

Secretary of Energy after consultation with the Secretary of Education.

**(b) Term**

Such fellowships shall be awarded for such periods as the Secretary of Energy may determine, but not to exceed two years.

**(c) Replacement awards**

In addition to the number of fellowships authorized to be awarded by subsection (a) of this section, the Secretary of Energy is authorized to award fellowships equal to the number previously awarded during any fiscal year under this subchapter but vacated prior to the end of the period for which they were awarded; except that each fellowship awarded under this subsection shall be for such period of graduate work or research, not in excess of the remainder of the period for which the fellowship which it replaces was awarded as the Secretary of Energy may determine.

(Pub. L. 95-87, title IX, §901, Aug. 3, 1977, 91 Stat. 529; Pub. L. 95-91, title III, §301(a), title VII, §§703, 707, Aug. 4, 1977, 91 Stat. 577, 606, 607; Pub. L. 96-88, title III, §301(a)(1), title V, §507, Oct. 17, 1979, 93 Stat. 677, 692.)

CODIFICATION

In subsec. (a), the words “(hereafter referred to as ‘Administrator’ in this subchapter),” which followed “Secretary of Energy” the first time it appears were omitted in view of the substitution of “Secretary of Energy” for “Administrator ERDA” and “Administrator” wherever such terms appear in this subchapter and the fact that the term “Secretary” is defined for the purposes of this chapter by section 1291(23) of this title as meaning the Secretary of the Interior. See Transfer of Functions note set out below.

TRANSFER OF FUNCTIONS

“Secretary of Energy” substituted in text for “Administrator ERDA” and “Administrator”, meaning Administrator of Energy Research and Development Administration, pursuant to sections 301(a), 703, and 707 of Pub. L. 95-91, which are classified to sections 7151(a), 7293, 7297 of Title 42, The Public Health and Welfare, and which terminated Energy Research and Development Administration and transferred its functions and functions of Administrator thereof (with certain exceptions) to Secretary of Energy.

“Secretary of Education” substituted for “Commissioner of Education” in subsec. (a), pursuant to sections 301(a)(1) and 507 of Pub. L. 96-88, which are classified to sections 3441(a)(1) and 3507 of Title 20, Education, and which transferred all functions of Commissioner of Education to Secretary of Education.

**§ 1322. Fellowship recipients**

Recipients of fellowships under this subchapter shall be—

(a) persons who have been accepted by an institution of higher education for graduate study leading to an advanced degree or for a professional degree, and

(b) persons who plan a career in the field of energy resources, production, or utilization.

(Pub. L. 95-87, title IX, §902, Aug. 3, 1977, 91 Stat. 530.)

**§ 1323. Distribution of fellowships**

In awarding fellowships under the provisions of this subchapter, the Secretary of Energy shall

endeavor to provide equitable distribution of such fellowships throughout the Nation, except that the Secretary of Energy shall give special attention to institutions of higher education, libraries, archives, or other research centers which have a demonstrated capacity to offer courses of study or research in the field of energy resources and conservation and conversion and related disciplines. In carrying out his responsibilities under this section, the Secretary of Energy shall take into consideration the projected need for highly trained engineers and scientists in the field of energy sources.

(Pub. L. 95-87, title IX, §903, Aug. 3, 1977, 91 Stat. 530; Pub. L. 95-91, title III, §301(a), title VII, §§703, 707, Aug. 4, 1977, 91 Stat. 577, 606, 607.)

TRANSFER OF FUNCTIONS

“Secretary of Energy” substituted in text for “Administrator”, meaning Administrator of Energy Research and Development Administration, pursuant to sections 301(a), 703, and 707 of Pub. L. 95-91, which are classified to sections 7151(a), 7293, 7297 of Title 42, The Public Health and Welfare, and which terminated Energy Research and Development Administration and transferred its functions and functions of Administrator thereof (with certain exceptions) to Secretary of Energy.

**§ 1324. Stipends and allowances**

(a) Each person awarded a fellowship under this subchapter shall receive a stipend of not more than \$10,000 for each academic year of study. An additional amount of \$500 for each such calendar year of study shall be paid to such person on account of each of his dependents.

(b) In addition to the amount paid to such person pursuant to subsection (a) of this section there shall be paid to the institution of higher education at which each such person is pursuing his course of study, 100 per centum of the amount paid to such person less the amount paid on account of such person's dependents, to such person less any amount charged such person for tuition.

(Pub. L. 95-87, title IX, §904, Aug. 3, 1977, 91 Stat. 530.)

**§ 1325. Limitation on fellowships**

No fellowship shall be awarded under this subchapter for study at a school or department of divinity. For the purpose of this section, the term “school or department of divinity” means an institution or department or branch of an institution, whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation or to prepare them to teach theological subjects.

(Pub. L. 95-87, title IX, §905, Aug. 3, 1977, 91 Stat. 530.)

**§ 1326. Fellowship conditions**

(a) A person awarded a fellowship under the provisions of this subchapter shall continue to receive the payments provided in section 1324(a) of this title only during such periods as the Secretary of Energy finds that he is maintaining satisfactory proficiency in, and devoting essentially full time to, study or research in the field

in which such fellowship was awarded, in an institution of higher education, and is not engaging in gainful employment other than part-time employment in teaching, research, or similar activities, approved by the Secretary of Energy.

(b) The Secretary of Energy shall require reports containing such information in such forms and to be filed at such times as he determines necessary from each person awarded a fellowship under the provisions of this subchapter. Such reports shall be accompanied by a certificate from an appropriate official at the institution of higher education, library, archive, or other research center approved by the Secretary of Energy, stating that such person is making satisfactory progress in, and is devoting essentially full time to the research for which the fellowship was awarded.

(Pub. L. 95-87, title IX, §906, Aug. 3, 1977, 91 Stat. 530; Pub. L. 95-91, title III, §301(a), title VII, §§703, 707, Aug. 4, 1977, 91 Stat. 577, 606, 607.)

#### TRANSFER OF FUNCTIONS

“Secretary of Energy” substituted in text for “Administrator”, meaning Administrator of Energy Research and Development Administration, pursuant to sections 301(a), 703, and 707 of Pub. L. 95-91, which are classified to sections 7151(a), 7293, 7297 of Title 42, The Public Health and Welfare, and which terminated Energy Research and Development Administration and transferred its functions and functions of Administrator thereof (with certain exceptions) to Secretary of Energy.

#### § 1327. Authorization of appropriations

There are authorized to be appropriated \$11,000,000 for the fiscal year ending September 30, 1979, and for each of the five succeeding fiscal years. For payments for the initial awarding of fellowships awarded under this subchapter, there are authorized to be appropriated for the fiscal year ending September 30, 1979, and for each of the five succeeding fiscal years, such sums as may be necessary in order that fellowships already awarded might be completed.

(Pub. L. 95-87, title IX, §907, Aug. 3, 1977, 91 Stat. 531.)

#### § 1328. Research, development projects, etc., relating to alternative coal mining technologies

##### (a) Authority of Secretary of the Interior to conduct, promote, etc.

The Secretary of the Interior is authorized to conduct and promote the coordination and acceleration of, research, studies, surveys, experiments, demonstration projects, and training relating to—

(1) the development and application of coal mining technologies which provide alternatives to surface disturbance and which maximize the recovery of available coal resources, including the improvement of present underground mining methods, methods for the return of underground mining wastes to the mine void, methods for the underground mining of thick coal seams and very deep seams; and

(2) safety and health in the application of such technologies, methods, and means.

##### (b) Contracts and grants

In conducting the activities authorized by this section, the Secretary of the Interior may enter

into contracts with and make grants to qualified institutions, agencies, organizations, and persons.

##### (c) Authorization of appropriations

There are authorized to be appropriated to the Secretary of the Interior, to carry out the purposes of this section, \$35,000,000 for each fiscal year beginning with the fiscal year 1979, and for each year thereafter for the next four years.

##### (d) Publication in Federal Register; report to Congress

At least sixty days before any funds are obligated for any research studies, surveys, experiments or demonstration projects to be conducted or financed under this chapter in any fiscal year, the Secretary of the Interior in consultation with the heads of other Federal agencies having the authority to conduct or finance such projects, shall determine and publish such determinations in the Federal Register that such projects are not being conducted or financed by any other Federal agency. On December 31 of each calendar year, the Secretary shall report to the Congress on the research studies, surveys, experiments or demonstration projects, conducted or financed under this chapter, including, but not limited to, a statement of the nature and purpose of each project, the Federal cost thereof, the identity and affiliation of the persons engaged in such projects, the expected completion date of the projects and the relationship of the projects to other such projects of a similar nature.

##### (e) Availability of information to public

Subject to the patent provisions of section 306(d) of this Act,<sup>1</sup> all information and data resulting from any research studies, surveys, experiments, or demonstration projects conducted or financed under this chapter shall be promptly made available to the public.

(Pub. L. 95-87, title IX, §908, Aug. 3, 1977, 91 Stat. 531; Pub. L. 95-91, title III, §301(a), title VII, §§703, 707, Aug. 4, 1977, 91 Stat. 577, 606, 607; Pub. L. 97-257, title I, §100, Sept. 10, 1982, 96 Stat. 841.)

#### REFERENCES IN TEXT

Section 306(d) of this Act, referred to in subsec. (e), was classified to section 1226(d) of this title and was omitted from the Code pursuant to the replacement of subchapter III (§1221 et seq.) of this chapter by Pub. L. 98-409. See section 1226(c) of this title.

#### TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsec. (d) of this section relating to requirement that on December 31 of each calendar year, the Secretary report to Congress on research studies, surveys, experiments or demonstration projects, conducted or financed under this chapter, 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 109 of House Document No. 103-7.

#### TRANSFER OF FUNCTIONS

“Secretary of the Interior” substituted for “Secretary of Energy” in subsecs. (a) to (d) pursuant to section 100 of Pub. L. 97-257, which is set out as a note under section 7152 of Title 42, The Public Health and

<sup>1</sup> See References in Text note below.