

CHAPTER 9A—WEATHER MODIFICATION ACTIVITIES OR ATTEMPTS; REPORTING REQUIREMENT

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§330. Definitions

As used in this chapter—

(1) The term "Secretary" means the Secretary of Commerce.

(2) The term "person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, any State or local government or any agency thereof, or any other organization, whether commercial or nonprofit, who is performing weather modification activities, except where acting solely as an employee, agent, or independent contractor of the Federal Government.

(3) The term "weather modification" means any activity performed with the intention of producing artificial changes in the composition, behavior, or dynamics of the atmosphere.

(4) The term "United States" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or insular possession of the United States.

(Pub. L. 92–205, §1, Dec. 18, 1971, 85 Stat. 735.)

STATUTORY NOTES AND RELATED SUBSIDIARIES

SHORT TITLE

Pub. L. 92–205, which is classified to this chapter, is popularly known as the "Weather Modification Reporting Act of 1972".

NATIONAL WEATHER MODIFICATION POLICY ACT OF 1976

Pub. L. 94–490, §§1–6(a), Oct. 13, 1976, 90 Stat. 2359–2361, provided:

[SECTION 1]. That this Act may be cited as the National Weather Modification Policy Act of 1976.

"SEC. 2. DECLARATION OF POLICY.

"(a) FINDINGS.—The Congress finds and declares the following:

"(1) Weather-related disasters and hazards, including drought, hurricanes, tornadoes, hail, lightning, fog, floods, and frost, result in substantial human suffering and loss of life, billions of dollars of annual economic losses to owners of crops and other property, and substantial financial loss to the United States Treasury;

"(2) Weather modification technology has significant potential for preventing, diverting, moderating, or ameliorating the adverse effects of such disasters and hazards and enhancing crop production and the availability of water;

"(3) The interstate nature of climatic and related phenomena, the severe economic hardships experienced as the result of occasional drought and other adverse meteorological conditions, and the existing role and responsibilities of the Federal Government with respect to disaster relief, require appropriate Federal action to prevent or alleviate such disasters and hazards; and

"(4) Weather modification programs may have long-range and unexpected effects on existing climatic patterns which are not confined by national boundaries.

"(b) PURPOSE.—It is therefore declared to be the purpose of the Congress in this Act to develop a comprehensive and coordinated national weather modification policy and a national program of weather modification research and development—

"(1) to determine the means by which deliberate weather modification can be used at the present time to decrease the adverse impact of weather on agriculture, economic growth, and the general public welfare, and to determine the potential for weather modification;

"(2) to conduct research into those scientific areas considered most likely to lead to practical techniques for drought prevention or alleviation and other forms of deliberate weather modification;

"(3) to develop practical methods and devices for weather modification;

"(4) to make weather modification research findings available to interested parties;

"(5) to assess the economic, social, environmental, and legal impact of an operational weather modification program;

"(6) to develop both national and international mechanisms designed to minimize conflicts which may arise with respect to the peaceful uses of weather modification; and

"(7) to integrate the results of existing experience and studies in weather modification activities into model codes and agreements for regulation of domestic and international weather modification activities.

"SEC. 3. DEFINITIONS.

"As used in this Act:

"(1) The term 'Secretary' means the Secretary of Commerce.

"(2) The term 'State' means any State of the United States, the District of Columbia, or any Commonwealth, territory, or possession of the United States.

"(3) The term 'weather modification' means any activity performed with the intention and expectation of producing changes in precipitation, wind, fog, lightning, and other atmospheric phenomena.

"SEC. 4. STUDY.

"The Secretary shall conduct a comprehensive investigation and study of the state of scientific knowledge concerning weather modification, the present state of development of weather modification technology, the problems impeding effective implementation of weather modification technology, and other related matters. Such study shall include—

"(1) a review and analysis of the present and past research efforts to establish practical weather modification technology, particularly as it relates to reducing loss of life and crop and property destruction;

"(2) a review and analysis of research needs in weather modification to establish areas in which more research could be expected to yield the greatest return in terms of practical weather modification technology;

"(3) a review and analysis of existing studies to establish the probable economic importance to the United States in terms of agricultural production, energy, and related economic factors if the present weather modification technology were to be effectively implemented;

"(4) an assessment of the legal, social, and ecological implications of expanded and effective research and operational weather modification projects;

"(5) formulation of one or more options for a model regulatory code for domestic weather modification activities, such code to be based on a review and analysis of experience and studies in this area, and to be adaptable to State and national needs;

"(6) recommendations concerning legislation desirable at all levels of government to implement a national weather modification policy and program;

"(7) a review of the international importance and implications of weather modification activities by the United States;

"(8) a review and analysis of present and past funding for weather modification from all sources to determine the sources and adequacy of funding in the light of the needs of the Nation;

"(9) a review and analysis of the purpose, policy, methods, and funding of the Federal departments and agencies involved in weather modification and of the existing interagency coordination of weather modification research efforts;

"(10) a review and analysis of the necessity and feasibility of negotiating an international agreement concerning the peaceful uses of weather modification; and

"(11) formulation of one or more options for a model international agreement concerning the peaceful uses of weather modification and the regulation of national weather modification activities; and a review and analysis of the necessity and feasibility of negotiating such an agreement.

"SEC. 5. REPORT.

"(a) IN GENERAL.—The Secretary shall prepare and submit to the President and the Congress, within 1 year after the date of enactment of this Act [Oct. 13, 1976], a final report on the findings, conclusions, and recommendations of the study conducted pursuant to section 4. Such report shall include:

"(1) a summary of the findings made with respect to each of the areas of investigation specified in section 4;

"(2) other findings which are pertinent to the determination and implementation of a national policy on weather modifications;

"(3) a recommended national policy on weather modification and a recommended national weather modification research and development program which is consistent with, and likely to contribute to, achieving the objectives of such policy;

"(4) recommendations for levels of Federal funding sufficient to support adequately a national weather modification research and development program;

"(5) recommendations for any changes in the organization and involvement of Federal departments and agencies in weather modification which may be needed to implement effectively the recommended national policy on weather modification and the recommended research and development program; and

"(6) recommendations for any regulatory and other legislation which may be required to implement such policy and program or for any international agreement which may be appropriate concerning the peaceful uses of weather modification, including recommendations concerning the dissemination, refinement, and possible implementation of the model domestic code and international agreement developed under the specifications of section 4.

Each department, agency, and other instrumentality of the Federal Government is authorized and directed to furnish the Secretary any information which the Secretary deems necessary to carry out his functions under this Act.

"(b) OPERATION AND CONSULTATION.—The Secretary shall solicit and consider the views of State agencies, private firms, institutions of higher learning, and other interested persons and governmental entities in the conduct of the study required by section 4, and in the preparation of the report required by subsection (a).

"SEC. 6. AUTHORIZATION FOR APPROPRIATIONS.

"(a) There is authorized to be appropriated to the Secretary for the purposes of carrying out the provisions of this Act not to exceed \$1,000,000."

§330a. Report requirement; form; information; time of submission

No person may engage, or attempt to engage, in any weather modification activity in the United States unless he submits to the Secretary such reports with respect thereto, in such form and containing such information, as the Secretary may by rule prescribe. The Secretary may require that such reports be submitted to him before, during, and after any such activity or attempt.

(Pub. L. 92–205, §2, Dec. 18, 1971, 85 Stat. 736.)

§330b. Duties of Secretary

(a) Records, maintenance; summaries, publication

The Secretary shall maintain a record of weather modification activities, including attempts, which take place in the United States and shall publish summaries thereof from time to time as he determines.

(b) Public availability of reports, documents, and other information

All reports, documents, and other information received by the Secretary under the provisions of this chapter shall be made available to the public to the fullest practicable extent.

(c) Disclosure of confidential information; prohibition; exceptions

In carrying out the provisions of this section, the Secretary shall not disclose any information referred to in section 1905 of title 18 and is otherwise unavailable to the public, except that such information shall be disclosed—

(1) to other Federal Government departments, agencies, and officials for official use upon request;

(2) in any judicial proceeding under court order formulated to preserve the confidentiality of such information without impairing the proceeding, and

(3) to the public if necessary to protect their health and safety.

(Pub. L. 92–205, §3, Dec. 18, 1971, 85 Stat. 736.)

§330c. Authority of Secretary

(a) Information; reports and records; inspection; availability of data from any Federal agency as limitation of authority

The Secretary may obtain from any person whose activities relate to weather modification by rule, subpoena, or otherwise such information in the form of testimony, books, records, or other writings, may require the keeping and furnishing of such reports and records, and may make such inspection of the books, records, and other writings and premises and property of any person as may be deemed necessary or appropriate by him to carry out the provisions of this chapter, but this authority shall not be exercised to obtain any information with respect to which adequate and authoritative data are available from any Federal agency.

(b) Noncompliance; application of Attorney General; jurisdiction; orders; contempts

In case of contumacy by, or refusal to obey a subpoena served upon any person pursuant to this section, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the Attorney General, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, or both; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(Pub. L. 92–205, §4, Dec. 18, 1971, 85 Stat. 736.)

§330d. Violation; penalty

Any person who knowingly and willfully violates section 330a of this title, or any rule issued thereunder, shall upon conviction thereof be fined not more than \$10,000.

(Pub. L. 92–205, §5, Dec. 18, 1971, 85 Stat. 736.)

§330e. Authorization of appropriations

There are authorized to be appropriated \$150,000 for the fiscal year ending June 30, 1972, \$200,000 each for the fiscal years 1973 through 1980, \$100,000 for the fiscal year ending September 30, 1981, \$100,000 for the fiscal year ending September 30, 1986, \$100,000 for the fiscal year ending September 30, 1987, \$100,000 for the fiscal year ending September 30, 1988, to carry out the provisions of this chapter.

(Pub. L. 92–205, §6, Dec. 18, 1971, 85 Stat. 736; Pub. L. 93–436, Oct. 5, 1974, 88 Stat. 1212; Pub. L. 94–490, §6(b), Oct. 13, 1976, 90 Stat. 2362; Pub. L. 96–547, §2, Dec. 18, 1980, 94 Stat. 3217; Pub. L. 99–272, title VI, §6081, Apr. 7, 1986, 100 Stat. 135.)

EDITORIAL NOTES

AMENDMENTS

**1986**—Pub. L. 99–272 authorized appropriation of \$100,000 for fiscal years ending September 30, 1986, 1987, and 1988.

**1980**—Pub. L. 96–547 amended Pub. L. 96–547, thereby inserting provisions setting forth authorization of appropriations for fiscal year ending Sept. 30, 1981.

**1976**—Pub. L. 94–490 authorized appropriation of \$200,000 for each of fiscal years 1978, 1979, and 1980.

**1974**—Pub. L. 93–436 extended authorization of appropriation of \$200,000 for each of fiscal years ending June 30, 1975, 1976, and 1977.