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FOR IMMEDIATE RELEASE

WASHINGTON, D.C. Sept. 22 -- Senator Bob Dole will call up his amendment today to the National Air Quality Standards Act of 1970 that would permit Congress to determine whether extensions beyond the 1975 deadline for achieving a 90-percent reduction in automobile emissions from specified 1970 levels should be allowed.

Dole said, "The Public Works Committee, recognizing that there might not be sufficient time for the industry to meet this standard, provided for a one-year extension of the deadline by Secretary of Health, Education and Welfare, subject to judicial review. However, I believe a combination of administrative and congressional action would be more consistent with the intent of Congress.

"My amendment, in the form of a substitute for section 202 (b) (4), will provide automobile manufacturers an opportunity to petition the Secretary of HEW for a one-year extension of the 1975 deadline.

"If the Secretary, who possesses the expertise and factfinding authority, finds the extension to be in the public interest, and also finds that all possible good faith efforts to meet the standard have been made, and the technology is not available, he must recommend to Congress a one-year extension.

"Congress has made a policy judgment in establishing the 1975 deadline and it is only logical that Congress should have the authority to review that policy decision on the basis of social, health and economic considerations, which might become apparent as that deadline approaches.

"The Congress, with a complete record of information available to it, will then be in the best position to determine if the Secretary's recommendations are in the public interest.

"By the terms of my amendment, Congress would be given the final opportunity to act, thus placing the responsibility where it should be.

"This procedure is similar to that employed in the Executive Reorganization acts and would be more expeditious than depending on court action with the potential for delay incumbent in that process."

TEXT OF THE PROPOSED AMENDMENT:

Amend section 202 (b)(4) to read as follows:

"(4)(A) Within 24 months but no later than 12 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 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.

"(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 person 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 6 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 application of section 309 of this Act, recommend to Congress that (i) the effective date of such standard be suspended for a period of one year, and (ii) the emission standard that should be applied during any such suspension which standard shall reflect the greatest degree of 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 60 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 60-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 3 days to a day certain are excluded in the computation of the 60-day period.

"(F) Nothing in this paragraph shall extend the effective date of any emission standard established pursuant to this paragraph for more than one year."