



# NEWS from U.S. Senator Bob Dole

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## Agency for Consumer Advocacy Substitute Amendment

Mr. President, today I am proposing a solution to the impasse that has developed in regard to the Consumer Protection Bill, S. 707. The alternative I am introducing is a substitute amendment which should be acceptable to all parties. My substitute was created by taking the best of the Senate and House bills and putting them in this amendment.

The substitute resolves the key issue of the "labor exemption" to the satisfaction, I believe, of all those who have been concerned that consumer interests would not be represented in this area.

The issues making the Senate bill a likely veto candidate have been withdrawn. These issues are the term and removal of the Administrator, the Office of Management and Budget by-pass, and the independent interrogatory power.

The Senate provisions on the Federal Communications Commission and small business are retained.

Finally, provisions have been included to prevent a self-defeating possibility of driving farmers out of business in the interest of low food prices for consumers.

I have talked to the majority and minority managers of the Senate bill and believe that my substitute is acceptable to them. My amendment retains those provisions of the House bill which make it more acceptable to the private sector and the Federal agencies, yet it includes a number of the Senate provisions which are better and more concisely drafted.

We are all concerned about protecting the interests of consumers and many have questioned whether the Agency for Consumer Advocacy would actually protect the interests of consumers. I believe this substitute will provide meaningful representation for consumers without defeating our purpose. It will not create a super agency that will harass or meddle in our great private enterprise sector.

### Concept of Parity

There are a number of important reasons why the basic House consumer protection measure, with a few appropriate changes, is preferable to the format presently contained in S. 707. The most important reason why I favor the basic House version of this legislation is that H.R. 13163 adheres to the concept of equality and parity between the Consumer Advocacy Agency, private enterprise, and any other private interest. My amendment places them in the same position -- with the same powers. Under my amendment, the Agency has no direct interrogatory power. Rather, it places the Consumer Advocacy Agency in substantially the same position as any other party to a regulatory or administrative proceeding. This has the effect of putting consumer interests, voiced through the Agency for Consumer Advocacy, on a level equal to, but not greater than, business interests.

### Labor Issue Is Key

In regard to the important issue of labor, my amendment adopts the House provision in regard to labor matters. It is my opinion that this substitution resolves the issue of ACA representing consumer interests in labor issues. The result is a labor provision which would prohibit the Administrator's participation only in regard to completely private contractual labor negotiations between unions and businesses. This type of exemption of Federal intervention in private labor



negotiations is consistent with the entire concept and authority of the Act. Once any Federal agency involvement occurs, the Administrator would be authorized to submit views or participate in that agency proceeding. These actions are equal to any action the Administrator could take concerning any other sector of business or commercial activity.

My amendment, just as with H.R. 13163, contains no restrictions upon the ordinary power of the President to remove the Administrator of the ACA. Under the provisions of this proposed amendment, the President would have full authority at his discretion to remove the Administrator.

My amendment further retains the desirable House language in regard to review of ACA budgetary requests, legislative proposals, and comments by the Office of Management and Budget. My amendment retains the desirable House version in regard to this important provision and would not allow direct budgetary or legislative submissions from the ACA to Congress.

The exemption from information gathering for small business, initially introduced by Senator Domenici, is preserved in my substitute. And the requirement that the Administrator take full account of the interests of small business, which was initially introduced by Senator Brock, has also been preserved in my substitute.

#### Agriculture Clarification

The substitute amendment has a provision pertaining to the capacity of the Agency for Consumer Advocacy to intervene in administrative proceedings which bear upon the income of farmers and the production of farm products. In regard to this area, which is of such considerable interest to our nation's farmers, even an advocacy function may result in administrative delays that could work to the potential disadvantage of farmers. I have proposed an agricultural amendment which will prohibit the Administrator from intervening in any United States Department of Agriculture proceeding in a manner which would directly affect the production or initial sale of raw agricultural commodities (food and fiber).

#### Senate Provisions Retained

I have amended the original version of H.R. 13163, as passed by the House of Representatives, to include a savings provision for small businesses, identical to the one which was adopted earlier in the Senate debates on S. 707. That provision requires the Administrator to take due consideration of the unique problems of small business so as not to discriminate or cause unnecessary hardship in the administration or implementation of the provisions of this Act. This provision, together with the language of the House bill, amounts to the small business exemption as approved by the Senate.

I have also amended the original version of H.R. 13163 to change the name of the prospective agency to the Agency for Consumer Advocacy, thereby bringing the name of the agency into line with the name change amendment which was recently adopted in regard to S. 707. In my opinion, this name change provides a much more accurate and descriptive designation of the agency. It denotes the advocacy function which this agency would perform and does not convey the erroneous notion that the agency would have the independent capacity to interrupt business activities of normal government operations.

#### FCC Exemption

The current version of S. 707 exempts the Federal Communications Commission from the provisions of the Act in regard to the renewal of radio or television broadcasting licenses. I regard this as an appropriate exemption as apparently do a majority of Senators who voted not to strike this exemption from S. 707. Accordingly, this language from S. 707 has been added to my updated version of H.R. 13163.

I hope that every Senator will join me in supporting this measure.

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