

## § 1856b. Emergency assistance.

In the absence of any agreement authorized or ratified by section 1856a of this title, each agency head is authorized to render emergency assistance in extinguishing fires and in preserving life and property from fire, within the vicinity of any place at which such agency maintains fire-protection facilities, when the rendition of such assistance is determined, under regulations prescribed by the agency head, to be in the best interest of the United States. (May 27, 1955, ch. 105, § 3, 69 Stat. 67.)

## § 1856c. Service in line of duty.

Any service performed under section 1856a or section 1856b of this title, by any officer or employee of the United States or any member of any armed force of the United States shall constitute service rendered in line of duty in such office, employment, or force. The performance of such service by any other individual shall not constitute such individual an officer or employee of the United States for the purposes of the Federal Employees' Compensation Act, as amended. (May 27, 1955, ch. 105, § 4, 69 Stat. 67.)

## REFERENCES IN TEXT

The Federal Employees' Compensation Act, referred to in the text, is classified to sections 751—756, 757—781, 783—791 and 793 of Title 5, Executive Departments and Government Officers and Employees.

## § 1856d. Funds.

Funds available to any agency head for fire protection on installations or in connection with activities under the jurisdiction of such agency may be used to carry out the purposes of this chapter. All sums received by any agency head for fire protection rendered pursuant to this chapter shall be covered into the Treasury as miscellaneous receipts. (May 27, 1955, ch. 105, § 5, 69 Stat. 67.)

## Chapter 15B.—AIR POLLUTION CONTROL

## Sec.

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§ 1857. Congressional findings; purposes of chapter.

(a) The Congress finds—

- (1) that the predominant part of the Nation's population is located in its rapidly expanding metropolitan and other urban areas, which generally cross the boundary lines of local jurisdictions and often extend into two or more States;
- (2) that the growth in the amount and complexity of air pollution brought about by urbanization, industrial development, and the increasing use of motor vehicles, has resulted in mounting dangers to the public health and welfare, including injury to agricultural crops and livestock,

damage to and the deterioration of property, and hazards to air and ground transportation;

(3) that the prevention and control of air pollution at its source is the primary responsibility of States and local governments; and

(4) that Federal financial assistance and leadership is essential for the development of cooperative Federal, State, regional, and local programs to prevent and control air pollution.

(b) The purposes of this chapter are—

(1) to protect the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population;

(2) to initiate and accelerate a national research and development program to achieve the prevention and control of air pollution;

(3) to provide technical and financial assistance to State and local governments in connection with the development and execution of their air pollution prevention and control programs; and

(4) to encourage and assist the development and operation of regional air pollution control programs.

(July 14, 1955, ch. 360, § 1, as added Dec. 17, 1963, Pub. L. 88-206, § 1, 77 Stat. 392.)

#### CODIFICATION

Provisions similar to those comprising this section were contained in a prior section 1857, act of July 14, 1955, ch. 360, § 1, 69 Stat. 322, prior to the general amendment of this chapter by Pub. L. 88-206.

#### SHORT TITLE

Section 14 of act July 14, 1955, as added by section 1 of Pub. L. 88-206 provided that: "This Act [enacting this chapter] may be cited as the 'Clean Air Act'."

EX. ORD. NO. 10779. COOPERATION OF FEDERAL AGENCIES WITH STATE AND LOCAL AUTHORITIES

EX. ORD. NO. 10779, Aug. 20, 1958, 23 F.R. 6487, provided:

The heads of the departments, agencies, and independent establishments of the executive branch of the Government shall take such action as may be practicable and consistent with law, in cooperation with State and local authorities concerned with the control of air pollution, to insure the prevention or abatement of atmospheric pollution caused by or resulting from Federal activities, including industrial and manufacturing processes operated or controlled by the Federal Government and the destruction of foodstuffs or other materials by order, or under the supervision, of Federal regulatory authorities, in a manner consistent, so far as feasible, with programs authorized under State or local law pertaining to the preservation of the cleanliness of the atmosphere and applicable to the agencies of governmental bodies creating such law and to the public generally.

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§ 1857a. Cooperative activities.

(a) Interstate cooperation; uniform State laws; State compacts.

The Secretary shall encourage cooperative activities by the States and local governments for the prevention and control of air pollution; encourage the enactment of improved and, so far as practicable in the light of varying conditions and needs, uniform State and local laws relating to the prevention and control of air pollution; and encourage the making of agreements and compacts between States for the prevention and control of air pollution.

(b) Federal cooperation.

The Secretary shall cooperate with and encourage cooperative activities by all Federal departments and agencies having functions relating to the prevention and control of air pollution, so as to assure the utilization in the Federal air pollution control program of all appropriate and available facilities and resources within the Federal Government.

(c) Consent of Congress to compacts.

The consent of the Congress is hereby given to two or more States to negotiate and enter into agreements or compacts, not in conflict with any law or treaty of the United States, for (1) cooperative effort and mutual assistance for the prevention and control of air pollution and the enforcement of their respective laws relating thereto, and (2) the establishment of such agencies, joint or otherwise, as they may deem desirable for making effective such agreements or compacts. No such agreement or compact shall be binding or obligatory upon any State a party thereto unless and until it has been approved by Congress. (July 14, 1955, ch. 360, § 2, as added Dec. 17, 1963, Pub. L. 88-206, § 1, 77 Stat. 393.)

#### CODIFICATION

Provisions similar to those comprising the first clause of subsec. (a) of this section were contained in subsec. (b) (1) of a prior section 1857a, act July 14, 1955, ch. 360, § 2, 69 Stat. 322, prior to the general amendment of this chapter by Pub. L. 88-206.

Such prior section 1857a also related to research programs, joint investigations and powers of Surgeon General. See section 1857b of this title.

§ 1857b. Research and development program; powers and duties of Secretary.

(a) Research, investigations, experiments, training, demonstrations, surveys and studies; technical services and financial assistance; specific problems of air pollution; sulfur extraction research program.

The Secretary shall establish a national research and development program for the prevention and control of air pollution and as part of such program shall—

(1) conduct, and promote the coordination and acceleration of, research, investigations, experiments, training, demonstrations, surveys, and studies relating to the causes, effects, extent, prevention, and control of air pollution; and

(2) encourage, cooperate with, and render technical services and provide financial assistance to air pollution control agencies and other appropriate public or private agencies, institutions, and organizations, and individuals in the conduct of such activities; and

(3) conduct investigations and research and make surveys concerning any specific problem of air pollution in cooperation with any air pollution control agency with a view to recommending a solution of such problem, if he is requested to do so by such agency or if, in his judgment, such problem may affect any community or communities in a State other than that in which the source of the matter causing or contributing to the pollution is located; and

(4) initiate and conduct a program of research directed toward the development of improved, low-cost techniques for extracting sulfur from fuels.

(b) Availability of information and recommendations; cooperative activities; research grants, etc.; contract; training; fellowships; collection and dissemination of basic data on chemical, physical and biological effects of air quality; process, method and device development.

In carrying out the provisions of the preceding subsection the Secretary is authorized to—

(1) collect and make available through publications and other appropriate means, the results of and other information, including appropriate recommendations by him in connection therewith, pertaining to such research and other activities;

(2) cooperate with other Federal departments and agencies, with air pollution control agencies, with other public and private agencies, institutions, and organizations, and with any industries involved, in the preparation and conduct of such research and other activities;

(3) make grants to air pollution control agencies, to other public or nonprofit private agencies, institutions, and organizations, and to individuals, for purposes stated in subsection (a) (1) of this section;

(4) contract with public or private agencies, institutions, and organizations, and with individuals, without regard to section 529 of Title 31 and section 5 of Title 41;

(5) provide training for, and make training grants to, personnel of air pollution control agencies and other persons with suitable qualifications;

(6) establish and maintain research fellowships, in the Department of Health, Education, and Welfare and at public or nonprofit private educational institutions or research organizations;

(7) collect and disseminate, in cooperation with other Federal departments and agencies, and with other public or private agencies, institutions, and organizations having related responsibilities, basic data on chemical, physical, and biological effects of varying air quality and other information pertaining to air pollution and the prevention and control thereof; and

(8) develop effective and practical processes, methods, and prototype devices for the prevention or control of air pollution.

(c) Results of other scientific studies; criteria reflecting latest scientific knowledge: availability, revisions; recommendations of criteria of air quality.

(1) In carrying out the provisions of subsection (a) of this section the Secretary shall conduct research on, and survey the results of other scientific studies on, the harmful effects on the health or welfare of persons by the various known air pollution agents (or combinations of agents).

(2) Whenever he determines that there is a particular air pollution agent (or combination of agents), present in the air in certain quantities, producing effects harmful to the health or welfare of persons, the Secretary shall compile and publish criteria reflecting accurately the latest scientific knowledge useful in indicating the kind and extent of such effects which may be expected from the presence of such air pollution agent (or combination of agents) in the air in varying quantities. Any such criteria shall be published for informational purposes and made available to municipal, State, and

interstate air pollution control agencies. He shall revise and add to such criteria whenever necessary to reflect accurately developing scientific knowledge.

(3) The Secretary may recommend to such air pollution control agencies and to other appropriate organizations such criteria of air quality as in his judgment may be necessary to protect the public health and welfare. (July 14, 1955, ch. 360, § 3, as added Dec. 17, 1963, Pub. L. 88-206, § 1, 77 Stat. 394.)

#### CODIFICATION

Provisions similar to those comprising subsec. (a) (3) of this section were contained in subsec. (a) of a prior section 1857b, act July 14, 1955, ch. 360, § 3, 69 Stat. 322, as amended Oct. 9, 1962, Pub. L. 87-761, § 2, 76 Stat. 760, prior to the general amendment of this chapter by Pub. L. 88-206.

#### PRIOR PROVISIONS

Provisions similar to those comprising this section were contained in former sections 1857a-1857d, act July 14, 1955, ch. 360, §§ 2-5, 69 Stat. 322 (section 1857b as amended Oct. 9, 1962, Pub. L. 87-761, § 2, 76 Stat. 760; section 1857d as amended Sept. 22, 1959, Pub. L. 86-365, § 1, 73 Stat. 646 and Oct. 9, 1962, Pub. L. 87-761, § 1, 76 Stat. 760), prior to the general amendment of this chapter by Pub. L. 88-206.

#### STUDY OF SUBSTANCES DISCHARGED FROM EXHAUSTS OF MOTOR VEHICLES

Pub. L. 86-493, June 8, 1960, 74 Stat. 162, directed the Surgeon General of the Public Health Service to conduct a thorough study for the purposes of determining, with respect to the various substances discharged from the exhausts of motor vehicles, the amounts and kinds of such substances which, from the standpoint of human health, it is safe for motor vehicles to discharge into the atmosphere under the various conditions under which such vehicles may operate. Not later than two years after June 8, 1960, the Surgeon General was required to submit to Congress a report on the results of the study, together with such recommendations, if any, based upon the findings made in such study, as he deemed necessary for the protection of the public health.

§ 1857c. Grants for air pollution control programs.

(a) Amount; limitations; "regional air pollution control program" defined.

From the sums appropriated annually for the purposes of this chapter but not to exceed 20 per centum of any such appropriation, the Secretary is authorized to make grants to air pollution control agencies in an amount up to two-thirds of the cost of developing, establishing, or improving programs for the prevention and control of air pollution: *Provided*, That the Secretary is authorized to make grants to intermunicipal or interstate air pollution control agencies (described in section 1857h(b) (2) and (4) of this title) in an amount up to three-fourths of the cost of developing, establishing, or improving, regional air pollution programs. As used in this subsection, the term "regional air pollution control program" means a program for the prevention and control of air pollution in an area that includes the areas of two or more municipalities, whether in the same or different States.

(b) Terms and conditions; regulations; factors for consideration; expenditure and consultation requirements.

From the sums available under subsection (a) of this section for any fiscal year, the Secretary shall from time to time make grants to air pollution control agencies upon such terms and conditions as the Secretary may find necessary to carry out the

purpose of this section. In establishing regulations for the granting of such funds the Secretary shall, so far as practicable, give due consideration to (1) the population, (2) the extent of the actual or potential air pollution problem, and (3) the financial need of the respective agencies. No agency shall receive any grant under this section during any fiscal year when its expenditures of non-Federal funds for air pollution programs will be less than its expenditures were for such programs during the preceding fiscal year. No grant shall be made under this section until the Secretary has consulted with the appropriate official as designated by the Governor or Governors of the State or States affected.

**(c) State expenditure limitation.**

Not more than 12½ per centum of the grant funds available under subsection (a) of this section shall be expended in any one State. (July 14, 1955, ch. 360, § 4, as added Dec. 17, 1963, Pub. L. 88-206, § 1, 77 Stat. 395.)

**CODIFICATION**

A prior section 1857c, act July 14, 1955, ch. 360, § 4, 69 Stat. 322, related to the preparation of reports and recommendations. See section 1857b(b)(1) of this section.

**PRIOR PROVISIONS**

Provisions similar to those comprising subsecs. (a) and (b) of this section were contained in former section 1857d, act July 14, 1955, ch. 360, § 5, 69 Stat. 322, as amended Sept. 22, 1959, Pub. L. 86-365, § 1, 73 Stat. 648; Oct. 9, 1962, Pub. L. 87-761, § 1, 76 Stat. 760, prior to the general amendment of this chapter by Pub. L. 88-206.

**§ 1857d. Enforcement measures against air pollution.**

**(a) Air pollution subject to abatement.**

The pollution of the air in any State or States which endangers the health or welfare of any persons, shall be subject to abatement as provided in this section.

**(b) Encouragement of municipal, State and interstate action.**

Consistent with the policy declaration of this chapter, municipal, State, and interstate action to abate air pollution shall be encouraged and shall not be displaced by Federal enforcement action except as otherwise provided by or pursuant to a court order under subsection (g) of this section.

**(c) Notification of interstate and intrastate pollution; conference of municipal, State and interstate agencies; conference for interstate pollution called by Secretary; agency cooperation on surveys or studies; persons in attendance at conference; notice of conference date; summary of conference discussions.**

(1) (A) Whenever requested by the Governor of any State, a State air pollution control agency, or (with the concurrence of the Governor and the State air pollution control agency for the State in which the municipality is situated) the governing body of any municipality, the Secretary shall, if such request refers to air pollution which is alleged to endanger the health or welfare of persons in a State other than that in which the discharge or discharges (causing or contributing to such pollution) originate, give formal notification thereof to the air pollution control agency of the municipality where such discharge or discharges originate, to the air pollution control agency of the State in which such municipality is located, and to the interstate air pollu-

tion control agency, if any, in whose jurisdictional area such municipality is located, and shall call promptly a conference of such agency or agencies and of the air pollution control agencies of the municipalities which may be adversely affected by such pollution, and the air pollution control agency, if any, of each State, or for each area, in which any such municipality is located.

(B) Whenever requested by the Governor of any State, a State air pollution control agency, or (with the concurrence of the Governor and the State air pollution control agency for the State in which the municipality is situated) the governing body of any municipality, the Secretary shall, if such request refers to alleged air pollution which is endangering the health or welfare of persons only in the State in which the discharge or discharges (causing or contributing to such pollution) originate and if a municipality affected by such air pollution, or the municipality in which such pollution originates, has either made or concurred in such request, give formal notification thereof to the State air pollution control agency, to the air pollution control agencies of the municipality where such discharge or discharges originate and of the municipality or municipalities alleged to be adversely affected thereby, and to any interstate air pollution control agency, whose jurisdictional area includes any such municipality and shall promptly call a conference of such agency or agencies, unless, in the judgment of the Secretary, the effect of such pollution is not of such significance as to warrant exercise of Federal jurisdiction under this section.

(C) The Secretary may, after consultation with State officials of all affected States, also call such a conference whenever, on the basis of reports, surveys, or studies, he has reason to believe that any pollution referred to in subsection (a) of this section is occurring and is endangering the health and welfare of persons in a State other than that in which the discharge or discharges originate. The Secretary shall invite the cooperation of any municipal, State, or interstate air pollution control agencies having jurisdiction in the affected area on any surveys or studies forming the basis of conference action.

(2) The agencies called to attend such conference may bring such persons as they desire to the conference. Not less than three weeks' prior notice of the conference date shall be given to such agencies.

(3) Following this conference, the Secretary shall prepare and forward to all air pollution control agencies attending the conference a summary of conference discussions including (A) occurrence of air pollution subject to abatement under this chapter; (B) adequacy of measures taken toward abatement of the pollution; and (C) nature of delays, if any, being encountered in abating the pollution.

**(d) Recommendations of Secretary for remedial action by agencies; commencement of recommended action.**

If the Secretary believes, upon the conclusion of the conference or thereafter, that effective progress toward abatement of such pollution is not being made and that the health or welfare of any persons

is being endangered, he shall recommend to the appropriate State, interstate, or municipal air pollution control agency (or to all such agencies) that the necessary remedial action be taken. The Secretary shall allow at least six months from the date he makes such recommendations for the taking of such recommended action.

(e) **Public hearings: place, notice, evidence; hearing board: number, membership, findings as to occurrence of pollution and progress toward abatement, recommendations to Secretary of measures reasonable and suitable to secure abatement; Secretary's transmission of findings and recommendations for abatement within reasonable time.**

(1) If, at the conclusion of the period so allowed, such remedial action or other action which in the judgment of the Secretary is reasonably calculated to secure abatement of such pollution has not been taken, the Secretary shall call a public hearing, to be held in or near one or more of the places where the discharge or discharges causing or contributing to such pollution originated, before a hearing board of five or more persons appointed by the Secretary. Each State in which any discharge causing or contributing to such pollution originates and each State claiming to be adversely affected by such pollution shall be given an opportunity to select one member of such hearing board and each Federal department, agency, or instrumentality having a substantial interest in the subject matter as determined by the Secretary shall be given an opportunity to select one member of such hearing board, and one member shall be a representative of the appropriate interstate air pollution agency if one exists, and not less than a majority of such hearing board shall be persons other than officers or employees of the Department of Health, Education, and Welfare. At least three weeks' prior notice of such hearing shall be given to the State, interstate, and municipal air pollution control agencies called to attend such hearing and to the alleged polluter or polluters.

(2) On the basis of evidence presented at such hearing, the hearing board shall make findings as to whether pollution referred to in subsection (a) of this section is occurring and whether effective progress toward abatement thereof is being made. If the hearing board finds such pollution is occurring and effective progress toward abatement thereof is not being made it shall make recommendations to the Secretary concerning the measures, if any, which it finds to be reasonable and suitable to secure abatement of such pollution.

(3) The Secretary shall send such findings and recommendations to the person or persons discharging any matter causing or contributing to such pollution; to air pollution control agencies of the State or States and of the municipality or municipalities where such discharge or discharges originate; and to any interstate air pollution control agency whose jurisdictional area includes any such municipality, together with a notice specifying a reasonable time (not less than six months) to secure abatement of such pollution.

(f) **Judicial proceedings to secure abatement of the pollution.**

If action reasonably calculated to secure abatement of the pollution within the time specified in

the notice following the public hearing is not taken, the Secretary—

(1) in the case of pollution of air which is endangering the health or welfare of persons in a State other than that in which the discharge or discharges (causing or contributing to such pollution) originate, may request the Attorney General to bring a suit on behalf of the United States to secure abatement of pollution, and

(2) in the case of pollution of air which is endangering the health or welfare of persons only in the State in which the discharge or discharges (causing or contributing to such pollution) originate, at the request of the Governor of such State, shall provide such technical and other assistance as in his judgment is necessary to assist the State in judicial proceedings to secure abatement of the pollution under State or local law or, at the request of the Governor of such State, shall request the Attorney General to bring suit on behalf of the United States to secure abatement of the pollution.

(g) **Federal court proceedings; evidence; jurisdiction of court.**

The court shall receive in evidence in any suit brought in a United States court under subsection (f) of this section a transcript of the proceedings before the board and a copy of the board's recommendations and shall receive such further evidence as the court in its discretion deems proper. The court, giving due consideration to the practicability of complying with such standards as may be applicable and to the physical and economic feasibility of securing abatement of any pollution proved, shall have jurisdiction to enter such judgment, and orders enforcing such judgment, as the public interest and the equities of the case may require.

(b) **Compensation and travel expenses for members of hearing board.**

Members of any hearing board appointed pursuant to subsection (e) of this section who are not regular full-time officers or employees of the United States shall, while participating in the hearing conducted by such board or otherwise engaged on the work of such board, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding \$50 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (section 73b-2 of Title 5) for persons in the Government service employed intermittently.

(i) **Information reports: filing with Secretary, form, contents, oath, time for filing, divulgence of trade secrets, confidential information; defaults; forfeitures: payments into Treasury, civil actions, venue, remission or mitigation, duty of United States attorneys.**

(1) In connection with any conference called under this section, the Secretary is authorized to require any person whose activities result in the emission of air pollutants causing or contributing to air pollution to file with him, in such form as he may prescribe, a report, based on existing data, furnishing to the Secretary such information as may reasonably be required as to the character, kind, and quantity of pollutants discharged and the use of devices or other means to prevent or reduce the

emission of pollutants by the person filing such a report. After a conference has been held with respect to any such pollution the Secretary shall require such reports from the person whose activities result in such pollution only to the extent recommended by such conference. Such report shall be made under oath or otherwise, as the Secretary may prescribe, and shall be filed with the Secretary within such reasonable period as the Secretary may prescribe, unless additional time be granted by the Secretary. No person shall be required in such report to divulge trade secrets or secret processes and all information reported shall be considered confidential for the purposes of section 1905 of Title 18.

(2) If any person required to file any report under this subsection shall fail to do so within the time fixed by the Secretary for filing the same, and such failure shall continue for thirty days after notice of such default, such person shall forfeit to the United States the sum of \$100 for each and every day of the continuance of such failure, which forfeiture shall be payable into the Treasury of the United States, and shall be recoverable 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: *Provided*, That the Secretary may upon application therefor remit or mitigate any forfeiture provided for under this subsection and he shall have authority to determine the facts upon all such applications.

(3) It shall be the duty of the various United States attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of such forfeitures. (July 14, 1955, ch. 360, § 5, as added Dec. 17, 1963, Pub. L. 88-206, § 1, 77 Stat. 396.)

#### CODIFICATION

A prior section 1857d, act July 14, 1955, ch. 360, § 5, 69 Stat. 322, as amended September 22, 1959, Pub. L. 86-365, § 1, 73 Stat. 646; Oct. 9, 1962, Pub. L. 87-761, § 1, 76 Stat. 760, prior to the general amendment of this chapter by Pub. L. 88-206, related to appropriations, grants-in-aid and contracts. See sections 1357b (3)—(5), 1857c(b) and 1857i of this title.

#### § 1857e. Automotive vehicle exhaust and fuel pollution.

(a) **Technical committee for development of exhaust control devices and pollution free fuels; membership; representation of Government and industries; meetings; functions.**

The Secretary shall encourage the continued efforts on the part of the automotive and fuel industries to develop devices and fuels to prevent pollutants from being discharged from the exhaust of automotive vehicles, and to this end shall maintain liaison with automotive vehicle, exhaust control device, and fuel manufacturers. For this purpose, he shall appoint a technical committee, whose membership shall consist of an equal number of representatives of the Department and of automotive vehicle, exhaust control device, and fuel manufacturers. The committee shall meet from time to time at the call of the Secretary to evaluate progress in the development of such devices and fuels and to develop and recommend research programs which could lead to the development of such devices and fuels.

#### (b) Reports to Congress.

One year after December 17, 1963, and semi-annually thereafter, the Secretary shall report to the Congress on measures taken toward the resolution of the vehicle exhaust pollution problem and efforts to improve fuels including (A) occurrence of pollution as a result of discharge of pollutants from automotive exhaust; (B) progress of research into development of devices and fuels to reduce pollution from exhaust of automotive vehicles; (C) criteria on degree of pollutant matter discharged from automotive exhausts; (D) efforts to improve fuels so as to reduce emission of exhaust pollutants; and (E) his recommendations for additional legislation, if necessary, to regulate the discharge of pollutants from automotive exhausts. (July 14, 1955, ch. 360, § 6, as added Dec. 17, 1963, Pub. L. 88-206, § 1, 77 Stat. 399.)

#### CODIFICATION

A prior section 1857e, act July 14, 1955, ch. 360, § 6, 69 Stat. 323, prior to the general amendment of this chapter by Pub. L. 88-206, defined "State air pollution control agency", "local government air pollution control agency" and "State". See section 1857h (b), (d) of this title.

#### § 1857f. Control of air pollution from Federal facilities.

(a) **Federal cooperation.**

It is hereby declared to be the intent of Congress that any Federal department or agency having jurisdiction over any building, installation, or other property shall, to the extent practicable and consistent with the interests of the United States and within any available appropriations, cooperate with the Department of Health, Education, and Welfare and with any air pollution control agency in preventing and controlling the pollution of the air in any area insofar as the discharge of any matter from or by such building, installation, or other property may cause or contribute to pollution of the air in such area.

(b) **Classification of potential pollution sources; permits for discharge of such pollution; period revocation; submission of plans, specifications and other information; conditions; reports to Congress.**

In order to control air pollution which may endanger the health or welfare of any persons, the Secretary may establish classes of potential pollution sources for which any Federal department or agency having jurisdiction over any building, installation, or other property shall, before discharging any matter into the air of the United States, obtain a permit from the Secretary for such discharge, such permits to be issued for a specified period of time to be determined by the Secretary and subject to revocation if the Secretary finds pollution is endangering the health and welfare of any persons. In connection with the issuance of such permits, there shall be submitted to the Secretary such plans, specifications, and other information as he deems relevant thereto and under such conditions as he may prescribe. The Secretary shall report each January to the Congress the status of such permits and compliance therewith. (July 14, 1955, ch. 360, § 7, as added Dec. 17, 1963, Pub. L. 88-206, § 1, 77 Stat. 399.)

## CODIFICATION

A prior section 1857f, act July 14, 1955, ch. 360, § 7, 69 Stat. 323, related to research and experiments under other laws. See section 1857l(a) of this title.

## PRIOR PROVISIONS

Provisions similar to those comprising subsec. (a) of this section were contained in former section 1857g, act July 14, 1955, ch. 360, § 8, as added Sept. 22, 1959, Pub. L. 86-365, § 2, 73 Stat. 646, prior to the general amendment of this chapter by Pub. L. 88-206.

## § 1857g. Administration.

## (a) Regulations; delegation of powers of Secretary.

The Secretary is authorized to prescribe such regulations as are necessary to carry out his functions under this chapter. The Secretary may delegate to any officer or employee of the Department of Health, Education, and Welfare such of his powers and duties under this chapter, except the making of regulations, as he may deem necessary or expedient.

## (b) Detail of Public Health Service personnel to air pollution control agencies; payment of salaries and allowances.

Upon the request of an air pollution control agency, personnel of the Public Health Service may be detailed to such agency for the purpose of carrying out the provisions of this chapter. The provisions of section 215(d) of this title shall be applicable with respect to any personnel so detailed to the same extent as if such personnel had been detailed under section 215(b) of this title.

## (c) Payments under grants: installments; advances or reimbursement.

Payments under grants made under this chapter may be made in installments, and in advance or by way of reimbursement, as may be determined by the Secretary. (July 14, 1955, ch. 360, § 8, as added Dec. 17, 1963, Pub. L. 88-206, § 1, 77 Stat. 400.)

## CODIFICATION

A prior section 1857g, act July 14, 1955, ch. 360, § 8, as added Sept. 22, 1959, Pub. L. 86-365, § 2, 73 Stat. 646, prior to the general amendment of this chapter by Pub. L. 88-206, provided for cooperative effort. See section 1857f (a) of this title.

## § 1857h. Definitions.

When used in this chapter—

(a) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(b) The term "air pollution control agency" means any of the following:

(1) A single State agency designated by the Governor of that State as the official State air pollution control agency for purposes of this chapter;

(2) An agency established by two or more States and having substantial powers or duties pertaining to the prevention and control of air pollution;

(3) A city, county, or other local government health authority, or, in the case of any city, county, or other local government in which there is an agency other than the health authority charged with responsibility for enforcing ordinances or laws relating to the prevention and control of air pollution, such other agency; or

(4) An agency of two or more municipalities located in the same State or in different States

and having substantial powers or duties pertaining to the prevention and control of air pollution.

(c) The term "interstate air pollution control agency" means—

(1) an air pollution control agency established by two or more States, or

(2) an air pollution control agency of two or more municipalities located in different States.

(d) The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(e) The term "person" includes an individual, corporation, partnership, association, State, municipality, and political subdivision of a State.

(f) The term "municipality" means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law.

(g) All language referring to adverse effects on welfare shall include but not be limited to injury to agricultural crops and livestock, damage to and the deterioration of property, and hazards to transportation. (July 14, 1955, ch. 360, § 9, as added Dec. 17, 1963, Pub. L. 88-206, § 1, 77 Stat. 400.)

## PRIOR PROVISIONS

Provisions similar to subsecs. (b) and (d) of this section were contained in former section 1857e, act July 14, 1955, ch. 360, § 6, 69 Stat. 323, prior to the general amendment of this chapter by Pub. L. 88-206.

## § 1857i. Application to other laws; nonduplication of appropriations.

(a) Except as provided in subsection (b) of this section, this chapter shall not be construed as superseding or limiting the authorities and responsibilities, under any other provision of law, of the Secretary or any other Federal officer, department, or agency.

(b) No appropriation shall be authorized or made under section 241, 243, or 246(c) of this title for any fiscal year after the fiscal year ending June 30, 1964, for any purpose for which appropriations may be made under authority of this chapter. (July 14, 1955, ch. 360, § 10, as added Dec. 17, 1963, Pub. L. 88-206, § 1, 77 Stat. 401.)

## PRIOR PROVISIONS

Provisions similar to those contained in subsec. (a) of this section were contained in former section 1857f, act July 14, 1955, ch. 360, § 7, 69 Stat. 323, prior to the general amendment of this chapter by Pub. L. 88-206.

## § 1857j. Records and audit.

(a) Each recipient of assistance under this chapter shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary of Health, Education, and Welfare and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examinations to any books, documents, papers, and records of the recipients that are pertinent to the

grants received under this chapter. (July 14, 1955, ch. 360, § 11, as added Dec. 17, 1963, Pub. L. 88-206, § 1, 77 Stat. 401.)

#### § 1857k. Separability of provisions.

If any provision of this chapter, or the application of any provision of this chapter to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this chapter, shall not be affected thereby. (July 14, 1955, ch. 360, § 12, as added Dec. 17, 1963, Pub. L. 88-206, § 1, 77 Stat. 401.)

#### § 1857l. Appropriations.

(a) There is hereby authorized to be appropriated to carry out section 1857c of this title for the fiscal year ending June 30, 1964, not to exceed \$5,000,000.

(b) There is hereby authorized to be appropriated to carry out this chapter not to exceed \$25,000,000 for the fiscal year ending June 30, 1965, not to exceed \$30,000,000 for the fiscal year ending June 30, 1966, and not to exceed \$35,000,000 for the fiscal year ending June 30, 1967. (July 14, 1955, ch. 360, § 13, as added Dec. 17, 1963, Pub. L. 88-206, § 1, 77 Stat. 401.)

#### PRIOR PROVISIONS

Provisions similar to this section were contained in former section 1857d, act July 14, 1955, ch. 360, § 5, 69 Stat. 322, as amended Sept. 22, 1959, Pub. L. 86-365, § 1, 73 Stat. 646; Oct. 9, 1962, Pub. L. 87-761, § 1, 76 Stat. 760, prior to the general amendment of this chapter by Pub. L. 88-206.

### Chapter 16.—NATIONAL SCIENCE FOUNDATION

#### Sec.

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 1867. Divisional committees; composition; term of office; chairmen; rules; duties; recommendations.  
 1868. Special commissions; composition; chairman and vice chairman; duties.  
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 1871. Patent rights; protection of public interest or equities of individuals or organizations; employees barred.  
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#### Sec.

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 (a) Nuclear energy research and development.  
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 1879. Appropriations for Science Information Service and Council.  
 1880. National Medal of Science.  
 1881. Same; award; number; citizenship; ceremonies.

#### § 1861. Establishment; composition.

There is established in the executive branch of the Government an independent agency to be known as the National Science Foundation (hereinafter referred to as the "Foundation"). The Foundation shall consist of a National Science Board (hereinafter referred to as the "Board") and a Director. (May 10, 1950, ch. 171, § 2, 64 Stat. 149.)

#### SHORT TITLE

Section 1 of act May 10, 1950, provided that act May 10, 1950, which is classified to this chapter, should be popularly known as the "National Science Foundation Act of 1950."

#### REORGANIZATION PLAN NO. 2 OF 1962

Eff. June 8, 1962, 27 F.R. 5419, 76 Stat. 1253, as amended Aug. 14, 1964, Pub. L. 88-426, title III, § 305(41), 78 Stat. 427

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, March 29, 1962, pursuant to the provisions of the Reorganization Act of 1949, 63 Stat. 203, as amended [sections 133z to 133z-15 of Title 5].

#### CERTAIN SCIENCE AGENCIES AND FUNCTIONS

##### PART I. OFFICE OF SCIENCE AND TECHNOLOGY

Section 1. Office of Science and Technology. There is hereby established in the Executive Office of the President the Office of Science and Technology, hereafter in this Part referred to as the Office.

Sec. 2. Director and deputy. (a) There shall be at the head of the Office the Director of the Office of Science and Technology, hereafter in this Part referred to as the Director. The Director shall be appointed by the President by and with the advice and consent of the Senate.  
 (b) There shall be in the Office a Deputy Director of