Secretary at such time, in such manner, and ac-
13 companied by such information as the Secretary
14 may reasonably require; and

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

17 “(2) COMPETITIVE REVIEW PANELS.—

18 “(A) COMPOSITION.—A competitive review
19 panel shall be chaired by the Secretary and
20 composed of members who meet the following
21 criteria:

22 “(i) APPOINTMENT.—The members
23 shall be appointed by the Secretary.

24 “(ii) EXPERIENCE.—Not less than 50
25 percent of the members shall represent or

1 be employed by private marine resource
2 companies that are involved in exploration
3 of the marine environment and develop-
4 ment of marine mineral resources.

5 “(iii) INTEREST.—None of the mem-
6 bers may have an interest in a grant, con-
7 tract, or cooperative agreement being eval-
8 uated by the panel.

9 “(B) FEDERAL ADVISORY COMMITTEE
10 ACT.—A competitive review panel shall not be
11 subject to the Federal Advisory Committee Act
12 (5 U.S.C. App.).

13 “(C) NO COMPENSATION.—A non-Federal
14 review panel member shall receive no compensa-
15 tion for performing duties under this section,
16 except that, while engaged in the performance
17 of duties away from the home or regular place
18 of business of the member, the member may be
19 allowed travel expenses, including per diem in
20 lieu of subsistence, in the same manner as a
21 person employed intermittently in the Federal
22 Government under section 5702(b) of title 5,
23 United States Code.

1 “(3) EVALUATION.—A competitive review panel
2 shall base an evaluation of a proposal on criteria de-
3 veloped by the Secretary that shall include—

4 “(A) the merits of the proposal;

5 “(B) the research methodology and costs
6 of the proposal;

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

11 “(D) the amount of matching funds pro-
12 vided by the entity submitting the proposal or
13 provided by other Federal, State, or private en-
14 tities;

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

17 “(F) in the case of a noncommercial entity,
18 the existence of a cooperative agreement with a
19 commercial entity that provides for collabora-
20 tion in the proposed research;

21 “(G) whether the proposal promotes re-
22 sponsible environmental stewardship; and

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

25 “(c) LIMITATIONS.—

1 “(1) ADMINISTRATIVE EXPENSES.—Not more
2 than 3 percent of the amount made available to
3 carry out this section during a fiscal year may be
4 used by the Secretary for expenses associated with
5 administration of the program authorized by this
6 section.

7 “(2) CONSTRUCTION COSTS.—None of the
8 funds made available under this section may be used
9 for the construction of a new building or the acqui-
10 sition, expansion, remodeling, or alteration of an exist-
11 ing building (including site grading and improve-
12 ment and architect fees).

13 “(d) REPORTS.—An eligible entity that receives a
14 grant or contract or enters into a cooperative agreement
15 under this section shall submit an annual progress report
16 and a final technical report to the Secretary that—

17 “(1) describes project activities, implications of
18 the project, the significance of the project to marine
19 mineral research, identification, assessment, and ex-
20 ploration, and potential commercial and economic
21 benefits and effects of the project; and

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

1 **“SEC. 204. MARINE MINERAL RESEARCH CENTERS.**

2 “(a) IN GENERAL.—The Secretary shall designate 2
3 centers for marine mineral research.

4 “(b) CONCENTRATION.—One center shall concentrate
5 primarily on marine mineral resources research in the con-
6 tinental shelf regions of the United States and 1 center
7 shall concentrate primarily on marine mineral resources
8 in deep seabed and near-shore environments of islands.

9 “(c) CRITERIA.—In designating a center under this
10 section, the Secretary shall give priority to a university
11 that—

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

14 “(2) matriculates students for advanced degrees
15 in marine geological sciences, nonenergy natural re-
16 sources, and related sciences;

17 “(3) is a United States university with estab-
18 lished programs and facilities that primarily focus
19 on marine minerals;

20 “(4) has engaged in collaboration and coopera-
21 tion with industry, governmental agencies, and other
22 universities that have an active interest in nonenergy
23 marine mineral resources; and

24 “(5) has been designated by the Secretary as a
25 State Mining and Mineral Resources Research Insti-
26 tute.

1 “(d) CENTER ACTIVITIES.—A center shall—

2 “(1) provide technical assistance to the Sec-
3 retary concerning marine mineral resources;

4 “(2) advise the Secretary on pertinent inter-
5 national activities in marine mineral resources devel-
6 opment;

7 “(3) engage in research, training, and edu-
8 cation transfer associated with the characterization
9 and utilization of marine mineral resources; and

10 “(4) promote the efficient identification, assess-
11 ment, exploration, and management of marine min-
12 eral resources in an environmentally sound manner.

13 “(e) ALLOCATION OF FUNDS.—In distributing funds
14 to the centers designated under subsection (a), the Sec-
15 retary shall, to the extent practicable, allocate an equal
16 amount to each center.

17 **“SEC. 205. AUTHORIZATION OF APPROPRIATIONS.**

18 “There is authorized to be appropriated such sums
19 as are necessary to carry out this title.”.

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