

NATIONAL CLIMATE PROGRAM ACT

Citation: 15 U.S.C. §§ 2901-2908 (2002).

Legislative Purpose:

The Climate Program Act establishes a national climate program to assist in the understanding and response to natural and man-induced climate processes and their implications.

Summary:

The act authorizes the National Climate Program Office to administer the Program under the general guidance of the interagency Climate Program Policy Board. The Board consists of representatives from the Departments of Agriculture, Commerce, Defense, Energy, Interior, State and Transportation; the EPA; NASA, the Council on Environmental Quality; the National Science Foundation; and the Office of Science and Technology Policy.

The Program office oversees the implementation of a five-year plan which is prepared in cooperation with other Federal agencies, State offices, business groups and research and academic institutions. The office prepares an annual report to the President and authorizing committees of the Congress; reviews participating agency budget requests and submits and analysis of the requests to the OMB; coordinates interagency participation in international climate-related and experimental climate forecasting activities authorized by the Act; and provides financial assistance, primarily in the form of grants to public or private educational institutions, state agencies, and other persons or institutions qualified to conduct climate-related studies or to provide climate-related services.

TITLE 15. COMMERCE AND TRADE

CHAPTER 56. NATIONAL CLIMATE PROGRAM

15 U.S.C. 1§ 2901-2908 (2002).

§ 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.

§ 2902. 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.

§ 2903. Definitions

As used in this Act, 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.

§ 2904. National Climate Program

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

(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.

(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 the date of the enactment of this Act [enacted Sept. 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) 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)) 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 Act.

(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), 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 Act.

(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 the enactment of this Act [enacted Sept. 17, 1978], and a final 5-year plan to be submitted to the Congress not later than 1 year after the enactment of this Act [enacted Sept. 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) 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) 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.

[(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 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, multi-agency request.

§ 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 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) [12 USC § 2904(g)]; and
- (e) any recommendations for additional legislation which may be required to assist in achieving the purposes of the Act.

§ 2907. 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.

(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.

§ 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 Act, 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.