IN THE SENATE OF THE UNITED STATES

September 31, 1970

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. Dole to S. 4358, a bill to amend the Clean Air Act, and for other purposes, viz: On page 48, beginning with line 11, strike out all through line 6 on page 52, and insert in lieu thereof the following:

"(4) (A) Within twenty-four months but no later than twelve months before the effective date of standards established pursuant to this subsection any manufacturer or manufacturers may file with the Secretary an application for a public hearing on the question of a suspension of the effective date of such standards for one year. Upon receipt of such application, the Secretary shall promptly hold a hearing to enable such manufacturer or manufacturers and any other interested person to present information relevant to implementation of the standards."

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"(B) In connection with any hearing under this subsection, 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 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) Within six months after such receipt of the application for suspension the Secretary shall, if he finds upon a preponderance of evidence adduced at such hearing that a suspension is essential to the public interest and the general welfare of the United States, that all possible and good faith efforts have been made to meet the standards established by this subsection, and that effective control technology, processes, operating methods, or other alternatives are not available or have not been available for sufficient period to achieve compliance prior to the effective date of such standards even with the full applications of section 309 of this Act, recommend to Congress that (i) the effective date of such standard be suspended for a period of only one year, and (ii) the emission standard that should be applied during any such suspension which standard shall reflect the greatest degree or emission control possible through the use of technology available.

"(D) The findings and recommendations required by this subsection shall not be subject to judicial review. Such recommendations shall be effective as law at the end of the first period of sixty calendar days of continuous session of Congress after the date on which the recommendation is transmitted to it unless, between the date of transmittal and the end of the sixty-day period, either House passes a resolution stating in substance that the House does not favor such recommendation.

"(E) For the purpose of this paragraph—

"(i) continuity of session is broken only by an adjournment of Congress sine die; and

"(ii) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the sixty-day period.
AMENDMENT

Intended to be proposed by Mr. Dole to S. 4358, a bill to amend the Clean Air Act, and for other purposes.

Ordered to lie on the table and to be printed.

September 30, 1970