

CFAnews  
**Election '82**  
SPECIAL EDITION

## CFA Tallies Votes on Pocketbook Issues

In a year that has been dominated by pocketbook issues and the economy, Consumer Federation of America released a Pre-Election Congressional Vote Analysis in which six Congressmen and four Senators received perfect 100% ratings.

"No set of votes in the past has ever revealed such a Congressional emphasis on gut issues like autos, jobs, taxes, homes, health care and social security," said David I. Greenberg, CFA's Legislative Director. "So the members compiling perfect scores really stood watch over consumers' pocketbooks and cost of living in the 1982 Congress."

The 100% Club in the Senate includes Senators Paul Sarbanes (D-MD), Christopher Dodd (D-CT), Alan Cranston (D-CA), and William Proxmire (D-WI). Eleven other Senators scored 90%.

In the House, perfect scores were received by Congressmen Sidney Yates (D-IL), Don Edwards (D-CA), Richard Dottinger (D-NY), Albert Gore, Jr. (D-TN), Tom Harkin (D-IA) and Frank Annunzio (D-IL). Forty-nine members compiled 90% records.

Ten votes in both the House and Senate were analyzed in the Pre-Election Analysis, which will be combined with key votes in the lameduck session to make up CFA's 1982 Voting Record. On these initial votes, the overall Senate rating was 43% and the House rating was 47%, with Democrats outranking Republicans by 75% to 16% in the Senate and

65% to 24% in the House.

"With unemployment over 10% and the economy the pivotal issue in the election, it is particularly important for consumers to see just how their representatives voted on the basic necessities," Greenberg explained.

"Did they vote for truthful disclosures about the condition of used cars so purchasers won't waste money on old lemons? Did they vote for fairer tax cuts or for taxes that benefit primarily rich people and corporations?" Greenberg asked.

"Did your Congressman and Senator make health care more expensive by seeking to limit the availability of generic drugs and lower tax deductions for medical expenses? And did your representatives seek to protect the social security and unemployment benefits so many people must depend on?"

By no means are these rhetorical questions, Greenberg pointed out, because a large number of Congressmen and Senators scored poorly on these critical economic issues. Thirty-one Congressmen and 16 Senators failed to cast even one right vote on CFA's pocketbook issues. And 47 members of the House and 16 Senators voted right only once on these ten issues. "That is exactly the sort of information we think consumers want when they go to the polls," he concluded.

*The 1982 Pre-Election Analysis is available from CFA for \$5; free to members.*

## Campaign Money Linked To Lameduck Issues

By Glenn Nishimura,  
Legislative Representative

Lost amid the garble of numbers and pointing of fingers in this year's Congressional campaigns lies an issue of major impact on the upcoming lameduck session. It is the issue of the growing influence of well-financed professional and business political action committees that make campaign "investments" to reap the "profits" of support for their own blatantly anti-consumer and anti-competitive measures.

For now, everything is on hold until after the election. Numerous special interest bills await action by a lameduck Congress, a Congress that will no longer be subject to immediate evaluation by the votes. But obviously, a great deal hinges on the outcome of the election. Should the election produce evidence of the repudiation of special interest legislation, the leadership in Congress may decide to go home for Christmas without doing much more damage to consumers.

Yet, business PACs are not inclined to let this happen. The Christmas wish list of special interests is long and potentially very profitable. Their well-placed political contributions during the election season may reap high rewards.

Proposals that would exempt doctors and lawyers, the shipping industry, and beer wholesalers from the antitrust laws are poised for Congressional approval. A bill to extend the monopoly rights of the already-profitable drug industry (projected to cost consumers up to \$5 billion over the next seven years) may pass. Decontrol of natural gas is possi-

ble, which may give gas producers a \$68 billion windfall for the period 1983-1990. And a bill to change the rules on bankruptcy to favor lenders will definitely be acted upon.

With stakes being so high, it is no wonder that we are seeing unprecedented growth in contributions to congressional campaigns. Oil and gas interests contributed over \$4.3 million by July 31, 1982 and had \$2.7 million in hand. The American Medical Association and the American Dental Association have contributed over \$2.3 million just to members of the House. Almost \$1 million was spent by the credit industry to help Congressmen in their re-election efforts.

Money, of course, doesn't tell the whole story. But, special interest money is given to grease the wheels of special interest legislation—and the wheels of the lameduck session are well-oiled.

Meanwhile, in campaign after campaign, CFA's endorsees are challenging the special interest money of their opponents. House endorsees, for example, are running against 13 incumbents. All 13 received recent campaign contributions from at least two of the following special interests—the professions, oil industry, credit industry, and car dealers. In some cases the amounts were substantial. Reps. Michel (R-IL), Sawyer (R-MI), J. Coyne (R-PA), and Parris (R-VA), for instance, all received at least \$20,000, Michel heading the list with \$39,502.

If consumer candidates lose in November, the public interest will be buried in the lameduck session. If they win, we may have two months of rest before the assault starts anew. But then, consumers will have more allies in fighting to expose and stymie special interest legislation.

## CFA Endorsements: Part II

Consumer Federation of America announced its second set of candidate endorsements on October 13. Included on CFA's list are four challengers to incumbents in the Senate, and one incumbent, nine challengers and three candidates for open seats in the House. These additions bring the total number of candidates backed by the CFA Political Action Committee to 96.

The October list of endorsees include:

### SENATE

Missouri: Harriet Woods  
Utah: Ted Wilson  
Vermont: Jim Guest  
Wyoming: Rodger McDaniel

### HOUSE OF REPRESENTATIVES

California: Doug Bosco (1)  
Connecticut: Bill Curry (6)  
Iowa: Lynn Cutler (3)  
Kansas: Jim Slattery (2)  
Michigan: Steve Monsma (5)  
Nevada: Mary Gojack (2)  
New Jersey: Rep. James Florio (1)  
Joe Merlino (4)  
Pennsylvania: Bob Borski (3)  
Peter Kostmayer (8)  
Utah: Frances Farley (2)  
Virginia: Herb Harris (8)  
Rick Boucher (9)

# Consumer Rates Continue Rise

A recently released report written by Executive Director Stephen Brobeck and Susan Brobeck shows that consumer interest rates have been rising while the prime rate was declining.

Between January 1981 and September 1982, the study found, mortgage rates and unsecured personal loan rates at three big banks increased between two and three-quarters and five percentage points. In the same period, the prime, the rate banks charge their largest corporate customers, fell by more than one-third—from 20.5% to 13.5%.

Brobeck explained the rise in consumer rates as an attempt by banks to shift lending costs from corporations to individual consumers. "Consumers," he said, "are now being asked to pay for past mistakes of banks who made im-

ment loan, and credit card customers."

The report also challenged the claim of bankers that rising consumer rates reflect only higher service and borrowing costs. According to Brobeck: "The computerization of banking services should be reducing costs. More important, most money the banks borrow from consumers is still cheap. Passbook savings rates are still only 5.5%, and the service charges on checking accounts are escalating rapidly."

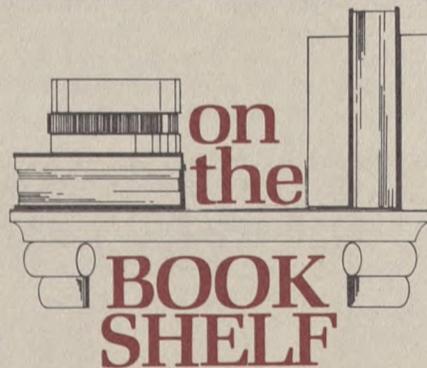
CFA called on the Federal Reserve Board to investigate the disparity between consumer rates and business rates to see if consumers are being unfairly exploited. It also urged consumers to seek credit from other less expensive sources such as credit unions.

*The study is available from CFA for \$1; free to CFA member groups.*

## Prime vs. Consumer Rates

Date	Home Mortgage	Unsecured Personal			Prime
		Chase Manhattan	Illinois Continental	Bank of America	
Sept. 82	17.02	19.75	24.00	25.00	13.50
May 82	17.52	19.50	21.00	22.00	16.50
Jan. 82	17.71	19.50	16.24	22.00	15.75
Sept. 81	16.75	19.50	16.24	22.00	20.50
May 81	15.47	17.00	16.24	21.00	18.00
Jan. 81	13.08	17.00	16.24	20.00	20.50

prudent loans to unstable Third World countries and shaky domestic companies. Unsound lending to Argentina, Mexico, and International Harvester, among others, have squeezed some of the nation's largest banks. They are now taking advantage of recent rises in state-set consumer rate ceilings to shift the burden onto their mortgage loan, install-



Two books put out by a CFA-member group, The Lehigh Valley Committee Against Health Fraud, Inc., form a complete course in how to avoid being misled and cheated by the nutrition and quack health industries.

*The Health Robbers* (\$12.95), was first published in 1980. Now in a new, revised edition, it explores the claims of occult healers, "holistic" practitioners and the purveyors of cancer and arthritis "cures." It also shows you how to distinguish a legitimate treatment from quackery.

"Day after day we hear about our health," the book explains. "Advertisements bombard us. News is sensational. Health books abound. Unfortunately, much of this information is false." Although health science has never been

# REGULATORY UPDATE

By Edith Furst, Product Safety Coordinator

## ● HHS: Bringing Back the Dark Ages

Taking advantage of a law which permits him to change nursing home standards without seeking the usual "notice and comment," Health and Human Services Secretary Richard Schweiker has proposed sweeping cost-cutting reforms which health officials fear will result in the same kind of nursing home abuses that led to the establishment of federal standards just a decade ago.

The Reagan Administration, in its zeal to cut costs and paperwork, is seeking to relax or repeal many of the standards adopted in the 1970s, and to severely cut back the nursing home inspection and accreditation system. Annual nursing home inspections would be replaced by a "more flexible system," and inspectors would no longer be required to followup violations.

In addition, the Administration is seeking to transfer accreditation of nursing home facilities to the Joint Commission on Accreditation of Hospitals, a private group that has recently come under fire.

In California, state health officials have sharply criticized the Commission's system of accreditation in several cases. Senator John Heinz (R-PA), Chairman of the Senate Special Committee on Aging, gave "zero support" for using JCAH, based on the California experience.

Federal budget cuts of 25% to 65% have already forced many states to fear the relaxed Federal standards, coupled with the budget cutbacks, will lead to gross abuse of the nursing care system and more Medicare and Medicaid fraud.

more sophisticated and advanced, the author points out, trust in doctors is low and "quackery" is at an all-time high."

*The Health Robbers* is a well-written, informative expose that looks at all aspects of the health fraud industry from diet fads to organic foods, from faith healers to medical imposters, from useless (and expensive) "therapeutic devices" to cures for poor eyesight.

Another recent publication by the Committee Against Health Fraud, *Vitamins and Health Foods: The Great American Hustle* (\$11.95), rounds out this course in "how-to" avoid being swindled. It gives the facts about vitamins and good nutrition, and lays bare the fraudulent promises of a multi-billion dollar industry that too often takes consumers' money and gives them no benefit in return.

"Most of the more than 70 million Americans who take [vitamin pills] are merely nourishing their toilets and making vitamin manufacturers rich," the book argues. It also explores the "Natural-Organic Rip-off" and takes a close look at the promises and realities of laetrile therapy.

*Both books are available from the publisher, George F. Stickle Co., 210 W. Washington Square, Philadelphia, PA 19106.*

The chairmen of four House Committees dealing with health issues—Reps. Dingell, Waxman, Jacobs and Pepper—have succeeded in blocking Schweiker's proposals until at least June of 1983.

## ● USDA: Win Some, Lose Some

Despite the popular wisdom that public comment has little impact on proposed regulations, the consumer outcry over a U.S. Department of Agriculture proposal to change its beef grading system led to a withdrawal of the controversial plan.

The proposed regulations, backed by the National Cattlemen's Association but opposed by consumer groups, as well as by individual cattle producers and meat packers, prompted 4,000 comments, mostly negative.

The new regulation would have permitted leaner cuts of beef, with less marbling, to qualify for Prime and Choice categories, and would also have reduced the standards for Good grade cuts often purchased by bargain-hunting consumers.

Although consumers were able to make their voice heard on the meat grading proposals, their objections to dropping labeling requirements for mechanically-deboned meat fell on deaf ears at USDA.

Consumers, led by the Community Nutrition Institute and other groups, lost their fight to keep the term "mechanically-deboned meat" on the ingredient labels of such products as hot dogs and bologna. The Carter Administration required product labels to state the percentage of powdered bone meal in letters one-fourth the size of the product name.

The new requirements, pushed through by the American Meat Institute, permit the bone meal to be listed only as "calcium" on the ingredient label list.

## ● FDA: OTC Warning Label

The Food and Drug Administration has proposed that manufacturers of over-the-counter drugs warn pregnant women and nursing mothers to "seek professional advice" before using any OTC product.

The FDA decision comes at the instigation of the drug industry following passage of a labeling requirement for OTC drugs in California, due to go into effect this November. The drug companies fear other states will follow suit and create havoc in the industry with 50 different labeling requirements.

Public interest groups support the FDA proposal, but object strongly to the truncated 30-day comment period and the proposed wording for the warning. "The wording is vague and garbled," complained CFA Product Safety Specialist Anne Avery, who also called on the FDA to extend the notice period to the customary 90 days to allow adequate time for consumer input. Along with the Women's Health Network and other groups, CFA has petitioned the FDA to extend the comment period and strengthen the warning.

# CFAnews



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# Professions Seek to Limit FTC Authority

By David Greenberg, Legislative Director

**T**he American Medical Association has a new legislative prescription for what ails doctors. Unfortunately, its remedy shows just how much damage doctors can do when they operate outside of a hospital.

Stung by an increasingly saturated supply of doctors and challenged by a new breed of health professional, the AMA is fighting back with a proposal to exempt itself from the antitrust and consumer protection jurisdiction of the Federal Trade Commission.

## Professional License

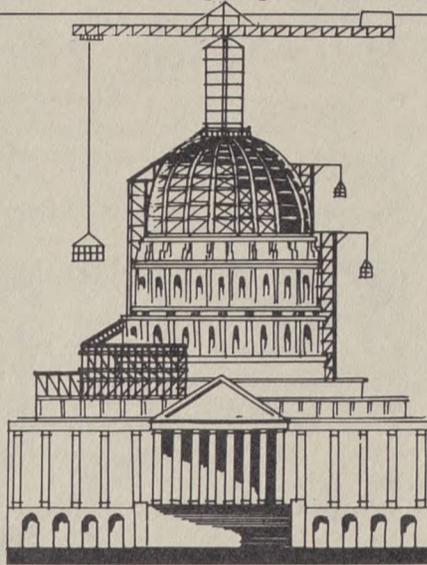
In simple terms, the doctors' lobby wants a professional degree to be a license to undermine competition. Naturally enough, dentists, optometrists, veterinarians and other professionals think that's a pretty good idea. So they have joined the AMA to create a powerful legislative phalanx.

The FTC is the target of this attack for one simple reason: it has been doing its job. The Commission has shown remarkable diligence in protecting consumers from the attempts of professional groups to fix prices and restrain competition.

It's easy to see why the professional lobbies are working the Hill so hard when you examine the FTC's cases and rules in this area. The Commission has stopped local medical societies from boycotting hospitals and insurance plans that try to save money on doctors fees. It has challenged the dental establishment's attempt to keep new practitioners like denturists out of the marketplace. And it has stopped optometrists from requiring consumers to purchase glasses from the doctor prescribing lenses.

## Trade Restraints

These examples show the issue in its starkest terms: It is a matter of pure economics. Professionals and their associations stand to gain a tremendous amount by establishing rules of practice that allow them to control prices and



## WASHINGTON PERSPECTIVE

**"The FTC is the target of this attack for one simple reason: it has been doing its job."**

employment opportunities. The FTC has shown such practices to be exactly the sort it was established to keep out of the marketplace. These are not standards which maintain professional ethics or ensure quality care. They are straightforward restraints of trade.

Nevertheless, by starting early and working diligently, the AMA was able to sign up 220 members of the House as co-sponsors of its proposal, the Luken/Lee bill.

As the legislation moved through the House Energy and Commerce Committee, however, it came under increasing fire. A broad coalition of alternative care providers (nurses, chiropractors, den-

turists, midwives) joined with consumer groups, seniors and unions to tell the real story of the FTC's work and its positive impact on competition, prices and jobs. Led by Consumer Subcommittee Chairman James Florio (D-NJ) the Commerce Committee marked-up the FTC Reauthorization bill without the Luken/Lee language.

## Bitter Pill

By the time the bill was ready for floor consideration in September, the anti-Luken/Lee coalition was picking up massive editorial support from around the country, and many members—even some of the co-sponsors—were finally beginning to understand the stakes involved in limiting the FTC's jurisdiction. An absolutely essential part of this effort came from the willingness of Commerce Committee senior Republicans James Broyhill (NC) and Norman Lent (NY) to offer a compromise to Luken/Lee. That compromise preserves the FTC's ability to challenge pure business practices, while giving professions latitude to establish educational and licensing requirements. While imperfect, the Broyhill/Lent proposal is far less damaging to consumers and competition than the blanket exemption contained in Luken/Lee.

The House was not able to take up the FTC bill before adjourning but it remains a possibility for the lameduck session. So does the Senate version, which, despite the strong opposition of Commerce Committee Chairman Robert Packwood (R-OR), contains a broad and offensive professionals' exemption. Without constant pressure from consumers both before and after the election, the AMA prescription may well be filled. And that will be a bitter pill for all of us to swallow.

## Administration Attacks Public Power

**A**pprehensive about the threat of 200% increases in electricity rates for some consumers in the Pacific Northwest, Congress has, for the time being, cut off Administration attempts to change the pricing of federal hydroelectric power.

Recent Congressional action, by means of an amendment to the Fiscal 1983 Continuing Resolution, prohibits the government from spending money to study the market pricing of power from federal power projects like the Tennessee Valley Authority and Bonneville Power Administration. Such a study had been underway, headed by William A. Niskanen, a member of the President's Council of Economic Advisers.

While the study was couched in terms of efficiency and proper market pricing, Congressional critics and others believe it was simply an effort to justify raising revenue to cover the huge federal deficit. "Public power is not... a device to raise money for the Federal Treasury," said Democratic Congressman Albert Gore of Tennessee. "It is designed... to lift the standard of living for the people in the areas served by public power."

"The fears of Congressmen Gore and Senators Jackson (D-WA), Gorton (R-WA) and Sasser (D-TN) are quite appropriate," said David Greenberg, CFA Legislative Director, "because according to a study by the American Public Power Association, the new pricing proposals could cost consumers well over a billion dollars in higher electric rates."

While the Administration study is over for now, the fund cut-off was a temporary measure that expires when the continuing resolution is replaced with permanent funding bills. Consumers and public power advocates will have to watch this issue carefully in the next Congress.

## On the Hill . . .

**F**ederal meat inspection laws need to be strengthened, not weakened, to safeguard the public health, CFA Food Consultant and former USDA Assistant Secretary Carol Foreman told a recent Congressional hearing.

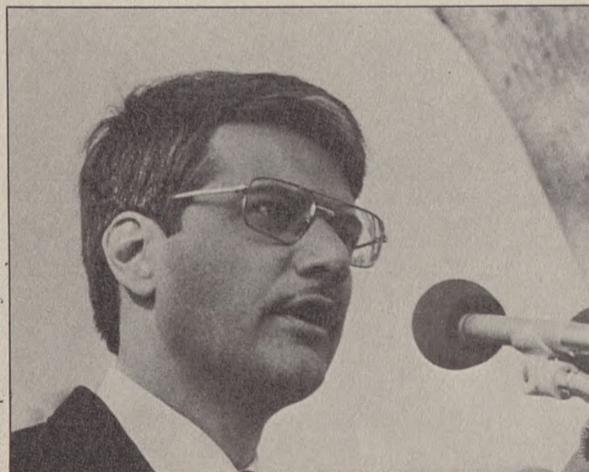
Testifying before a Subcommittee of the House Agriculture Committee which is considering Administration backed legislation to take the teeth out of Federal meat inspection laws, Foreman said these laws have given the U.S. "the cleanest, healthiest meat supply in the world," and urged the Congress not to "turn your backs on 76 years of success."

Foreman said the Administration proposals, which are aimed at cutting enforcement costs, are vaguely worded, and lack appropriate controls and penalty provisions for violators. She said the cutbacks in inspections would result in a compromise of the level of compliance

with existing laws.

"It is important to find new ways to perform inspection functions," Foreman acknowledged, because the growth and diversification of the meat and poultry industry have dramatically driven up the costs of the inspection program. But the Administration's proposals do not effectively cut the program's costs, she said. "Nor will they ensure continued public protection. What they will do is gut the independence and authority of the compliance system by asking the industry to police itself."

Foreman also called on Congress to address the growing problem of carcinogenic and teratogenic chemical residues in meat. It is a serious problem, she said, "which has been treated rather cavalierly in recent months." She urged Congress to act swiftly to establish an improved system of residue control.



## CFA Joins Jobs Vigil

CFA Executive Director Stephen Brobeck speaks at an October 8 White House rally to protest double-digit unemployment. Brobeck emphasized the "enormous waste of human lives and material resources brought on by the Reagan recession," noting the President's failure to "make the connection between rising joblessness, on the one hand, and escalating deficits, high interest rates, and stagnating productivity, on the other." AFL-CIO President Lane Kirkland and Coretta Scott King also spoke at the jobs vigil organized by the Full Employment Action Council.

**W**ork on utility ballot issues has been building to another climax this year. In Michigan, red, white, and blue signs on petition tables staffed by Michigan Citizens Lobby staff and volunteers last winter and spring cajoled voters to "SIGN HERE To stop Automatic Utility Rate Increases." And by May 26, over 323,000 Michigan voters had signed to qualify Proposal D for the general election ballot, which would forbid all automatic adjustment clauses and permit utility rate increases only after comprehensive review of a utility's costs in a general rate case.

The Michigan Citizens Lobby isn't merely predicting victory; it is claiming that it had already won six weeks before the election. On September 22, the state legislature completed action on House Bill 5527, which ends fuel, purchased gas, and purchased power adjustment clauses, substituting an advance budgeting scheme consistent with Proposal D which requires review of utility spending plans, setting of caps on monthly cost recovery charges, and exclusion of wasteful or imprudent supply costs.

### Impossible Victory

Because it adds complex new rate-setting proceedings, the bill insures consumer participation by requiring utilities to provide over \$600,000 per year, divided equally between the State Attorney General and a fund to which citizen organizations can apply for grants to participate in the cost-

## Michigan Adopts New Utility Rate Reforms

By Joseph S. Tuchinsky,  
Executive Director, Michigan Citizens Lobby

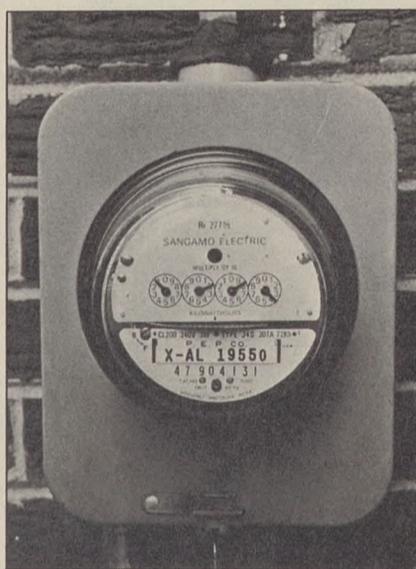
recovery cases as intervening parties on behalf of residential consumers.

Passage of such a progressive piece of legislation would have been impossible even a year ago. This fall it was passed unanimously by the House and nearly unanimously by the Senate, with support from major utility companies, consumer advocates, and regulatory officials.

What made the difference was Proposal D. The ballot proposal responds to the public dissatisfaction with adjustment clauses by not only ending them but stopping the fragmentation of the regulatory process which has frustrated consumer participation. Utilities, fearing delays in recovering costs and worried about Wall Street down-rating of their bonds, proposed the extraordinary legislation. Written so it could remain in effect whether Proposal D won or lost, the utilities saw it as a way to insure prompt cost recovery and, they hoped, to persuade voters that the problem had already been solved and that they should vote against Proposal D.

The Citizens Lobby, conceding that a large part of the problem has been

### At the Grassroots: energy & utility issues are on the ballot nationwide



solved, points out that most of the utility arguments against Proposal D have been eliminated as well. It continues to promote Proposal D as a way to "finish the job."

### Consumers Can't Lose

Utilities, clearly unhappy at the prospect of even stricter regulation than they had bargained for, are pouring an estimated \$3 to \$4 million into an anti-D campaign, easily the hottest issue on the ballot. With only a fraction of the utilities' budget, the Citizens Lobby relies on volunteers, door-to-door canvassing, heavy news coverage, and free air time under the Fairness Doctrine to get its message out.

The results won't be known until election night, but the Citizens Lobby says the consumer side can't lose—the only remaining question is whether it will win twice or only once this year.

Michigan voters will also decide this fall whether they want a popularly elected Public Service Commission instead of an appointive commission. This issue will also face voters in Ohio.

Consumers are increasingly turning to the ballot box to demonstrate their concern over utility and energy issues. Nuclear power questions will come before the voters in Maine and Massachusetts, and in reverse form in Idaho. In Missouri and Nevada, systems for advocating consumer interests in utility cases will be put before the voters. This strategy is an effective one that takes decision-making out of corporate boardrooms and places it in the hands of citizens.

## Congress Rejects Drug Industry Prescription

On September 15, consumer groups including CFA, senior citizens and organized labor joined forces with generic drug manufacturers to win a major battle over the pharmaceutical industry and its number one legislative priority, the Patent Term Extension bill (H.R. 6444). H.R. 6444—which would add seven years to drug companies' current 17 year monopoly on their prescription drugs—was brought up under suspension of the House rules and therefore needed a 2/3 vote for passage. Strategists for the major drug producers chose this approach to prevent any weakening amendments from the floor, but miscalculated the strength of the opposition and fell five votes short, 250-132.

The drug companies had good reason to be surprised. For several reasons, opposition to the patent bill evolved very slowly. First, the bill seemed technical and complicated which caused both Members and the media to shy away. Second, drug lobbyists pleaded their case effectively, convincing over 100 members of the House to co-sponsor the measure, including many liberal Democrats. Finally, the basic industry argument that government-required testing erodes the effective length of drug patents sounded reasonable on the surface.

In late summer, however, opponents of H.R. 6444 began to marshal facts and figures which cut away at the bill's support. Led by Congressmen Waxman (D-CA), Gore (D-TN), Frank (D-MA) and Shaw (R-FL), the opposition demonstrated that best selling brand-name drugs enjoy a sizable average patent life of over 15 years, that the formal monopoly period is often extended indefinitely by huge advertising expenditures and that under current patent rules, the drug industry has been making a 20% profit over the last decade. These arguments proved to be especially potent when combined with estimates that H.R. 6444 would cost consumers \$5 billion in increased prescription prices over the next seven years.

Despite the September victory, the bill could still be brought up under normal procedures in the lame duck session, where only a simple majority is required for passage. The 250 votes the bill received when brought up under the suspension of the rules in September is well in excess of the votes needed under normal rules, so opponents will have to work hard to keep the measure off the floor after the elections.

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