

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.

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## 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

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## 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 acquisi-  
10      tion, 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.”.

