

(Pub. L. 98-409, §2, Aug. 29, 1984, 98 Stat. 1537; Pub. L. 100-483, §5, Oct. 12, 1988, 102 Stat. 2339; Pub. L. 104-312, §1(a), Oct. 19, 1996, 110 Stat. 3819.)

#### CODIFICATION

Section was enacted as part of the Mining and Mineral Resources Research Institute Act of 1984, and not as part of the Surface Mining Control and Reclamation Act of 1977 which comprises this chapter.

#### PRIOR PROVISIONS

A prior section 1222, Pub. L. 95-87, title III, §302, Aug. 3, 1977, 91 Stat. 452, contained provisions similar to this section covering fiscal years 1978 through 1984.

#### AMENDMENTS

1996—Subsec. (a). Pub. L. 104-312 inserted at end “There is authorized to be appropriated to the Secretary not more than \$1,800,000 for each of the fiscal years after fiscal year 1996 to be made available by the Secretary to an institute or institutes experienced in investigating the continental shelf regions of the United States, the deep seabed and near shore environments of islands, and the Arctic and cold water regions as a source for nonfuel minerals. Such funds are to be used by the institute or institutes to assist in developing domestic technological capabilities required for the location of, and the efficient and environmentally sound recovery of, minerals (other than oil and gas) from the Nation’s shallow and deep seabed.”

1988—Subsec. (a). Pub. L. 100-483, in introductory provisions, substituted “not more than \$15,000,000 for each of the fiscal years ending September 30, 1990, through September 30, 1994” for “\$10,000,000 for the fiscal year ending September 30, 1985. This amount shall be increased by \$1,000,000 for each fiscal year thereafter for four additional years” and “an institute or to institutes participating in a generic mineral technology center” for “institutes”.

### § 1223. Funding criteria

(a) Funds available to institutes under sections 1221 and 1222 of this title shall be paid at such times and in such amounts during each fiscal year as determined by the Secretary, and upon vouchers approved by him. Each institute shall—

(1) set forth its plan to provide for the training of individuals as mineral engineers and scientists under a curriculum appropriate to the field of mineral resources and mineral engineering and related fields;

(2) set forth policies and procedures which assure that Federal funds made available under this subchapter for any fiscal year will supplement and, to the extent practicable, increase the level of funds that would, in the absence of such Federal funds, be made available for purposes of this subchapter, and in no case supplant such funds; and

(3) have an officer appointed by its governing authority who shall receive and account for all funds paid under the provisions of this subchapter and shall make an annual report to the Secretary on or before the first day of September of each year, on work accomplished and the status of projects underway, together with a detailed statement of the amounts received under any provisions of this subchapter during the preceding fiscal year, and of its disbursements on schedules prescribed by the Secretary.

If any of the funds received by the authorized receiving officer of any institute under the provi-

sions of this subchapter shall by any action or contingency be found by the Secretary to have been improperly diminished, lost, or misapplied, such funds shall be replaced by the State concerned and until so replaced no subsequent appropriation shall be allotted or paid to any institute of such State.

(b) The institutes are authorized and encouraged to plan and conduct programs under this subchapter in cooperation with each other and with such other agencies and individuals as may contribute to the solution of the mining and mineral resources problems involved. Moneys appropriated pursuant to this subchapter shall be available for paying the necessary expenses of planning, coordinating, and conducting such cooperative research.

(Pub. L. 98-409, §3, Aug. 29, 1984, 98 Stat. 1538.)

#### CODIFICATION

Section was enacted as part of the Mining and Mineral Resources Research Institute Act of 1984, and not as part of the Surface Mining Control and Reclamation Act of 1977 which comprises this chapter.

#### PRIOR PROVISIONS

A prior section 1223, Pub. L. 95-87, title III, §303, Aug. 3, 1977, 91 Stat. 453, contained provisions similar to this section covering fiscal years 1978 through 1984.

### § 1224. Duties of Secretary

#### (a) Consulting with other agencies; prescribing rules and regulations; furnishing advice and assistance; coordinating research

The Secretary, acting through the Director of the United States Bureau of Mines, shall administer this subchapter and, after full consultation with other interested Federal agencies, shall prescribe such rules and regulations as may be necessary to carry out its provisions. The Secretary shall furnish such advice and assistance as will best promote the purposes of this subchapter, shall participate in coordinating research initiated under this subchapter by the institutes, shall indicate to them such lines of inquiry that seem most important, and shall encourage and assist in the establishment and maintenance of cooperation by and between the institutes and between them and other research organizations, the United States Department of the Interior, and other Federal establishments.

#### (b) Annual ascertainment of compliance

On or before the first day of July in each year beginning after August 29, 1984, the Secretary shall ascertain whether the requirements of section 1223(a) of this title have been met as to each institute and State.

(Pub. L. 98-409, §4, Aug. 29, 1984, 98 Stat. 1538; Pub. L. 100-483, §6, Oct. 12, 1988, 102 Stat. 2340; Pub. L. 102-285, §10(b), May 18, 1992, 106 Stat. 172.)

#### CODIFICATION

Subsec. (c) of this section, which required the Secretary to make an annual report to Congress on the receipts, expenditures, and work of the institutes in all States under the provisions of this subchapter, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 109 of House Document No. 103-7.

Section was enacted as part of the Mining and Mineral Resources Research Institute Act of 1984, and not as part of the Surface Mining Control and Reclamation Act of 1977 which comprises this chapter.

#### PRIOR PROVISIONS

A prior section 1224, Pub. L. 95-87, title III, §304, Aug. 3, 1977, 91 Stat. 454, contained provisions similar to this section covering fiscal years 1978 through 1984.

#### AMENDMENTS

1988—Subsec. (a). Pub. L. 100-483 inserted “, acting through the Director of the Bureau of Mines,” after “The Secretary”.

#### CHANGE OF NAME

“United States Bureau of Mines” substituted for “Bureau of Mines” in subsec. (a) 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.

### § 1225. Effect on colleges and universities

Nothing in this subchapter shall be construed to impair or modify the legal relationship existing between any of the colleges or universities under whose direction an institute is established and the government of the State in which it is located, and nothing in this subchapter shall in any way be construed to authorize Federal control or direction of education at any college or university.

(Pub. L. 98-409, §5, Aug. 29, 1984, 98 Stat. 1539.)

#### CODIFICATION

Section was enacted as part of the Mining and Mineral Resources Research Institute Act of 1984, and not as part of the Surface Mining Control and Reclamation Act of 1977 which comprises this chapter.

#### PRIOR PROVISIONS

A prior section 1225, Pub. L. 95-87, title III, §305, Aug. 3, 1977, 91 Stat. 454, contained provisions similar to this section covering fiscal years 1978 through 1984.

### § 1226. Research

#### (a) Coordination with existing programs; availability of information to public

The Secretary shall obtain the continuing advice and cooperation of all agencies of the Federal Government concerned with mining and mineral resources, of State and local governments, and of private institutions and individuals to assure that the programs authorized by this subchapter will supplement and not be redundant with respect to established mining and minerals research programs, and to stimulate research in otherwise neglected areas, and to contribute to a comprehensive nationwide program of mining and minerals research, with due regard for the protection and conservation of the environment. The Secretary shall make generally available information and reports on projects completed, in progress, or planned under the provisions of this subchapter, in addition to any direct publication of information by the institutes themselves.

#### (b) Effect on Federal agencies

Nothing in this subchapter is intended to give or shall be construed as giving the Secretary

any authority over mining and mineral resources research conducted by any agency of the Federal Government, or as repealing or diminishing existing authorities or responsibilities of any agency of the Federal Government to plan and conduct, contract for, or assist in research in its area of responsibility and concern with regard to mining and mineral resources.

#### (c) Availability of results to public

No research, demonstration, or experiment shall be carried out under this subchapter by an institute financed by grants under this subchapter, unless all uses, products, processes, patents, and other developments resulting therefrom, with such exception or limitation, if any, as the Secretary may find necessary in the public interest, are made available promptly to the general public. Patentable inventions shall be governed by the provisions of Public Law 96-517. Nothing contained in this section shall deprive the owner of any background patent relating to any such activities of any rights which that owner may have under that patent.

#### (d) Authorization of appropriations

(1) There is authorized to be appropriated to the Secretary \$450,000 for each of the fiscal years ending September 30, 1990, through September 30, 1994, to administer this subchapter. No funds may be withheld by the Secretary for administrative expenses from those authorized to be appropriated by sections 1221 and 1222 of this title.

(2) There are authorized to be appropriated to the Secretary such sums as are necessary for the printing and publishing of the results of activities carried out by institutes and generic mineral technology centers under this subchapter, but such appropriations shall not exceed \$550,000 in any single fiscal year.

(Pub. L. 98-409, §6, Aug. 29, 1984, 98 Stat. 1539; Pub. L. 100-483, §7, Oct. 12, 1988, 102 Stat. 2340.)

#### REFERENCES IN TEXT

Public Law 96-517, referred to in subsec. (c), is Pub. L. 96-517, Dec. 12, 1980, 94 Stat. 3015. Section 6(a) of Pub. L. 96-517, relating to patent rights in inventions made with Federal assistance, is classified to chapter 18 (§200 et seq.) of Title 35, Patents. For complete classification of this Act to the Code, see Tables.

#### CODIFICATION

Section was enacted as part of the Mining and Mineral Resources Research Institute Act of 1984, and not as part of the Surface Mining Control and Reclamation Act of 1977 which comprises this chapter.

#### PRIOR PROVISIONS

A prior section 1226, Pub. L. 95-87, title III, §306, Aug. 3, 1977, 91 Stat. 454, contained provisions similar to this section covering fiscal years 1978 through 1984.

#### AMENDMENTS

1988—Subsec. (d). Pub. L. 100-483 amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: “There are authorized to be appropriated after September 30, 1984, such sums as are necessary for the printing and publishing of the results of activities carried out by institutes under this subchapter and for administrative planning and direction, but such appropriations shall not exceed \$1,000,000 in any single fiscal year.”

### § 1227. Center for cataloging

The Secretary shall establish a center for cataloging current and projected scientific research