

under such Act respecting unfair or deceptive acts or practices.

(Pub. L. 95-297, title II, §203, June 19, 1978, 92 Stat. 335; Pub. L. 102-486, title XV, §§1501(c)(3), 1502(b), (c), Oct. 24, 1992, 106 Stat. 2997, 2998.)

#### REFERENCES IN TEXT

The Federal Trade Commission Act, referred to in subsecs. (a) and (e), is act Sept. 26, 1914, ch. 311, 38 Stat. 717, as amended, which is classified generally to subchapter I (§41 et seq.) of chapter 2 of this title. For complete classification of this Act to the Code, see section 58 of this title and Tables.

#### AMENDMENTS

1992—Subsec. (b)(1). Pub. L. 102-486, §1502(c), struck out “shall” after “Agency” in introductory provisions, inserted “may” before “conduct” in subpar. (A), inserted “shall” before “certify” in subpar. (B), and in subpar. (C) inserted “shall” before “notify” and struck out before period at end “discovered in the course of such field testing”.

Pub. L. 102-486, §1501(c)(3)(A), (B), substituted “automotive fuel rating” for “octane rating” and “fuel” for “gasoline” wherever appearing.

Subsec. (c). Pub. L. 102-486, §1501(c)(3), substituted “automotive fuel rating” for “octane rating” and “fuel” for “gasoline” wherever appearing, “section 2821” for “section 2821(1)” in par. (3), and “automotive fuel ratings” for “octane ratings” in par. (4).

Subsec. (e). Pub. L. 102-586, §1502(b), struck out before end of second sentence “; except that for purposes of section 5(m)(1)(A) of such Act, the term ‘or knowledge fairly implied on the basis of objective circumstances’ shall not apply to any violation by any gasoline retailer of the requirements of section 2822(c) or (e) of this title”.

#### EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by section 1501(c)(3) of Pub. L. 102-486 effective at the end of the one-year period beginning Oct. 24, 1992, see section 1501(d)(1) of Pub. L. 102-486, set out as a note under section 2821 of this title.

#### EFFECTIVE DATE

Subsec. (b) of this section effective on first day of first calendar month beginning more than 6 months after June 19, 1978, see section 205(a) of Pub. L. 95-297, set out as a note under section 2822 of this title.

### § 2824. Relationship of statutory provisions to State and local laws

(a) To the extent that any provision of this subchapter applies to any act or omission, no State or any political subdivision thereof may adopt or continue in effect, except as provided in subsection (b) of this section, any provision of law or regulation with respect to such act or omission, unless such provision of such law or regulation is the same as the applicable provision of this subchapter.

(b) A State or political subdivision thereof may provide for any investigative or enforcement action, remedy, or penalty (including procedural actions necessary to carry out such investigative or enforcement actions, remedies, or penalties) with respect to any provision of law or regulation permitted by subsection (a) of this section.

(Pub. L. 95-297, title II, §204, June 19, 1978, 92 Stat. 337; Pub. L. 102-486, title XV, §1502(a), Oct. 24, 1992, 106 Stat. 2997.)

#### AMENDMENTS

1992—Pub. L. 102-486 amended section generally. Prior to amendment, section read as follows: “To the extent

that any provision of this subchapter applies to any act or omission, no State or any political subdivision thereof may adopt, enforce, or continue in effect any provision of any law or regulation (including any remedy or penalty applicable to any violation thereof) with respect to such act or omission, unless such provision of such law or regulation is the same as the applicable provision of this subchapter.”

### SUBCHAPTER III—SUBSIDIZATION OF MOTOR FUEL MARKETING

#### § 2841. Study by Secretary of Energy

##### (a) Consultation with Chairman of Federal Trade Commission, Attorney General, and other agencies deemed appropriate by Secretary

The Secretary of Energy, in consultation with the Chairman of the Federal Trade Commission and the Attorney General and other agencies as the Secretary deems appropriate, shall conduct a study of the extent to which producers, refiners, and other suppliers of motor fuel subsidize the sale of such motor fuel at retail or wholesale with profits obtained from other operations.

##### (b) Scope

Such study shall examine—

(1) the role of vertically integrated operations in facilitating subsidization of sales of motor fuel at wholesale or retail;

(2) the extent to which such subsidization is predatory and presents a threat to competition;

(3) the profitability of various segments of the petroleum industry;

(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**

Sec.	
2901.	Findings.
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2904.	National Climate Program.
2905.	Repealed.
2906.	Annual report.
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2908.	Authorization of appropriations.

**§ 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.