

(d) Report to Congress; contents and time for submission; Presidential promulgation of rules establishing interim measures; submission data 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 [NEW]

Sec.	
2901.	Findings.
2902.	Purpose.
2903.	Definitions.
2904.	National Climate Program.
	(a) Establishment.
	(b) Duties.
	(c) National Climate Program Office.
	(d) Program elements.
	(e) Advisory committee and interagency groups.
	(f) Cooperation.
	(g) Budgeting.
2905.	Intergovernmental climate programs.
	(a) Establishment.
	(b) Detail of the intergovernmental program.
	(c) Intergovernmental program requirements.
2906.	Annual report.
2907.	Contract and grant authority; records and audits.
2908.	Authorization of appropriations.
	(a) General authorization of appropriation.
	(b) Authorization of appropriation for grants.

#### CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 31 section 25.

#### § 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 [which enacted this chapter, amended section 25 of Title 31, Money and Finance, and enacted provisions set out as a note under section 25 of Title 31] may be cited as the 'National Climate Program Act'."

#### § 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 "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.

(Pub. L. 95-367, § 4, Sept. 17, 1978, 92 Stat. 601.)

#### § 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**

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

(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 biennially. Each plan shall establish the goals and priorities for the Program, including the intergovernmental program under section 2905 of this title, 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) 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.

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

**(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**

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, multiagency request.

(Pub. L. 95-367, § 5(a)-(g)(1), Sept. 17, 1978, 92 Stat. 601.)

#### REFERENCES IN TEXT

GS-16 of the General Schedule, referred to in subsec. (e), is set out under section 5332 of Title 5, Government Organization and Employees.

#### 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. Par. (2) of such section amended section 25 of Title 31, Money and Finance, and enacted provisions set out as a note under section 25 of Title 31.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2906 of this title.

#### § 2905. 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 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.

##### (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 of 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 chapter 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.

(Pub. L. 95-367, § 6, Sept. 17, 1978, 92 Stat. 603.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2904, 2908 of this title.

#### § 2906. 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 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.)

#### § 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

(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 chapter, 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.

(h) 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 2905 of this title, to remain available until expended.

(Pub. L. 95-367, § 9, Sept. 17, 1978, 92 Stat. 605.)

CHAPTER 57—INTERSTATE HORSE RACING  
[NEW]

Sec.	
3001.	Congressional findings and policy.
3002.	Definitions.
3003.	Acceptance of interstate off-track wager.
3004.	Regulation of interstate off-track wagering.
	(a) Consent of host racing association, host racing commission, and off-track racing commission as prerequisite to acceptance of wager.
	(b) Approval of tracks as prerequisite to acceptance of wager; exceptions.
	(c) Takeout amount.
3005.	Liability and damages.
3006.	Civil action.
	(a) Parties; remedies.
	(b) Intervention.
	(c) Limitations.
	(d) State as defendant.
3007.	Jurisdiction and venue.
	(a) District court jurisdiction.
	(b) Venue; service of process.
	(c) Concurrent state court jurisdiction.

§ 3001. Congressional findings and policy

(a) The Congress finds that—

(1) the States should have the primary responsibility for determining what forms of gambling may legally take place within their borders;

(2) the Federal Government should prevent interference by one State with the gambling policies of another, and should act to protect identifiable national interests; and

(3) in the limited area of interstate off-track wagering on horseraces, there is a need for Federal action to ensure States will continue to cooperate with one another in the acceptance of legal interstate wagers.

(b) It is the policy of the Congress in this chapter to regulate interstate commerce with respect to wagering on horseracing, in order to

further the horseracing and legal off-track betting industries in the United States.

(Pub. L. 95-515, § 2, Oct. 25, 1978, 92 Stat. 1811.)

EFFECTIVE DATE

Section 9 of Pub. L. 95-515 provided that:

“(a) The provisions of this Act [this chapter] shall take effect on the date of enactment of this Act [Oct. 25, 1978], and, except as provided in subsection (b) of this section, shall apply to any interstate off-track wager accepted on or after such date of enactment.

“(b)(1) The provisions of this Act [this chapter] shall not apply to any interstate off-track wager which is accepted pursuant to a contract existing on May 1, 1978.

“(2) The provisions of this Act shall not apply to any form of legal non-parimutuel off-track betting existing in a State on May 1, 1978.

“(3) The provisions of subsection (b) of section 5 of this Act [section 3004(b) of this title] shall not apply to any parimutuel off-track betting system existing on May 1, 1978, in a State which does not conduct parimutuel horseracing on the date of enactment of this Act [Oct. 25, 1978].”

SHORT TITLE

Section 1 of Pub. L. 95-515 provided that: “This Act [enacting this chapter] may be cited as the ‘Interstate Horseracing Act of 1978.’”

§ 3002. Definitions

For the purposes of this chapter the term—

(1) “person” means any individual, association, partnership, joint venture, corporation, State or political subdivision thereof, department, agency, or instrumentality of a State or political subdivision thereof, or any other organization or entity;

(2) “State” means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States;

(3) “interstate off-track wager” means a legal wager placed or accepted in one State with respect to the outcome of a horserace taking place in another State;

(4) “on-track wager” means a wager with respect to the outcome of a horserace which is placed at the racetrack at which such horserace takes place;

(5) “host State” means the State in which the horserace subject to the interstate wager takes place;

(6) “off-track State” means the State in which an interstate off-track wager is accepted;

(7) “off-track betting system” means any group which is in the business of accepting wagers on horseraces at locations other than the place where the horserace is run, which business is conducted by the State or licensed or otherwise permitted by State law;

(8) “off-track betting office” means any location within an off-track State at which off-track wagers are accepted;

(9) “host racing association” means any person who, pursuant to a license or other permission granted by the host State, conducts the horserace subject to the interstate wager;

(10) “host racing commission” means that person designated by State statute or, in the absence of statute, by regulation, with jurisdic-