Congress's Fancy Turns to Industrial Policy

"Industrial policy," the theme of several new bills in Congress, seems to have captured the legislators' fancy this fall. These proposals would reform the antitrust laws, granting partial exemptions to companies that want to engage in joint research and development projects.

President Reagan joined the reformers on 12 September by announcing his own "National Productivity and Innovation Act of 1983." It is designed to spur the development of new technology by reducing legal barriers to cooperative research among competitors. It was promptly introduced in Congress and sent to the judiciary committees. Hearings will be held on 28 September in the House and on 3 October in the Senate.

In describing the proposal last week, assistant attorney general for antitrust matters William Baxter said it was similar to one already introduced (H.R. 3641) by Representative Hamilton Fish (R–N.Y.).

Like that bill, Reagan's plan would diminish the incentive for suing under antitrust statutes by taking away some of the rewards for doing so. First, it lifts the ban on joint ventures as a per se violation of the law. It then requires that companies seeking protection for joint research projects must file a statement with the Justice Department, giving the names of those involved, the area of research, and the duration of the agreement. Next, it would lower the penalty for being found guilty of an antitrust violation. An R & D venture found guilty would pay the plaintiff damages equal to the actual amount of injury, not treble damages, as is the case now. The hope is that this will make corporate antitrust attorneys less conservative, so that they will allow their companies to take investment risks they now avoid. The proposal also asks courts to weigh the "procompetitive" benefits of joint ventures when considering their legality.

In addition, Reagan's proposal includes three sections dealing with patents and copyrights, which are not covered in Fish's bill. (The reason Fish left them out, an aide explains, is that they involve another subcommittee's jurisdiction, making quick enactment difficult.)

Reagan's proposal would protect "intellectual property" by eliminating the treble damages penalty for anticompetitive licensing of patented or copyrighted material. And it would require the courts to weigh the economic and competitive advantages of restricted licensing deals before ruling against them. Finally, this bill would strengthen the enforcement of process patents (those covering production techniques) by making it illegal to import products made by foreign firms that refuse to honor existing patents.

The Administration proposal will join the four major bills of this kind already introduced in the Senate, including those of presidential candidates John Glenn and Gary Hart.

Despite the popularity of this new legislative cause, one of the Administration's expert witnesses testified before a House subcommittee in mid-September that there is not a great deal of evidence that existing laws discourage joint R & D. James Miller III, chairman of the Federal Trade Commission, said, "In my view, the antitrust laws would not appear to have been a *major* impediment to research joint ventures, as challenges to them have been virtually unknown in recent years." Further, he warned Congress against getting carried away with enthusiasm for reform: "If an impression is left that Congress will amend these laws fairly freely, there will be great pressures toward special interest legislation . . . enough to bring nearly every lobbyist in town to your doors."—**ELIOT MARSHALL**

Move to Bar Political Checks on Science Appointees

Senator Dale L. Bumpers (D–Ark.), denouncing "political Lysenkoism," has introduced a bill to halt the practice of checking out the political credentials of nominees to federal scientific advisory panels.

The move follows revelations last year that the Department of Agriculture was clearing candidates for peer review panels for security and political compatibility. More recently, Bumpers came into possession of an internal document from the Interior Department with names of nominees for the outer continental shelf advisory board. "It was clear they had been sent to the Republican National Committee," says an aide. Each name had a "yes" or "no" beside it. The "yeses" were all appointed. Further investigation showed this was a pervasive pattern at Interior and presumably elsewhere.

The bill, S. 1641, states that no appointment to a scientific advisory committee or task force may be based "in whole or in part" on political affiliation. That includes any panel whose name contains the term "science," "scientific," "technical," "research," or "economic." The bill specifies that if the law is violated, then the appointing authority has to declare the whole committee void.

Naturally, the Administration could go right ahead checking people out so long as it did not keep a record. But the bill, if enacted, would make the process less blatant. Persons who believe the law has been violated will be entitled to sue under provisions of the proposed law.

—**CONSTANCE HOLDEN**

France Gives Research a Top Funding Priority

Paris. Despite its current economic difficulties, the French government has decided that research is one of four areas of public expenditure—the other three being industry, employment, and education and training—to be spared the severe restrictions being placed on next year's budget.

According to figures agreed to by the Council of Ministers in Paris last week, research and development funds will increase by 15.5 percent in 1984; allowing for the anticipated rate of inflation, this will mean a real increase of 8.1 percent. The main growth will be in support for industrial research. Funding for fundamental research will grow slightly slower, by 12.2 percent, but if maintained at this level, still represents a real increase in activity of 4.8 percent. Overall, the French budget is intended to grow by 7 percent, slightly lower than expected inflation.

Earlier in the year, it had been anticipated in government circles that fund-

ing for research, now the responsibility of the previous budget minister, Laurent Fabius, would not receive any special treatment in 1984. The newly-announced increases suggest that the decision to maintain research as a high priority was therefore taken at the highest political levels.

One possible reason is that France begins its 6-month term as president of the European Economic Community in January. President François Mitterrand said this month that France intended to use this as an opportunity to "launch new cooperative initiatives in the field of scientific research" to keep Europe in the mainstream of "the third industrial revolution."

Mitterrand was speaking at the ground-breaking ceremony for the new 27-kilometer-diameter particle accelerator LEP at the European Laboratory for Particle Physics (CERN). He said that the dominant position which recent experiments in CERN had given to Europe in the field of high energy physics was a good example of what could be achieved through cooperative research, and that the laboratory had become "a symbol of Europe's faith in its future."

—DAVID DICKSON

Investigation Confirms TMI Cleanup Problems

Several engineers working on the Three Mile Island cleanup project charged earlier this year that the job was being done sloppily, without regard for safety procedures established by the Nuclear Regulatory Commission (NRC). Their allegations were made in confidence to the NRC's investigative staff, but soon the dissidents found themselves in trouble. General Public Utilities, which owns the reactor, and the Bechtel Corporation, which has been hired to carry out the estimated $1 billion cleanup, learned that they were being informed on. Soon the chief informant, Richard Parks, was out of a job.

At his insistence, the NRC made an investigation, and on 13 September the agency released the findings. Parks's charges were confirmed in all their essentials. The NRC inspector's report even went further, saying: "The allegations were not only substantiated, but we found them to be illustrative rather than exhaustive."

In brief, the NRC found that the utility and Bechtel were in such a hurry to get on with the job that they circumvented standard operating procedures set out in NRC regulations for normal reactors. In the instance that most upset Parks, Bechtel refused to carry out a required load test on the polar crane inside the reactor building. The crane is used to lift the reactor head and other heavy equipment. Parks, who until he was fired was Bechtel's "start-up engineer" at the site, together with the site operations director and the director of plant engineering, tried to get the company to test the crane before putting it to use. He and others also complained about the poor coordination of various engineering teams and about indifference to safety-related paperwork.

The NRC's inspector confirmed all of this and concluded that the problems arose because Bechtel and the utility thought of Three Mile Island as a special case, one in which the normal rules need not apply. While this might seem reasonable, the NRC says, this erodes NRC's regulatory authority and conflicts with standards that other workers are asked to meet.

The NRC conducted a separate inquiry into its own behavior to find out whether it was true, as Parks claimed, that NRC officials working at the TMI site had colluded with utility officials in violating the rules and in silencing the dissenting engineers. It failed to find any misconduct at the NRC.

The investigation of Bechtel and the utility will continue, the NRC says. Meanwhile, the NRC commissioners have asked the staff to draw up a plan for remedial action.

—ELIOT MARSHALL

USDA Drops Landsat

In recent weeks, the Department of Agriculture has decided to virtually abandon its use of Landsat data, thereby adding to the confusion that surrounds Landsat's potential sale. Because Agriculture has been by far the largest user of that data, its decision undermines the Administration's rationale for selling the satellites to private operators (*Science*, 11 February, p. 752). More immediately, it threatens to delay the launch of Landsat D′, the replacement for the fast-failing Landsat 4 (*Science*, 12 August, p. 632).

The Agriculture Department unofficially gave its decision to Landsat's current operator, the National Oceanic and Atmospheric Administration (NOAA), on 26 August: the fiscal year 1984 budget for purchasing data would be cut from the originally planned $7.5 million to $400,000. In fiscal 1985 it could well go to zero.

The problem is twofold, explained Agriculture officials. First, the Landsat images of a given region come 18 days apart. That is far too long, especially at the height of the growing season, and even more especially in overseas areas where no other information is available and where an insect infestation or a hot, dry wind can kill a crop within days. Second, the only existing satellite, Landsat 4, will be dead by October. "How can you buy data that isn't there?" asks one official. Thus, department analysts have fallen back on a "vegetation index" extracted from low-resolution weather satellite images—which also happen to be available every few hours, and which are a whole lot cheaper than Landsat's.

NOAA officials concede both points, although cynics among them wonder if Agriculture might have a covert motive. If and when the Landsats are sold to a private operator, the deal will almost certainly include federal subsidies and/or guaranteed data purchases. And the bureaucracy being what it is, the agency that uses Landsat the most might well find itself stuck with the bill.

The loss of Landsat's largest customer will hardly enhance the Administration's efforts to find a buyer for the system: market projections have suddenly dropped from some $10 million per year to, at best, $4 million to $5 million per year. Meanwhile, Agriculture's withdrawal has invalidated all the paperwork that NOAA had prepared for the early launch of Landsat D′ this spring. That satellite is urgently needed to provide data continuity after the imminent demise of Landsat 4. But if the delay in redoing the paperwork translates into too long a delay in launch, then celestial mechanics will force NOAA to slip the launch into the fall.—M. MITCHELL WALDROP