

*Legislative
Program*

Monday 6/15/70

6:58 Copy of what I took to Jon Rose.

June 15, 1970

To: Jon Rose
From: Tom Whitehead

Here's a legislative program in 15 minutes.

P.S. If you had given me until tomorrow, I
would have had a program through the
next decade.

Attachment

cc: Mr. Whitehead
Central Files

CTWhitehead:ed

Foreign Economic Policy

Reorganize STR responsibilities and relationships to other agencies with foreign economic policy responsibilities.

Science Policy

Review the need for classified research and redefine policies for classification of basic research (note that this does not apply to specific weapons systems capabilities, etc. (only to basic research)); also review the need for classification of various technologies, e.g., uranium enrichment.

In other areas an expanded role for National Bureau of Standards (or possibly some other agency) to facilitate linkages between research and application in the economy; also to review foreign technologies where other nations may be ahead of the United States and make this information readily available to U.S. industry.

Clarify roles of HEW and NSF re postgraduate educational support.

AEC

Legislation in the order of Federal pre-emption of atomic radiation safety regulation to permit states to set more conservative safety standards if they wish.

Change responsibilities for procurement of nuclear weapons from AEC to DOD (this could include development responsibilities as well as procurement or procurement alone).

NASA

Authorize NASA to provide launches on a cost-reimbursed basis for any friendly foreign government or for any commercial enterprise so long as the purpose of the launch is peaceful and consistent with international agreements. (This would alleviate much of the tension and feelings of dependence on the whims of the U. S. as many allies hold against us.)

Require NASA to procure launch service packages from the private sector to the maximum extent feasible rather than getting the government more deeply into the launch service business.

Draft

Expand the conscientious objector criteria to permit conscientious objection to specific wars.

Regulatory Policies

1. Reorganization
2. Legislation to eliminate barriers to intermodal transportation services.
3. Grant CAB power to grant fare increases where the government levies user charges on airlines (such as for airport facilities or FAA air traffic controller service).
4. Give FPC explicit permission to grant rate increases where required to pay for mandatory or voluntary environmental protection measures.

Monday 6/15/70

4:45 Jon Rose called to ask if you would try to think in your own mind of ideas by tonight for possible legislative programs in areas of concern that Mr. Flanigan has been responsible for that you know about for '71 legislative season.

General areas where they will need legislation.

I asked if this pertains to areas of your concern only or Mr. Flanigan's whole area. He said any ideas for any area.

They need it tonight; can be by phone call.

Legislative

July 17, 1970

To: Jon Rose

From: Tom Whitehead

Attached are seven items we might consider for next year's Presidential program. Not all require legislation, but all seem to be of sufficient significance to warrant inclusion in the President's program. You might compare this to the list I gave you before; I suspect they are somewhat similar.

Attachment

cc: Mr. Whitehead
Central Files

CTWhitehead:jm

1. NASA now contracts for hardware and some services; then assembles, tests, and launches spacecraft. NASA is moving into two main directions:

1. Space science and applications pay load design, and
2. Launch services.

There are also some commercial launches now being provided and there should be many more in the future. I see no reason why the space launch side of NASA operations should be encouraged to become a government monopoly rather than a private sector industry insofar as possible. We should seek legislation to make NASA the coordinator of launch operations. Federal facilities such as Cape Kennedy and Houston would remain NASA owned and operated but procurement, testing, and financial responsibility would belong to the private sector launch corporations.

There are already several suppliers of launch hardware; why not engender this as a quasi-competitive industry and government agencies could then get bids on complete launch packages, and commercial space operations could be handled just like any other business. This idea needs some study and some field work, but I think it is basically a good idea that could be developed in time for next year's program.

2. Seek legislation regarding Comsat in two related areas:

1. Remove the statutory provision for common carriers on the Comsat Board of Directors.

2. Let the international carriers adopt a suitable rate of pay for satellite circuits secured from Comsat. That will let them earn an equivalent rate of returns which they would earn themselves.

3. End Federal responsibility for the development of civilian nuclear power reactors (AEC). Basic research would be continued -- only the commercial development now being provided by the AEC would be dropped. This is a budgetary item that would offend the Joint Committee on Atomic Energy but requires no legislation.

4. Set up an air traffic control corporation to be a private monopoly, probably owned in part by the airlines, to procure and operate any new air traffic control services, such as satellites. The expenses

would somehow be paid by the users; the purpose is to get the Federal Government out of the monopoly position on a commercial service. Probably should be regulated by CAB. This would presumably require legislation.

5. Shift the high energy research project of AEC to NSF or divide it between NSF and DOD. "High energy physics is to nuclear power reactors as ballet is to Fred Astaire."
6. Seek legislation to permit conscientious objectors to be exempt from the draft for particular wars. This is purely an Administration image issue, since the Supreme Court will probably do it anyway. Make it clear the interpretation will be tough; that it's only fair and moral to allow for deep-set and sincerely held moral belief.
7. I have no idea what the Ash Council will come up with as their final recommendation on regulatory agencies reorganization, but I think we could put together a package to streamline the administrative process and generally strengthen the powers of the chairmen so that these provisions are approximately equal across all regulatory agencies. The trick would be to go far enough to do some good and get some credit without going so far that the Congress would reject out of hand or regard it as Presidential meddling.

January 8, 1974

To: EMI CasseLman
From: Tom Whitehead

As Discussed.

PENDING COMMUNICATIONS LEGISLATION

BROADCAST LICENSE RENEWAL

The House Communications Subcommittee has reported out a bill that would extend the license period to four years and grant a licensee an advantage over a competing applicant if it had "substantially" met the needs of its community. However, a comparative hearing would be required if the challenger promised a "clearly superior" program service. The latter provision was included in an amendment offered by Representative Van Deerlin, which he subsequently agreed to drop if the language granting the incumbent an advantage was also dropped. It thus appears that the bill which will go to the full committee will provide for a four-year renewal term with little or no change in the present standards for comparative hearings. It will also contain a prohibition against consideration of issues regarding multiple ownership, non-broadcast interests, and management structure in license renewal proceedings.

Administration Position

More stability is needed in the area of broadcast license renewal. Existing licensees who are serving their communities well are entitled to an expectation of renewal as against competing applications by challengers.

The FCC would remedy the problem by adopting quantitative program standards which, if met, would entitle an incumbent to a renewed license. It is the position of the Administration that such standards would represent an unwarranted and unnecessary intrusion upon the program prerogatives of licensees. The Administration's license renewal bill would extend the license term to five years, prohibit the FCC from establishing programming standards, and grant an advantage to an incumbent licensee who had been "substantially attuned" to the needs of its community and had made a "good faith effort" to respond to those needs.

NEWSMEN'S SHIELD LEGISLATION

A bill approved by the House Judiciary Subcommittee last June provides that no newsman could be required to disclose confidential information or its source to a Federal or state grand jury. Such disclosure could be required at a trial only upon a showing that the information was indispensable to the prosecution or defense, that it could not be obtained from any other source, and that the public interest would be served by requiring its disclosure. The Subcommittee is expected to approve an amendment in January which would totally prohibit disclosure not only in grand jury proceedings, but also in any state or Federal pre-trial proceeding.

Administration Position

The Administration is opposed to the provision which would extend the disclosure ban to state proceedings.

POLITICAL BROADCASTING AND EQUAL TIME

Several bills have been introduced which would amend Section 315 of the Communications Act requiring equal time for political candidates. One bill would relieve the equal time requirement for Presidential and Vice Presidential candidates and instead require free time for such candidates based upon a formula for apportioning designated amounts of time among major and minor Presidential candidates. Another, S. 372, which passed the Senate and was referred to the Committee on House Administration, would relieve the equal time requirement with respect to Presidential candidates and would limit expenditures for such candidates based upon a statutory formula. A third bill would remove the equal time obligation with respect to candidates for all Federal elective offices.

Administration Position

If the equal time requirement is to be removed, it should be repealed for all Federal elective offices, not just Presidential and Vice Presidential.

PAY TV/PAY CABLE

S. 2283 would give the FCC express jurisdiction over pay television or pay cable and would prohibit the development of these services to the extent that they were competitive with conventional advertiser-supported television. Hearings will probably be scheduled this year.

Administration Position

Television viewers should have the opportunity to express their program preferences by direct subscriber payments. Although pay TV or pay cable should not be permitted to "siphon" the same program fare that is now available on conventional television, supplemental programming on a subscriber-supported basis should be allowed to develop.

ADDITIONAL VHF CHANNELS

In October, 1973, the Office of Telecommunications Policy published the results of an engineering study of frequency assignments for VHF television channels. The study concluded that it was technically feasible to allocate frequencies for 62 additional VHF television stations in the United States. This is not to say that this many additional stations would necessarily be economically viable. Other considerations such as market size, number of existing stations in a market, and geographical factors might argue against the addition of a station in any given city.

It is the position of OTP that the Government should allocate new channels where technically feasible so that entrepreneurs may evaluate the economic and other factors and determine whether to undertake construction of new stations.

CABLE

In June, 1971, the President appointed a special Committee to develop proposals for a comprehensive national policy on cable television. The Committee was composed of three Cabinet