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APPROVED

MAY 31 1976

5/31/76

ACTION

THE WHITE HOUSE

WASHINGTON

May 28, 1976

Last Day: June 2

MEMORANDUM FOR

THE PRESIDENT

FROM:

JIM CANNON

SUBJECT:

H.R. 5272 - Appropriation
Authorization, Noise Control Act
of 1972

Attached for your consideration is H.R. 5272, sponsored
by Representative Rooney.

The enrolled bill extends the appropriations authorizations
of the Noise Control Act of 1972 in the amount of
\$13,290,000 for FY 76; \$3,322,500 for the transition
quarter and \$14,619,000 for FY 77.

Additional information is provided in OMB's enrolled
bill report at Tab A.

OMB, Max Friedersdorf, Counsel's Office (Lazarus) and
I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign H.R. 5272 at Tab B.

Posted
6/1/76

archives
6/1/76





EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

MAY 27 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 5272 - Appropriation
authorization, Noise Control Act of 1972
Sponsor - Rep. Rooney (D) Pennsylvania

Last Day for Action

June 2, 1976 - Wednesday

Purpose

To extend the appropriations authorizations under the Noise Control Act of 1972 through fiscal year 1977.

Agency Recommendations

Office of Management and Budget	Approval
Environmental Protection Agency	Approval (Informally)

Discussion

Under the Noise Control Act of 1972, the Environmental Protection Agency is authorized to do research to determine the effects of the level of noise and to coordinate all noise abatement activities of the Federal Government. Appropriation authorizations under the Act expired June 30, 1975, and activities under the Act have been carried on under a continuing resolution and EPA's regular appropriations act.

The enrolled bill, H.R. 5272, extends the appropriations authorizations of the Noise Control Act of 1972 in the amount of \$13,290,000 for fiscal year 1976; \$3,322,500 for the transition quarter and \$14,619,000 for fiscal year 1977. The President's Budget for fiscal year 1977 provides \$10,285,000 for EPA's noise

control activities (exclusive of appropriations for research and development which are authorized separately and not affected by the enrolled bill). It is not anticipated that the funding levels authorized by H.R. 5272 will constitute a basis for any change in the 1977 budget figure.

James M. Frey
Assistant Director for
Legislative Reference

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 27 1976

OFFICE OF THE
ADMINISTRATOR

Dear Mr. Lynn:

This is in response to your request of May 21, 1976, for the recommendations of the Environmental Protection Agency relating to enrolled bill H.R. 5272.

H.R. 5272 would amend sections 15 and 19 of the Noise Control Act of 1972, Public Law 92-574, to authorize appropriations for the fiscal year ending June 30, 1976, the transition period of July 1, 1976 through September 30, 1976, and the fiscal year ending September 30, 1977.

The authorization under section 15 of the Noise Control Act, Development of Low-Noise-Emission Products, is for the payment of additional amounts pursuant to and for carrying out this specific section. Section 19 authorizes the appropriations to carry out the balance of the Act.

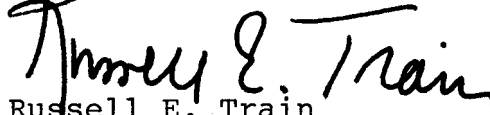
To date, no money has been appropriated for the purposes of section 15. The criteria to implement this section are yet to be developed. Therefore, there is no need for any appropriation.

Appropriations, of course, have been made for FY 1976 and the transition period ending September 30, 1976, and these appropriations are within the ceilings which would be authorized by H.R. 5272 for these periods.

For Fiscal Year 1977, H.R. 5272 would authorize \$2,420,000 for section 15 and \$12,199,000 for section 19. Our budget request was for \$10,285,000 for section 19 only. Although the authorization for section 19 is almost \$2 million more than we

requested, we strongly recommend that H.R. 5272 be signed into law in order that our program under the Noise Control Act may be carried out.

Sincerely yours,

A handwritten signature in black ink that reads "Russell E. Train". The signature is written in a cursive style with a prominent initial "R" and a long horizontal flourish extending to the right.

Russell E. Train
Administrator

Honorable James T. Lynn
Director, Office of
Management and Budget
Washington, D.C. 20503



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

MAY 27 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 5272 - Appropriation
authorization, Noise Control Act of 1972
Sponsor - Rep. Rooney (D) Pennsylvania

Last Day for Action

June 2, 1976 - Wednesday

Purpose

To extend the appropriations authorizations under the Noise Control Act of 1972 through fiscal year 1977.

Agency Recommendations

Office of Management and Budget	Approval
Environmental Protection Agency	Approval (Informally)

Discussion

Under the Noise Control Act of 1972, the Environmental Protection Agency is authorized to do research to determine the effects of the level of noise and to coordinate all noise abatement activities of the Federal Government. Appropriation authorizations under the Act expired June 30, 1975, and activities under the Act have been carried on under a continuing resolution and EPA's regular appropriations act.

The enrolled bill, H.R. 5272, extends the appropriations authorizations of the Noise Control Act of 1972 in the amount of \$13,290,000 for fiscal year 1976; \$3,322,500 for the transition quarter and \$14,619,000 for fiscal year 1977. The President's Budget for fiscal year 1977 provides \$10,285,000 for EPA's noise

To -
J. Carmona
5-27-76
6:00 P.M.

control activities (exclusive of appropriations for research and development which are authorized separately and not affected by the enrolled bill). It is not anticipated that the funding levels authorized by H.R. 5272 will constitute a basis for any change in the 1977 budget figure.

(Signed) James M. Frey

Assistant Director for
Legislative Reference

Enclosure

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: May 28

Time: 900am

FOR ACTION: George Humphreys *u* cc (for information): Jack Marsh
Max Friedersdorf *on* Jim Cavanaugh
Ken Lazarus *u* Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date:

May 28

Time:

500pm

SUBJECT:

H.R. 5272 - Appropriation authorization f Noise Control Act of 1972

ACTION REQUESTED:

___ For Necessary Action

___ For Your Recommendations

___ Prepare Agenda and Brief

___ Draft Reply

x ___ For Your Comments

___ Draft Remarks

REMARKS:

please return to Judy Johnston, Ground Floor West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: May 28

Time: 900am

FOR ACTION: George Humphreys
Max Friedersdorf
Ken Lazarus

cc (for information): Jack Marsh
Jim Cavanaugh
Ed Schmults

M.F.

FROM THE STAFF SECRETARY

DUE: Date:

May 28

Time:

500pm

SUBJECT:

H.R. 5272 - Appropriation authorization , Noise Control Act of 1972

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to Judy Johnston, Ground Floor West Wing

Approval

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the Press

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: May 28

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FOR ACTION: George Humphreys
Max Friedersdorf
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SUBJECT:

H.R. 5272 - Appropriation authorization , Noise
Control Act of 1972

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to Judy Johnston, Ground Floor West Wing

*Recomm
approval*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the Pres

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: May 28

Time: 900am

FOR ACTION: George Humphreys
Max Friedersdorf
Ken Lazaruscc (for information): Jack Marsh
Jim Cavanaugh
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date:

May 28

Time:

500pm

SUBJECT:

H.R. 5272 - Appropriation authorization , Noise
Control Act of 1972

ACTION REQUESTED:

 For Necessary Action For Your Recommendations Prepare Agenda and Brief Draft Reply For Your Comments Draft Remarks

REMARKS:

please return to Judy Johnston, Ground Floor West Wing

No objection -- K. Lazarus 5/28/76

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.If you have any questions or if you anticipate a
delay in submitting the required material, please
telephone the Staff Secretary immediately.James M. Cannon
For the Staff Secretary

NOISE CONTROL ACT EXTENSION

APRIL 28, 1975.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. STAGGERS, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT

[To accompany H.R. 5272]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H.R. 5272) to amend the Noise Control Act of 1972 to authorize additional appropriations, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

SUMMARY OF THE REPORTED LEGISLATION

The reported bill, H.R. 5272, extends authorizations under the Noise Control Act of 1972, which expires June 30, 1975, for 27 months. The bill authorizes appropriations totaling \$15,400,000 for the fiscal year ending June 30, 1976; \$3,850,000 for the budgetary transition period of July 1, 1976 to September 30, 1976; and \$16,940,000 for the fiscal year ending September 30, 1977.

COMMITTEE ACTION

Two days of hearings were held on the reported bill, H.R. 5272, by the Subcommittee on Transportation and Commerce on March 24 and 25, 1975.

Oral testimony was received from the Assistant Administrator for Air and Waste Management of the Environmental Protection Agency; the General Counsel and the Acting Director of the Office of Noise Abatement of the Department of Transportation; the Acting Associate Administrator for Policy Development and Review of the Federal Aviation Administration; the Deputy Assistant Secretary of Labor for the Occupational Safety and Health Administration; the Director of PROD, Professional Drivers Association; and the Legislative and

Technical Consultant for the National Organization to Insure a Sound-Controlled Environment.

On April 8, 1975 the Subcommittee approved H.R. 5272, without amendment, and reported it to the full Committee. On April 17, 1975 the Committee on Interstate and Foreign Commerce approved H.R. 5272 by voice vote and without amendment.

HISTORY AND NEED FOR THE LEGISLATION

Prior to the early 1970's the control and abatement of noise was only the concern of a few specialists and the Federal legislation in that area was scattered, and narrow in focus. Such pre-1970 laws were the "Aircraft Noise Abatement Act of 1968," Public Law 90-411, which gave the Federal Aviation Agency broad authority to establish and enforce limits on aircraft noise, and provisions of the "Walsh-Healey Act" which was passed in 1936 but it was not until 1969 that any regulations concerning noise in the work place went into effect.

In 1970, title IV of the Clean Air Amendments Act, Public Law 91-604, entitled "Noise Pollution and Abatement Act of 1970" established the Office of Noise Abatement and Control within the Environmental Protection Agency. Such office was to carry out a 1-year study of the noise problem. The Office of Noise Control expended \$1,439,000 out of a \$30,000,000 authorization over a 2-year period in carrying out its responsibilities.

During this same period of time, 1970-1972, there was an increasing interest in all forms of environmental pollution and also a significant increase in urban noise due to the development of airports, highways, and heavy construction. The convergence of these factors plus the Environmental Protection Agency Report entitled "Report to the President and the Congress on Noise" prompted the Congress to examine the problem in more detail.

During the 92d Congress, the House Interstate and Foreign Commerce Committee and the Senate Public Works Committee held extensive hearings on the problems associated with noise. The testimony before both Houses of Congress indicated that the effects of noise take many forms, both physiological and, or, psychological in nature. Such effects may include permanent hearing loss, interference with speech communication, stress reaction, disturbance of sleep, decreases in productivity, adverse effect on values of property located near noise sources and other economic, as well as health impacts.

From such hearings the Congress found that the inadequately controlled noise presents a growing danger to the health and welfare of the Nation's population, and that major sources of noise fall into four categories, of which transportation vehicles and equipment, machinery, appliances and other products in commerce, are the headings.

To attack this problem the Congress authorized the Environmental Protection Agency to do research to determine the effects of the levels of noise and the criteria for determining such levels, to coordinate all the noise abatement activities of the Federal Government, to regulate and label the noise levels of products in commerce; and to make available information relating to noise and its effects. The above stated duties and powers were placed upon the Environmental Protection Agency with the Noise Control Act of 1972, Public Law 92-574, which was signed into law October 27, 1972.

In its beginning, the Environmental Protection Agency had difficulty with determining its approach to the noise problem and, as a result of such difficulty, it failed to meet many of the statutory deadlines imposed upon it by Congress for completing reports or for publishing regulations.

The above failures were examined in the most recent hearings held by the Transportation and Commerce Subcommittee of the Interstate and Foreign Commerce Committee on March 24-25, 1975. It appeared from the testimony presented that the early organizational difficulties are being overcome so that it is expected the intent of the Congress will be accomplished.

The major 1974 accomplishments of the Environmental Protection Agency in fulfilling the congressional intent of the Noise Control Act of 1972 are the publishing of the Criteria Document, Levels Documents, Document on Major Noise Source Identification, Low Noise Emission Equipment Regulations, an Aircraft Report, and the Notice of Proposed Rulemaking for Motor Carriers.

To date, the major 1975 accomplishments are the publishing of Motor Carrier Regulations, Notice of Proposed Rulemaking for Trucks and Air Compressors, Small Propeller, Minimum Altitude, and Retrofit Aircraft Proposals, Occupational Safety and Health Rule Challenge, Public Hearings on Truck and Air Compressor Regulations, and recommendations to the Federal Aviation Administration concerning the landing and take-off of the Concorde at U.S. airports.

All of the above was accomplished on a fiscal year budget of \$5,492,600 and a total staff of 59.

For fiscal year 1976 the Environmental Protection Agency expects to expand its Office of Noise Control to a staff of 92 with expenditures totaling \$10,299,300.

Certain problems concerning the Noise Control Act of 1972 were examined by the Transportation and Commerce Subcommittee. Specifically, there exists a dispute in which the Environmental Protection Agency challenged the noise regulations published by the Occupational Safety and Health Administration concerning the level of noise in the workplace. The Environmental Protection Agency asserts that the published regulations of the Occupational Safety and Health Administration, relating to noise in the workplace, do not adequately protect the workers' health and welfare. The Environmental Protection Agency has requested the Occupational Safety and Health Administration to publish in the Federal Register its justification for such regulations. The Occupational Safety and Health Administration published such justifications in the Federal Register on March 18, 1975, and is presently conducting administrative hearings on the subject.

This dispute continues and it should be left to run its course under existing law before this Committee can determine the effectiveness of the provisions in the Noise Control Act of 1972 relating to the resolution of such disputes.

In view of the Environmental Protection Agency's slow start on the noise problem, and the fact that the Office of Noise Control is now just becoming adequately staffed, it cannot presently be determined whether or not there are any flaws with the substantive law or the structure of the agency administering the law.

OVERSIGHT FINDINGS

Pursuant to clause 2 (b)(3)(A) of Rule XI of the Rules of the House of Representatives, the Committee issues the following oversight findings:

The Subcommittee on Transportation and Commerce, during its March 24, 25, 1975 hearings on an extension of the Noise Control Act of 1972, conducted an extensive review of the operations of the Environmental Protection Agency relating to the implementation of the Noise Control Act of 1972. In addition, said Subcommittee examined the relationship between the Environmental Protection Agency and the Department of Transportation, the Federal Aviation Administration and the Occupational Safety and Health Administration, concerning those sections of the Act which authorize the Environmental Protection Agency to review and comment upon the proposed noise regulations issued by the above mentioned Federal agencies.

From the testimony it appears that the Environmental Protection Agency is not implementing section 15 of the Noise Control Act of 1972 relating to the procurement of low noise emission products, that the noise regulations of the various Federal agencies are poorly enforced, and that significant confusion exists between the agencies as to how to resolve a dispute in which the Environmental Protection Agency believes that the published noise regulations of another Federal agency do not adequately protect health and welfare.

Because the Noise Control Act of 1972, and the Office of Noise Control are in developing stages and because of the complex technical problems associated with the Act, it cannot yet be determined whether such failures are the fault of the agency administering the Act or whether such failures result from the substance of the Act.

In regard to Rule XI, 2 (1)(3)(D) of the Rules of the House of Representatives no oversight findings have been submitted to the Committee by the Committee on Government Operations.

In regard to Rule XI, 2 (1)(3)(C) of the Rules of the House of Representatives, no cost estimate or comparison has been submitted by the Congressional Budget Office relative to the provisions of H.R. 5272.

INFLATION IMPACT STATEMENT

Pursuant to Rule XI, 2(e)(4) of the House of Representatives, the Committee makes the following statement in regard to the inflationary impact of the reported bill:

The total authorization of appropriations in H.R. 5272 is \$15,400,000 for the fiscal year ending June 30, 1976, \$3,850,000 for the 3-month transition period; and \$16,940,000 for the fiscal year ending September 30, 1977. The total of the entire authorization of appropriations for the next 27 months is \$36,190,000.

The Committee anticipates that for each of the next 2 fiscal years, 1976 and 1977, the federal budget will exceed \$385 billion. Therefore, the authorization of appropriations contained in the reported bill is .00004 percent of that budget estimate. The Committee believes that the funds authorized as compared to the total budget estimated are so insignificant that they will have no impact on prices and costs in the operation of the national economy within the next 27 months.

Further, since H.R. 5272 extends an existing program it is not deemed to have any inflationary impact.

The Committee notes that a reduction of harmful noise, particularly in the work area, may actually reduce the rate of inflation by lowering the number of compensation claims filed because of hearing impairments caused by harmful noise. Further, a reduction in noise in the workplace may actually increase productivity by reducing stress. The economic impact of such effects has not been determined to date.

COST ESTIMATES

In compliance with clause 7 of Rule XIII of the Rules of the House of Representatives, the following statement is made as an estimate of the costs to be incurred in carrying out the provisions of H.R. 5272.

Section one of H.R. 5272 authorizes appropriations totaling \$5,170,000 through September 30, 1977. To date the Environmental Protection Agency has not implemented section 15 of the Noise Control Act of 1972, relating to the procurement of low noise emission products despite the mandatory language of the Act.

Questions concerning the implementation of this section were asked during the Hearings on March 24, 1975 and the Environmental Protection Agency indicated that they had promulgated regulations to implement this section and as more low noise emission products became available the funds would be utilized. The Committee, assuming the good faith of the Agency, and the appropriation of funds to carry out this section, believes that the cost of this section will be \$1,000,000 in fiscal year 1976; \$250,000 during the budgetary transition period of July 1, 1976 through September 30, 1976; and \$1,500,000 during fiscal year 1977.

Section two of H.R. 5272 authorizes appropriations totaling \$31,020,000 through September 30, 1977. Assuming an appropriation for such amounts the Committee estimates that \$10,299,300 will be requested and utilized during fiscal year 1976 for the implementation of the Noise Control Act of 1972. Further, the Committee estimates that approximately one-quarter of the fiscal year 1976 request, or \$2,574,825 will be utilized during the 3-month budgetary transition period.

During fiscal year 1977 the Committee estimates, assuming an appropriation, that it will cost between \$11,000,000 and \$13,500,000 to implement the Noise Control Act of 1972. This estimate considers that as the Office of Noise Control better understands the problem and as it promulgates its regulations, it will need more manpower to enforce the Act.

SECTION-BY-SECTION EXPLANATION

Section 1. This section extends the authorization of appropriations for section 15(g) of the Noise Control Act of 1972 relating to the procurement by Federal agencies of certified low noise emission products as a substitute for products that are not of low noise emission.

The authorization of appropriations for this section is for 27 months of which \$2,200,000 is authorized for the fiscal year ending June 30, 1976; \$550,000 for the budgetary transition period of July 1, 1976 through September 30, 1976; and \$2,420,000 for the fiscal year ending September 30, 1977.

Such funds are authorized to pay any additional cost for the purchase of a certified low noise emission product as a substitute for a product that is not a certified low noise emission product, provided that the Administrator of General Services determines that such certified products have procurement costs which are no more than 125 percent of the retail price of the least expensive type of product for which they are certified substitutes.

Section 2. This section is an authorization of appropriations of \$13,200,000 for the fiscal year ending June 30, 1976; \$3,300,000 for the budgetary transition period of July 1, 1976 through September 30, 1976; and \$14,520,000 for the fiscal year ending September 30, 1977, for the implementing of the Noise Control Act of 1972.

AGENCY COMMENTS

Following usual procedure, the Committee requested agency views on the bill, H.R. 5272. No agency views have been received in response to that request.

However, the following letter from the Administrator of the Environmental Protection Agency to the Speaker of the House of Representatives, concerning a proposed bill "to extend provisions of the Noise Control Act of 1972, for two years," may be of relevance to the 27 month extension provided in H.R. 5272.

U.S. ENVIRONMENTAL PROTECTION AGENCY,
Washington, D.C., March 21, 1975.

HON. CARL ALBERT,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Enclosed is our proposed bill "To extend provisions of the Noise Control Act of 1972, for two years."

The bill would extend our authorities under section 19 of the Act, which expires on June 30, 1975.

This extension is suggested in order to enable us to continue the programs envisioned by the Act. We recommend that this bill be referred to the appropriate Committee for consideration, and that it be enacted.

The Office of Management and Budget has advised that this legislative proposal is consistent with the program of the President.

Sincerely yours,

RUSSELL E. TRAIN.

Enclosure.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of Rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

NOISE CONTROL ACT OF 1972

* * * * *

DEVELOPMENT OF LOW-NOISE-EMISSION PRODUCTS

SEC. 15. (a) For the purpose of this section:

(1) The term "Committee" means the Low-Noise-Emission Product Advisory Committee.

(2) The term "Federal Government" includes the legislative, executive, and judicial branches of the Government of the United States, and the government of the District of Columbia.

(3) The term "low-noise-emission product" means any product which emits noise in amounts significantly below the levels specified in noise emission standards under regulations applicable under section 6 at the time of procurement to that type of product.

(4) The term "retail price" means (A) the maximum statutory price applicable to any type of product; or (B) in any case where there is no applicable maximum statutory price, the most recent procurement price paid for any type of product.

(b)(1) The Administrator shall determine which products qualify as low-noise-emission products in accordance with the provisions of this section.

(2) The Administrator shall certify any product—

(A) for which a certification application has been filed in accordance with paragraph (5)(A) of this subsection;

(B) which is a low-noise-emission product as determined by the Administrator; and

(C) which he determines is suitable for use as a substitute for a type of product at that time in use by agencies of the Federal Government.

(3) The Administrator may establish a Low-Noise-Emission Product Advisory Committee to assist him in determining which products qualify as low-noise-emission products for purposes of this section. The Committee shall include the Administrator or his designee, a representative of the National Bureau of Standards, and representatives of such other Federal agencies and private individuals as the Administrator may deem necessary from time to time. Any member of the Committee not employed on a full-time basis by the United States may receive the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule for each day such member is engaged upon work of the Committee. Each member of the Committee shall be reimbursed for travel expenses, including per diem in lieu of subsistence as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(4) Certification under this section shall be effective for a period of one year from the date of issuance.

(5)(A) Any person seeking to have a class or model of product certified under this section shall file a certification application in accordance with regulations prescribed by the Administrator.

(B) The Administrator shall publish in the Federal Register a notice of each application received.

(C) The Administrator shall make determinations for the purpose of this section in accordance with procedures prescribed by him by regulation.

(D) The Administrator shall conduct whatever investigation is necessary, including actual inspection of the product at a place designated in regulations prescribed under subparagraph (A).

(E) The Administrator shall receive and evaluate written comments and documents from interested persons in support of, or in opposition to, certification of the class or model of product under consideration.

(F) Within ninety days after the receipt of a properly filed certification application the Administrator shall determine whether such product is a low-noise-emission product for purposes of this section. If the Administrator determines that such product is a low-noise-emission product, then within one hundred and eighty days of such determination the Administrator shall reach a decision as to whether such product is a suitable substitute for any class or classes of products presently being purchased by the Federal Government for use by its agencies.

(G) Immediately upon making any determination or decision under subparagraph (F), the Administrator shall publish in the Federal Register notice of such determination or decision, including reasons therefor.

(c)(1) Certified low-noise-emission products shall be acquired by purchase or lease by the Federal Government for use by the Federal Government in lieu of other products if the Administrator of General Services determines that such certified products have procurement costs which are no more than 125 per centum of the retail price of the least expensive type of product for which they are certified substitutes.

(2) Data relied upon by the Administrator in determining that a product is a certified low-noise-emission product shall be incorporated in any contract for the procurement of such product.

(d) The procuring agency shall be required to purchase available certified low-noise-emission products which are eligible for purchase to the extent they are available before purchasing any other products for which any low-noise-emission product is a certified substitute. In making purchasing selections between competing eligible certified low-noise-emission products, the procuring agency shall give priority to any class or model which does not require extensive periodic maintenance to retain its low-noise emission qualities or which does not involve operating costs significantly in excess of those products for which it is a certified substitute.

(e) For the purpose of procuring certified low-noise-emission products any statutory price limitations shall be waived.

(f) The Administrator shall, from time to time as he deems appropriate, test the emissions of noise from certified low-noise-emission products purchased by the Federal Government. If at any time he finds that the noise-emission levels exceed the levels on which certification under this section was based, the Administrator shall give the supplier of such product written notice of this finding, issue public notice of it, and give the supplier an opportunity to make necessary repairs, adjustments, or replacements. If no such repairs, adjustments, or replacements are made within a period to be set by the Administrator, he may order the supplier to show cause why the product involved should be eligible for recertification.

(g) There are authorized to be appropriated for paying additional amounts for products pursuant to, and for carrying out the provisions

of, this section, \$1,000,000 for the fiscal year ending June 30, 1973, and \$2,000,000 for each of the two succeeding fiscal years, \$2,200,000 for the fiscal year ending June 30, 1976, \$550,000 for the transition period of July 1, 1976, through September 30, 1976, and \$2,420,000 for the fiscal year ending September 30, 1977.

(h) The Administrator shall promulgate the procedures required to implement this section within one hundred and eighty days after the date of enactment of this Act.

* * * * *

AUTHORIZATION OF APPROPRIATIONS

SEC. 19. There is authorized to be appropriated to carry out this Act (other than section 15) \$3,000,000 for the fiscal year ending June 30, 1973; \$6,000,000 for the fiscal year ending June 30, 1974; [and] \$12,000,000 for the fiscal year ending June 30, 1975; \$13,200,000 for the fiscal year ending June 30, 1976; \$3,300,000 for the transition period of July 1, 1976, through September 30, 1976; and \$14,520,000 for the fiscal year ending September 30, 1977.

* * * * *

○

NOISE CONTROL ACT EXTENSIONS

NOVEMBER 20 (legislative day, NOVEMBER 18), 1975.—Ordered to be printed

Mr. RANDOLPH, from the Committee on Public Works,
submitted the following

REPORT

[To accompany H.R. 5272]

The Committee on Public Works, to which was referred the act (H.R. 5272), an act to amend the Noise Control Act of 1972 to authorize additional appropriations, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

GENERAL STATEMENT

The purpose of this bill is to extend until September 30, 1976, the monetary authorizations under the Noise Control Act of 1972. Previous authorizations expired June 30, 1975. Activities under the Act were continued under the Continuing Resolution (P.L. 94-41) until the enactment of the Environmental Protection Agency's regular appropriations bill (P.L. 94-116). Now it is necessary to provide authorizations for the appropriated funds.

This bill authorizes \$11,090,000 for fiscal year 1976 and \$2,772,500 for the transition quarter, for the general technical assistance, regulatory, and administrative responsibilities under the Noise Control Act. In addition \$2,200,000 for fiscal year 1976 and \$550,000 for the transition quarter are authorized for the low noise emission product procurement program under section 15. Noise control research is authorized under H.R. 7108.

As passed by the House H.R. 5272 contained authorizations for fiscal year 1977 in addition to those described above. The Committee is not satisfied with the progress made in implementing the 1972 Act and did not wish to approve a long extension without substantial oversight of the Agency's activities. The extensive effort of the Subcommittee on Environmental Pollution on amendments to the Clean Air Act precluded any consideration of the Noise Control Act. Therefore,

the Committee is recommending that the authorizations be limited to a 15-month period.

The Committee hopes to schedule oversight hearings on the Noise Control Act in the next session before further authorizations are considered. Of particular interest to the Committee will be the status of standards for major sources of noise emissions, labeling, the regulation of aircraft and airport noise, and the need for noise control program support for State and local governments.

ROLLCALL VOTES

There were no rollcall votes during the Committee's consideration of this bill. The Committee ordered the bill reported by a unanimous voice vote.

ESTIMATES OF COSTS

Section 252(a)(1) of the Legislative Reorganization Act of 1970 requires publication in this report of the Committee's estimate of the costs of reported legislation together with a comparison of that estimate with any prepared by a Federal agency.

Enactment of this legislation will result in the authorization of the following sums: For the period July 1, 1975, to June 30, 1976: Section 15, \$2,200,000; section 19, \$11,090,000.

For the period July 1, 1976, to September 30, 1976: Section 15, \$550,000; section 19, \$2,772,500.

CHANGES IN EXISTING LAW

In the opinion of the Committee, it is necessary to dispense with the requirements of subsection (4) of rule XXIX of the Standing Rules of the Senate in order to expedite the business of the Senate.

○

Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the nineteenth day of January,
one thousand nine hundred and seventy-six*

An Act

To amend the Noise Control Act of 1972 to authorize additional appropriations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (g) of section 15 of the Noise Control Act of 1972 (42 U.S.C. 4914(g)) is amended by striking out the period at the end thereof and substituting a comma and the following: "\$2,200,000 for the fiscal year ending June 30, 1976, \$550,000 for the transition period of July 1, 1976, through September 30, 1976, and \$2,420,000 for the fiscal year ending September 30, 1977."

SEC. 2. Section 19 of the Noise Control Act of 1972 (42 U.S.C. 4918) is amended by striking out "and" and by inserting immediately before the period at the end thereof the following: "; \$11,090,000 for the fiscal year ending June 30, 1976; \$2,772,500 for the transition period of July 1, 1976, through September 30, 1976; and \$12,199,000 for the fiscal year ending September 30, 1977; except that no part of any amount appropriated pursuant to this section or section 15 for any period after the fiscal year ending June 30, 1975, shall be available for research or development".

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

May 21, 1976

Dear Mr. Director:

The following bills were received at the White House on May 21st:

H.R. 5272 ✓
H.R. 9721 ✓
H.R. 13172 ✓

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder
Chief Executive Clerk

The Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D. C.