

## Few Changes for Consumers in 102nd Congress

**D**espite all the anti-incumbent talk, when the votes were counted, little had changed overall as a result of the 1990 congressional elections.

Only four seats changed hands in the Senate, 44 in the House, most in cases where the incumbent had left to retire or run for other office.

In keeping with this strong showing by incumbents, all seven Senate incumbents endorsed by CFA held on to their seats, as did 106 of the 109 CFA-endorsed House incumbents.

It is particularly good news for consumers that such consumer heroes as Paul Simon (D-IL), John Kerry (D-MA), and Tom Harkin (D-IA) managed wins in what many feared would be difficult races.

The two Senate challengers endorsed by CFA, however, both lost. In the House, challengers did somewhat better, with eight of 19 endorsed candidates winning their races.

In addition, races in which neither candidate received a CFA endorsement (often because the incumbent had at least a passable consumer voting record) produced some newcomers with strong potential as consumer leaders, particularly Paul Wellstone (D-MN), the only challenger to defeat an incumbent in the Senate, and Bernard Sanders (I-VT), a self-proclaimed socialist who ran on a populist message, criticizing Congress and the administration as champions of big business and the wealthy.

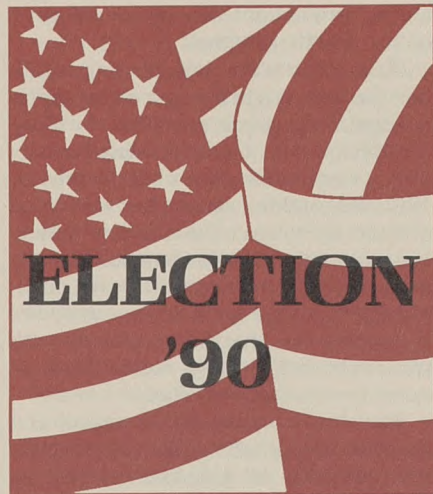
Wellstone defeated Sen. Rudy Boschwitz (R-MN), whose lifetime CFA voting record is 35 percent, just above the cut-off for his opponent to be considered for endorsement by CFA.

Based on his campaign message, Wellstone is expected to be a dramatically stronger consumer ally. He voiced strong support for a national health care system, for example, and criticized Boschwitz for currying the favor of business while ignoring pressing social needs.

Despite the strong showing by incumbents, three CFA-endorsed House incumbents lost: Rep. Jim Bates (D-CA); Rep. Robert W. Kastenmeier (D-WI), a 16-term veteran; and Rep. Doug Walgren (D-PA). Walgren's surprise defeat once again leaves the House Consumer Protection Subcommittee chairmanship up for grabs.

"We are sorry to lose Chairman Walgren," said CFA Product Safety Director Mary Ellen Fise. "He deserves thanks and appreciation from all consumers for his recent successful championship of Consumer Product Safety Commission reauthorization."

Although nothing is certain until the Democratic caucus meets early next session to elect subcommittee chairmen, Rep.



Cardiss Collins (D-IL), who has been a consistent supporter of consumer protection legislation, is expected to be named to fill Walgren's post.

When the Democratic caucus met in early December to determine changes in full committee chairmanships, they elected Rep. George Brown (D-CA) to chair the Science, Space and Technology Committee, leaving open the chairmanship

of the Agriculture Subcommittee on Department Operations, Research and Foreign Agriculture.

Rep. Charles W. Stenholm (D-TX) is expected to fill the slot, where he will oversee implementation of the new farm bill and drafting of major new pesticide legislation. Rep. Stenholm is viewed as being a staunch defender of conventional agriculture, in contrast to Rep. Brown, who championed the sustainable agriculture initiative in the House.

Overall, the new group of members in both houses does appear to be slightly more liberal than those they replace.

Not only are Wellstone and Sanders more liberal than their predecessors, but, in the House, three CFA endorsed challengers defeated anti-consumer incumbents. The defeated incumbents were:

- Rep. John Hiler (R-IN), who, as a member of the House Banking Committee's Consumer Affairs Subcommittee, was an articulate spokesman against basic banking, check cashing, and a host of other consumer issues;

- Rep. Stan Parris (R-VA), who, among other actions, crafted an amendment to the savings and loan bailout bill to create

a loophole for subsidiaries, which would have severely weakened the bill's safety and soundness protections; and

- Rep. Denny Smith (R-OR), who voted against nearly every pro-consumer initiative in CFA's 1989 voting record, including two important safety and soundness issues related to the savings and loan crisis, increased capital standards and restrictions on junk bond investments.

They are replaced by Tim Roemer, James P. Moran Jr., and Mike Kopetski, respectively, all of whom, based on their answers on CFA's candidate questionnaire, can be expected to be strong consumer advocates.

The five CFA-endorsed candidates who won races for open seats are: Rosa DeLauro, replacing Bruce Morrison (D-CT); James Bacchus, replacing Bill Nelson (D-FL); John W. Cox, filling the seat vacated by Lynn Martin (R-IL), who ran against Simon for Senate; Thomas H. Andrews, replacing Joseph E. Brennan (D-ME); and John F. Reed, filling the seat vacated when Rep. Claudine Schneider, one of the most pro-consumer Republicans in the House, left to run for Senate against Claiborne Pell.

## Partisan Politics Kills Banking Bills

**E**nd of session partisan politics killed a package of consumer banking bills, including truth in savings, home equity margin disclosure, and fair lending enforcement.

Long sought by consumer advocates, the truth in savings provision would have increased consumers' ability to comparison shop by requiring banks to disclose fees and interest rates on all savings instruments and calculate interest rates on a uniform basis, equivalent to average daily balance.

The home equity provision was designed to clarify that lenders offering variable interest rates on home equity loans must disclose the margin they are offering before imposing non-refundable fees.

The fair lending provision would have: increased information about their loan appraisals to applicants refused loans; required regulatory agencies to establish separate consumer compliance programs with specially trained examiners; required appropriate discrimination cases to be referred to the Department of Justice or the Department of Housing and Urban Development and allowed the DOJ to seek punitive damages; and brought mortgage bankers under the Home Mortgage Discrimination Act's disclosure requirements.

The compromise package crafted by Sen. Alan Dixon's (D-IL) Subcommittee on Consumer Affairs also included provisions opposed by CFA to weaken the check hold restrictions, particularly as they apply to deposits at automatic teller machines. The package was attached to Sen. John F. Kerry's (D-MA) money laundering bill, which passed out of the Senate Banking Committee.

"We accepted the check hold provisions in the Senate, because we wanted to pass and send a compromise package to the House, where we intended to fight the check hold additions," said CFA Legislative Representative Peggy Miller.

That is exactly what happened. The bill passed the Senate, and went to the House where a conference was requested.

"No one was saying that these consumer bills weren't useful, necessary pieces of legislation, but with elections coming on, everything suddenly shifted to partisan politics," Miller said.

The first signs that the compromise might be unraveling came when Republicans decided they didn't want Sen. Kerry, who was locked in a tight reelection battle, to have a victory to take home to voters on his otherwise non-controversial money laundering bill. As a result, Senate Republicans refused to meet in conference.

With that attitude stalling the entire vehicle, consumer advocates worked with Sen. Christopher Dodd (D-CT) to try to attach their package to any financial bill that appeared to be moving or to move the package separately.

When those efforts proved unsuccessful, they also attempted to move the pieces individually.

Rep. Henry Gonzalez (D-TX), for example, put truth in savings legislation on the House floor agenda, and it passed on unanimous consent. The Senate never acted on the bill, however.

Similarly, Sen. Dixon asked the Senate to pass a compromise version of the fair lending bill at the last minute, which it did, but the bill never made it to the House floor.

"Everytime it appeared we had a chance to move the package, or a piece of it, something would come along to stop it—the coin bill in the House, lender liability in the Senate," Miller said.

"It was partisan politics at its worst that killed a non-partisan package," she said.

Sen. Dixon has said he will try to move fair lending quickly next year and will consider moving other parts of the compromise as well.

**Legislative Wrap-Up****Consumer Issues a Focus in 101st Congress****Financial Services**

**Truth in Savings, Home Equity Margin, Fair Lending Enforcement**—See article, page 1.

**Basic Banking and Government Check Cashing**—Bills introduced in 1989 to mandate provision of low cost checking accounts and to require financial institutions to cash government checks for a low fee (S. 906, S. 907) were never acted on in committee. In a last ditch effort to secure passage, Sen. Howard Metzenbaum (D-OH) offered a compromise version of the government check cashing provision as an amendment to the National Affordable Housing Act. In a close vote, the Senate tabled the amendment, despite strong bi-partisan endorsements of the compromise. A broadened approach to low income availability will be attempted next year.

**Civil Penalties and Penny Stocks**—In October, Congress passed and the president signed legislation (S. 647, PL 101-429) authorizing the Securities and Exchange Commission and federal courts to impose civil fines for securities law violations, giving the SEC authority to issue cease and desist orders, and giving courts the right to bar individuals convicted of securities law violations from continuing to work in the industry. The law also expands regulatory protections for investors in the penny stock market.

**McCarran-Ferguson**—The House Judiciary Committee reported out a bill (H.R. 1663) in June to eliminate the insurance industry's antitrust exemption. No additional action was taken in this Congress, but supporters expect a similar bill to be introduced next session.

**Financial Planning**—The House Telecommunications and Finance Subcommittee held hearings on legislation (H.R. 4441) to create uniform and strengthened federal regulatory oversight of the financial planning industry. The bill was endorsed by the SEC. The subcommittee is expected to renew its efforts in this area next year.

**Product Safety**

**CPSC Reauthorization**—In the last days of the session, Congress passed legislation (S. 605, H. Rept. 101-914, P.L. 101-608) to reauthorize the Consumer Product Safety Commission, including a number of important provisions to improve operating procedures at the agency, increase civil penalties and create a mechanism for future increases tied to inflation, impose civil penalties for the first time under Federal Hazardous Substances Act, and improve safety features of garage door openers. After the Senate adopted the conference report on voice vote, the House adopted the measure on a 375-41 vote, and the president signed the bill into law.

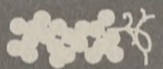
**CPSC Appropriations**—Congress appropriated \$37.109 million for the Consumer Product Safety Commission. This is more than the \$35.6 million requested by the Bush Administration, but well short of the \$50 million suggested by consumer advocates and the \$40.3 million identified

by the CPSC staff as the minimum cost to conduct a viable product safety effort.

**Product Liability**—Consumer advocates once again fought off attempts by businesses to weaken the nation's product liability laws. This year's bills (S. 1400, H.R. 2400) were less extreme than previous versions, containing no caps on punitive damage awards, for example. The Senate bill was reported by the Commerce Committee but was discharged without recommendation by the Judiciary Committee. A similar bill in the House was not acted on.

**Lead Pollution Prevention**—Legislation was introduced near the end of the session to curtail specified nonessential uses of lead that are particularly likely to contribute to human exposure, to fund research on exposure and abatement, to set more stringent regulatory standards, and to educate the public about the hazards associated with lead. Hearings were held in both houses, but no action was taken. The legislation is expected to be taken on the table next year.

**Medical Devices**—On the last day of the session, Congress cleared for the president's signature legislation (H.R. 3095, P.L. 101-629) to streamline the marketing approval process for new medical devices, to improve monitoring of devices already on the market, and to make it easier to recall dangerous devices. The president signed the bill in November.

**Food Safety and Nutrition**

**Sustainable Agriculture**—The omnibus farm bill approved by Congress contains a major redirection of agriculture research programs toward sustainable agriculture techniques, as well as training of extension workers and flexibility in the price support system to support these techniques. The bill also creates an organic food labeling and certification program. The agriculture appropriations bill more than doubles the appropriation for sustainable agriculture research, from \$3 million to \$6.3 million.

**Nutrition Labeling**—Congress passed and the president signed legislation (H.R. 3562, P.L. 101-535) to require comprehensive nutrition labeling on most packaged foods and in point of purchase displays for the 20 most commonly consumed fruits, vegetables, and raw fish. The new law restricts health claims manufacturers can make on food labels to those the Food and Drug Administration determines are based on significant scientific agreement. It also requires FDA to define such terms as "light," "low sodium," and "low fat," and restricts use of these terms to products that meet certain nutritional standards. Both houses passed a compromise version of the bill in late October, and the president signed it in November.

**Fish Inspection**—Late in the session, both houses of Congress passed bills to establish a mandatory federal seafood inspection program. No time remained to iron out substantial differences in the approaches taken by the two houses, however, so the legislation died for this year. The version passed by the Senate would have given primary inspection

responsibility to the Department of Agriculture. The version passed by the House would have given primary jurisdiction to FDA and the National Oceanic and Atmospheric Administration. The House version also limited its focus to shellfish (the source of 95 percent of the problem). Unlike the Senate bill, the House-passed version contained strong whistleblower protections, key to an effective public health program.

**Meat Inspection**—A binding condition was included in the agriculture appropriations bill requiring USDA to delay implementation of its streamlined inspection system (SIS-cattle) until March 31, 1991 and until the agency has submitted a report for congressional review on how concerns about the inadequacies of the system would be addressed. In particular, the USDA must report on how they are revamping the program to comply with recommendations in a recent National Academy of Sciences study.

**Backhauling**—Congress passed and the president signed legislation (H.R. 3386, P.L. 101-500) to eliminate problems associated with "backhauling" when tanker trucks or rail cars haul chemicals or garbage on one trip, then haul food products on the return trip. The bill requires the Department of Transportation to issue regulations, establish cleaning and decontamination procedures, and restrict products that present an extreme danger to transportation in dedicated vehicles. The House passed the bill 410-15 in March, and the Senate cleared the measure on unanimous consent Oct. 19.

**Pesticide Record-keeping**—A provision was included in the farm bill to require "certified applicators" who use registered-use pesticides to maintain records of pesticide use for two years. State and federal agencies have access to the records, as do medical personnel and workers who are under medical supervision. The bill contains monetary penalties for violations of record-keeping requirements.

**Indoor Air Quality**

**Comprehensive Indoor Air Legislation**—Legislation to create a federal program to combat indoor air pollution (S. 657, H.R. 5155) was passed by the Senate in late September but never reached the floor for a vote in the House. Both bills would authorize \$48.5 million a year in funding through 1993 to the Environmental Protection Agency, other federal agencies, and states to support programs to improve government research and monitoring of indoor air contaminants and mitigation techniques and to establish health advisories for the most severe contaminants. In the House, the Committee on Science, Space and Technology approved H.R. 5155, a substitute amendment for H.R. 1530, the original House bill, but two Energy and Commerce subcommittees with jurisdiction never acted on the bill.

**Radon**—The Senate added legislation (S. 1697) to its comprehensive indoor air quality bill to require local educational testing agencies to conduct tests for radon contamination in schools. The House did

not act on its companion measure (H.R. 3370).

**Asbestos in Schools**—One day before adjourning, Congress gave final approval to a five-year reauthorization of the Asbestos School Hazard Abatement Act of 1984 (S. 1893, P.L. 101-637). In November, the president signed the bill into law. It increases the authorization for grants and no-interest loans from \$125 million a year to \$200 million a year, extends the act's training and accreditation requirements to those who perform asbestos work in public and commercial buildings, and establishes a training grants program.

**Health and Health Care**

**Medigap Insurance Reform**—As part of the budget reconciliation bill, Congress passed a strong measure to reform the medicare supplement insurance market, which has been plagued with consumer abuses for the last 25 years. The measure requires that companies package insurance benefits similarly, increasing consumers' ability to comparison shop, and it establishes state and local counseling programs staffed by trained volunteers to assist consumers in making coverage decisions. The measure also requires that no less than 65 percent of premium dollars be paid out in benefits, and it forbids the sale of duplicative and unnecessary policies.

**Anti-smoking Legislation**—Anti-smoking measures progressed in both houses of Congress this session, but never made it to the floor for a vote. The House Subcommittee on Health and the Environment reported out legislation (H.R. 5041) that would have severely restricted vending machine sales, banned candy and gum packaged to look like tobacco products, and regulated tobacco product additives. Provisions in the original version of the bill to restrict tobacco advertising and tobacco company sponsorship of entertainment and sporting events were dropped in subcommittee markup. The Senate Labor and Human Resources Committee approved legislation (S. 1833) that would have increased federally funded anti-tobacco information and education. Supporters of both bills expect a fast start in the next Congress.

**Medicaid Expansions**—The deficit reduction bill passed by Congress and signed by the president includes \$2.3 billion in Medicaid expansions, including speeded implementation and additions to the program under which Medicaid pays Medicare cost-sharing for beneficiaries who are poor but not poor enough to otherwise qualify for Medicaid. The new measure also requires states, one year at a time, to provide Medicaid coverage to children up to age 18 in families with incomes below the federal poverty line. Currently children must be covered only up to the age of seven. The legislation also creates two new "capped" entitlements—one to provide home care to frail elderly people who might otherwise require institutionalization and another to provide home and community-based services to the mentally retarded.

(continued on page 3)

## Legislative Wrap-up

(continued from page 2)

### Health Messages in Alcohol Ads—

Legislation was introduced in both houses of Congress (H.R. 4493, S. 2439) to require health messages in all broadcast and print alcoholic beverage advertisements and promotional materials. The messages would include warnings similar to those currently required on alcohol beverage labels. Hearings were held in the House, but no action was taken this session.

**Orphan Drugs**—Both houses of Congress passed on voice vote legislation (H.R. 4638) to revise the 1983 Orphan Drug Act to eliminate unintended barriers to competition in the development of drugs to treat diseases that affect only a small number of people. The legislation would have allowed marketing rights to be shared for certain such drugs when developed within a year of each other by different firms. Despite broad bipartisan support, the president announced his pocket veto of the measure in November, after Congress had adjourned for the year. Supporters have announced their intention to try again next year.

### Transportation

**Emissions Warranty**—A measure was included in the Clean Air Act to extend the warranty on major emission control parts to eight years or 80,000 miles and to clarify which parts are covered by the warranty.

**Airport Access Fees**—Bills were introduced in both houses of Congress (S. 1822, H.R. 3325) to deal with the problem of unfair airport access fees, particularly as they relate to off-premises rental car companies. Hearings were held in Spring on the Senate bill, which would have removed airports' exemption from antitrust laws, thus prohibiting them from setting fees that are anticompetitive, as defined by those laws. Neither bill passed.

**CAFE standards**—Legislation (S. 1224) that would have forced auto manufacturers to increase the fuel efficiency of their fleets was passed by the Senate Commerce Committee on a 14-4 vote in April. The bill would have required auto makers to increase their Corporate Average Fuel Efficiency by 20 percent of 1988 averages

in 1995 and by 40 percent in 2001. The measure was removed from the Clean Air Act on a promise of floor debate, but the cloture vote to close debate and move to a vote on the bill came up three short of the 60 needed. A companion measure (H.R. 4532) was not acted on in the House. House and Senate supporters have said they will renew their efforts next year.

### Energy and Utilities

**Clean Air Act**—In October, Congress passed and in November the president signed a major overhaul of the Clean Air Act (S. 1630, H. Rept. 101-952, P.L. 101-549) aimed at reducing utility plant emissions that cause acid rain, industry emissions of toxic and smog-causing pollutants, and automobile tailpipe exhaust. Although consumer advocates would have preferred a greater emphasis on conservation, the bill generally balances environmental concerns with consumer concerns about cost, encourages least cost solutions, and includes some language to encourage conservation.

**Strategic Petroleum Reserve**—Spurred on by Iraq's occupation of Kuwait, President Bush signed into law on September 15 a measure (S. 2088, P.L. 101-383) expanding the nation's reserve of crude oil and creating a reserve for refined oil products.

**Alternative Power (PURPA Reform)**—One day before adjourning, Congress cleared for the president's signature legislation (H.R. 4808, H. Rept. 101-885, P.L. 101-575) to encourage electric power production through alternative sources. The legislation is designed to encourage solar, wind, waste and geothermal power production by removing size limitations on these facilities under the Public Utilities Regulatory Policies Act of 1978. The president signed the bill into law in November.

**Energy Assistance**—In the last days of the session, both houses of Congress passed a four-year reauthorization of the Low Income Energy Assistance Program (H.R. 4151, H. Rpt. 101-816, P.L. 101-501), including a \$2.15 billion authorization level for fiscal year 1991. The president signed the reauthorization bill in November. Actual funding for LIHEAP under the FY 1991 appropriations bill was cut slightly to \$1.415 billion from the FY 1990 level of \$1.443 billion. The appropriations bill also provides for a \$200 million emergency fuel assistance contingency fund to help protect low income families from potentially large increases in the cost of home heating oil.

**State Energy Conservation**—Congress passed and the president signed legislation (P.L. 101-440) to update and streamline the Department of Energy's state and local energy assistance programs, including the State Energy Conservation Program and the Weatherization Assistance Program. The legislation creates a state energy advisory board to coordinate federal, state and local activities and establishes a goal of reducing energy consumption by 10 percent by the year 2000.

### Telecommunications

**Cable Reregulation**—In the final days of the session, Bush administration opposition killed a bill to reregulate the cable industry. The House passed its version of the bill (H.R. 5267) on a voice

vote September 10. Floor debate on S. 1880 was blocked September 28 as a result of a disagreement over program access. Once a compromise was reached, a filibuster threat from Republican senators kept the bill from coming to the floor because of end of session time pressures. Sponsors promise an even stronger bill next year.

**Cable-Telco Cross-ownership**—Supporters of measures to allow local telephone companies to offer cable service in their home service areas (S. 1068, H.R. 2437) agreed not to attach their measures to cable re-regulation legislation this year in return for a promise that the issue would be considered next year. Consumer advocates oppose the measures because of the potential for monopoly abuse.

**MFJ Restrictions**—The Senate Commerce Committee reported out a bill (S. 1981) in June to allow the Bell companies to manufacture telecommunications equipment. No floor action was taken, and no similar bill was acted on in the House.

**Children's Television**—Congress passed legislation (H.R. 1677, P.L. 101-437) to restrict advertising on children's programs to 12 minutes per hour on weekdays and 10.5 minutes per hour on weekends. Stations also must demonstrate during the license renewal process that their overall programming and children's shows are meeting the educational needs of children. The bill, which President Bush opposed on the grounds that the government should not regulate program content, was passed on voice votes in both Houses. The president allowed the bill to become law without his signature.

**Caller ID**—Hearings were held in both houses of Congress on legislation (S. 2030, H.R. 4340) that would require phone companies to offer blocking anytime they offer Caller ID. No action was taken.

**Television Decoder Circuitry Act**—Congress passed and the president signed legislation (S. 1974, P.L. 101-431) to require televisions with screens 13 inches or larger to use built-in decoder circuitry to display closed captioned programming. Currently, individuals needing such technology have to pay approximately \$200 for a separate decoder. The resulting low number of such purchases creates little incentive to provide closed caption programs.

**Alternative Operator Services**—Legislation was passed and signed by the president (H.R. 971, P.L. 101-435) to require alternative long-distance telephone operator services to file their rates with the Federal Communications Commission and disclose prices to customers upon request. The companies provide operator services, often at extremely escalated rates, to individuals who make collect, person-to-person, and credit card calls from hotels, airports, hospitals, and other institutions. The law gives the FCC authority to determine whether rates are just and reasonable.

### Miscellaneous

**Campaign Finance Reform**—The House and Senate each passed its own version of campaign finance reform legislation in August (H.R. 5400, S. 137) but never met in conference to work out substantial differences between the two bills. The House bill would have capped spending in House races at \$550,000 per candidate for the general election, with free broadcast time and reduced mailing

costs as incentives. The Senate version would have eliminated political action committees, established voluntary state-by-state spending limits, and offered campaigns low-cost mail, free television time and extra funds to fight opponents who exceed the limits.

**Child Labor**—Legislation to increase penalties for child labor violations (S. 2548, H.R. 4733) was included in the budget reconciliation bill which was passed by Congress and signed by the president. Although efforts to raise the ceiling for such penalties from \$1,000 to \$10,000 were successful, efforts to raise the floor from \$0 to \$1,000 failed.

**Resale Price Maintenance**—Legislation to protect against price-fixing agreements between manufacturers and major retailers (S. 865, H.R. 1236) was passed in the House in April but was never brought to the Senate floor for a vote. The measures would counteract recent Supreme Court decisions which have watered down the law against vertical price-fixing, making it easier for full price retailers to conspire with manufacturers to cut off the supply of goods to discounters. The Senate Judiciary favorably reported out a bill in February. Supports won a promise that the bill would be brought to the floor of the Senate next year.

**Civil Justice Reform**—On the last day of the session, Congress passed legislation (S. 2648, H.R. 5316, P.L. 101-650) to improve procedures in order to make the civil justice system less expensive and more efficient. The bill also creates 85 new federal judgeships targeted at areas with heavy drug caseloads. The president signed the bill in December.

**Civil Penalties**—Congress passed and the president signed legislation (S. 535, P.L. 101-410) to establish a mechanism for periodic adjustments of civil penalties under all federal laws to account for inflation.

**Child Care**—Included in the deficit reduction bill was a measure to provide \$18.3 billion in tax credits and \$4.25 billion for new grant programs over five years to help low and moderate income families cope with the costs of child care and to help states improve the quality and availability of such care.

**Affordable Housing**—In October, Congress passed and in November the president signed legislation (S. 566, P.L. 101-625) to increase the nation's stock of affordable housing and help public housing tenants become homeowners. The new law authorizes \$27.5 billion in fiscal year 1991 and \$29.9 billion in FY 1992 to continue current programs and create new programs, including block grants through state and local governments requiring matching funds for construction, renovation and rent subsidies. The bill provides for subsidies of down payments and mortgages for first-time moderate-income home buyers.

**Whistleblower Protection**—The Defense Authorization Bill extended strong whistleblower protection, with more reasonable burdens of proof, to employees of government contractors who challenge fraud in defense contracts. The Senate Labor Committee reported out a bill (S. 436) that would have extended to private employees who report violations of health and safety laws the strong protections accorded federal employees under the Whistleblower Protection Act of 1989. No further action was taken on this or on a companion measure in the House (H.R. 3368).

# CFAnews



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# Kennedy Calls Indoor Air Bill 1991 Priority

**A**cknowledging that the battle is lost for this year, Rep. Joseph P. Kennedy II (D-MA) reaffirmed his commitment to passage of comprehensive indoor air quality legislation next year in a keynote address at CFA's fourth indoor air quality conference in October.

Expressing frustration that the legislation had been tied up in the House by "special interest groups," Rep. Kennedy called on conference attendees "to become actively involved," communicating their support for legislation to members of the House, the Senate, and the Bush Administration to combat the messages being sent by special interests who oppose the bill.

"Only then will we get the muscle we need to push this legislation through," said Kennedy, who was original sponsor of the House bill.

## Health Advisories Are Bill's "Cornerstone"

In describing the bill—which includes support for research, programs to deal with the most serious health threats, centralized authority in the Environmental Protection Agency, grants for development of new technologies, and incentives for building improvements—Rep. Kennedy said he sees the provision on health advisories as "the cornerstone of indoor air legislation."

This controversial provision mandates the dissemination of health advisories for 12 indoor pollutants, describing adverse human health effects, contaminant standards, the risk to subpopulations, sources of exposures,



Rep. Joseph P. Kennedy II gave the keynote address at CFA's October Indoor Air Quality conference.

technology and management information.

Rep. Kennedy said that he does see signs of hope for next year. The Energy and Commerce Committee, which did not act on the bill this year, is now seriously considering supporting "a much deeper bill on indoor air quality next year," he said.

He predicted that, if the bill could be brought to the House floor, "it would just sail through."

Eileen Claussen, Director of Atmospheric and Indoor Air Programs at EPA, also presented a message of hope for the future in her keynote address at the conference.

"We've come a lot farther in our commitment to indoor air at EPA," Claussen said, citing the elevation of the program to divi-

sion status and the growth in the budget from a \$50,000 program and \$2.5 million research budget in 1987 to a \$2.4 million program and \$4 million research budget for 1991.

The Science Advisory Board has identified indoor air quality as one of the issues that poses the greatest risk to human health, and the "EPA is committed to developing a coherent national program for indoor air," she said.

Because knowledge in this area is "primitive," an important emphasis of that program will continue to be basic research, she said.

One challenge the agency faces is "making a non-regulatory, information-based pro-

gram work. We've got lots of carrots, but no stick," she said.

## EPA Program Depends On Voluntary Compliance

The EPA can and will provide guidance to such groups as architects, builders, school officials, physicians, and state and local governments, she said, but compliance with those guidelines will be strictly voluntary.

While she is committed to trying to make such a program work, she acknowledged that "people come to the table much faster when you have a stick."

Another challenge for the agency is to develop a program to improve indoor air that is compatible with energy conservation, which is key to overall pollution reduction, acid rain, global warming, and energy security solutions, she said.

"Our goal has to be to achieve energy conservation goals and maintain indoor air quality...to create a healthy and energy efficient environment," Claussen said. "If indoor air recommendations carry a big energy price tag, they won't succeed with the public."

The conference, which brought together more than 150 representatives of federal, state, and local government, labor, and public and private sector groups, also included sessions on incentives to promote clean indoor air, home indoor air quality audits, and the role of building maintenance and service personnel in improving indoor air quality.

## CFA Staff Members Recognized



Fise



Kimmelman



Miller

**T**hree members of the CFA staff have received recognition for their lobbying efforts on behalf of consumers.

In September, CFA Product Safety Director Mary Ellen Fise was named Humanitarian of the Year by the Danny Foundation in recognition of "her outstanding contributions toward the safety of America's children."

The Danny Foundation is a non-profit group working in the area of crib safety. Fise was cited for her work with the Consumer Product Safety Commission and the Juvenile Products Manufacturers Association to assure safer standards for children's products and, in particular, for her leadership on the issue of crib toy safety.

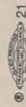
In October, CFA Legislative Representative Peggy Miller was one of 41 persons included in *American Banker's Who's Who* of influential banking lobbyists.

Miller was cited in the article as "one of the few lobbyists who stuck it out through the hard times of the savings and loan bill, through the committee sessions that ran late into the night and early mornings and through the regulatory process that followed."

CFA Legislative Director Gene Kimmelman was included in the first edition of *Beacham's Guide to Key Lobbyists*, which recognizes the 125 "essential players in the major policy contests" of the 101st Congress. The profile includes an analysis of the issues Kimmelman works on, a description of CFA, and a personal profile of Kimmelman, including his philosophy of lobbying.

**CFAnews**

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