A BILL
To amend the Clean Air Act in order to extend the authorizations for such Act, to extend the provisions of title II relating to emission standards to vessels, aircraft, and certain additional vehicles, and for other purposes, and to provide for a study of noise and its effects.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

SEC. 101. This title may be cited as the "Air Quality Improvement Act".

SEC. 102. Section 104 (a) (2) of the Clean Air Act, is amended by striking out "(B)" and inserting in lieu thereof "(B) part of the cost of programs to develop low.
emission alternatives to the internal combustion engine, including steam, electric, and fuel cells; and (C)"

SEC. 103. Section 104 (c) of the Clean Air Act is amended by striking out "and for the fiscal year ending June 30, 1970, $45,000,000" and inserting in lieu thereof "for the fiscal year ending June 30, 1970, $45,000,000, for the fiscal year ending June 30, 1971, $125,000,000, for the fiscal year ending June 30, 1972, $150,000,000, and for the fiscal year ending June 30, 1973, $175,000,000".

SEC. 104. Section 108 (c) of the Clean Air Act is amended in the first sentence by inserting before "a plan for the implementation" a comma and the following: "after further public hearings at least thirty days following the publishing of such standards and the proposed plan, ".

SEC. 105. Title II of the Clean Air Act is amended to read as follows:

"TITLE II—NATIONAL EMISSION STANDARDS

ACT

"SHORT TITLE

"Sec. 201. This title may be cited as the 'National Emission Standards Act'.

"ESTABLISHMENT OF STANDARDS

"Sec. 202. (a) The Secretary shall by regulation, giving appropriate consideration to technological feasibility and economic costs, prescribe as soon as practicable stand-

ards, applicable to the emission of any kind of substance, from any class or classes of vessels, aircraft, commercial vehicles, new noncommercial vehicles, vessel, commercial vehicle, or aircraft engines, or new non-commercial-vehicle engines, which in his judgment cause or contribute to, or are likely to cause or to contribute to, air pollution which endangers the health or welfare of any persons, and such standards shall apply to such vessels, aircraft, vehicles, or engines whether they are designed as complete systems or incorporate other devices to prevent or control such pollution.

Any such standards shall include requirements with respect to the manufacturers' warranty of such systems or devices necessary for the purposes of this Act.

(b) Any regulations initially prescribed under this section, and amendments thereto, with respect to any class of vessels, aircraft, commercial vehicles, new noncommercial vehicles, vessel, commercial vehicle, or aircraft engines, or new non-commercial-vehicle engines shall become effective on the effective date specified in the order promulgating such regulations, which date shall be determined by the Secretary after consideration of the period reasonably necessary for compliance.

(c) Any such regulations, or amendments thereto, with respect to aircraft, shall not be made effective until
1. determined by the Secretary of Transportation to not interfere with the safety of such aircraft.

"PROHIBITED ACTS"

"SEC. 203. (a) The following acts and the causing thereof are prohibited—

1. in the case of a manufacturer of new vessels, new aircraft, new vehicles, new vessel engines, new aircraft engines, or new vehicle engines for distribution in commerce, the manufacture for sale, the sale, or the offering for sale, or the introduction or delivery for introduction into commerce, or the importation into the United States for sale or resale, of any new vessel, new aircraft vehicle, or new vessel aircraft, or vehicle engine, manufactured after the effective date of regulations under this title which are applicable to such vessel, vehicle, or engine unless it is in conformity with regulations prescribed under section 202 (except as provided in subsection (b) );

2. in the case of an owner of a vessel, aircraft, commercial vehicle, or vessel, commercial vehicle, or aircraft engine, the use in commerce of such vessel, aircraft, vehicle, or engine after the effective date of regulations under this title which are applicable to such vessel, aircraft, or engine unless it is in conformity with regulations prescribed under section 202 (except as provided in subsection (b) );

3. for any person to fail or refuse to permit access to or copying of records or to fail to make reports or provide information, required under section 207;

4. for any person to remove or render inoperative any device or element of design installed on or in a vessel, aircraft, or vehicle, or vessel, aircraft, or vehicle engine in compliance with regulations under this title prior to its sale and delivery to the ultimate purchaser;

5. for any person to remove or render inoperative, other than for purposes of maintenance or repair, any device or element of design installed on or in a vessel, aircraft, or vehicle or aircraft engine in compliance with regulations under this title during the term of its use in commerce;

(b) (1) The Secretary may exempt any new vessel, new aircraft, new vehicle, or new vessel aircraft, or vehicle engine, or class thereof, from subsection (a), upon such terms and conditions as he may find necessary to protect the public health or welfare, for the purpose of research, investigations, studies, demonstrations, or training, or for reasons of national security.
(2) A new vessel, new aircraft, new vehicle, or new
vessel, aircraft, or vehicle engine offered for importation by
a manufacturer in violation of subsection (a) shall be re-
fused admission into the United States, but the Secretary
of the Treasury and the Secretary may, by joint regulation,
provide for deferring final determination as to admission and
authorizing the delivery of such a vessel, aircraft, vehicle, or
engine offered for import to the owner or consignee thereof
upon such terms and conditions (including the furnishing of
a bond) as may appear to them appropriate to insure that
any such vessel, aircraft, vehicle, or engine will be brought
into conformity with the standards, requirements, and limita-
tions applicable to it under this title. The Secretary of the
Treasury shall, if a vessel, aircraft, vehicle, or engine is
finally refused admission under this paragraph, cause dispo-
sition thereof in accordance with the customs laws unless it
is exported, under regulations prescribed by such Secretary,
within ninety days of the date of notice of such refusal or
such additional time as may be permitted pursuant to such
regulations, except that disposition in accordance with the
customs laws may not be made in such manner as may result,
directly or indirectly, in the sale, to the ultimate consumer,
of a new vessel, aircraft, vehicle, or engine that fails to com-
ply with applicable standards of the Secretary of Health,
Education, and Welfare under this title.

(3) A new vessel, aircraft, vehicle, or engine intended
solely for export, and so labeled or tagged on the outside of
the container and on the vessel, aircraft, vehicle, or engine
itself, shall not be subject to the provisions of subsection (a).

INJUNCTION PROCEEDINGS
SEC. 204. (a) The district courts of the United
States shall have jurisdiction to restrain violations of paragraph
(1), (2), or (3) of section 203 (a).

(b) Actions to restrain such violations shall be brought
by and in the name of the United States. In any such action,
subpoenas for witnesses who are required to attend a district
court in any district may run into any other district.

PENALTIES
SEC. 205. Any person who violates paragraph (1),
(2), (3), (4), or (5) of section 203 (a) shall be subject
to a fine of not more than $1,000. Such violation with re-
spect to sections 203 (a) (1), 203 (a) (2), 203 (a) (4), and
203 (a) (5) shall constitute a separate offense with respect
to each vessel, aircraft, vehicle, or engine.

CERTIFICATION
SEC. 206. (a) Upon application of the manufacturer,
the Secretary shall test, or require to be tested, in such man-
ner as he deems appropriate, any new vessel, aircraft, vehicle,
or engine submitted by such manufacturer to determine
whether such vessel, aircraft, vehicle, or engine conforms
with the regulations prescribed under section 202 of this title. If such vessel, aircraft, vehicle, or engine conforms to such regulations the Secretary shall issue a certificate of conformity, upon such terms, and for such period not less than one year, as he may prescribe.

"(b) Any new vessel, aircraft, vehicle, or engine sold by such manufacturer which is in all material respects substantially the same construction as the test vessel, aircraft, vehicle, or engine for which a certificate has been issued under subsection (a), shall for the purposes of this Act be deemed to be in conformity with the regulations issued under section 202 of this title.

"(c) Vessels and aircraft and vessels and aircraft engines used in commerce and subject to standards promulgated under section 202 of this title shall be periodically certified under such procedures as the Secretary may by regulation prescribe.

"RECORDS AND REPORTS" SEC. 207. (a) Every manufacturer or owner of a vessel or aircraft shall establish and maintain such records, make such reports, and provide such information as the Secretary may reasonably require to enable him to determine whether such manufacturer or owner has acted or is acting in compliance with this title and regulations thereunder and shall, upon request of an officer or employee duly designated by the Secretary, permit such officer or employee at reasonable times to have access to and copy such records.

"(b) All information reported or otherwise obtained by the Secretary or his representative pursuant to subsection (a), which information contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code, shall be considered confidential for the purpose of such section 1905, except that such information may be disclosed to other officers or employees concerned with carrying out this Act or when relevant in any proceeding under this Act. Nothing in this section shall authorize the withholding of information by the Secretary or any officer or employee under his control, from duly authorized committees of the Congress.

"STATE STANDARDS" SEC. 208. (a) No State or any political subdivision thereof shall adopt or attempt to enforce any standard relating to the control of emissions from new motor vehicles or new motor vehicle engines subject to this title. No State shall require certification, inspection, or any other approval relating to the control of emissions from any new motor vehicle or new motor vehicle engine as condition precedent to the initial retail sale, titling (if any), or registration of such motor vehicle, motor vehicle engine, or equipment.
(b) The Secretary shall, after notice and opportunity for public hearing, waive application of this section to any State which has adopted standards (other than emission standards) for the control of emissions from new motor vehicles or new motor vehicle engines prior to March 30, 1966, unless he finds that such State does not require standards more stringent than applicable Federal standards to meet compelling and extraordinary conditions or that such State standards and accompanying enforcement procedures are not consistent with section 202(a) of this title.

(c) Nothing in this title shall preclude or deny to any State or political subdivision thereof the right otherwise to control, regulate, or restrict the use, operation, or movement of registered or licensed motor vehicles.

"FEDERAL ASSISTANCE IN DEVELOPING VEHICLE INSPECTION PROGRAMS"

Sec. 209. The Secretary is authorized to make grants to appropriate State air pollution control agencies in an amount up to two-thirds of the cost of developing meaningful uniform motor vehicle emission device inspection and emission testing programs except that (1) no grant shall be made for any part of any State vehicle inspection program which does not directly relate to the cost of the air pollution control aspects of such a program; and (2) no such grant shall be made unless the Secretary of Transportation has certified to the Secretary that such program is consistent with any highway safety program developed pursuant to section 402 of title 23 of the United States Code.

"REGISTRATION OF FUEL ADDITIVES"

Sec. 210. (a) The Secretary may by regulation designate any fuel or fuels (including fuels used for purposes other than motor vehicles), and after such date or dates as may be prescribed by him, no manufacturer or processor of any such fuel may deliver any such fuel for introduction into interstate commerce to or to another person who, it can reasonably be expected, will deliver such fuel for such introduction unless the manufacturer of such fuel has provided the Secretary with the information required under subsection (b) (1) of this section and unless any additive contained in such fuel has been registered with the Secretary in accordance with subsection (b) (2) of this section.

(b) (1) For the purposes of this section the Secretary shall require (1) the manufacturer of such fuel to notify him as to the commercial identifying name and manufacturer of any additive contained in such fuel; the range of concentration of such additive or additives in the fuel; and the purpose in the use of such additive; and (2) the manufacturer of any such additive to notify him as to the chemical composition of such additive or additives as indicated by compliance with clause (1) above, the recommended range of concen-
in the use of such additive, and to the extent such information is available or becomes available, the chemical structure of such additive or additives. Upon compliance with clauses (1) and (2), including assurances that any change in the above information will be provided to the Secretary, the Secretary shall register such fuel additive.

(c) All information reported or otherwise obtained by the Secretary or his representative pursuant to subsection (b), which information contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code, shall be considered confidential for the purpose of such section, except that such information may be disclosed to other officers or employees of the United States concerned with carrying out this Act or when relevant in any proceeding under this title. Nothing in this section shall authorize the withholding of information by the Secretary or any officer or employee under his control, from the duly authorized committees of the Congress.

(d) Any person who violates subsection (a) shall forfeit and pay to the United States a civil penalty of $1,000 for each and every day of the continuance of such violation, which shall accrue to the United States and be recovered in a civil suit in the name of the United States, brought in any district in which he does business. The Secretary may, upon application therefore, remit or mitigate any forfeiture provided for in this subsection and he shall have authority to determine the facts upon all such applications.

(e) It shall be the duty of the various United States attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of such forfeitures.

"DEVELOPMENT OF LOW-EMISSION VEHICLES"

SEC. 211. In order to encourage research and promote the development of low-emission vehicles the Secretary is authorized to—

(1) prescribe special low-emission standards for any class or classes of vehicles or engines and such standards shall permit an emission of not more than 50 per centum of the amount of pollutants permitted by standards established pursuant to section 202 for the same class of vehicle or engine; and

(2) provide testing procedures to determine if vehicles and engines meet such standards; and

(3) certify vehicles or engines meeting such standards as low-emission vehicles or engines for the purpose of this section.

"SOLVENTS"

SEC. 212. (a) The Secretary by regulation may designate solvents, coating materials, organic or inorganic mate-
1. Materials, and products containing any such substance as a constituent thereof, either singly or by classes or in combinations, which when used in uncontrolled situations, in his judgment, may cause or contribute to air pollution adversely affecting health or welfare; and after such date or dates as may be prescribed by him, no manufacturer of any such product or substance may deliver any such product or substance into interstate commerce unless such substance has been registered with the Secretary in accordance with this section.

"(b) For the purposes of this subsection the Secretary shall require (1) the manufacturer of any product which contains any such substance to notify him as to the commercial identifying name and the manufacturer of the solvent, coating material, organic or inorganic material, or other such substance contained in the product; the range of concentration of such substance; the purpose of such substance; and (2) the manufacturer of any such substance to notify him as to the chemical structure and composition of such substance as indicated by compliance with clause (1) above, the recommended range of concentration of such substance, if any, and the recommended purpose of such substance. Upon compliance with clauses (1) and (2), including assurances that any change in the above information will be provided to the Secretary, the Secretary shall register such product."

(c) The Secretary may develop and publish proposed standards, either singly or by classes, for the use of those substances and products that are registered in compliance with subsections (a) and (b) above. The Secretary may from time to time review such proposed standards and make changes therein, taking into consideration increased knowledge regarding technology or effects on health or welfare. "(d) If the Secretary determines that any such substance or class thereof constitutes a substantial and imminent danger to the health or welfare of any person, he may promulgate any of the proposed standards for such substance which have been developed and published pursuant to subsection (c) and he may prohibit the introduction of such substance into interstate commerce unless it complies with such regulations as he shall promulgate under this subsection."

(e) If two or more manufacturers, vendors, or distributors of any such substance or product notify the Secretary that two or more State, interstate, or local agencies or authorities have established standards, rules, or regulations applicable to such substance or product and varying from each other in their terms or effects upon the manufacturer, vendor, or distributor, the Secretary may promulgate any of the proposed standards he has developed, and published for the United States or any territory or possession thereof.
such substance or product under subsection (c) and they shall become effective after a date established by him. 

(f) At any time he shall deem it necessary, the Secretary may add additional substances or products to the designations made under subsection (a), add additional substances or products to those to which proposed standards existing under subsection (c) already apply, or promulgate under subsection (d) or (e) additional standards which have been proposed under subsection (c).

(g) All information reported or otherwise obtained by the Secretary or his representative pursuant to this section, which information contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of such section, except that such information may be disclosed to other officers or employees concerned with carrying out this Act or when relevant in any proceeding under this Act. Nothing in this subsection shall authorize the withholding of information by the Secretary or any officer or employee under his control from the duly authorized committees of Congress.

(h) (1) Any person who violates after the effective date the provisions of subsection (a), (d), or (e) or regulations promulgated pursuant thereto shall forfeit and pay to the United States a civil penalty of $1,000 for each and every day of the continuance of such violation, which shall accrue to the United States and be recovered in a civil suit in the name of the United States brought in the district where such person has his principal office or in any district in which he does business. The Secretary may, upon application therefor, remit or mitigate any forfeiture provided for in this section and he shall have authority to determine the facts upon all such applications.

(ii) (2) It shall be the duty of the various United States attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of such forfeitures.

DEFINITIONS FOR TITLE II

SEC. 213. As used in this title—

(1) The term 'manufacturer' as used in sections 203, 206, and 207 means any person engaged in the manufacturing or assembling of new vessels, aircraft, or vehicles, or new vessel, aircraft, or vehicle engines, or importing such vessels, aircraft, vehicles, or engines for resale, or who acts for and is under the control of any such person in connection with the distribution of such vessels, aircraft, vehicles, or engines, but shall not include any dealer with respect to new vehicles or new vehicle engines received by him in commerce.

(2) The term 'vessel' means any self-propelled water...
(3) The term 'new vessel' means a vessel the equitable or legal title to which has never been transferred to an ultimate purchaser; and the term 'new vessel engine' means an engine in a new vessel or a vessel engine the equitable or legal title to which has never been transferred to the ultimate purchaser.

(4) The term 'aircraft' means any self-propelled contrivance designed for transporting persons or property in the air.

(5) The term 'new aircraft' means an aircraft the equitable or legal title to which has never been transferred to an ultimate purchaser; and the term 'new aircraft engine' means an engine in a new aircraft or an aircraft engine the equitable or legal title to which has never been transferred to the ultimate purchaser.

(6) The term 'vehicle' means any self-propelled vehicle designed for transporting persons or property on a street or highway or on rails, or any vehicle for agricultural use, and the term 'motor vehicle' means only such a vehicle designed for transporting persons or property on a street or highway.

(8) The term 'new' as used with respect to a vehicle, motor vehicle or vehicle or motor vehicle engine means a vehicle, motor vehicle, or engine the equitable or legal title to which has never been transferred to an ultimate purchaser.

(9) The term 'dealer' means any person who is engaged in the sale or the distribution of new vehicles or new vehicle engines to the ultimate purchaser.

(10) The term 'ultimate purchaser' means, with respect to any new vessel, aircraft, vehicle, or new vessel, aircraft or vehicle engine, the first person who in good faith purchases such new vessel, aircraft, vehicle, or engine for purposes other than resale.

(11) The term 'commerce' means (A) commerce between any place in any State and any place outside thereof; and (B) commerce wholly within the District of Columbia.

Sec. 106. Section 309 of the Clean Air Act is amended by striking out "and $134,300,000 for the fiscal year ending June 30, 1970" and inserting in lieu thereof "$134,300,000 for the fiscal year ending June 30, 1970, $150,000,000 for the fiscal year ending June 30, 1971, $175,000,000 for the fiscal year ending June 30, 1972, and $200,000,000 for the fiscal year ending June 30, 1973".

TITLE II

Sec. 201. This title may be cited as the "Noise Pollution and Abatement Act".
Sec. 202. (a) The Secretary of Health, Education, and Welfare shall establish within the Department of Health, Education, and Welfare an Office of Noise Abatement and Control, and shall carry out through such office a full and complete investigation and study of noise and its effect in order to determine:

1. effects at various levels;
2. projected growth of noise levels in urban areas through the year 2000;
3. the psychological effect on humans;
4. effects of sporadic extreme noise (such as jet noise near airports) as compared with constant noise;
5. effect on wildlife and property (including values);
6. effect of sonic booms on property (including values); and
7. such other matters as may be of interest in the public welfare.

(b) The Secretary shall report the results of such investigation and study, together with his recommendations for legislation or other action, to the President and the Congress not later than one year after the date of enactment of this Act.

(c) In any case where a department or agency of the Government is carrying out any activity resulting in noise which amounts to a public nuisance or is otherwise objectionable, such department or agency shall consult with the Secretary of Health, Education, and Welfare to determine possible means of abating such noise.

(d) There is authorized to be appropriated such amount, not to exceed $30,000,000, as may be necessary for the purposes of this section.
A BILL

To amend the Clean Air Act in order to extend the authorizations for such Act, to extend the provisions of title II relating to emission standards to vessels, aircraft, and certain additional vehicles, and for other purposes, and to provide for a study of noise and its effects.

By Mr. MUSKIE, Mr. BAYH, Mr. EAGLETON, Mr. MONTOYA, Mr. RANDOLPH, and Mr. SPONG

DECEMBER 10 (legislative day, DECEMBER 9), 1969
Read twice and referred to the Committee on Public Works