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The revised agreement did not cover potentially adulterated products other than those considered hazardous to health. According to the Federal Food, Drug, and Cosmetic Act, adulterated products include, in addition to those that are hazardous to health, those that consist, in whole or in part, of any filthy, putrid, or decomposed substance; those that are otherwise unfit for food; and those that have been prepared, packed, or held under unsanitary conditions whereby they may have become contaminated with filth.

FDA told GAO that, in negotiating the changes in the agreement with the Service, it first took the position that the Service should report to FDA any lot of a product that was adulterated and not just those lots which the Service decided were hazardous to health. Because of the grave concern of the Department of Agriculture representatives that grading service would disappear as a result of this, FDA said that it deferred to reporting only products that presented a hazard to health.

The Service told GAO that, if the Service were to report to FDA all the products failing to meet U.S. grade standards, the plants using the grading service would be competitively disadvantaged compared with those plants not using the service. Also the Service said that the plants receiving grading service had to meet sanitary, product, and quality standards and that both the industry and the consumers would lose such benefits if the grading service were discontinued.

#### *Observations on sanitation conditions in plants receiving grading service*

Accompanied by Service supervisory employees, GAO visited 40 fruit and vegetable plants. GAO also reviewed the Service's own sanitation reports on these plants, which had been prepared by Service employees before the visits. During the visits Service employees reported one or more major or critical sanitation deficiencies at 25 of the 40 plants. Previous sanitation reports showed that, at 12 of the 40 plants, Service employees had reported some sanitation deficiencies to plant managements many times over extended periods.

Also at 51 of the 132 plants where products did not meet U.S. grade standards, Service employees had refused to grade products because the products had been packed under unsanitary conditions or contained foreign materials—such as oil, paint flakes, and rust—which were, or appeared to be, related directly to plant sanitation.

Conditions revealed by GAO's visits and the Service's sanitation reports and grading records indicated that some plant managements were not taking appropriate and timely actions to correct known sanitation deficiencies and that some Service employees were not effective in having plant managements maintain their plants under sanitary conditions.

From April 1 to July 12, 1971, the Service disapproved requests from seven plants to provide grading service because of sanitation deficiencies and it withdrew its service from two unsanitary plants for short periods during fiscal years 1970 and 1971. Under the terms of its 1953 agreement with FDA, however, the Service was not required to, and did not, notify FDA of these plants.

During GAO's review the Service took actions which should improve plant sanitation conditions. The Service also provided more specific guidelines to its employees on the actions to be taken and on when service was to be withdrawn or suspended or when contracts were to be terminated if plant managements did not take appropriate and timely corrective actions on sanitation deficiencies.

#### RECOMMENDATIONS OR SUGGESTIONS

GAO recommends to the Secretary of Health, Education, and Welfare that FDA,

under the authority of the Federal Food, Drug, and Cosmetic Act, routinely obtain from Agriculture such information as is necessary for FDA to take appropriate action against all processed fruits and vegetables which fail to meet U.S. grade standards for reasons which, under FDA standards, would render the products adulterated. GAO also recommends to the Secretary of Agriculture that the Service cooperate in providing such information on a timely basis.

GAO recommends also to the Secretary of Agriculture that the Service develop procedures for notifying FDA of those plants where, because of sanitation deficiencies, the Service's grading service has been withdrawn or suspended, its contracts have been terminated, or requests for its service have been disapproved.

#### AGENCY ACTIONS AND UNRESOLVED ISSUES

HEW (see app. IV) stated that it concurred in the recommendation relating to products which failed to meet U.S. grade standards and that it would work with Agriculture to firm up ways by which the recommended information exchange could best be accomplished.

Agriculture (see app. II) stated that its grading service was voluntary and that its reporting to FDA all products failing to meet grade and quality standards would disadvantage those plants voluntarily participating in its quality improvement programs and would apply different standards to those plants that were applied to nonparticipating plants. Agriculture stated, however, that it would continue to cooperate with FDA in providing specific information requested by FDA to assist it in discharging its regulatory responsibilities.

Agriculture (see app. I) stated that steps had been taken to improve sanitation in plants and that others were in process. Agriculture did not agree with GAO's recommendation that it develop procedures for notifying FDA of plants where, because of sanitation deficiencies, grading service had been withdrawn, suspended, or terminated or where requests for service had been disapproved. An Agriculture official stated that the agreement between the Service and FDA did not require that such information be provided to FDA.

If FDA were provided with such information, it could determine whether adulterated products might be involved and could prevent the distribution of such products in interstate commerce. Such action would better protect consumers and would enable FDA to use its scarce resources in the most effective and efficient way. (See p. 28.)

#### MATTERS FOR CONSIDERATION BY THE CONGRESS

This report is provided to the Congress for its information and for consideration in its continuing evaluation of consumer protection programs.

### EIGHTEEN THOUSAND AMERICANS MURDERED LAST YEAR—MOST WITH HANDGUNS

Mr. STEVENSON. Mr. President, some 18,000 Americans were murdered last year—most with handguns.

Not many were famous. Most were poor. They were little people, unknown and remembered only by friends and loved ones.

I have received a letter from the widow of one of those 18,000 dead Americans. In the hope that that cold number may acquire more meaning for us all, I ask unanimous consent that the letter be inserted in the RECORD at this point.

As Mrs. Gutierrez said, it is too late now to save her husband but too late to save others. I wish I could help

Mrs. Gutierrez. About all I can say to her is that the Congress may pass legislation to compensate victims like her, the victims of murderers, of the gun lobby, and of our own neglect. I cannot tell her that the Congress will now take pistols from the hands of those who misuse them. We will, I fear, go on wringing our hands, deploring the violence, preaching law and order, and then surrender once again to the gun lobby. That will be little comfort to Mrs. Gutierrez and to millions like her, fearing at every moment of day and night for the safety of their loved ones in our streets.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEBRUARY 19, 1973.

Senator ADLAI STEVENSON,  
Washington, D.C.

SENATOR: I've just read an article on the shooting of Sen. John Stennis, and I am greatly upset. I guess it upsets me more than most people since I am presently awaiting the trial of my husband's murderer.

My husband would have been 29 years old in July, but he was killed in cold blood Dec. 31, 1972. He was taking me and our three young daughters out for the afternoon when a young black man stopped our car and, when my husband got out of the car, shot him in the chest. My husband didn't even know this man, so there was no reason for his death. Now I am left alone to raise my children, ages 5, 4 and 1. I don't know how I will manage, but I will.

I know the murderer will be out of jail in a few years, so I hold no hope of any real justice here on Earth. I do feel sorry for his young child, but at least he is alive and will be able to see his child. My husband was a young healthy man with so many plans, so much to do. Now he will never be able to finish the things he started, never see our daughters grow up.

I know there is nothing you can do to help me, it's much too late, but I do hope you will be able to help others. I pray you will be able to pass legislation prohibiting the use of handguns. So many lives could be saved. It would also help if the police would concentrate their patrols where there has been trouble before. The S. Chicago Street area of Joliet is the crime center of Joliet. My husband was killed there because one of the main exits from Interstate 80 is onto S. Chicago Street. The police won't even answer calls in this area because of the danger to themselves.

I do hope you and the others in Congress can do something about guns and the safety of citizens. We are not safe, even in broad daylight. My husband was killed in front of at least 20 people at 3:00 in the afternoon. Please help us.

Mrs. CAROLYN GUTIERREZ.

### NEED FOR DEVELOPMENT OF A SOUND AND SENSIBLE PLAN FOR NATIONAL URBAN GROWTH—SUMMARY OF TASK FORCE RECOMMENDATIONS

Mr. MONDALE. Mr. President, there is no greater long-term need facing our Nation than the development of a sound and sensible plan for national urban growth. This extremely complex and demanding subject has been studied by various groups over decades. Unfortunately, in many of our Nation's metropolitan areas we continue to endure unplanned and unstructured growth, which over the remainder of this century will

pose a major problem to our viability as a nation.

For over a year during 1971 and early 1972, the American Institute of Architects National Policy Task Force studied the problem of urban growth intensively. This study, undertaken by a group of distinguished architects with the help of a variety of expert consultants, explored all aspects of our Nation's growth policies.

In brief, the policies recommended by this task force would change the "ground rules" that now shape, and distort the shape, of American communities. These new policies would help create a fresh and useful scale for planning and building in urban areas, and commit the Nation to a major land acquisition policy to guide development in and around key urban centers.

These recommendations are of broad scope and will require public debate and discussion. This discussion should begin now, however, for as a Nation we have no time to lose in the fight to save our urban environments from continued unplanned growth, which in the long run can only damage our national spirit and impede our long-range development.

Mr. President, I commend this report—A Plan for Urban Growth—to every Member of the Senate, and I urge once again that we begin discussing the recommendations contained in the report. If we fail to deal with these problems in a unified and constructive manner, future generations will suffer as a result of our neglect. The alternative, however—orderly, planned, and sound growth—is certainly within our grasp.

Mr. President, I request unanimous consent that the summary of the AIA National Policy Task Force recommendations be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

#### SUMMARY OF TASK FORCE RECOMMENDATIONS

**A. Scale and Form:** The building and rebuilding of American communities should be planned and carried out at neighborhood scale (ca. 500–3,000 residential units along with a full range of essential facilities and services) and in a form appropriately called a "Growth Unit."

**B. Priorities:** The value most to be respected is free choice. First concern should be given the condition of those trapped in the poverty and deterioration of older neighborhoods, especially of the central cities.

**C. Changes in the Ground Rules of Community Development:**

Free choice should be expanded:

(1) by ensuring open occupancy throughout the entire housing market affected by governmental subsidies and insurance.

(2) by directing needed housing subsidies to people rather than to structures.

(3) by providing locational options, especially by linking development in central and peripheral areas of the metropolis.

(4) by providing for diverse living styles, through Growth Units of varying densities, housing types, and service patterns; also, less restrictive building and zoning codes.

(5) by expanding the possibilities and scope of citizen participation in the design and governance of neighborhoods.

Financing patterns should be revised:

(1) Less reliance should be placed on the local property tax.

(2) State and federal governments should assume a greater share of:

a. Infrastructure costs, and

b. costs of social services, especially health, education, and welfare.

(3) The appreciating value of land benefited by public investment should be recaptured and recycled into community facilities and services.

(4) Categorical aids should be broadened—especially the Highway Trust Fund which should be expanded into a more general fund in support of community development.

Government structures should be reshaped and adapted:

(1) Private-public ventures should be encouraged.

(2) Development corporations should be created by federal, state, and local governments.

(3) Metropolitan planning and development agencies should be encouraged.

(4) State governments should participate more directly in planning and regulating the use of land, especially in areas defined as "critical" (e.g., flood plains, coastal regions, areas of acute housing shortages, and areas in the path of rapid development).

Capacity to build at neighborhood scale—both public and private—should be strengthened:

(1) Financial, legal, and other constraints should be reviewed and eased.

a. A steady flow of mortgage money at low and stable rates should be ensured.

b. "Front money" for Growth Unit development should be made available.

c. Public investments in infrastructure should be properly phased and coordinated.

(2) State governments and metropolitan agencies should take a more assertive role in acquiring and preparing land for development—and in building a network of utility corridors to accommodate and give shape to Growth Units.

(3) Tax and other incentives and disincentives should be revised to encourage high quality urban development.

(4) Environment controls and design standards should be strengthened.

(5) New patterns for the delivery of critical services should be encouraged.

(6) Industrialized building processes should be encouraged.

**D. Special Program for Areas Impacted by Rapid Growth and Deterioration:**

Priority should be given to the 65 metropolitan areas over 500,000 population.

Within these areas, the public should acquire and prepare one million acres for Growth Unit development.

This development should be explicitly designed to benefit, not detract from, the improvement of the quality of life of those now residing in the older and deteriorating sections.

At average densities of 25 per acre, this special program should accommodate one-third of the expected growth of the U.S. population between 1970–2000.

#### LET'S TAKE THE TAXPAYER OUT OF LABOR DISPUTES

Mr. CURTIS. Mr. President, we are again faced with the question of whether the American taxpayer will be forced to subsidize strikers.

One of two alternative proposed Department of Health, Education, and Welfare regulations for AFDC-UF programs would require this.

Under the AFDC-UF program a State may provide assistance to families with dependent children where the father is unemployed.

In the past, HEW has allowed the States to decide whether a father who was unemployed, because of his participation in a strike qualified for these benefits.

This practice was challenged in *Francis v. Davidson*, 340 F. Supp. 351 (E.D. Md. 1971), affirmed 34 L.Ed. 2d 1681 (1972), where the Court held HEW's regulations required only that the father be employed less than 30 hours per week no matter what the reason. When the case was before the U.S. Supreme Court, the Solicitor General stated that HEW would issue new regulations confirming its past practice. In spite of this commitment, HEW, early in January of this year, published alternative proposed regulations in the Federal Register and has allowed through March 5, 1973, for interested parties to comment.

Alternative A would allow participating States to decide whether to pay AFDC-UF benefits to the families of strikers. Alternative B would establish financial standards as the only prerequisites to the payment of these benefits.

The case for adopting alternative A is stated well in an editorial entitled "Take the Taxpayer Out of Labor Disputes," appearing in the February 1973 edition of *Fortune* magazine. The editorial notes as follows:

In a strike, of course, both labor and management weigh loss of income against the gains they hope to make by holding out. The relative willingness of each side to endure sacrifices determines to a large extent the duration of the strike and the nature of the settlement. The use of taxpayers' money to ease the strikers' sacrifice introduces a distorting element.

We hope that the first, more stringent version is adopted. Given freedom of action, the states might be encouraged to curb their largess to strikers, or at least to consider the overall effects of their generosity. If union members do not face a real sacrifice of income when they walk off the job, the bargaining process is rigged in advance.

The same *Fortune* issue includes a review by former Assistant Secretary of the Treasury Murray L. Weidenbaum of *Welfare and Strikes* by Armand J. Thieblot, Jr., and Ronald M. Cowin. Professor Weidenbaum concludes:

After viewing the evidence presented in *Welfare and Strikes*, few readers will dispute the conclusion that by cushioning strikers against hardship, this dubious use of public funds make for more and longer strikes, and costlier settlements. It decisively tips the balance in collective bargaining. It weakens management's ability to resist union demands, and strengthens labor's ability to force inflationary wage increases far in excess of productivity gains.

I was shocked to learn the extent of the public subsidy for strikers. Thieblot and Cowin estimate that some \$304 million in public funds will be used in 1973 for the purpose of subsidizing strikers with food stamps, welfare benefits, and unemployment compensation. Of this amount, \$62 million will be spent under the AFDC-UF program.

I hope that after my colleagues read both the editorial and the book review they will express to HEW their support for alternative A. It is high time we "take the taxpayer out of labor disputes."

I ask unanimous consent that a copy of the proposed regulations, the editorial, and the book review be printed in the RECORD.