

News and Comment

Congress at Mid-Session: Notes on Communications, Education, and Drug Reform Legislation

Congress is, unofficially at least, still home on its Easter vacation. The House has been out of town all week; the Senate is using its sessions to let the Southerners get in the first week of their filibuster against the civil rights bill without inconveniencing anybody. This is the traditional end of the first, or dawdling, phase of a Congressional session.

Here is a brief rundown of the status of legislation that has been followed in these columns:

Educational TV

A bill providing \$32 million in grants to educational television stations has already passed both Houses. The money will go for broadcasting equipment to get more stations started. The outlook is good for a proposal to require all TV sets to provide reception on all channels. This is at least as important as the grants for the growth of educational TV, for the great bulk of the educational TV channel assignments are in the ultra-high-frequency band of channels (above channel 13), while the great bulk of the TV sets are equipped to receive only the 12 very-high-frequency channels. The all-channel proposal has been opposed by the set manufacturers, since it will raise the price of sets by an average of \$25 or so, and so slightly reduce the sale of TV sets. But the Administration, the networks, and a wide variety of civic groups have backed the proposal, and it is expected to have no serious difficulty when it reaches a vote on the House floor, probably a week from Monday, and not too much difficulty in the Senate, where the Commerce Committee has completed its hearings but is waiting for the House to send over its version of the bill before it takes any action.

Communication Satellites

The House is also expected to act favorably within 2 weeks on the Communications Satellite bill, and the Senate is expected to follow without much delay. The bill, as reported out of committee, is essentially what the Administration requested: a private corporation under strict government regulation, owned partly by the established communications corporations, principally the American Telephone and Telegraph Company, and partly by the general investing public through a stock issue on sale to all who would like to buy. The principal point at issue in the hearings was whether the stock ought, as proposed by the Administration, to be available to the general public. The Federal Communications Commission and the established carriers opposed this; the Justice Department, supported by the White House, favored it on the grounds that it would lessen the likelihood of excessive domination by A.T. & T. At this point no one can say how well this method of organizing the venture will work out, or what significance, if any, the alterations Congress has made in the draft bill sent down by the White House will have. All that can be said is that, for better or worse, the Administration is getting, largely, the kind of bill it asked for, and that the venture is not going to be delayed by a long fight in Congress over the details of organization. A review of the bill as sent down by the Administration appeared here 23 February.

Aid to Education

The outlook is generally good for three major aid-to-education bills this year, hopeless for the most widely discussed aid to secondary and primary schools.

Similar problems will come up on the proposed 10-year program of aid to medical and dental schools. This has been reported out of committee in the

House and is likely to be favorably reported in the Senate. The Administration requested a program of scholarships to accompany the grants, but the House committee substituted a student-loan program for the proposed scholarships. The scholarships could get into the final bill through the Senate version, but it is not clear yet whether the effort will be successful, or even seriously made. A great deal will depend on what happens to the effort to add scholarships to the college-aid bill.

Both House and Senate have completed hearings on an Administration bill to establish more institutes for upgrading the quality of primary and secondary school teaching along the lines of those already established for the sciences and modern languages. Neither house has yet reported out a bill, though, and there is a fair chance that the proposal will get lost in the shuffle, and so will fail to get through this year. But the program is not particularly controversial and is likely to pass next session if time runs out before Congress gets around to acting on it this year.

The more important college-aid bill, meanwhile, has passed both houses, although in sharply differing versions. Some sort of bill is very likely to go through, but the details remain highly uncertain. The House version provides construction grants and loans to colleges, but no scholarships to students; the Senate version provides construction loans and student scholarships, but no construction grants.

For a couple of months now, the House Rules Committee has blocked efforts to arrange a conference to work out the final bill. The Rules Committee objected to scholarships and held things up in an effort to extract a pledge from the House conferees not to accept the Senate scholarship provisions. A compromise has now been tentatively reached under which the House conferees will not accept scholarships unless specifically authorized to do so by a vote of the full House. The point of this compromise is that House members opposed to scholarships will not be forced to vote against the entire bill, as would be the case if the scholarships were written into a conference report, but will be able to vote against the scholarships on a separate vote. A bill probably could get through anyway, even if a conference report with scholarships were first voted down. But the possibility that such a vote might

kill not only scholarships but the whole bill weakens the position of those opposed to scholarships; they would lose the votes of an uncertain number of fence-sitters who do not oppose scholarships strongly enough to take the chance of voting against them if doing so involved even a small risk of their being blamed for killing the whole bill.

The compromise is not a bad one for the Administration supporters: it slightly lessens the chance of their getting the scholarship provision into the final bill, but the chances were pretty slim anyway; on the other side, it does assure that there will be a roll-call vote on scholarships, which, whether it carries or not, might provide the Administration with useful material for the fall campaign.

Meanwhile, it is not at all clear yet whether the Senate will accept the grants now included in the House bill, particularly in view of the probable refusal of the House to accept the scholarships in the Senate bill. A good deal will depend on how important the religious issue becomes. Under the House bill, the construction grants would be available to all colleges, public and private, and there is a good deal of opposition to this as a violation, or possible violation (there are no clear Supreme Court precedents for judging this point), of the separation of church and state.

Drug Reform

All of the problems of the education bills are pretty much in the routine of getting controversial legislation through Congress. Senator Kefauver's drug reform bill, though, has gotten itself into a more unusual kind of situation. The subject of the Kefauver bill, regulation of the drug industry, would normally be the concern of Senator Hill's committee on Labor and Public Welfare. Kefauver is chairman of the Antitrust and Monopoly subcommittee of the Judiciary Committee. Having completed a long series of hearings on possible abuses of economic power in the drug industry, his committee was permitted to write a bill based on his findings, even though the bulk of the bill has only an indirect bearing on questions of anti-trust and monopoly.

The Administration would like a bill that applies to the drug industry generally—that is, to patent medicines, vitamins, and such, as well as to prescription drugs. The most important

of the provisions the Administration wants is one to require proof of efficacy as well as the presently required proof of safety for drugs placed on the market. Kefauver has such a provision in his bill, but until very recently he and his staff had been giving the impression that the language was intended to apply only to prescription drugs, apparently because they wanted to avoid being accused of going beyond their already tenuously expanded jurisdiction. The Administration, though, announced itself well satisfied with Kefauver's wording, on the grounds that, whatever the bill's intended meaning, in fact it clearly applied to all drugs, not just prescription drugs, and that if it was enacted into law it would give the Food and Drug Administration the powers it was seeking.

Now Kefauver concedes that the provision means what it says, but this leaves something of a mystery about:

1) Why Kefauver encouraged a contrary impression until the Administration position forced the issue into the open.

2) Why the Republicans on the committee, generally critical of Kefauver's handling of the hearings, never forced the question into the open.

3) Why the manufacturers of non-prescription drugs never forced the question into the open.

For Kefauver, the main reason apparently was, as suggested above, that he did not want to get overtly into an area which does not even have a remote bearing on the problems of anti-trust and monopoly his subcommittee is authorized to study. For the Republicans, apparently they simply felt that nothing useful would be accomplished by pressing the point, while allowing it to lie quietly would strengthen their hand when they came to demand, as they very probably will, that the bill be sent to the Labor and Public Welfare Committee for further study before it is put to a final vote on the floor of the Senate. The Republicans on the subcommittee have made it clear that they feel Kefauver's whole procedure and the bill he has produced are unsound in many ways, and this contention, of course, is strengthened by the fact that provisions exist that would profoundly affect the nonprescription drug industry even though Kefauver never bothered to hear any testimony on what the provisions would mean either for the affected industry or for the public.

The industry seems to have kept

quiet for much the same reasons, augmented by the obvious fact that they would be hard put to oppose the efficacy provision, even though it could easily have very unpleasant effects on companies selling medicines directly to the public. After all, after the prescription drug industry had accepted the efficacy provision, even though its drugs can be taken only under the supervision of a licensed physician, it became awfully difficult for the patent medicine people to argue that drugs sold directly to the untrained public should not be at least as strictly supervised.

Explanations to Come

So on all sides there has been almost a conspiracy of silence of the subject, and it is going to be amusing to see how everyone explains himself when the bill comes out of the judiciary committee and into open debate on the floor of the Senate.

The abundance of complications, meanwhile, raises a serious doubt over whether there is time to get a bill through the current session. What might possibly save the bill is that a number of the proposed reforms have very wide support and will produce easily explainable benefits for the public, so making the bill a particularly attractive one to push in an election year.—HOWARD MARGOLIS

Fellowship Jungle: NASA Arrives on Graduate Science Scene; Hearings Due on Technical School Bill

The Administration is putting some thought into the development of "guidelines" for the great variety of graduate science and engineering fellowships offered by federal agencies.

Among the President's science advisers there has been concern for some time over the haphazard growth of federal activities in this field. The concern was heightened last week when the National Aeronautics and Space Administration announced its first venture into direct support of science and engineering education, a trial program of \$2 million in fellowships for 100 predoctoral students at ten universities. The program, which NASA said will be "considerably increased" after the initial results are evaluated, is the agency's own creation, set up to help NASA meet its massive needs for highly specialized manpower. Under the prevailing practice, NASA did not have to