(4) the impact of prohibiting such subsidization on the competitive viability of various segments of the petroleum industry, on prices of motor fuel to consumers and on the health and structure of the petroleum industry as a whole; and

(5) such other matters as the Secretary considers appropriate.

**(c) Notice to interested parties and opportunity to present written and oral data, views and arguments**

In conducting the study required by this section, the Secretary shall give appropriate notice and afford interested persons an opportunity to present written and oral data, views and arguments concerning such study.

**(d) Report to Congress; contents and time for submission; Presidential promulgation of rules establishing interim measures; submission date and duration of interim measures; Congressional approval of interim measures**

(1) The Secretary shall report the results of the study required by this section, together with such recommendations for legislative action and such statistical evidence as he deems appropriate to the Congress on or before the expiration of the eighteenth month after June 19, 1978.

(2) If the President determines that interim measures are necessary and appropriate to maintain the competitive viability of the marketing sector of the petroleum industry during Congressional consideration of the recommendations contained in the report submitted under paragraph (1), he shall prescribe, by rule, in accordance with the procedures set forth in section 6393(a) of title 42 such interim measures.

(3) No interim measure proposed by the President under this section may be submitted after January 1, 1980, and the effect of such measure if approved by the Congress under paragraph (4) may not extend beyond 18 months after such Congressional approval.

(4) Such interim measure shall not take effect unless approved by both Houses of Congress as if it were a contingency plan under section 6422 of title 42: *Provided*, That the 60-day period referred to in such section shall be extended to 90 days for purposes of this section.

**(e) Authorization of appropriations**

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

(Pub. L. 95–297, title III, § 301, June 19, 1978, 92 Stat. 337.)

## CHAPTER 56—NATIONAL CLIMATE PROGRAM

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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 2938 of this title.

### § 2901. Findings

The Congress finds and declares the following:

(1) Weather and climate change affect food production, energy use, land use, water resources and other factors vital to national security and human welfare.

(2) An ability to anticipate natural and man-induced changes in climate would contribute to the soundness of policy decisions in the public and private sectors.

(3) Significant improvements in the ability to forecast climate on an intermediate and long-term basis are possible.

(4) Information regarding climate is not being fully disseminated or used, and Federal efforts have given insufficient attention to assessing and applying this information.

(5) Climate fluctuation and change occur on a global basis, and deficiencies exist in the system for monitoring global climate changes. International cooperation for the purpose of sharing the benefits and costs of a global effort to understand climate is essential.

(6) The United States lacks a well-defined and coordinated program in climate-related research, monitoring, assessment of effects, and information utilization.

(Pub. L. 95–367, § 2, Sept. 17, 1978, 92 Stat. 601.)

SHORT TITLE

Section 1 of Pub. L. 95–367 provided: ''That this Act [enacting this chapter, amending section 25 of former Title 31, Money and Finance, and enacting provisions set out as a note under section 25 of former Title 31] may be cited as the 'National Climate Program Act'.''

GLOBAL CLIMATE PROTECTION

Pub. L. 100–204, title XI, Dec. 22, 1987, 101 Stat. 1407, as amended by Pub. L. 103–199, title VI, § 603(1), Dec. 17, 1993, 107 Stat. 2327, provided that:

''SEC. 1101. SHORT TITLE.

''This title [this note] may be cited as the 'Global Climate Protection Act of 1987'.

''SEC. 1102. FINDINGS.

''The Congress finds as follows:

''(1) There exists evidence that manmade pollution—the release of carbon dioxide, chlorofluorocarbons, methane, and other trace gases into the atmosphere—may be producing a long-term and substantial increase in the average temperature on Earth, a phenomenon known as global warming through the greenhouse effect.

''(2) By early in the next century, an increase in Earth temperature could—

''(A) so alter global weather patterns as to have an effect on existing agricultural production and on the habitability of large portions of the Earth; and

''(B) cause thermal expansion of the oceans and partial melting of the polar ice caps and glaciers, resulting in rising sea levels.

''(3) Important research into the problem of climate change is now being conducted by various United States Government and international agencies, and

the continuation and intensification of those efforts will be crucial to the development of an effective United States response.

''(4) While the consequences of the greenhouse effect may not be fully manifest until the next century, ongoing pollution and deforestation may be contributing now to an irreversible process. Necessary actions must be identified and implemented in time to protect the climate.

''(5) The global nature of this problem will require vigorous efforts to achieve international cooperation aimed at minimizing and responding to adverse climate change; such international cooperation will be greatly enhanced by United States leadership. A key step in international cooperation will be the meeting of the Governing Council of the United Nations Environment Program, scheduled for June 1989, which will seek to determine a direction for worldwide efforts to control global climate change.

''(6) Effective United States leadership in the international arena will depend upon a coordinated national policy.

''SEC. 1103. MANDATE FOR ACTION ON THE GLOBAL CLIMATE.

''(a) GOALS OF UNITED STATES POLICY.—United States policy should seek to—

''(1) increase worldwide understanding of the greenhouse effect and its environmental and health consequences;

''(2) foster cooperation among nations to develop more extensive and coordinated scientific research efforts with respect to the greenhouse effect;

''(3) identify technologies and activities to limit mankind's adverse effect on the global climate by—

''(A) slowing the rate of increase of concentrations of greenhouse gases in the atmosphere in the near term; and

''(B) stabilizing or reducing atmospheric concentrations of greenhouse gases over the long term; and

''(4) work toward multilateral agreements.

''(b) FORMULATION OF UNITED STATES POLICY.—The President, through the Environmental Protection Agency, shall be responsible for developing and proposing to Congress a coordinated national policy on global climate change. Such policy formulation shall consider research findings of the Committee on Earth Sciences of the Federal Coordinating Council on Science and Engineering Technology, the National Academy of Sciences, the National Oceanic and Atmospheric Administration, the National Science Foundation, the National Aeronautic and Space Administration, the Department of Energy, the Environmental Protection Agency, and other organizations engaged in the conduct of scientific research.

''(c) COORDINATION OF UNITED STATES POLICY IN THE INTERNATIONAL ARENA.—The Secretary of State shall be responsible to coordinate those aspects of United States policy requiring action through the channels of multilateral diplomacy, including the United Nations Environment Program and other international organizations. In the formulation of these elements of United States policy, the Secretary of State shall, under the direction of the President, work jointly with the Administrator of the Environmental Protection Agency and other United States agencies concerned with environmental protection, consistent with applicable Federal law.

''SEC. 1104. REPORT TO CONGRESS.

''Not later than 24 months after the date of enactment of this Act [Dec. 22, 1987], the Secretary of State and the Administrator of the Environmental Protection Agency shall jointly submit to all committees of jurisdiction in the Congress a report which shall include—

''(1) a summary analysis of current international scientific understanding of the greenhouse effect, including its environmental and health consequences;

''(2) an assessment of United States efforts to gain international cooperation in limiting global climate change; and

''(3) a description of the strategy by which the United States intends to seek further international cooperation to limit global climate change.

''SEC. 1105. INTERNATIONAL YEAR OF GLOBAL CLIMATE PROTECTION.

''In order to focus international attention and concern on the problem of global warming, and to foster further work on multilateral treaties aimed at protecting the global climate, the Secretary of State shall undertake all necessary steps to promote, within the United Nations system, the early designation of an International Year of Global Climate Protection.

''SEC. 1106. CLIMATE PROTECTION AND UNITED STATES RELATIONS WITH THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.

''In recognition of the respective leadership roles of the United States and the independent states of the former Soviet Union in the international arena, and of the extent to which they are producers of atmospheric pollutants, the Congress urges that the President accord the problem of climate protection a high priority on the agenda of United States relations with the independent states.''

## § 2902. Purpose

It is the purpose of the Congress in this chapter to establish a national climate program that will assist the Nation and the world to understand and respond to natural and man-induced climate processes and their implications.

(Pub. L. 95–367, § 3, Sept. 17, 1978, 92 Stat. 601.)

## § 2903. Definitions

As used in this chapter, unless the context otherwise requires:

(1) The term ''Board'' means the Climate Program Policy Board.

(2) The term ''Office'' means the National Climate Program Office.

(3) The term ''Program'' means the National Climate Program.

(4) The term ''Secretary'' means the Secretary of Commerce.

(Pub. L. 95–367, § 4, Sept. 17, 1978, 92 Stat. 601; Pub. L. 99–272, title VI, § 6084(a), Apr. 7, 1986, 100 Stat. 136.)

AMENDMENTS

1986—Pub. L. 99–272 added par. (1) and redesignated former pars. (1) to (3) as (2) to (4), respectively.

## § 2904. National Climate Program

### (a) Establishment

The President shall establish a National Climate Program in accordance with the provisions, findings and purposes of this chapter.

### (b) Duties

The President shall—

(1) promulgate the 5-year plans described in subsection (d)(9) of this section;

(2) define the roles in the Program of Federal officers, departments, and agencies, including the Departments of Agriculture, Commerce, Defense, Energy, Interior, State, and Transportation; the Environmental Protection Agency; the National Aeronautics and Space Administration; the Council on Environmental Quality; the National Science Foundation; and the Office of Science and Technology Policy; and

(3) provide for Program coordination.

**(c) National Climate Program Office**

(1) The Secretary shall establish within the Department of Commerce a National Climate Program Office not later than 30 days after September 17, 1978.

(2) The Office shall—

(A) serve as the lead entity responsible for administering the program;

(B) be headed by a Director who shall represent the Climate Program Policy Board and shall be spokesperson for the program;

(C) serve as the staff for the Board and its supporting committees and working groups;

(D) review each agency budget request transmitted under subsection (g)(1) of this section and submit an analysis of the requests to the Board for its review;

(E) be responsible for coordinating interagency participation in international climate-related activities; and

(F) work with the National Academy of Sciences and other private, academic, State, and local groups in preparing and implementing the 5-year plan (described in subsection (d)(9) of this section) and the program.

The analysis described in subparagraph (D) shall include an analysis of how each agency's budget request relates to the priorities and goals of the program established pursuant to this chapter.

(3) The Secretary may provide, through the Office, financial assistance, in the form of contracts or grants or cooperative agreements, for climate-related activities which are needed to meet the goals and priorities of the program set forth in the 5-year plan pursuant to subsection (d)(9) of this section, if such goals and priorities are not being adequately addressed by any Federal department, agency, or instrumentality.

(4) Each Federal officer, employee, department and agency involved in the Program shall cooperate with the Secretary in carrying out the provisions of this chapter.

**(d) Program elements**

The Program shall include, but not be limited to, the following elements:

(1) assessments of the effect of climate on the natural environment, agricultural production, energy supply and demand, land and water resources, transportation, human health and national security. Such assessments shall be conducted to the maximum extent possible by those Federal agencies having national programs in food, fiber, raw materials, energy, transportation, land and water management, and other such responsibilities, in accordance with existing laws and regulations. Where appropriate such assessments may include recommendations for action;

(2) basic and applied research to improve the understanding of climate processes, natural and man induced, and the social, economic, and political implications of climate change;

(3) methods for improving climate forecasts on a monthly, seasonal, yearly, and longer basis;

(4) global data collection, and monitoring and analysis activities to provide reliable, useful and readily available information on a continuing basis;

(5) systems for the management and active dissemination of climatological data, information and assessments, including mechanisms for consultation with current and potential users;

(6) measures for increasing international cooperation in climate research, monitoring, analysis and data dissemination;

(7) mechanisms for intergovernmental climate-related studies and services including participation by universities, the private sector and others concerned with applied research and advisory services. Such mechanisms may provide, among others, for the following State and regional services and functions: (A) studies relating to and analyses of climatic effects on agricultural production, water resources, energy needs, and other critical sectors of the economy; (B) atmospheric data collection and monitoring on a statewide and regional basis; (C) advice to regional, State, and local government agencies regarding climate-related issues; (D) information to users within the State regarding climate and climatic effects; and (E) information to the Secretary regarding the needs of persons within the States for climate-related services, information, and data. The Secretary may make annual grants to any State or group of States, which grants shall be made available to public or private educational institutions, to State agencies, and to other persons or institutions qualified to conduct climate-related studies or provide climate-related services;

(8) experimental climate forecast centers, which shall (A) be responsible for making and routinely updating experimental climate forecasts of a monthly, seasonal, annual, and longer nature, based on a variety of experimental techniques; (B) establish procedures to have forecasts reviewed and their accuracy evaluated; and (C) protect against premature reliance on such experimental forecasts; and

(9) a preliminary 5-year plan, to be submitted to the Congress for review and comment, not later than 180 days after September 17, 1978, and a final 5-year plan to be submitted to the Congress not later than 1 year after September 17, 1978, that shall be revised and extended at least once every four years. Each plan shall establish the goals and priorities for the Program, including the intergovernmental program described in paragraph (7), over the subsequent 5-year period, and shall contain details regarding (A) the role of Federal agencies in the programs, (B) Federal funding required to enable the Program to achieve such goals, and (C) Program accomplishments that must be achieved to ensure that Program goals are met within the time frame established by the plan.

**(e) Climate Program Policy Board**

(1) The Secretary shall establish and maintain an interagency Climate Program Policy Board, consisting of representatives of the Federal agencies specified in subsection (b)(2) of this section and any other agency which the Secretary determines should participate in the Program.

(2) The Board shall—

(A) be responsible for coordinated planning and progress review for the Program;

(B) review all agency and department budget requests related to climate transmitted under subsection (g)(1) of this section and submit a report to the Office of Management and Budget concerning such budget requests;

(C) establish and maintain such interagency groups as the Board determines to be necessary to carry out its activities; and

(D) consult with and seek the advice of users and producers of climate data, information, and services to guide the Board's efforts, keeping the Director and the Congress advised of such contacts.

(3) The Board biennially shall select a Chair from among its members. A Board member who is a representative of an agency may not serve as Chair of the Board for a term if an individual who represented that same agency on the Board served as the Board's Chair for the previous term.

**(f) Cooperation**

(1) The Program shall be conducted so as to encourage cooperation with, and participation in the Program by, other organizations or agencies involved in related activities. For this purpose the Secretary shall cooperate and participate with other Federal agencies, and foreign, international, and domestic organizations and agencies involved in international or domestic climate-related programs.

(2) The Secretary and the Secretary of State shall cooperate with the Office in (A) providing representation at climate-related international meetings and conferences in which the United States participates, and (B) coordinating the activities of the Program with the climate programs of other nations and international agencies and organizations, including the World Meteorological Organization, the International Council of Scientific Unions, the United Nations Environmental Program, the United Nations Educational, Scientific, and Cultural Organization, the World Health Organization, and Food and Agriculture Organization.

**(g) Budgeting**

Each Federal agency and department participating in the Program, shall prepare and submit to the Office of Management and Budget, on or before the date of submission of departmental requests for appropriations to the Office of Management and Budget, an annual request for appropriations for the Program for the subsequent fiscal year and shall transmit a copy of such request to the National Climate Program Office. The Office of Management and Budget shall review the request for appropriations as an integrated, coherent, multiagency request.

(Pub. L. 95–367, § 5(a)–(g)(1), Sept. 17, 1978, 92 Stat. 601–603; Pub. L. 99–272, title VI, § 6084(b)–(f), Apr. 7, 1986, 100 Stat. 136, 137.)

CODIFICATION

Subsec. (g) of this section in the original was par. (1) of section 5(g) of Pub. L. 95–367 and has been set out without such par. (1) designation for purposes of codification. For classification of par. (2) of section 5(g) to the Code, see Tables.

AMENDMENTS

1986—Subsec. (c). Pub. L. 99–272, § 6084(b), designated first sentence as par. (1), substituted pars. (2) and (3) for second sentence which provided that "The Office shall be the lead entity responsible for administering the Program", and designated third sentence as par. (4).

Subsec. (d)(7). Pub. L. 99–272, § 6084(c)(1), inserted provision that such mechanisms may provide, among others, for certain enumerated State and regional services and functions.

Subsec. (d)(9). Pub. L. 99–272, § 6084(c)(2), (3), substituted "at least once every four years" for "biennially" and "described in paragraph (7)" for "under section 2905 of this title".

Subsec. (e). Pub. L. 99–272, § 6084(d), substituted provisions relating to the establishment and maintenance of the Climate Program Policy Board for provisions relating to the establishment and maintenance of an advisory committee and interagency groups.

Subsec. (f)(2). Pub. L. 99–272, § 6084(e), substituted "shall cooperate with the Office in" for "shall cooperate in".

Subsec. (g). Pub. L. 99–272, § 6084(f), inserted provision requiring each Federal agency and department participating in the Program to transmit a copy of such request to the National Climate Program Office.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2906 of this title; title 31 section 1105.

## § 2905. Repealed. Pub. L. 99–272, title VI, § 6084(g), Apr. 7, 1986, 100 Stat. 137

Section, Pub. L. 95–367, § 6, Sept. 17, 1978, 92 Stat. 603, related to establishment and requirements of intergovernmental climate programs.

## § 2906. Annual report

The Secretary shall prepare and submit to the President and the authorizing committees of the Congress, not later than March 31 of each year, a report on the activities conducted pursuant to this chapter during the preceding fiscal year, including—

(a) a summary of the achievements of the Program during the previous fiscal year;

(b) an analysis of the progress made toward achieving the goals and objectives of the Program;

(c) a copy of the 5-year plan and any changes made in such plan;

(d) a summary of the multiagency budget request for the Program of section 2904(g) of this title; and

(e) any recommendations for additional legislation which may be required to assist in achieving the purposes of this chapter.

(Pub. L. 95–367, § 7, Sept. 17, 1978, 92 Stat. 604; Pub. L. 97–375, title II, § 202(b), Dec. 21, 1982, 96 Stat. 1822.)

AMENDMENTS

1982—Pub. L. 97–375 substituted "March 31" for "January 30".

## § 2907. Contract and grant authority; records and audits

(a) Functions vested in any Federal officer or agency by this chapter or under the Program may be exercised through the facilities and personnel of the agency involved or, to the extent provided or approved in advance in appropriation Acts, by other persons or entities under contracts or grant arrangements entered into by such officer or agency.

(b)(1) Each person or entity to which Federal funds are made available under a contract or

grant arrangement as authorized by this chapter shall keep such records as the Director of the Office shall prescribe, including records which fully disclose the amount and disposition by such person or entity of such funds, the total cost of the activities for which such funds were so made available, the amount of that portion of such cost supplied from other sources, and such other records as will facilitate an effective audit.

(2) The Director of the Office and the Comptroller General of the United States, or any of their duly authorized representatives, shall, until the expiration of 3 years after the completion of the activities (referred to in paragraph (1)) of any person or entity pursuant to any contract or grant arrangement referred to in subsection (a) of this section, have access for the purpose of audit and examination to any books, documents, papers, and records of such person or entity which, in the judgment of the Director or the Comptroller General, may be related or pertinent to such contract or grant arrangement.

(Pub. L. 95–367, § 8, Sept. 17, 1978, 92 Stat. 604.)

### § 2908. Authorization of appropriations

In addition to any other funds otherwise authorized to be appropriated for the purpose of conducting climate-related programs, there are authorized to be appropriated to the Secretary, for the purpose of carrying out the provisions of this chapter, not to exceed $50,000,000 for the fiscal year ending September 30, 1979, not to exceed $65,000,000 for the fiscal year ending September 30, 1980, and not to exceed $25,500,000 for the fiscal year ending September 30, 1981, of which amount not less than $2,653,000 shall be made directly available to the National Climate Program Office in the form of a budget item separate from the activities of the National Oceanic and Atmospheric Administration.

(Pub. L. 95–367, § 9, Sept. 17, 1978, 92 Stat. 605; Pub. L. 96–547, § 1, Dec. 18, 1980, 94 Stat. 3217.)

AMENDMENTS

1980—Pub. L. 96–547 revised former subsec. (a) into entire section with additional provisions relating to fiscal year ending Sept. 30, 1981, and struck out subsec. (b) setting forth authorization of appropriations for grants.

## CHAPTER 56A—GLOBAL CHANGE RESEARCH

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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 42 section 13383.

### § 2921. Definitions

As used in this chapter, the term—

(1) ''Committee'' means the Committee on Earth and Environmental Sciences established under section 2932 of this title;

(2) ''Council'' means the Federal Coordinating Council on Science, Engineering, and Technology;

(3) ''global change'' means changes in the global environment (including alterations in climate, land productivity, oceans or other water resources, atmospheric chemistry, and ecological systems) that may alter the capacity of the Earth to sustain life;

(4) ''global change research'' means study, monitoring, assessment, prediction, and information management activities to describe and understand—

(A) the interactive physical, chemical, and biological processes that regulate the total Earth system;

(B) the unique environment that the Earth provides for life;

(C) changes that are occurring in the Earth system; and

(D) the manner in which such system, environment, and changes are influenced by human actions;

(5) ''Plan'' means the National Global Change Research Plan developed under section 2934 of this title, or any revision thereof; and