

(b) Criteria

In making designations under this section, the Secretary of Energy shall consider the following criteria:

(1) Those ten institutions of higher education designated as provided in subsection (e) shall be located in a State with abundant coal reserves.

(2) The institution of higher education shall have experience in coal research, expertise in several areas of coal research, and potential or currently active, outstanding programs in coal research.

(3) The institution of higher education has the capacity to establish and operate the coal laboratories to be assisted under this subchapter.

(c) Location of coal laboratories

Not more than one coal laboratory established pursuant to this subchapter shall be located in a single State and at least one coal laboratory shall be established within each of the major coal provinces recognized by the United States Bureau of Mines, including Alaska.

(d) Period for submission of applications for designation; contents

The Secretary of Energy shall establish a period, not in excess of ninety days after August 3, 1977, for the submission of applications for designation under this section. Any institution of higher education desiring to be designated under this subchapter shall submit an application to the Secretary of Energy in such form, at such time, and containing or accompanied by such information as the Secretary of Energy may reasonably require. Each application shall—

(1) describe the facilities to be established for coal energy resources and conversion research and research on related environmental problems including facilities for interdisciplinary academic research projects by the combined efforts of specialists such as mining engineers, mineral engineers, geochemists, mineralogists, mineral economists, fuel scientists, combustion engineers, mineral preparation engineers, coal petrographers, geologists, chemical engineers, civil engineers, mechanical engineers, and ecologists;

(2) set forth a program for the establishment of a test laboratory for coal characterization which, in addition, may be used as a site for the exchange of coal research activities by representatives of private industry engaged in coal research and characterization;

(3) set forth a program for providing research and development activities for students engaged in advanced study in any discipline which is related to the development of adequate energy supplies in the United States. The research laboratory shall be associated with an ongoing educational and research program on extraction and utilization of coal.

(e) Time limit

The Secretary of Energy shall designate the ten institutions of higher education under this section not later than ninety days after the date on which such applications are to be submitted.

(Pub. L. 95-87, title VIII, §801, Aug. 3, 1977, 91 Stat. 526; Pub. L. 95-617, title VI, §604(a), (c),

Nov. 9, 1978, 92 Stat. 3166, 3167; Pub. L. 102-285, §10(b), May 18, 1992, 106 Stat. 172.)

AMENDMENTS

1978—Subsec. (a). Pub. L. 95-617, §604(a), substituted “The Secretary of Energy” for “The Administrator, Energy Research and Development Administration (hereafter referred to as ‘Administrator’ in this subchapter)” and “shall designate thirteen institutions” for “is authorized and directed to designate ten institutions” and inserted provision that ten such designations be made as provided in subsection (e) of this section and the remaining three be made in fiscal year 1980.

Subsec. (b). Pub. L. 95-617, §604(a), (c), substituted in provisions preceding par. (1) “Secretary of Energy” for “Administrator” and in par. (1) “Those ten institutions of higher education designated as provided in subsection (e)” for “The institution of higher education”.

Subsecs. (d), (e). Pub. L. 95-617, §604(c), substituted “Secretary of Energy” for “Administrator” wherever appearing.

CHANGE OF NAME

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

§ 1312. Financial assistance

(a) The Secretary of Energy is authorized to make grants to any institution of higher education designated under section 1311 of this title to pay the Federal share of the cost of establishing (including the construction of such facilities as may be necessary) and maintaining a coal laboratory.

(b) Each institution of higher education designated pursuant to section 1311 of this title shall submit an application to the Secretary of Energy. Each such application shall—

(1) set forth the program to be conducted at the coal laboratory which includes the purposes set forth in section 1311(d) of this title;

(2) provide assurances that the university will pay from non-Federal sources the remaining costs of carrying out the program set forth;

(3) provide such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of and accounting for Federal funds received under this subchapter;

(4) provide for making an annual report which shall include a description of the activities conducted at the coal laboratory and an evaluation of the success of such activities, and such other necessary reports in such form and containing such information as the Secretary of Energy may require, and for keeping such records and affording such access thereto as may be necessary to assure the correctness and verification of such reports; and

(5) set forth such policies and procedures as will insure that Federal funds made available under this section for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available for the purposes of the activities de-

scribed in subsections (d)(1), (2), and (3) of section 1311 of this title, and in no case supplant such funds.

(Pub. L. 95-87, title VIII, §802, Aug. 3, 1977, 91 Stat. 527; Pub. L. 95-617, title VI, §604(c), Nov. 9, 1978, 92 Stat. 3167.)

AMENDMENTS

1978—Pub. L. 95-617 substituted “Secretary of Energy” for “Administrator” wherever appearing.

§ 1313. Limitation on payments

(a) No institutions of higher education may receive more than \$4,000,000 for the construction of its coal research laboratory, including initially installed fixed equipment, nor may it receive more than \$1,500,000 for initially installed movable equipment, nor may it receive more than \$500,000 for new program startup expenses.

(b) No institution of higher education may receive more than \$1,500,000 per year from the Federal Government for operating expenses.

(Pub. L. 95-87, title VIII, §803, Aug. 3, 1977, 91 Stat. 528.)

§ 1314. Payments; Federal share of operating expenses

(a) From the amounts appropriated pursuant to section 1316 of this title, the Secretary of Energy shall pay to each institution of higher education having an application approved under this subchapter an amount equal to the Federal share of the cost of carrying out that application. Such payments may be in installments, by way of reimbursement, or by way of advance with necessary adjustments on account of underpayments or overpayments.

(b) The Federal share of operating expenses for any fiscal year shall not exceed 50 per centum of the cost of the operation of a coal research laboratory.

(Pub. L. 95-87, title VIII, §804, Aug. 3, 1977, 91 Stat. 528; Pub. L. 95-617, title VI, §604(c), Nov. 9, 1978, 92 Stat. 3167.)

AMENDMENTS

1978—Subsec. (a). Pub. L. 95-617 substituted “Secretary of Energy” for “Administrator” wherever appearing.

§ 1315. Advisory Council on Coal Research

(a) Establishment; members

There is established an Advisory Council on Coal Research which shall be composed of—

(1) the Secretary of Energy, who shall be Chairman;

(2) the Director of the United States Bureau of Mines of the Department of the Interior;

(3) the President of the National Academy of Sciences;

(4) the President of the National Academy of Engineering;

(5) the Director of the United States Geological Survey; and

(6) six members appointed by the Secretary of Energy from among individuals who, by virtue of experience or training, are knowledgeable in the field of coal research and mining, and who are representatives of institutions of

higher education, industrial users of coal and coal-derived fuels, the coal industry, mine workers, nonindustrial consumer groups, and institutions concerned with the preservation of the environment.

(b) Furnishing advice to Secretary of Energy

The Advisory Council shall advise the Secretary of Energy with respect to the general administration of this subchapter, and furnish such additional advice as he may request.

(c) Annual report to President; transmittal to Congress

The Advisory Council shall make an annual report of its findings and recommendations (including recommendations for changes in the provisions of this subchapter) to the President not later than December 31 of each calendar year. The President shall transmit each such report to the Congress.

(d) Compensation and travel expenses

(1) Members of the Council who are not regular officers or employees of the United States Government shall, while serving on business of the Council, be entitled to receive compensation at rates fixed by the Secretary of Energy but not exceeding the daily rate prescribed for GS-18 of the General Schedule under section 5332 of title 5 and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 for persons in the Government service employed intermittently.

(2) Members of the Council who are officers or employees of the Government shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out their duties on the Council.

(e) Alternate members

Whenever a member of the Council appointed under clauses (1) through (5) is unable to attend a meeting, that member shall appoint an appropriate alternate to represent him for that meeting.

(Pub. L. 95-87, title VIII, §805, Aug. 3, 1977, 91 Stat. 528; Pub. L. 95-617, title VI, §604(c), Nov. 9, 1978, 92 Stat. 3167; Pub. L. 102-285, §10(b), May 18, 1992, 106 Stat. 172.)

AMENDMENTS

1978—Pub. L. 95-617 substituted “Secretary of Energy” for “Administrator” wherever appearing.

CHANGE OF NAME

“United States Bureau of Mines” substituted for “Bureau of Mines” in subsec. (a)(2) 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.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsec. (c) of this section relating to requirement that the President transmit each annual report to Congress, 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 153 of House Document No. 103-7.