

Calendar No. 1214

91ST CONGRESS  
2D SESSION

**S. 4358**

---

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 21, 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:

1       “(4) (A) Within twenty-four months but no later than  
2 twelve months before the effective date of standards estab-  
3 lished pursuant to this subsection any manufacturer or manu-  
4 facturers may file with the Secretary an application for a  
5 public hearing on the question of a suspension of the effective  
6 date of such standards for one year. Upon receipt of such  
7 application, the Secretary shall promptly hold a hearing to  
8 enable such manufacturer or manufacturers and any other  
9 interested person to present information relevant to imple-  
10 mentation of the standards.



1       “(B) In connection with any hearing under this sub-  
 2 section, the Secretary may sign and issue subpoenas for the  
 3 attendance and testimony of witnesses and the production  
 4 of relevant papers, books, and documents, and administer  
 5 oaths. Witnesses summoned shall be paid the same fees and  
 6 mileage that are paid witnesses in the courts of the United  
 7 States. In case of contumacy or refusal to obey a subpoena  
 8 served upon any person under this subparagraph, the dis-  
 9 trict court of the United States for any district in which  
 10 such is found or resides or transacts business, upon applica-  
 11 tion by the United States and after notice to such person to  
 12 appear and give testimony before the Secretary or to ap-  
 13 pear and produce documents before the Secretary, or both,  
 14 and any failure to obey such order of the court may be  
 15 punished by such court as a contempt thereof.

16       “(C) Within six months after such receipt of the appli-  
 17 cation for suspension the Secretary shall, if he finds upon a  
 18 preponderance of evidence adduced at such hearing that a  
 19 suspension is essential to the public interest and the general  
 20 welfare of the United States, that all possible and good faith  
 21 efforts have been made to meet the standards established by  
 22 this subsection, and that effective control technology, proc-  
 23 esses, operating methods, or other alternatives are not  
 24 available or have not been available for sufficient period to

1 achieve compliance prior to the effective date of such stand-  
 2 ards even with the full applications of section 309 of this Act,  
 3 recommend to Congress that (i) the effective date of such  
 4 standard be suspended for a period of only one year, and  
 5 (ii) the emission standard that should be applied during any  
 6 such suspension which standard shall reflect the greatest  
 7 degree or emission control possible through the use of  
 8 technology available.

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

18       “(E) For the purpose of this paragraph—

19       “(i) continuity of session is broken only by an ad-  
 20 journment of Congress sine die; and

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



- 1 “(F) Nothing in this paragraph shall extend the effec-
- 2 tive date of any emission standard established pursuant to
- 3 this subsection for more than one year.”

Amdt. No. 928

Calendar No. 1214

91ST CONGRESS  
2D SESSION

**S. 4358**

---

---

## AMENDMENT

---

---

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

---

---

SEPTEMBER 21, 1970

Ordered to lie on the table and to be printed