IN THE SENATE OF THE UNITED STATES

SEPTEMBER 8, 1970

Mr. _________ introduced the following bill; which was read twice and referred to the Committee on Public Works

A BILL

To amend the Clean Air Act and for other purposes.

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 Air Quality Standards Act of 1970".

Sec. 2. (a) Clause (1) of section 104 (a) of the Clean Air Act is amended to read as follows:

"(1) conduct and accelerate research programs directed toward development of improved, low-cost techniques for—

"(A) control of combustion byproducts of fuels,

"(B) removal of potential air pollution agents or
combination of such agents from fuels prior to combus-
tion,

"(C) control of emissions from the evaporation of
fuels,

"(D) improving the efficiency of fuels combustion
so as to decrease atmospheric emissions, and

"(E) producing synthetic or new fuels which, when
combusted, result in decreased atmospheric emissions;"

(b) Section 104(a)(2) of the Clean Air Act is further
amended by striking "and" before clause (B) and redesig-
nating clause (B) as clause (D) and inserting two new
clauses (B) and (C) to read as follows:

"(B) part of the cost of programs to develop low
emission alternatives to the present internal combustion
engine;

"(C) the cost to purchase vehicles and vehicle en-
gines, or portions thereof, for research, development, and
testing purposes; and"

(c) Section 104(c) of the Clean Air Act is further
amended to read as follows:

"(c) For the purposes of this section there are author-
ized to be appropriated (1) for the fiscal year ending
June 30, 1971, $125,000,000, (2) for the fiscal year end-
ing June 30, 1972, $150,000,000, and (3) for the fiscal
year ending June 30, 1973, $175,000,000. Amounts ap-
propriated pursuant to this subsection shall remain available until expended.”

SEC. 3. (a) Section 105 (a) of the Clean Air Act is amended by adding at the end thereof a new paragraph to read as follows:

“(4) Notwithstanding any other provision of this section, the Secretary is authorized to make grants to any State air pollution control agency in an amount not to exceed three-fourths of the cost of planning, developing, establishing, or improving, and grants to any such agency in an amount of not to exceed three-fifths of the cost of maintaining, a regional air quality control program within the meaning of this subsection if the Secretary determines that—

“(A) such regional program is operated by such State agency and is serving or will serve an air quality control region within the meaning of this Act;

“(B) such State agency has adequate authority to abate and control air pollution from all sources in the area served by such regional program;

“(C) such regional program shall not supplant any air pollution control programs established by any municipality or group of municipalities unless the Governor of such State determines that it is in the public interest to supplant such air pollution control programs;

“(D) development, establishment, improvement, or
maintenance of such regional program will not result in
a reduction of non-Federal matching funds available for
air pollution control activities in the area served by such
regional program, and that such grants shall supplement,
not supplant, any other funds available to such agency;
and

"(E) such State agency has made adequate provi-
sion for coordination of such program with the related
activities of any municipal, intermunicipal, or interstate
programs serving all or any portion of such air quality
control region."

(b) Section 105 of the Clean Air Act is further
amended by adding at the end thereof the following new
subsections:

"(d) The Secretary, with the concurrence of any recipi-
ent of a grant under this section, may reduce the payments
to such recipient by the amount of the pay, allowances,
traveling expenses, and any other costs in connection with the
detail of any officer or employee to the recipient under
section 301 of this Act, when such detail is for the con-
venience of, and at the request of, such recipient and for
the purpose of carrying out the provisions of this Act. The
amount by which such payments have been reduced shall
be available for payment of such costs by the Secretary,
but shall, for the purpose of determining the amount of any
grant to a recipient under subsection (a) of this section, be

demed to have been paid to such agency.

"(e) If the Secretary determines that the program of

any agency eligible for a grant pursuant to this section is

inadequately staffed or funded to implement the require-

ments of this Act in any region, he shall withhold from such

agency all or any portion of the funds which would be other-

wise made available pursuant to this section. Such funds as

would have been available to such agency shall be available

to the Secretary to implement the purposes of this Act in

such State or region."

Sec. 4. Section 106 of the Clean Air Act is amended—

(1) by striking "(a)" after "sec. 106";

(2) by striking subsection (b);

(3) by striking in the first sentence thereof "section

107 (a) (2)" and inserting in lieu thereof "this title";

and

(4) by inserting in the first sentence after the

word "thereof" the following: "and coordinating effec-
tively the enforcement thereof".

Sec. 5. Sections 107 through 109 of the Clean Air Act

are amended to read as follows:

"RESEARCH RELATING TO AIR POLLUTION EFFECTS

"Sec. 107. (a) In carrying out research pursuant to

this Act, the Secretary shall give special emphasis to research
on the short- and long-term effects of air pollution agents or
combinations of such agents on public health and welfare.
In the furtherance of such research, he shall conduct an
accelerated research program—

"(1) to improve knowledge of the contribution of
air pollution agents to the occurrence of adverse effects
on health, including, but not limited to, behavioral,
physiological, toxicological, and biochemical effects; and

"(2) to improve knowledge of the short- and long-
term effects of air pollution agents on the environment,
including effects on soils, water, vegetation, manmade
materials, animals, wildlife, weather, visibility, and cli-
mate as well as effects on esthetic, recreation, and eco-

"(b) In carrying out the provisions of this section the
Secretary shall, as may be necessary—

"(1) conduct epidemiological studies of the effects
of air pollution agents or combination of such agents on
mortality and morbidity;

"(2) conduct clinical and laboratory studies on
the immunologic, biochemical, physiological, and the
toxicological effects including carcinogenic, teratogenic,
and mutagenic effects of air pollution agents or combi-
nation of such agents;

"(3) utilize, on a reimbursable basis, the facilities
of existing Federal scientific laboratories and research
centers;

"(4) utilize the authority contained in section 103
(b) (1) through (4) of this Act; and

"(5) consult with other appropriate Federal agen-
cies to assure that research or studies conducted pur-
suant to this section shall be in addition to, and not
duplicative of, research and studies of such other Federal
agencies.

"(c) In entering into contracts under this section, the
Secretary is authorized to contract for a term not to exceed
ten years in duration. For the purposes of this subsection,
there are authorized to be appropriated $15,000,000. Such
amounts as are appropriated shall remain available until ex-
pended and shall be in addition to any other appropriations
under this Act.

"(d) No research, demonstrations, experiments, or other
such work shall be carried out, contracted for, sponsored,
or authorized under this Act after the effective date of this
subsection, unless all information, uses, products, processes,
patents, and other developments resulting from such work
will (with such exception and limitation, if any, as the Sec-
retary may find to be necessary in the public interest and he
publishes his finding) be available to the general public.
"AIR QUALITY CONTROL REGIONS

"Sec. 108. (a) For the purpose of implementing applicable ambient air quality standards and for administrative and other purposes, the Secretary, after consultation with appropriate State and local authorities, shall, within ninety days after enactment of this section, designate any interstate and major intrastate air quality control region which he deems necessary and appropriate. Any such designation shall be based on jurisdictional boundaries, urban-industrial concentrations, existing levels of ambient air quality, and other factors necessary to provide for effective implementation of ambient air quality standards. The Secretary shall immediately notify the Governor or Governors of the affected State or States of such designation. Any area of any State which is not a part of a region designated by the Secretary pursuant to this Act, including regions designated prior to enactment of this subsection, shall be considered an air quality control region for the purpose of this Act. The Governor of a State may subdivide such areas into two or more air quality control regions for the purpose of developing implementation plans pursuant to this Act.

"(b) All designations of air quality control regions made pursuant to this Act shall be reviewed periodically and modified, if necessary, by the Secretary, after consultation with the appropriate State and local authorities in the af-
fected region and in any States and regions adjoining the
State or affected region, to insure the application of the most
effective and timely means of protecting and enhancing air
quality. In no event shall such review be less frequent than
once every five years.

"AIR QUALITY CRITERIA AND CONTROL TECHNIQUES

"Sec. 109. (a) (1) The Secretary shall, within thirty
days after enactment of this section and from time to time
thereafter, publish in the Federal Register a list of air pollu-
tion agents or combination of such agents—

"(A) which have, or may be expected to have,
an adverse effect on public health or welfare;

"(B) the presence of which in the ambient air
results from numerous and diverse mobile or stationary
sources; and

"(C) for which air quality criteria requisite for
the protection of public health and welfare are planned.

The Secretary shall, after consultation with appropriate ad-
visory committees and Federal departments and agencies and
within twelve months after such publication, develop and
issue to the States such criteria.

"(2) Such criteria shall accurately reflect the latest
scientific knowledge useful in indicating the kind and extent
of all identifiable effects on public health or welfare which

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may be expected from the presence of an air pollution agent or combination of such agents in the ambient air, in varying quantities.

"(3) Such criteria, to the extent practicable, shall include information on—

"(A) those variable factors which of themselves or in combination with other factors may alter the effects on public health and welfare of any air pollution agent or combination of such agents, including, but not limited to, atmospheric conditions;

"(B) the types of any air pollution agent or combination of such agents which, when present in the atmosphere, may interact to produce an effect on public health and welfare; and

"(C) any known or anticipated effects associated with the presence of any air pollution agent or combination of such agents in the ambient air, including, but not limited to, effects on soils, water, vegetation, manmade materials, animals, wildlife, weather, visibility, and climate, as well as effects on economic values.

"(b) (1) Simultaneously with the issuance of criteria, the Secretary shall, after consultation with appropriate advisory committees and Federal departments and agencies, issue to the States and appropriate air pollution control agen-
cies information on pollution control techniques, which in-
formation shall include data relating to the technology and
costs of emission control. Such information shall include
such data as are available on available technology and alter-
native methods of prevention and control of air pollution.
Such information shall also include data on alternative fuels,
processes, and operating methods which will result in elim-
ination or significant reduction of emissions.

“(2) The Secretary shall also, from time to time, issue
information on pollution control techniques for air pollution
agents or combinations of agents subject to the provisions
of sections 114 and 115 of this Act.

“(c) Any air quality criteria or information on air
pollution control techniques issued under this Act by the
Secretary prior to the enactment of this subsection shall
continue in effect. The Secretary shall from time to time
review, and, as appropriate, modify, and reissue any criteria
or information on control techniques issued pursuant to this
section.

“(d) The issuance of air quality criteria and information
on air pollution control techniques shall be announced in the
Federal Register and copies shall be made available to the
general public.”

Sec. 6. (a) Sections 110 and 111 of the Clean Air Act
are redesignated as sections 118 and 119.
(b) The Clean Air Act is further amended by inserting
after section 109 the following new sections:

"NATIONAL AIR QUALITY STANDARDS AND GOALS

"SEC. 110. (a) (1) Within thirty days after the date of
enactment of this section, the Secretary shall publish in the
Federal Register, in accordance with section 553 of title 5
of the United States Code, proposed national ambient air
quality standards for any air pollution agent or combination
of such agents for which air quality criteria have been issued
prior to the date of enactment of this section. He shall, after
a reasonable time for interested persons to submit written
comments thereon, promulgate such proposed national am-
bient air quality standards with such modifications as he
deems appropriate. Such promulgation shall occur no later
than ninety days after the initial publication of such proposed
national ambient air quality standards.

"(2) With respect to any air pollution agent or combi-
nation of such agents for which air quality criteria and infor-
mation on control techniques are issued subsequent to enact-
ment of this section, the Secretary shall publish, simultane-
ously with the issuance of such criteria and information, pro-
posed national ambient air quality standards for any such
pollution agent or combination of such agents. The procedure
provided for in paragraph (1) of this subsection shall apply.

"(3) National ambient air quality standards, proposed
and promulgated pursuant to paragraphs (1) and (2) of this subsection, shall be ambient air quality standards the attainment and maintenance of which are necessary to protect the health of persons. Such standards shall be revised, as necessary, in the same manner as promulgated.

“(b) Simultaneously with the initial publication of proposed national ambient air quality standards pursuant to subsection (a) of this section, the Secretary shall publish proposed national ambient air quality goals the attainment and maintenance of which are necessary to protect the public health and welfare from any known or anticipated adverse effects associated with the presence of such air pollution agent or combination of such agents in the ambient-air, including, but not limited to, adverse effects on soils, water, vegetation, manmade materials, animals, wildlife, weather, visibility, and climate, as well as effects on economic values. Such national ambient air quality goals shall be published and promulgated in the same manner as prescribed in subsection (a) of this section for proposed national ambient air quality standards. Such goals shall be revised, as necessary, in the same manner as promulgated.

IMPLEMENTATION PLANS

“Sec. 111. (a) (1) After the promulgation of proposed national ambient air quality standards and proposed national ambient air quality goals, or revisions thereof under section
110 of this Act for any air pollution agent or combination of such agents, each State shall, after reasonable notice and public hearings, adopt and submit to the Secretary, within nine months after such promulgation, a plan for implementation, maintenance, and enforcement of such standards and goals in each air quality control region designated or established pursuant to this Act. Unless a separate hearing is provided, each State shall consider adoption of ambient air quality standards more restrictive than the national ambient air quality standards at the hearing required by this paragraph.

“(2) The Secretary shall, within four months after the date required for such submission, act to approve or to disapprove such plan or portion thereof. The Secretary shall approve such plan, or any portion thereof, if he determines that it—

“(A) provides for the attainment of such national ambient air quality standards within three years from the date of approval of such plan;

“(B) includes emission requirements, schedules and timetables of compliance, and such other measures as necessary to insure attainment of any applicable ambient air quality standard and goal;

“(C) includes provision for establishment and operation of appropriate devices, methods, systems, and
procedures necessary to (i) monitor, compile, and analyze data on ambient air quality and, (ii) upon request, make such data available to the Secretary;

“(D) includes to the extent necessary appropriate procedures, including, but not limited to, land-use and air and surface transportation controls and permits, for insuring that any source of air pollution agents or combination of such agents will be located, operated, and for other than moving sources, designed, constructed, and equipped in such a way that such sources will not interfere with implementation, maintenance, and enforcement of any applicable air quality standard and goal;

“(E) contains adequate provisions for intergovernmental cooperation, including measures necessary to insure that emissions of such agents or combination of such agents from sources located in one air quality control region will not cause or contribute to a violation of such air quality standards or prevent attainment of such air quality goals in any other air quality control region or portion thereof;

“(F) provides that any person who owns, leases, operates, or controls any stationary source subject to the provisions and requirements of such implementation plan shall be required to furnish to the appropriate State agency periodic reports on the nature and amounts
of emissions of any air pollution agent or combinations of such agents from such source, and further provides that such reports shall be correlated by the State agency with any emission requirements or standards established pursuant to this Act. Such correlated reports shall be a part of the public record and available at reasonable times for public inspection;

"(G) provides necessary assurances that the State will have adequate personnel, funding, and authority to carry out an implementation plan, including requirements for installation of monitoring equipment and methods on sources subject to emission requirements; periodic reporting on the nature and amounts of emissions; and authority comparable to that in section 303 of this Act, and contingency plans to implement such authority as determined by the Secretary;

"(H) provides, to the extent necessary, for a program of periodic inspection and testing of motor vehicles, as authorized by section 208 of this Act;

"(I) provides for revision, after public hearings, of such plan from time to time as may be necessary to take account of revisions of such ambient air quality standards and goals or availability of improved or more expeditious methods of achieving such standards and goals; and
"(J) identifies the air quality control region to which such plan applies including the boundaries of such region if it is one resulting from a subdivision under section 108 (a) of this Act.

"(3) Each approved plan, or portion thereof, for implementation, maintenance, and enforcement of such standards and goals shall be the implementation plan applicable to such air quality control region.

"(b) The Secretary may, wherever he determines necessary, extend the period for submission of the portion of any plan for implementation of national ambient air quality goals for a period not to exceed eighteen months from the date otherwise required for submission of such plan.

"(c) The Secretary shall, after consideration of any State hearing record, promptly prepare and publish proposed regulations setting forth such a plan, or portion thereof, for such quality air control region if (1) a State fails to submit for any air quality control region, or portion thereof, a plan for implementation, maintenance, and enforcement of ambient air quality standards and goals within the time prescribed, or (2) the plan, or portion thereof, submitted for any such region is determined by the Secretary not to be in accordance with the requirements of this section. If such States held no public hearing associated with adoption of
1 an implementation plan, the Secretary shall provide opportunity for such hearing within such region on any proposed regulation for such region. The Secretary shall, within six months after the date required for submission of such plans, promulgate any such regulations unless, prior to such promulgation, the State has adopted and submitted a plan which the Secretary determines to be in accordance with the requirements of this section. A plan promulgated by the Secretary for any air quality control region shall be the plan applicable to such region in the same manner as if such plan had been adopted by the State and approved by the Secretary pursuant to subsection (a) of this section and shall remain in effect until such State submits a plan and it is approved under this section.

“(d) Ambient air quality standards and implementation plans adopted by States and submitted to the Secretary pursuant to this Act prior to enactment of this section shall remain in effect, unless the Secretary determines that such air quality standards and implementation plans, or portions thereof, are not consistent with the applicable requirements of this Act and will not provide for the attainment of national ambient air quality standards in the time required by this Act. If the Secretary so determines he shall within ninety days after promulgation of any national ambient air quality standards pursuant to section 110(a)(1) of this
Act notify the appropriate State or States and specify the
respects in which changes are needed to meet the additional
requirements of this Act, including requirements to imple-
ment ambient air quality goals. If such changes are not
adopted by the State or States after public hearings and
within six months after such notification the Secretary shall
promulgate such changes pursuant to subsection (e) of this
section.

"(e) (1) Whenever, on the basis of surveys, studies,
investigation, or reports, or any information otherwise made
available to him, the Secretary or his authorized representa-
tive finds on the basis of new information that, in any air
quality control region, an approved or promulgated imple-
mentation plan will be, or has been, substantially inadequate
to achieve national ambient air quality standards promulgated
pursuant to this Act, he shall notify the appropriate State or
States of such new information and shall allow the appropri-
ate State or States an opportunity to respond. If such State
or States fails to respond within ninety days after receipt of
such notice, or if such response is inadequate, the Secretary
shall revise and promulgate such plan within four months in
accordance with provisions of section 553 of title 5 of the
United States Code. Such revision may include an extension
of the period required to obtain the quality of air established
by any national ambient air quality standard established pur-
suant to this Act for a reasonable time not to exceed one
year. No further extension shall be granted pursuant to this
provision and no extension shall affect any emission require-
ment, timetable, or schedule of compliance adopted as a part of
the plan subject to revision unless such requirement, time-
table, or schedule is the subject of such revision.

"(2) Any revised plan promulgated pursuant to this
subsection shall be the plan applicable to such region in the
same manner as if such plan had been adopted by the State
and approved by the Secretary pursuant to this section.

"(f) (1) No later than one year before the expiration
of the period for the attainment of ambient air of the quality
established for any national ambient air quality standard
pursuant to section 110 of this Act, the Governor of a State
in which is located all or part of an air quality control region
designated or established pursuant to this Act may file a peti-
tion in the district court of the United States for the dis-
trict in which all or a part of such air quality control region
is located, against the United States for relief from the effect
of such expiration (A) on such region, or portion thereof,
or (B) on a person or persons in such air quality control
region. In the event that such region is an interstate air
quality control region or portion thereof, any Governor of
any State which is wholly or partially included in such inter-
state region shall be permitted to intervene for the presentation of evidence and argument on the question of such relief.

"(2) Any action brought pursuant to this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and appeal shall be to the Supreme Court. Proceedings before the three judge court, as authorized by this subsection, take precedence on the docket over all other causes and shall be assigned for hearing and trial at the earliest practicable date and expeditated in every way.

"(3) (A) In any such proceeding the Secretary shall intervene for the purpose of presenting evidence and argument on the question of whether relief should be granted.

"(B) The court, in its discretion, may permit any interested person residing in any affected State to intervene for the presentation of evidence and argument on the question of relief.

"(4) The court, in view of the paramount interest of the United States in achieving ambient air quality necessary to protect the health of persons shall grant relief only if it determines such relief is essential to the public interest and the general welfare of the persons in such region, after finding—
“(A) that substantial efforts have been made to protect the health of persons in such region; and

“(B) that means to control emissions causing or contributing to such failure are not available or have not been available for a sufficient period to achieve compliance prior to the expiration of the period to attain an applicable standard; or

“(C) that the failure to achieve such ambient air quality standard is caused by emissions from a Federal facility for which the President has granted an exemption pursuant to section 110 of this Act.

“(5) The court, in granting such relief shall not extend the period established by this Act for more than one year and may grant renewals for additional one year periods only after the filing of a new petition with the court.

“(6) The Secretary, in consultation with any affected State or States, shall take such action as may be necessary to modify any implementation plan or formulate any new implementation plan for the period of such extension.

“(7) No extension granted pursuant to this section shall affect compliance with any emission requirement, timetable, schedule of compliance, or other element of any implementation plan unless such requirement, timetable, schedule of compliance, or other element of such plan is the subject of the specific order extending the time for compliance with such national ambient air quality standard.
"STATE STANDARDS AND PLANS TO ACHIEVE GREATER AIR QUALITY CONTROL"

"Sec. 112. Nothing in this title shall be construed as preventing a State, political subdivision thereof, inter-municipal or interstate agency from adopting, within the time provided in sections 110 and 111 of this Act, or revising after such time, such standards and plans, including emission requirements, to implement an air quality program which will (A) attain and maintain a higher level of air quality than is specified in any national ambient air quality standard promulgated pursuant to this Act, or (B) attain and maintain the level of air quality specified in any national ambient air quality standard within a shorter period of time than required by this Act, or from adopting within the time provided in section 114 or section 115 of this Act, or revising after such time, emission standards more stringent than those established by the Secretary.

"NEW SOURCE STANDARDS OF PERFORMANCE"

"Sec. 113. (a) For the purpose of this section, the term—

"(1) ‘stationary sources’ means those buildings, structures, facilities, or installations which, regardless of location, emit or may emit any air pollution agent or combination of such agents in amounts which cause or contribute to the endangerment of the public health and welfare;"
“(2) ‘new source’ means any stationary source, the
construction or modification of which is begun on or
after the effective date of any standard of performance
applicable to such source;

“(3) ‘construction’ means any placement, assem-
bly, or installation of facilities or equipment (including
contractual obligations to purchase such facilities or
equipment) at the premises where such equipment will
be used, including preparatory work at such premises;

“(4) ‘modification’ means any construction (other
than pollution abatement facilities as determined by the
Secretary or appropriate State agency) which may alter
the nature or may increase the amounts of air pollution
agents or combination of such agents emitted by a
stationary source; and

“(5) ‘owner or operator’ means any person who
owns, leases, operates, controls, or supervises a new
source.

“(b) (1) The Secretary shall, within sixty ninety days
after the enactment of this section and from time to time
thereafter, publish in the Federal Register a list of categories
of stationary sources which shall be subject to standards of
performance established under this section.

“(2) Within one hundred and twenty days after the
publication of such a list or revision thereof, the Secretary
shall publish in the Federal Register proposed regulations, in accordance with section 553 of title 5 of the United States Code, establishing Federal standards of performance for new sources. Such standards shall be based on reflect the greatest degree of emission control which the Secretary determines to be achievable through application of the latest available control technology, processes, operating methods, or other alternatives. The Secretary shall afford interested persons an opportunity for written comment on such proposed regulations. After considering such comments, he shall promulgate, within ninety days after such publication, such standards with such modifications as he deems appropriate and shall notify the States of such promulgation. The Secretary may from time to time revise such standards following the procedure required by this subsection for promulgation of such standards.

"(3) Standards of performance or revisions thereof shall become effective upon promulgation.

"(4) The Secretary may distinguish among classes, types, and sizes within categories of new sources for the purpose of establishing such standards.

"(c) Prior to publishing any lists or regulations pursuant to this section the Secretary shall, to the maximum extent practicable within the time provided, consult with
appropriate advisory committees, independent experts and Federal departments and agencies.

"(d) The provisions of this section and the standards of performance promulgated thereunder shall apply to any new source owned and operated by the United States, unless a more stringent emission requirement is required for such source to implement any applicable air quality standard.

"(e) (1) The Secretary shall, within ninety days after enactment of this section, promulgate regulations, in accordance with section 553 of title 5 of the United States Code, establishing a procedure for certification of compliance with any standard of performance promulgated pursuant to this section. Such procedure shall include—

"(A) provisions for preconstruction review of the locations and design of any new source;

"(B) provisions for performance tests within a reasonable time after commencement of operation of any new source;

"(C) methods to identify violations and enforce compliance with such standards of performance; and

"(D) methods to insure that any such new source shall not prevent implementation of national ambient air quality standards or national ambient air quality goals promulgated under this title.

"(2) Except as provided in subsection (e) of this
section, upon application by any owner or operator of any
new source the Secretary shall, certify such source within
ninety days after application for certification, act on such
application. If the Secretary determines, in accordance with
the provisions of this section, that such source complies with
the applicable standards of performance promulgated under
this section he shall certify such source.

"(e) (1) Each State may develop and submit to the
Secretary a procedure for certification of compliance with
any standard of performance for any new source located in
such State. If the Secretary finds the State procedure is at
least equal to the requirements established pursuant to sub-
section (d) of this section, he shall delegate certification
authority provided in this section to such State for other than
new sources owned and operated by the United States.

"(2) Nothing in this section shall prohibit the Secre-
tary from (A) reviewing and suspending any State certifi-
cation to assure compliance with any applicable standard
of performance promulgated pursuant to this section, or (B)
acting to enforcing any applicable standard of performance
promulgated pursuant to this section, including suspending
any State certification granted pursuant to this section.

"(f) Every owner or operator of a new source subject
to standards established under this section shall (1) establish
and maintain such records, make such reports, install, use,
and maintain monitoring equipment or methods, and provide such information as the Secretary may reasonably require to enable him to determine whether such source is in compliance with this section and regulations established thereunder, and (2) 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, or to inspect any such monitoring equipment or method. Except for emission data, upon a showing satisfactory to the Secretary by such owner or operator that such records, reports, or information or particular part thereof, if made public, would divulge trade secrets or secret processes of such owner or operator, the Secretary shall consider such record, report, or information or particular portion thereof confidential for the purposes of section 1905 of title 18 of the United States Code, except that such record, report, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act or when revelant in any proceeding under this Act.

"(g) (1) After the effective date of standards of performance promulgated under this section, it shall be unlawful—

"(A) for any owner or operator to operate any new source without certification issued under this section; or
“(B) for any owner or operator of any certified new source to operate such source in violation of any standard of performance applicable to such source; or

“(C) for any owner or operator to fail or refuse to permit access to, or copying of, records or to fail to make reports, or to fail to install, use, or maintain, monitoring equipment or methods, or provide information required under this section.

“(2) The district courts of the United States shall have jurisdiction to enjoin violations of paragraph (1) (A) or paragraph (1) (C) of this subsection. In any action to restrain violations, subpenas for witnesses who are required to attend a district court in any district may run into any other district.

“(3) Any owner or operator who violates paragraph (1) (A) or paragraph (1) (C) of this subsection shall be liable to a civil penalty of not more than $5,000 for each offense which shall be assessed by the Secretary after an opportunity for a public hearing. Each day of violation shall be a separate offense.

“(4) Any violation of paragraph (1) (B) of this subsection shall be subject to abatement pursuant to section 117 of this Act. If any owner or operator of a certified new source does not initiate abatement within seventy-two hours as provided in any order issued pursuant to section 117 (a) (2)
of this Act to abate such violation, the Secretary shall suspend any applicable Federal or State certification. Failure to suspend operation of such source after such suspension shall be considered a knowing violation for purposes of section 114 of this Act and shall, upon conviction, subject the owner or operator to a fine of at least $5,000 for each day of operation after such suspension.

"NATIONAL EMISSION STANDARDS—SELECTED AIR POLLUTION AGENTS

"Sec. 114. (a) For the purpose of this section the term—

"(1) 'selected air pollution agent' means any air pollution agent or combination of such agents which is not subject to the provisions of sections 109 and 110 or 115 of this Act, and which has or may be expected to have an adverse effect on public health and welfare and the presence of which, in the ambient air, results from emissions from categories of stationary sources as defined pursuant to the provisions of section 113 of this Act; and

"(2) 'owner or operator' means any person who owns, leases, operates, controls, or supervises a stationary source.

"(b) The Secretary shall, within one hundred and eighty days after the enactment of this section and from time to time
thereafter, compile and publish in the Federal Register a list of selected air pollution agents or combinations of agents for which he deems that emission standards are appropriate under this section in order to carry out the purposes of this Act.

"(c) (1) The Secretary shall from time to time publish in the Federal Register, in accordance with section 553 of title 5 of the United States Code, proposed regulations establishing emission standards for such air pollution agents or combination of such agents included in such list. Such standards shall be designed to insure that emissions of such pollution agent or combination of agents from any such stationary source shall not endanger public health and welfare. The Secretary shall afford interested persons an opportunity for written comment on such proposed regulations, and after considering such comments shall promulgate within one hundred and twenty days after such publication, such emission standards with such modifications as he deems appropriate. The Secretary may distinguish among classes, types, and sizes within categories of such sources for the purpose of this section.

"(2) Any emission standard promulgated pursuant to this section shall be reviewed and, if appropriate, revised in the same manner as initially promulgated.

"(3) Such standards shall become effective on the date
specified in such promulgation, but in no event more than
twenty-four months after such promulgation.

"(4) The Secretary may, upon application filed by
any owner or operator, waive, subject to such terms and
conditions as he may prescribe, the application of any emis-
sion standard established under this section to any stationary
source of such owner or operator if he finds, and publishes
his finding, that such source has achieved the greatest degree
of air pollution control currently technically feasible and that
the health of persons is not adversely affected by such waiver.

Such waiver shall be subject to the review provision of
section 108 of this Act.

"(d) Prior to publishing any lists or regulations pursu-
ant to this section the Secretary shall, to the maximum extent
practicable within the time provided, consult with appro-
priate advisory committees, independent experts and Federal
departments and agencies.

"(e) After the effective date of the standards promul-
gated under this section, every owner or operator of a station-
ary source to which such standards apply shall (1) establish
and maintain such records, make such reports, install, use,
and maintain monitoring equipment or methods and pro-
vide such information as the Secretary may reasonably re-
quire to enable him to determine whether such source is in
compliance with this section and the standards established
hereunder, and (2) 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, or to inspect any such monitoring equipment or
method. Except for emission data, upon a showing satis-
factory to the Secretary by such owner or operator that
such records, reports, or information or particular part there-
of, if made public, would divulge trade secrets or secret
processes of such owner or operator, the Secretary shall
consider such record, report, or information or particular
portion thereof confidential for the purposes of section 1905
of title 18 of the United States Code, except that such
record, report, or information may be disclosed to other
officers, employees, or authorized representatives of the
United States concerned with carrying out this Act or when
relevant in any proceeding under this Act.

"(e) (1) Beginning on and after the effective date of
any emission standard promulgated under this section, it shall
be unlawful for any owner or operator to operate any sta-
tionary source in violation of such standard.

"(2) Beginning on and after the effective date of any
emission standard promulgated under this section, it shall be
unlawful for any owner or operator of a stationary source
subject to such standard to fail or refuse to permit access to,
or copying of, records, or to fail to make reports, or to fail

to install, maintain, and use monitoring equipment or meth-
ods, or provide information required by the Secretary pur-

suant to subsection (d) of this section.

"(f) Any violation of paragraph (1) of subsection
(e) of this section shall be subject to abatement pursuant

to section 117 of this Act.

"(g) Any owner or operator who violates paragraph
(2) of subsection (e) of this section shall be liable to a
civil penalty of not more than $5,000 for each offense which,
after an opportunity for a hearing, shall be assessed by the
Secretary.

"(h) Any failure of such owner or operator to comply
with an order issued pursuant to section 117(a)(2) of this
Act shall be considered a knowing violation for purposes of
section 117(b) of this Act, and shall, upon conviction,
subject such owner or operator to a fine of at least $5,000 for
each day of operation after such suspension.

"(i) (1) Each State may develop and submit to the
Secretary a procedure for enforcement of any emission
standards established under this section for any stationary
source located in any State. If the Secretary finds the
State procedure is adequate to implement the purposes of
this section he shall delegate enforcement authority pro-
vided in this section to such State.
"(2) Nothing in this subsection shall prohibit the Secretary from enforcing any applicable emission standard promulgated pursuant to this section.

"NATIONAL EMISSION STANDARDS—HAZARDOUS AIR POLLUTION AGENTS

"Sec. 115. (a) (1) The Secretary, shall, within ninety days after the enactment of this section and from time to time thereafter, publish in the Federal Register a list of those air pollution agents or combination of such agents which available material evidence indicates are hazardous to the health of persons and which shall be subject to a prohibition or emission standard established under this section.

"(2) Within one hundred and eighty days after the publication of such list, or revision thereof, the Secretary, in accordance with section 553 of title 5 of the United States Code, shall publish a proposed prohibition of emissions of each such agent or combination of agents from any stationary source together with a summary of such evidence and a notice of a public hearing within thirty days. As soon as possible after such hearing, but not later than six months after such publication, the Secretary shall promulgate such prohibition, unless, based upon a preponderance of evidence adduced at such hearing, he finds within such period and publishes his finding—
“(A) that such agent is not hazardous to the health of persons; or

“(B) that a departure from such prohibition for stationary source will not be hazardous to the health of persons.

“(3) If the Secretary finds under paragraph (2) (A) of this subsection that such agent is not hazardous to the health of persons, he shall immediately publish an emission standard in accordance with the procedures established under section 114 of this Act.

“(4) If the Secretary finds under paragraph (2) (B) of this subsection that a departure from such prohibition for any stationary source will not be hazardous to the health of persons, he shall immediately promulgate an emission standard for such agent or combination of agents for any such stationary source to protect the health of persons.

“(5) When proposing or promulgating any prohibition or emission standard under this section, the Secretary shall designate the category or categories of stationary sources to which the prohibition or emission standard shall apply.”

“(6) Any prohibition or emission standard established pursuant to this section shall become effective upon promulgation.

“(7) Prior to publishing any lists or regulations pursuant to this section the Secretary shall, to the maximum
extent practicable within the time provided, consult with appropriate advisory committees, independent experts and Federal departments and agencies.

"(b) For purposes of this section, an air pollution agent which is 'hazardous to the health of persons' is one whose presence, chronically or intermittently, in trace concentrations in the ambient air, either alone or in combination with other agents, causes or will cause, or contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible damage to health.

"(c) After the effective date of any prohibition or emission standard promulgated under this section, every owner or operator of a stationary source subject to such prohibition or standard shall (1) establish and maintain such records, make such reports, install, use, and maintain monitoring equipment or methods and provide such information as the Secretary may reasonably require to enable him to determine whether such source is in compliance with this section and the prohibition or standards established hereunder, and (2) 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, or to inspect any such monitoring equipment or method. Except for emission data, upon a showing satisfactory to the Secretary by such owner or operator that such records, reports, or
information or particular part thereof, if made public, would
divulge trade secrets or secret processes of such owner or
operator, the Secretary shall consider such record, report, or
information or particular portion thereof confidential for the
purposes of section 1905 of title 18 of the United States
Code, except that such record, report, or 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 Act.

"(d) Upon evidence of a violation of any prohibition or
emission standard established pursuant to this section, the
Secretary shall bring a civil suit on behalf of the United
States, against the owner or operator of such source which
causes or contributes to such violation for immediate abate-
ment, including a permanent or temporary injunction, re-
straining order, or any other appropriate order, in the appro-
priate United States district court for the district in which
such stationary source is located or in which the owner or
operator thereof has his principal office or resides. Each court
shall have jurisdiction to provide such relief as may be ap-
propriate. In any such action, the findings of the Secretary
under subsection (a) of this section shall be presumed cor-
rect.

"(e) Any prohibition or emission standard promulgated
pursuant to this section shall be subject to review, and
if appropriate, revision in the same manner as initially
promulgated.

"JUDICIAL REVIEW

"SEC. 116. (Moved to title III.)

"FEDERAL ENFORCEMENT

"Sec. 116. (a) (1) The violation of any implementation
plan, including any emission requirements therein, or any
emission standard, or standard of performance established
pursuant to this Act is prohibited.

"(2) Whenever, on the basis of surveys, studies, investi-
gations, reports or any information otherwise made avail-
able to him, the Secretary or an authorized representative
of the Secretary finds (A) that any person is in violation of,
or is causing or contributing to a violation of, an implemen-
tation plan, including any emission requirement therein, and
that, in the judgment of the Secretary, a State has not satis-
factorily administered its implementation plan, particularly
the requirements of section 111 (a) (2) (G); or (B) that
any person is in violation or is causing or contributing to a
violation of standards of performance established under sec-
tion 113 of this Act; or (C) that any person is in violation
of an emission standard established under section 114 of this
Act; he shall promptly issue an order in writing to such per-
son requiring such person to initiate abatement of such viola-
tion as soon as possible and within a time to be prescribed
therein. In the case of a violation of any emission require-
ment, emission standard, or standard of performance, such
time shall not exceed seventy-two hours from the receipt
of such notice. A copy of the order shall be sent to the State
air pollution control agency of the State or States in which
the violation occurred, or is occurring, and, in any case
where the order issued is to a corporation, to appropriate
corporate officers. All such orders shall state with reasonable
specificity the nature of the violation. Nothing in this section
shall affect the authority of the Secretary pursuant to section
303 of this Act.

"(3) For the purpose of (A) establishing any ambient
air quality standard, prohibition, emission standard, or
standard of performance pursuant to this Act; or (B)
making any investigation under this Act of any building,
structure, monitoring equipment, or other facility subject to
any air quality standard, implementation plan, emission re-
quirement, prohibition, emission standard, waiver, or standard
of performance established under this Act, the Secretary or
his authorized representative shall have a right of entry to,
on, or through such building, structure, or facility, after
reasonable notice and upon presentation of his credentials.
The Secretary shall, when appropriate, require any person
who owns, leases, operates, or controls such building, struc-
ture, or other facility to install, use and maintain moni-
toring equipment and methods and to sample any emission subject to emission requirements, emission standards, or standards of performance in accordance with such methods, at such locations, at such intervals, and in such manner as the Secretary shall prescribe and to report such samples to the Secretary as he may prescribe and such report shall be public.

"(4) The Secretary shall institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order in the district court of the United States for the district in which a person subject to any implementation plan, emission requirement, emission standard, or standard of performance established under this Act is located or resides or is doing business, whenever such person——

"(A) violates or fails or refuses to comply with any order issued under paragraph (2) of this subsection (any such order shall be in force unless and until the court determines that the interests of the public are best served by staying such order and that there is a substantial likelihood that such party will prevail on the merits of the matters subject to review); or

"(B) violates or fails or refuses to comply with any requirement established under section 113, 114, or 115 of this Act; or

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“(C) refuses to furnish any information, data, or reports, or refuses to install, maintain, or use monitoring equipment or methods required by the Secretary or appropriate State agency in furtherance of the provisions of this Act; or

“(D) refuses to permit access to, and copying of, such records as the Secretary determines necessary in carrying out the provisions of this Act.

“(5) Any person subject to an order issued pursuant to subsection (a) (2) of this section and who undertakes compliance with such order shall not be foreclosed from instituting in the United States district court for the district in which the alleged violation occurred an action against the Secretary to challenge such order.

“(6) Such court shall have jurisdiction to provide such relief as may be appropriate under this section.

“(b) Any person (A) who knowingly violates any schedule or timetable of compliance or emission requirement included in any implementation plan, or (B) who knowingly violates any (i) emission standard established under section 114 of this Act, or (ii) prohibition or emission standard established under section 115 of this Act, or (C) who knowingly violates any standard of performance under section 113, or (D) who knowingly violates or fails or refuses to comply with any order issued under this sec
tion, shall, upon conviction, be punished by a fine of not
more than $25,000 per day of violation, or by imprisonment
for not more than one year, or by both. If the conviction is
for a violation committed after the first conviction of such
person under this section, punishment shall be by a fine of
not more than $50,000 per day of violation, or by imprison-
ment for not more than two years, or by both.

"(c) Any person who knowingly makes any false state-
ment, representation, or certification in any application, rec-
ord, report, plan, or other document filed or required to be
maintained under this Act or falsify, tamper with, or render
inaccurate any monitoring device or method required to be
maintained under this Act, or any order or final decision
issued under this section shall, upon conviction, be punished
by a fine of not more than $10,000, or by imprisonment
for not more than six months, or by both."

Sec. 7. Redesignated section 115 of the Clean Air Act
is amended to read as follows:

"CONTROL OF POLLUTION FROM FEDERAL FACILITIES

"Sec. 119. (a) Each agency of the executive, legisla-
tive, and judicial branches of the Federal Government, (1)
having jurisdiction over any real property which it owns and
operates, or (2) engaged in any activity resulting, or which
may result, in the discharge of air pollution agents or com-
binations of such agents, shall provide leadership in carrying
out the policy and purposes of this Act and shall comply with
the requirements of this Act in the same manner as any
person must so comply in the administration of such prop-
erty, facility, or activity. Except for new sources subject
to standards of performance under subsection (c) of section
113 of this Act, the President may exempt any such prop-
erty, facility, vehicle, or vessel of any such agency of the
executive branch from such compliance if he determines it to
be in the paramount interest of the United States to do so.
No such exemption shall be granted due to lack of appro-
priation unless the President shall have specifically requested
such appropriation as a part of the budgetary process and the
Congress shall have failed to make available such requested
appropriation. Any exemption shall be for a period not in
excess of one year, but additional exemptions may be granted
for periods of not to exceed one year upon the President
making a new determination. The President shall report each
January to the Congress all exemptions from the require-
ments of this section granted during the preceding calendar
year, together with his reason for granting each such exemp-
tion. Exemptions for agencies of the legislative or judicial
branches shall be by act of Congress.

"(b) The Governor, the attorney general or any citi-
zen of any State in which any Federal property, facility, or
activity is located may seek to enforce the provision of this
section pursuant to section 304 of this Act."
SEC. 8. Sections 202 through 212 of the Clean Air Act are amended to read as follows:

"ESTABLISHMENT OF STANDARDS

"SEC. 202. (a) Except as provided in subsection (b) of this section:

(1) The Secretary shall by regulation, after consulting with appropriate advisory committees, prescribe, as soon as practicable and in accordance with the provisions of this section, standards applicable to the emission of all known substances of any kind or description from any class or classes of (A) vessels, aircraft, commercial vehicles and new noncommercial vehicles, and (B) vessel, aircraft, commercial vehicle, and 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. 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.

(2) In order to assure attainment and maintenance of national ambient air quality standards established under this Act and, Consistent with the requirements of subsection (b) of this section, any such standards for the control of emissions from new vehicles and new vehicle engines shall be based on the degree of emission control from such vehicles.
and vehicle engines required to assure protection of public health and welfare and implementation of ambient air quality standards established without regard to the source of power or the propulsion system used to obtain such emission reduction, except as required by subsection (e)(2) of this section.

“(3) Regulations or standards issued by the Secretary under this title prior to the enactment of this section shall continue in effect until revised by the Secretary consistent with the purposes of this Act.

“(4) Regulations shall be published in the Federal Register, and interested persons shall be given an opportunity to submit written comments thereon. After considering such comments, the Secretary shall promulgate such regulations in accordance with section 553 of title 5 of the United States Code, in the Federal Register with such modifications as he deems appropriate consistent with the purposes of this section. The Secretary shall from time to time review and, when appropriate, revise such regulations in accordance with this section.

“(5) Any regulation promulgated under this section and revisions thereof shall become effective on the date or dates specified in such regulations, which date or dates shall be determined by the Secretary after consideration of the period reasonably necessary from a technical standpoint for compliance.
"(6) Prior to publishing any or regulations pursuant to this section the Secretary shall, to the maximum extent practicable within the time provided, consult with appropriate advisory committees, independent experts and Federal departments and agencies.

"(b) (1) Beginning with model year 1975 or after January 1, 1975, any new light duty motor vehicle or any new light duty motor vehicle engine, as determined by the Secretary, shall be required for certification, certified to meet emission standards established by the Secretary, as necessary to achieve ambient air necessary to protect the public health and welfare. Such standards shall, which at the minimum, represent (A) for those air pollution agents for which emission standards were in effect prior to the date of enactment of the National Air Quality Standards Act of 1970, a ninety per centum reduction from allowable emissions for 1970 model year vehicles or engines, and (B) for those air pollution agents for which no emission standards were in effect a ninety per centum reduction from the average of such pollution agents as actually measured from 1970 model year vehicles or engines based on measurement techniques established by the Secretary.

"(2) In the event a new power source or propulsion system for new vehicles or new vehicle engines is submitted for certification pursuant to this Act, the Secretary shall
determine, prior to certification, that such source shall not cause or contribute to a violation of national ambient air quality standards.

"(c) The Secretary shall, before publishing any regulations or revisions thereof, pursuant to subsection (a) of this section, consult with (1) the Federal Aviation Administrator with respect to aircraft and aircraft engines in order to assure appropriate consideration of aircraft safety and (2) the Secretary of the department in which the Coast Guard is operating with respect to vessels and vessel engines in order to insure appropriate consideration of vessel safety and navigation. The Secretary of Defense may exempt, for a period of not to exceed one year, military vessels and aircraft from the application thereto of such regulations upon determining that such exemption is necessary for the purpose of national security. He shall notify the Congress of such exemption.

"PROHIBITED ACTS

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

"(1) (A) 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, to sell or to offer to sell or to deliver for introduction into commerce any such vessel, aircraft,
vehicle, or engine, or (B) in the case of any person, the importation into the United States of any such vessel, aircraft, vehicle, or engine, which is manufactured or imported after the effective date of regulations promulgated under section 202 which are applicable to such vessel, aircraft, vehicle, or engine, unless it is in conformity with such regulations (except as provided in subsection (b) of this section) and section 206 of this Act;

"(2) in the case of an owner or operator of a vessel, aircraft, or commercial vehicle, or a vessel, or commercial vehicle, or aircraft engine, the use in commerce of such vessel, aircraft, vehicle, or engine after the effective date of such regulations which are applicable thereto, unless it is in conformity with such regulations (except as provided in subsection (b) of this section) and section 206 of this Act;

"(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 this title; or

"(4) for any person to knowingly remove or render inoperative other than for purposes of maintenance, and repair or replacement, any device or element of design installed on or in any such vessel, aircraft, or vehicle, or such vessel, aircraft, or vehicle engine in
compliance with such regulations prior to its sale and
delivery to the ultimate purchaser or during its term of
use, other than to install a device or system certified pur-
suant to section 211.

"(5) for any person to remove or render inoper-
tive, other than for purposes of maintenance or repair,
any device or element of design installed on or in any
such vessel, aircraft, or vessel or engine thereof in com-
pliance with such regulations during the term of its use.

"(b) (1) The Secretary may exempt any new vessel,
aircraft, or vehicle, or new vessel, aircraft, or vehicle engine,
or class thereof from the requirements of subsection (a) of
this section upon such terms and conditions as he may find
necessary to protect the public health or welfare, for the pur-
pose of research, investigations, studies, demonstrations, or
training.

"(2) A new vessel, aircraft, or vehicle, or a new vessel,
aircraft, or vehicle engine imported, or offered for importa-
tion, by any person in violation of subsection (a) shall be
refused admission into the United States. The Secretary
of the Treasury and the Secretary may, by joint regulation,
provide for deferring final determination as to such admis-
sion and authorize the delivery of such a vessel, aircraft, vehi-

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cle, or engine offered for import to the owner or operator 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 standard, require-
ments, and limitations applicable to it under this title. The
Secretary of the Treasury shall, if such vessel, aircraft, vehi-
icle, or engine is finally refused admission under this para-
graph, cause disposition thereof in accordance with the
customs laws unless it is exported, under regulations pre-
scribed by the Secretary of the Treasury within ninety days
after 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 purchaser, of a
new vessel, aircraft, vehicle, or engine that fails to comply
with applicable standards of the Secretary.

"INJUNCTION PROCEEDINGS"

"Sec. 204. (a) The district courts of the United States
shall have jurisdiction to enjoin violations of section 203 of
this title. 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.

"(b) If the Secretary determines that any State has
adequate authority to enjoin violations of section 203 of
this title, he shall delegate to such State any such enforce-
ment authority under this title, except that nothing in this
subsection shall operate to prohibit the Secretary from also
acting at any time to restrain such violations.

"PENALTIES"

"Sec. 205. Any person who violates section 203 (a)
of this title shall be subject, upon conviction, to a civil
penalty of not more than $10,000. Any such violation of
paragraph (1), (2) or (4) of section 203 (a) of this title
shall constitute a separate offense with respect to each vessel,
aircraft, vehicle, or engine subject to its requirements.

"CERTIFICATION AND PRODUCTION MODEL TESTING"

"Sec. 206. (a) (1) The Secretary shall test or require
to be tested, in such manner as he deems appropriate, any
new vessel, vehicle, or aircraft, or new vessel, vehicle or
aircraft engine, or class thereof, submitted by a manufacturer
to determine whether such vessel, vehicle, aircraft, or engine
conforms with the regulations prescribed under section 202
of this title. If such vessel, vehicle, aircraft, or engine con-
forms to such regulations, the Secretary shall issue a certifi-
cate of conformity upon such terms and conditions, and for
such period as he may prescribe, which period shall not be
longer than one year unless the manufacturer demonstrates
that the new model period for such vessel, vehicle, aircraft,
or engine is for longer than one year.
“(2) The Secretary shall develop and publish in the Federal Register, after consultation with, as appropriate, the Secretary of Transportation, the Secretary of the department in which the Coast Guard is operating, and the Secretary of Defense and other interested Federal agencies, regulations simultaneously with those published under section 202 of this title, in accordance with section 553 of title 5 of the United States Code, concerning the testing of such vessels, aircraft, and such vessel or aircraft engines. Such regulations shall provide, among other things, such technical data and other information as shall be required in conducting such tests. The Secretary shall provide an opportunity for interested persons to submit written comments thereon. He shall thereafter promulgate such regulations with such modifications as he deems appropriate and such regulations shall become effective upon publication.

“(3) Any such vehicle or vehicle engine sold by such manufacturer which is in all material respects substantially the same construction as the test vehicle or vehicle engine for which a certificate has been issued under (a)(1) of this section, and is in effect, shall for the purposes of this Act be deemed to be in conformity with the regulations issued under section 202 of this title, except as provided in subsection (b) of this section and section 207 of this Act.

“(b)(1) The Secretary shall establish and inform the
manufacturers of (1) methods and procedures to be used in making tests under this section; and (2) methods and procedures to be used in determining the relationship of test results to applicable regulations established under section 202.

"(2) In order to determine whether any new vessels, vehicles, or aircraft, or new vessel, vehicle, or aircraft engines under the control or custody of a manufacturer conform with the regulations with respect to which a certificate of conformity was issued, the Secretary is authorized to test or require testing of any such vessels, vehicles, aircraft, or engines, or class thereof, while in the control or custody of the manufacturer.

"(3) If, based on such test, the Secretary determines that such vessels, vehicles, aircraft, or engines do not conform with the regulations with respect to which the certificate of conformity was issued, he shall notify the manufacturer, and he may by notice suspend or revoke such certificate in whole or in part. Such suspension or revocation shall apply in the case of any new vessels, vehicles, or aircraft or any new vessel, vehicle, or aircraft engines manufactured for sale after the date of such notification (or manufactured before such date if still in the control or custody of the manufacturer), and until such time as the Secretary finds that such vessels vehicles, aircraft, or engines manufactured by the manufactur-
er conforms to such regulations. If, during any period of sus-

ermination or revocation the Secretary finds that such vessels,

vehicles, aircraft, or engines or class thereof, conforms to such

regulations, he shall by notice reinstate such certificate.

"(4) (A) Within thirty days of receipt of notice of such

suspension or revocation under this subsection or denial of a

request for certification under subsection (a), the manufac-

turer may file with the Secretary an application for a public

hearing for review thereof. Upon receipt of such application,

the Secretary shall promptly hold a hearing to enable such

manufacturer to present information relating thereto. The fil-

ing of an application for review under this paragraph shall not

operate as a stay of such suspension, revocation, or denial.

Any such hearing shall be of record and shall be subject to

section 554 of title 5 of the United States Code.

"(B) In connection with any hearing under this sub-

section, the Secretary may sign and issue subpoenas for the

attendance and testimony of witnesses and the production

of relevant papers, books, and documents, and administer

oaths. Witnesses summoned shall be paid the same fees and

mileage that are paid witnesses in the courts of the United

States. In case of contumacy or refusal to obey a subpoena

served upon any person under this subparagraph, the district

court of the United States for any district in which such per-

son is found or resides or transacts business, upon application
by the United States and after notice to such person to appear
and give testimony before the Secretary or to appear and
produce documents before the Secretary, or both, and any
failure to obey such order of the court may be punished by
such court as a contempt thereof.

"(C) Any decision issued by the Secretary under this
subsection shall be subject to judicial review by the United
States court of appeals for the circuit in which such manu-
facturer resides or has his principal place of business, or the
United States Court of Appeals for the District of Colum-
bia, upon the filing in such court within thirty days from
the date of such decision of a petition by any person ag-
grieved thereby praying that the decision be modified or
set aside in whole or in part. A copy of the petition shall
forthwith be sent by registered or certified mail to the
Secretary and thereupon the Secretary shall certify and file
in such court the record upon which the final decision com-
plained of was issued, as provided in section 2112 of title
28, United States Code. The court shall hear such petition on
the record made before the Secretary. The findings of the
Secretary shall be presumed correct. The court may affirm,
vacate, or modify any decision of the Secretary and, when
appropriate, issue such process as may be necessary, or may
remand the proceedings to the Secretary for such further
actions as it may direct. The judgment of the court shall be
subject to review only by the Supreme Court of the United States upon a writ of certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of a proceeding under this subparagraph shall not operate as a stay of the final decision of the Secretary, unless and until the court determines that the interests of the public are best served by a stay of such final decision.

"(D) For purposes of enforcement of this title, authorized representatives of the Secretary, upon presenting appropriate credentials and written notice to the manufacturer, or his agent in charge, or dealer are authorized (i) to enter, at reasonable time, any factory, warehouse, establishment, or other facility of such manufacturer or dealer, in or at which such vessels, vehicles, aircraft, or engines are manufactured, assembled, or constructed, or are held for introduction into commerce or are held for sale or resale after such introduction; and (ii) to inspect, at reasonable times and in a reasonable manner, such factory, warehouse, establishment, or other facility and the vessels, vehicles, aircraft, and engines therein. Each such inspection shall be commenced and completed with reasonable promptness.

"(F) Every manufacturer of such vessel, vehicle, aircraft, or engine shall furnish to the dealer or, if appropriate, to the ultimate purchaser at the time of delivery thereof by such manufacturer a certification that such vessel, vehicle,
aircraft, or engine conforms to all applicable standards issued under this title. Such certification shall be in such form as to be clearly visible and shall be permanently affixed thereto. (c) With respect to vessels and vessel engines, the testing, certification, and related actions required by this section shall be conducted by the Secretary of the department in which the Coast Guard is operating pursuant to laws administered by him. With respect to aircraft and aircraft engines, the testing, certification, and related actions required by this section shall be conducted by the Secretary of Transportation pursuant to the Federal Aviation Act of 1958, as amended. With respect to vessels and aircraft and the engines thereof being manufactured for the Department of Defense, that Department shall conduct the testing, certification, and related actions required by this section.

"MOTOR VEHICLE AND MOTOR VEHICLE ENGINE

COMPLIANCE TESTING"

"SEC. 207. (a) Every manufacturer of a new vehicle or new vehicle engine, or both, subject to the regulations issued under section 202 of this title, shall, prior to the delivery thereof to the dealer, or if appropriate, the ultimate purchaser, test or cause to be tested such vehicles or engines in accordance with good engineering practices and such regulations as the Secretary may prescribe under this section, to ascertain that such vehicles or engines will conform to the
applicable certificate issued under this title for the lifetime
emissions of such vehicle or engine. No certificate shall be
issued for such vehicles or engines under this title unless the
manufacturer has such a testing program.

"(b) The Secretary shall establish methods and proce-
dures for making tests under this section and inform the
manufacturers with respect thereto by regulation promul-
gated in accordance with section 553 of title 5 of the United
States Code. Such regulations adopted by the Secretary prior
to enactment of the National Air Quality Standards Act of
1970 shall continue in force until modified by him consistent
with the purposes of this section.

"(c) Every new vehicle or new vehicle engine of a
manufacturer introduced in commerce for sale or resale shall
be warranted to have installed and in operation systems or
devices for the control or reduction of air pollution agents or
combinations of such agents emitted from such vehicle or en-
gine, in conformance by the manufacturer to be designed,
built, and equipped so as to conform with applicable regula-
tions issued under this title, (1) that are substantially of the
same construction as systems or devices on test vehicles or
test engines for which a certificate has been issued to the
manufacturer under this title, and (2) that such systems or
devices will be effective and shall further be warranted to
remain in conformance with such regulations for the lifetime
emissions of such vehicles or engines if properly maintained, serviced, and operated. Normal service in an urban area or its equivalent operation for one hundred thousand miles or ten years, whichever is lesser, shall be taken as the basis for the lifetime emissions of a vehicle or engine under this section. The manufacturer shall furnish with each vehicle or engine written instructions for necessary proper maintenance and use by the ultimate purchaser. Such warranty shall apply to the ultimate purchaser and subsequent purchasers thereof. In addition, the manufacturer shall include on a label or tag permanently affixed to such vehicle or engine such information relating to control of vehicle emissions and compliance with this Act as the Secretary shall prescribe by regulation. The actual cost to the manufacturer of such systems or devices and installation thereof and warranty shall be disclosed in accordance with the provisions of the Act of July 7, 1958 (15 U.S.C. 1231–1233).

“(d) (1) The Secretary shall conduct, or cause to be conducted, such inspections, tests, studies, research, and investigations as may be necessary to determine whether any class of vehicles or engines continue to conform to the regulations prescribed under section 202 of this Act, after such vehicles or engines have been in operation, for such period or number of miles as the Secretary may deem appropriate. Any such inspection of a vehicle or engine, after
its sale to the ultimate purchaser, shall be made only if the owner of such vehicle or engine voluntarily permits such inspection to be made, except as may be provided by any State or local inspection program.

"(2) If through testing, inspection, studies, or other investigation of statistically representative samples of any class or category of vehicles or vehicle engines, or by other means, the Secretary determines that such class or category of vehicles or engines, operated under normal conditions of proper maintenance and use, do not conform to the regulations prescribed under section 202 or the certification issued under this title, he shall immediately notify the manufacturer thereof of such determination of nonconformity. The Secretary shall publish such notice and, with reasonable specificity, information concerning his determination of nonconformity in the Federal Register as promptly as possible. The Secretary shall within thirty days after such notice is issued afford the manufacturer and other interested persons an opportunity to present their views and evidence in support thereof at a public hearing or in writing with regard to such determination of nonconformity. The Secretary shall, within a reasonable time, but in no event more than sixty days from the date of notice of nonconformity, order the manufacturer to provide prompt notification of such nonconformity to the ultimate purchaser and, if known, subsequent purchasers of all such
vehicles or vehicle engines included within the class or category unless the Secretary, on the basis of all the facts and evidence in the public record of such proceedings, shall conclude that the class or category of vehicles or engines is in conformity with the regulation and certification and publish such conclusion together with the reasons therefor in the Federal Register as promptly as possible.

“(e) (1) Every manufacturer of vehicles or engines subject to the provisions of this section shall furnish notification of any defect in such vehicle or engine produced by him, which he discovers during the term of any warranty required by this title, and which he determines, in good faith, causes or will cause such vehicle or engine to be in nonconformity with such certification or regulations, to the ultimate purchaser or subsequent purchaser thereof (where known to the manufacturer) within a reasonable time not to exceed sixty days after discovery of such defect.

“(2) The notification required by this section shall be—

“(A) by any expeditious process, which, for those purchasers who do not initially respond must include notice by certified mail to the last-known address of the ultimate purchaser of such vehicle or engine, and to any subsequent purchasers, if known, to whom has been transferred any warranty required by this title;

“(B) by certified mail to the dealer of such vehicle or engine; and
“(C) by such other expeditious and reasonable means of informing purchasers thereof not known to the manufacturer.

“(3) The notification to such purchasers provided for in this subsection shall contain a clear description of the nonconformity, a statement of measures to be taken to remedy such nonconformity, and a commitment of the manufacturer to cause such nonconformity to be remedied at no cost to the owner.

“(4) The manufacturer shall furnish, at the Secretary's request, copies of such notification.

“(f) The United States district court shall have jurisdiction to restrain violations of this section or any order of the Secretary issued under this section.

"STATE GRANTS

"Sec. 208. (a) The Secretary is authorized to make grants to appropriate State agencies in an amount up to two-thirds of the cost of developing and maintaining effective vehicle emission device and systems inspection and emission testing and control 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 Secre-
tary of Transportation has certified to the Secretary that
such program is consistent with any highway safety pro-
gram developed pursuant to section 402 of title 23 of the
United States Code.

"(b) Such grants shall be in addition to, and shall not
supplant, existing funding programs of a State for air
pollution control.

"RECORDS AND REPORTS

"SEC. 209. (a) Every manufacturer of a vessel, vehicle,
aircraft, or vessel, vehicle, or aircraft engine subject to the
provisions of this title shall establish and maintain such
records, make such reports, perform such tests, and provide
such information as the Secretary may reasonably require
to enable him to determine whether such manufacturer has
acted or is acting in compliance with this title and regulations
thereunder, and shall, upon request of an authorized rep-
resentative of the Secretary, permit such officer or employee
at reasonable times to have access to and copy such records.

"(b) Except for emission data, upon a showing satis-
factory to the Secretary by the person filing such records and
reports that such records or reports or portion thereof, if made
public, would divulge trade secrets or secret processes of such
person, the Secretary shall consider such records or reports
or portion thereof confidential to the purposes of section
1905 of title 18 of the United States Code, except that such
records or reports may be disclosed to other officers or em-
ployees concerned with carrying out this Act or when rele-
vant in any proceeding under this Act.

"STATE STANDARDS"

"Sec. 210. (a) No State or any political subdivision
thereof shall adopt or attempt to enforce any standard re-
lating to the control of emissions from new vehicles, com-
mercial vehicles, new noncommercial vehicles, vessels, aircraft,
or new vehicle, commercial vehicle, new noncommercial ve-
hicle, vessel, or aircraft engines subject to this title, or
prohibit or regulate for the purpose of emission control, the sale
or use of any fuel or fuels which are registered in accord-
ance with section 212(a) of this Act, except where such
State demonstrates, after public hearings, to the satisfaction of the Secretary that more restrictive emissions for new ve-
hicles or new vehicle engines are required to implement na-
tional ambient air quality standards for any air quality re-
gion within such State. No State shall require certification,
ispection, or any other approval relating to the control of
emissions from any commercial vehicle, new noncommer-
cial vehicle, vessel, or aircraft or commercial vehicle, new
noncommercial vehicle, vessel, or aircraft engine as condi-
tion precedent to the initial retail sale to an ultimate pur-
chaser, titling (if any), or registration of such vehicle,
vessel, aircraft, or engine.
“(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 crankcase 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 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 any aircraft, vessels, or registered or licensed vehicles, particularly such controls, regulations, or restrictions necessary to achieve compliance with national ambient air quality standards and national ambient air quality goals established pursuant to title I of this Act.

“USED VEHICLES

“Sec. 211. (a) (1) As soon as possible after the enactment of this section, the Secretary shall promulgate Federal standards of performance for used vehicle emission control devices or systems designed to prevent or reduce air pollution emissions from used vehicles.

“(2) As soon as possible after promulgation of the
standards required in paragraph (1) the Secretary shall develop and publish in the Federal Register, in accordance with section 553 of title 5 of the United States Code regulations providing for certification and warranty of such devices or systems. Such regulations shall consider the technical feasibility of installing and maintaining in proper condition such devices or systems used vehicles or engines or class thereof. The Secretary shall afford a reasonable opportunity for interested persons to submit written comments thereon and, after consideration thereof, shall promulgate such regulations which shall become effective upon promulgation.

"(b) (1) No manufacturer of a device for application on used vehicles shall sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States for sale or resale any such device manufactured after the effective date of the standards and regulations promulgated under this section unless such device is in all material respects substantially the same as a test device certified under this subsection.

"(2) Upon application of the manufacturer, the Secretary shall so certify a used vehicle device if he determines, in accordance with the provisions of this paragraph, that it meets the appropriate standards and regulations promulgated under this section. The Secretary shall test or require such testing of the device as to standards of performance and for
such other purposes as may be appropriate. If the Secretary
determines that the device is satisfactory from the standpoint
of the procedures set forth and after consideration of the de-
sign, installation, operation, material, or other appropriate
factors, he shall certify the device. Any device manufactured by such manufacturer which is in all material respects
substantially the same as the certified test device shall be
deemed to be in conformity with the appropriate standards
and regulations established under this section.

"(c) After the effective date of standards and regula-
tions promulgated under this section, it shall be unlawful—

"(1) for the manufacturer of any device subject to
such standards and regulations to sell or offer for sale,
or to distribute for sale any such device unless it is
in all material respects substantially the same as the
appropriate test device certified pursuant to this section;
or

"(2) for any person, prior to the sale or delivery of
a device subject to such standards and regulations to the
ultimate purchaser, wrongfully to remove or render
inoperative any certified device or element of design of
such device; or

"(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 this section; and
“(d) The district courts of the United States shall have jurisdiction to restrain violators of subsection (c) of this section. Actions to restrain such violators 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. In case of contumacy or refusal to obey a subpoena served upon any person under this subsection, 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 United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

“(e) Any person who violates clause (2) of subsection (c) of this section shall be liable to a civil penalty of not more than $1,000 for each violation. Each violation shall be a separate offense. No penalty shall be assessed until the person charged shall have been given notice and an opportunity for a hearing on such charge. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by said Secretary.
"SEC. 212. (a) The Secretary may from time to time by regulation designate any fuel or fuels (including fuels used for purposes other than 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 commerce or to another person who, it can reasonably be expected, will deliver such fuel for such introduction, unless (A) such fuel or fuel additive contained therein has been registered in accordance with the requirements of subsection (c) (1) of this section, and (B) any such fuel is in conformity with regulations established by the Secretary in accordance with subsection (b) of this section.

(b) (1) The Secretary may, on the basis of information obtained under subsection (c) of this section or any other information available to him, by regulation prohibit the use of any fuel which includes any components, including additives, in amounts which may contribute to emissions which would endanger the public health or welfare or impair the emission control performance of any vehicle or vehicle engine which the Secretary finds would otherwise conform to standards promulgated pursuant to section 202 of this Act.
"(2) Prior to establishing any prohibition on the use of any fuel which includes components, including additives, in any amount in any fuel for purposes other than protection of the public health or welfare, the Secretary shall find, and publish such finding, that such standards are necessary for the application of the most effective program of emission control for new vehicles or new vehicle engines or certified used vehicle devices or that such standards are necessary to achieve the most economic alternative emission control performance over the life of the vehicle, engine or device.

"(3) For the purpose of carrying out this section the Secretary may prescribe regulations prohibiting the manufacture for sale, the sale, the offering for sale, or the delivery of any fuel in commerce.

"(c) (1) The Secretary may require the manufacturer of any fuel or fuel additive to furnish such information as is reasonable and necessary to determine the emissions resulting from the use of the fuel or fuel additive or the effects of such fuel or fuel additive on the emission control performance of any vehicle or vehicle engine which the Secretary finds would otherwise conform to standards promulgated pursuant to section 202 of this Act. If the Secretary determines that additional information is necessary to identify the effects of such emissions on public health or welfare, or on emission control performance, the Secretary may prescribe the data
necessary to facilitate such determination of the extent to which such emissions will adversely affect the public health or welfare or emission control performance. Among other types of information, the Secretary shall require—

"(A) 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-use of such additive; and

"(B) 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 (A) of this paragraph, the description of any analytical technique that can be used to detect and measure such additive in fuel, the recommended range of concentration of such additive, and the recommended purpose in use of such additive, and the chemical structure of such additive or additives.

Upon compliance with the provision of this subsection including assurances that any changes in the information required will be provided to the Secretary, the Secretary shall register such fuel or fuel additive.

"(2) In obtaining information under this subsection, the Secretary may sign and issue subpoenas for the deposition of relevant persons and the production of relevant records,
reports, and documents, and administer oaths. In case of contumacy or refusal to obey a subpoena served upon any person under this paragraph, 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 United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof. Upon a showing satisfactory to the Secretary by the person filing or submitting such information that such information or portion thereof, if made public, would divulge trade secrets or secret processes of such person, the Secretary shall consider such information or portion thereof confidential for the purposes of section 1905 of title 18 of the United States Code, 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. The Secretary shall make available any such information which is not so considered confidential and which will contribute to scientific or public understanding of the relationship between the components of such fuels and their contribution to the problem of air pollution.
“(d) Any person who violates subsection (a) or (b) of this section shall forfeit and pay to the United States a civil penalty of $10,000 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 subsection and he shall have authority to determine the facts upon all such applications.

“(e) Regulations issued under this section and section 211 shall be published in the Federal Register, in accordance with section 553 of title 5 of the United States Code, and shall afford interested persons a reasonable period to submit written comments thereon.”

SEC. 9. The Clean Air Act is amended by adding after section 212 the following new sections:

“DEVELOPMENT OF LOW-EMISSION VEHICLES

“Sec. 213. 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 not subject to section 202 (c).
“(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.

“DEFINITIONS

“Sec. 214. For the purpose of this title, the term—

“(1) ‘vessel’ means every description of self-propelled watercraft or other artificial contrivance used, or capable of being used, as a means of commercial transportation in water;

“(2) ‘vessel engine’ means an engine used for the propulsion of a vessel and located either therein or separated therefrom, but is intended for such use, and includes all parts, appurtenances, and accessories thereof;

“(3) ‘aircraft’ means any contrivance now known or hereinafter invented, used, or designed for navigation of, or flight in, the air;

“(4) ‘aircraft engine’ means an engine used, or intended to be used, for propulsion of aircraft and located either therein or separated therefrom, but is intended for such use, and includes all parts, appurtenances, and accessories thereof;

“(5) ‘vehicle’ means any self-propelled vehicle designed for transporting persons or property on a road.
street, parkway, or highway or on rails, or for agricultural
use;

“(6) ‘vehicle engine’ means an engine used for the
propulsion of a vehicle or motor vehicle and located
therein or separated therefrom, but is intended for such
use, and includes all parts, appurtenances, and accessories
thereof;

“(7) ‘new’ when applied to a vessel, aircraft, or
vehicle, or vessel, aircraft, or vehicle engine means that
the equitable or legal title thereto has not, under applica-
ble law has been transferred to an ultimate purchaser,
except that with respect to vessels, aircraft, or vehicles,
or vessels, aircraft, or vehicle engines imported or offered
for importation, such term shall mean a vessel, aircraft,
or vehicle, or vessel, aircraft, or vehicle engine imported
into the United States on or after the day following the
date of enactment of this paragraph;

“(8) ‘ultimate purchaser’ means the first person
who in good faith purchases a new vessel, aircraft, or
vehicle, or a new vessel, aircraft, or vehicle engine for
purposes other than resale;

“(9) ‘commercial’ means any business activity of
any kind or description by any person engaged in trade
or commerce;

“(10) ‘manufacturer’ as used in this title, except
section 212, means any person engaged in the manufac-
turing or assembling of new vessels, aircraft, or ve-
hicles, or new vessel, aircraft, or vehicle engines, or im-
porting 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;

"(11) 'owner or operator' means any person who
owns, leases, operates, controls, or supervises a vessel,
aircraft, or vehicle or engine thereof;

"(12) 'commerce' means trade, traffic, commerce,
transportation, or communication among the several
States, or between a place in a State and any place out-
side thereof, or within the District of Columbia or a
possession of the United States, or between points in
the same State but through a point outside thereof;

"(13) 'dealer' means any person who is engaged in
the sale or the distribution of new vehicles or new ve-
hicle engines to the ultimate purchaser."

Sec. 10. Section 301 of the Clean Air Act is amended
by adding a new subsection (d) at the end thereof as fol-

"Contracts made under this Act may be made without
regard to the civil service laws and the Classification Act of
1949, as amended, 5 U.S.C. 1071, et seq. as they relate to the
procurement of personal services."

SEC. 11. (a) The Clean Air Act is amended by redesignating sections 303 through 310 as sections 311 through 318.

(b) The Clean Air Act is amended by inserting after section 302 the following new sections to read as follows:

"EMERGENCY POWERS"

"SEC. 303. Notwithstanding any other provision of this
Act, the Secretary, upon receipt of evidence that a pollution source or combination of sources (including moving sources) is presenting an imminent and substantial endangerment to the health of persons, and that appropriate State or local authorities have not acted to abate such sources, may bring suit on behalf of the United States in the appropriate United States district court to immediately enjoin any person causing or contributing to the alleged pollution to stop the emission of air pollution agents or combination of such agents causing or contributing to such pollution or to take such other action as may be necessary.

"CITIZEN SUITS"

"SEC. 304. (a) (1) In furtherance of the purpose of this Act to protect the public health and welfare and control air pollution, the district courts of the United States shall have original jurisdiction, regardless of the amount in con-
troversy or the citizenship of the parties, to enforce, or to
require the enforcement of any provisions of this Act includ-
ing any applicable schedule or timetable of compliance, emis-
sion requirement, standard of performance, emission stand-
ard, or prohibition established pursuant to this Act. Civil
actions for such enforcement, or to require such enforcement,
may be brought by one or more persons on their own behalf,
(A) against any person, including, but not limited to, a gov-
ernemental instrumentality or agency, where there is alleged
a violation by such person of any such provision, standard,
or requirement, or (B) against the Secretary where there is
alleged a failure of the Secretary to exercise (i) his author-
ity to enforce standards established under sections 113, 114,
115, or 116 of this Act; or (ii) any duty established by this
Act. In any such action the court may grant such relief,
temporary or permanent, as may be necessary to carry into
effect such provisions, standards, or requirements.

"(2) Nothing in this section shall affect the right of such
persons as a class or as individuals under any other law to
seek enforcement of such standards or any other relief.

"(3) Prior to instituting any suit, under this subsec-
tion, such person or persons shall, by certified or registered
mail or personal service, notify (A) the Secretary, (B) an
authorized representative of the Secretary, if any, in the
field office responsible for the area in which the alleged
violation occurs, and (C) an authorized representative of the
air pollution control agency of the State in which the alleged
violation occurs, of such alleged violation, and (D) the per-
son, or persons alleged to be in violation. No such suit shall be
filed unless such person or persons shall have afforded the
Secretary, his representative, or such agency, at least thirty
days from the receipt of such notice to institute enforcement
proceedings under this Act to abate such alleged violation;
except any action under this section to abate a violation of
(i) an order issued by the Secretary pursuant to section
116, (ii) clause (A) or (B) of section 113 (g) (1),
(iii) section 114 (e) (1), or (iv) section 115, may be
undertaken, after notice, without regard to the time limita-
tions of this subsection. In any such action, the Secretary, if
not a party, may intervene for the purpose of presenting
evidence on the question of any alleged violation of this Act.

"(b) The court, in issuing any order in any action
brought pursuant to subsection (a) of this section may
award costs of litigation, including reasonable attorney and
expert witness fees, whenever the court determines such
action is in the public interest.

"APPEARANCE

"SEC. 305. In actions instituted under this Act, subject to
the direction and control of the Attorney General, as provided
in section 507 (b) of title 28 of the United States Code, attor-
neys appointed by the Secretary may appear for and repre-
sent the Secretary.

"FEDERAL PROCUREMENT"

"SEC. 306. (a) Any person (1) required to comply with a
order issued by a Federal court pursuant to section 112, 113, 114, 116, of this Act who fails to comply
within the time period specified in such order, or (2) con-
victed by a Federal court for a knowing violation of any
applicable schedule or timetable of compliance, emission
requirement, prohibition, emission standard, or standard of
performance, shall be ineligible to enter into any contract with
any Federal agency for the procurement of goods, materials,
and services to perform such work at or with any facilities
owned, leased, or supervised by such person which are
subject to such action by the court. Such ineligibility shall
continue under clause (1) of this subsection until the Secre-
tary certifies compliance with such order, or under clause
(2) of this subsection, for a period of one year following the
date on which such agency receives notice of such conviction
from the Secretary.

"(b) The Secretary shall establish procedures to pro-
vide all such Federal agencies with the notification necessary
for the purposes of subsection (a) of this section.

"(c) In order to further implement the purposes and
policy of this Act to protect and enhance the quality of
the Nation’s air, the President shall, not more than one
hundred and eighty days after enactment of this section
cause to be issued an order (A) requiring each Federal
agency authorized to enter into contracts and each Federal
agency which is empowered to extend Federal assistance by
way of grant, loan, or contract to effectuate the purpose and
policy of this Act in such contracting or assistance activi-
ties, and (B) setting forth procedures, sanctions, penalties,
and such other provisions, as the President determines
necessary to carry out such requirement.

“(d) The President may exempt any contract, loan,
or grant from all or part of the provisions of this section
where he determines such exemption is necessary in the
paramount interest of the United States and he shall notify
the Congress of such exemption.

“(e) The President shall annually report to the Congress
on measures taken toward implementing the purpose and
intent of this section, including but not limited to the progr-
ress and problems associated with implementation of this
section.

"EMPLOYEE PROTECTION

"Sec. 307. (a) No person shall discharge or in any other
way discriminate against or cause to be discharged or dis-
criminated against any employee or any authorized represent-
ative of employees of any alleged violator by reason of the
fact that such employee or representative has filed, instituted, or caused to be filed or instituted any proceeding under this Act, or has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this Act.

“(b) Any employee or a representative of employees who believes that he has been discharged or otherwise discriminated against by any person in violation of subsection (a) of this section may within thirty days after such violation occurs, apply to the Secretary of Labor for a review of such alleged discharge or discrimination. A copy of the application shall be sent to such person who shall be the respondent. Upon receipt of such application, the Secretary of Labor shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of any party to enable the parties to present information relating to such violation. The parties shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code. Upon receiving the report of such investigation, the Secretary of Labor shall make findings of fact. If he finds that such violation did occur, he shall issue a decision, incorporating an order therein, requiring the person committing such
violation to take such affirmative action to abate the violation as the Secretary of Labor deems appropriate, including, but not limited to, the rehiring or reinstatement of the employee or representative of employees to his former position with compensation. If he finds that there was no such violation, he shall issue an order denying the application. Such order issued by the Secretary of Labor under this sub-paragraph shall be subject to judicial review in accordance with this subsection. Violations by any person of subsection (a) of this section shall be subject to the provisions of section 116 (a) (4).

"(c) Whenever an order is issued under this paragraph, at the request of the applicant, a sum equal to the aggregate amount of all costs and expenses (including the attorney’s fees) as determined by the Secretary of Labor to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the person committing the violation.

"JUDICIAL REVIEW

"Sec. 308. (a) Any interested person may file a petition against the Secretary for review (1) of any promulgated national ambient air quality standard, goal, prohibition, emission standard, standard of performance, waiver or granted pursuant to section 114 (c) (4) of this Act, in the
United States Court of Appeals for the District of Columbia or (2) of any approved or promulgated implementation plan including any emission requirement therein, in the United States Court of Appeals for the appropriate Circuit. Such petition shall be filed within thirty days from the date of such promulgation, or approval, or after such date whenever it is alleged that significant new information has become available, praying that such promulgation or approval be modified or set aside in whole or in part. Any determination or finding of the Secretary, subject to challenge under this subsection, shall be presumed correct. The court shall provide such relief as may be appropriate.

"(b) The commencement of a proceeding under this subsection shall not operate as a stay of such standard, goal, plan, including any emission requirement therein, prohibition, emission standard, standard of performance, or waiver, unless and until the court determines that the party requesting such stay shows that there is a substantial likelihood that such party will prevail on the merits of the matter subject to review and that the interest of the public will not be harmed by such a stay.

"(c) The judgment of the court shall be subject to review only by the Supreme Court of the United States upon a writ of certiorari or certification as provided in section 1254 of title 28 of the United States Code."
MANDATORY LICENSING

Sec. 309. (a) Whenever the Secretary, in order to carry out the purposes of this Act, determines that the practice of the most effective control technology, processes, operating methods, or other alternatives available requires a right or rights under any United States letters patent or patent application, or knowledge of any trade secret or know-how be made available to others, he shall order the owner of such patent, patent application, trade secret, or know-how to grant to each applicant making written request therefor a non-exclusive, nontransferrable license under any such patent, patent application, trade secret, or know-how. For the purpose of this subsection, know-how shall include all technical information known to the owner thereof relating to the most effective control technology, processes, operating methods, or other alternatives available, including written manuals, blueprints, drawings, and specifications.

(b) No license granted pursuant to subsection (a) shall include any restriction, except:

(1) reasonable royalties may be charged;

(2) reasonable provisions may be made to prevent the disclosure of know-how or trade secrets to third persons;

(3) reasonable provisions may be made for periodic royalty payments by the licensee and inspection of the
relevant books and records of the licensee by an independent auditor or other person acceptable to both licensor and licensee, who shall report to the licensor only the amount of the royalty due and payable;

"(4) reasonable provisions may be made for cancellation of the license upon failure of the licensee to make the reports, pay the royalties, or permit the inspection of his books and records as hereinabove provided;

"(5) reasonable provisions may be made to prevent further use by the licensee, in the event of cancellation, of know-how or trade secrets acquired by the licensee pursuant to such license.

"(c) If the owner of any United States letters patent, patent application, trade secret, or know-how and any applicant for a license thereunder pursuant to subsection (a) are unable to agree upon reasonable royalties to be charged under such license or upon any other provision which may be included in such license pursuant to subsection (b), any such disagreement shall be resolved by arbitration under the rules and procedures of the American Arbitration Association then in effect.

"Sec. 310. (a) The Secretary shall review any matter relating to duties and responsibilities granted pursuant to this Act contained in any (1) detailed statement prepared by any agency or Department of the Federal Government pur-
suant to Public Law 91-190, and (2) proposed regulations published by any agency or Department of the Federal Government pursuant to any statutory authority.

"(b) In the event the Secretary determines that such detailed statement or such proposed regulations is unsatisfactory from the standpoint of public health or welfare or environmental quality, the matter shall be referred to the Council on Environmental Quality for a determination and recommendation to the President which shall be made public."

SEC. 11. Redesignated section 317 of the Clean Air Act is amended by striking out "and" before "$134,300,000" and inserting before the period at the end thereof a comma and the following: "$165,000,000 for the fiscal year ending June 30, 1971, $300,000,000 for the fiscal year ending June 30, 1972, and $350,000,000 for the fiscal year ending June 30, 1973".

SEC. 12. The Clean Air Act is amended by adding at the end thereof a new title to read as follows:

"TITLE IV—NOISE POLLUTION

"SEC. 401. This title may be cited as the 'Noise Pollution and Abatement Act of 1970'.

"SEC. 402. (a) The Secretary 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 on the public health and welfare in order to (1) identify and classify causes and sources of noise, and (2) determine—

"(A) effects at various levels;

"(B) projected growth of noise levels in urban areas through the year 2000;

"(C) the psychological and physiological effect on humans;

"(D) effects of sporadic extreme noise (such as jet noise near airports) as compared with constant noise;

"(E) effect on wildlife and property (including values);

"(F) effect of sonic booms on property (including values); and

"(G) such other matters as may be of interest in the public welfare.

"(b) In conducting such investigation, the Secretary shall hold public hearings, conduct research, experiments, demonstrations, and studies. 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 title.

"(c) In any case where any Federal department or
agency is carrying out or sponsoring any activity resulting in
noise which the Secretary determines amounts to a public
nuisance or is otherwise objectionable, such department or
agency shall consult with the Secretary to determine pos-
sible means of abating such noise.

"Sec. 403. There is authorized to be appropriated such
amount, not to exceed $30,000,000, as may be necessary for
the purposes of this title."