

Public Law 95-367
95th Congress

An Act

To establish a comprehensive and coordinated national climate policy and program, and for other purposes.

Sept. 17, 1978
[H.R. 6669]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Climate Program Act".

National Climate
Program Act.
15 USC 2901
note.
15 USC 2901.

SEC. 2. 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.

SEC. 3. PURPOSE.

It is the purpose of the Congress in this Act 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.

15 USC 2902.

SEC. 4. DEFINITIONS.

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

- (1) The term "Office" means the National Climate Program Office.
- (2) The term "Program" means the National Climate Program.
- (3) The term "Secretary" means the Secretary of Commerce.

15 USC 2903.

SEC. 5. NATIONAL CLIMATE PROGRAM.

(a) **ESTABLISHMENT.**—The President shall establish a National Climate Program in accordance with the provisions, findings and purposes of this Act.

15 USC 2904.

(b) **DUTIES.**—The President shall—

- (1) promulgate the 5-year plans described in subsection (d) (9);
- (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.

Establishment.

(c) NATIONAL CLIMATE PROGRAM OFFICE.—The Secretary shall establish within the Department of Commerce a National Climate Program Office not later than 30 days after the date of the enactment of this Act. The Office shall be the lead entity responsible for administering the Program. Each Federal officer, employee, department and agency involved in the Program shall cooperate with the Secretary in carrying out the provisions of this Act.

Administration.

(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;

(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 the enactment of this Act, and a final 5-year plan to be submitted to the Congress not later than 1 year after the enactment of this Act, that shall be revised and extended biennially. Each plan shall establish the goals and priorities for the Program, including the intergovernmental program under section 6, 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 accomplish-

Five-year plan,
submittal to
Congress.

ments that must be achieved to ensure that Program goals are met within the time frame established by the plan.

(e) **ADVISORY COMMITTEE AND INTERAGENCY GROUPS.**—(1) The Secretary shall establish and maintain an advisory committee of users and producers of climate data, information and services to advise the Secretary and the Congress on the conduct of the Program. Members of such committee shall not be employed by the Federal Government and may receive compensation at the daily rate for GS-16 of the General Schedule for each day engaged in the actual performance of their duties for the committee and while so serving away from their homes or regular place of business may be allowed travel expenses, including per diem in lieu of subsistence.

Establishment.

3 CFR, 1977
Comp., p. 142.
5 USC 5332 note.

(2) The Secretary shall establish and maintain such interagency groups as are necessary and appropriate to assist in carrying out responsibilities under this Act.

(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 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.**—(1) 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. The Office of Management and Budget shall review the request for appropriations as an integrated, coherent, multi-agency request.

Annual
appropriation
request to OMB.

(2) Section 304 of the Act of October 18, 1962 (31 U.S.C. 25) (relating to preparation of horizontal budgets for meteorology), is amended—

Horizontal
budgets.

(A) by inserting “and of the National Climate Program established under the National Climate Program Act” after “meteorology”; and

(B) by striking out “aspects of the program” and inserting in lieu thereof “aspects of the programs”.

The amendments made by the preceding sentence shall apply with respect to budgets submitted for fiscal years beginning 6 months or more after the date of the enactment of this Act.

Effective date.
31 USC 25 note.

SEC. 6. INTERGOVERNMENTAL CLIMATE PROGRAMS.

(a) **ESTABLISHMENT.**—The Secretary shall establish a program for Federal and State cooperative activities in climate studies and advisory services. The Secretary is authorized to make annual grants to any State or group of States, such grants to 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

15 USC 2905.
Federal and State
cooperative
activities.
Grants.

Limitation.

climate-related services. Such grants may be made for not more than 50 percent of the costs, in any one year, of the research conducted or services provided under the grant. Federal funds received from other sources shall not be used to pay the remaining share of the cost of such research or services. The Secretary shall work with other appropriate mission agencies in conducting this program.

Restriction.

(b) **DETAIL OF THE INTERGOVERNMENTAL PROGRAM.**—The intergovernmental program shall provide, among others, the following State and regional services and functions:

- (1) studies relating to and analyses of climatic effects on agricultural production, water resources, energy needs, and other critical sectors of the economy;
- (2) atmospheric data collection and monitoring on a statewide and regional basis;
- (3) advice to regional, State, and local government agencies regarding climate-related issues;
- (4) information to users within the State regarding climate and climatic effects; and
- (5) information to the Secretary regarding the needs of persons within the State for climate-related services, information and data.

(c) **INTERGOVERNMENTAL PROGRAM REQUIREMENTS.**—Prior to making a grant to any State or group of States under this section, the Secretary shall find that—

- (1) the State, or each of the States in a group, has adopted a State climate program in accordance with the provisions of this Act and rules and regulations promulgated by the Secretary; and
- (2) the State, or each of the States in a group has—
 - (A) integrated its climate program with the Program; and
 - (B) established an effective mechanism for consultation and coordination with Federal and local government officials and users within the State.

The Secretary shall insure that grants made to a State or group of States under this section are made on an equitable basis.

15 USC 2906.

Report to President and congressional committees.

SEC. 7. ANNUAL REPORT.

The Secretary shall prepare and submit to the President and the authorizing committees of the Congress, not later than January 30 of each year, a report on the activities conducted pursuant to this Act 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 subsection 5(g); and
- (e) any recommendations for additional legislation which may be required to assist in achieving the purposes of the Act.

15 USC 2907.**SEC. 8. CONTRACT AND GRANT AUTHORITY; RECORDS AND AUDITS.**

(a) Functions vested in any Federal officer or agency by this Act 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 Act 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.

Recordkeeping.

(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), 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.

Accessibility to records.

SEC. 9. AUTHORIZATION FOR APPROPRIATIONS.

15 USC 2908.

(a) GENERAL AUTHORIZATION OF APPROPRIATION.—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 Act, not to exceed \$50,000,000 for the fiscal year ending September 30, 1979, and not to exceed \$65,000,000 for the fiscal year ending September 30, 1980.

(b) AUTHORIZATION OF APPROPRIATION FOR GRANTS.—There are authorized to be appropriated to the Secretary sums not to exceed \$10,000,000 for the fiscal year ending September 30, 1979, and not to exceed \$10,000,000 for the fiscal year ending September 30, 1980, as may be necessary for grants under section 6 of this Act, to remain available until expended.

Approved September 17, 1978.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-266 (Comm. on Science and Technology) and No. 95-1489 (Comm. of Conference).

SENATE REPORT No. 95-740 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD:

Vol. 123 (1977): Sept. 9, considered and passed House.

Vol. 124 (1978): Apr. 24, considered and passed Senate, amended.

Aug. 17, Senate agreed to conference report.

Sept. 6, House agreed to conference report.