

# Special

# Washington Report

The National Association of Educational Broadcasters

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Special Issue 1346 Connecticut Ave., Washington 6, D.C. Jan. 27, 1961

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## FEDERAL ETV SUPPORT LEGISLATION

Four bills introduced during the opening week of the 87th Congress are designed to provide federal support for the construction of educational TV facilities. All provide for up to \$1 million per state and the District of Columbia for educational TV transmission facilities (including closed-circuit television, but not buildings), and are similar to ones introduced by the same authors in the previous session of Congress: H.R. 132 by Representative Roberts (D.-Ala.) incorporates some of the changes recommended in the Committee version of his previous bill, H.R. 10609; S. 205 by Senator Magnuson (D.-Wash.) and Senator Schoeppel (R.-Kan.) is identical to their former bill; H.R. 965, introduced by Representative Harris (D.-Ark.)\*, Chairman of the House Interstate and Foreign Commerce Committee, is a house version of the Magnuson bill, as is H.R. 645, by Representative Boggs (D.-La.).

All the bills provide that grants be made to the agency or officer responsible for the state supervision of schools, to a non-profit ETV organization, to a state ETV commission, or to a state college or university.

The Magnuson-Schoeppel bill, subsequently co-sponsored by Senators Metcalf (D.-Mont.) and Cooper (R.-Ky.), provides for outright grants of up to \$1 million for establishing or improving educational television transmission facilities in each state and the District of Columbia. It is the same bill that has twice passed the Senate in previous sessions of Congress.

Since the new Roberts bill is the most complex and detailed, and contains the most changes from previous ETV legislation, it is here reproduced in its entirety.

### H.R. 132

A bill to amend the Communications Act of 1934 to establish a program of Federal matching grants for the construction of television facilities to be used for educational purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title III of the Communications Act of 1934 is amended by adding at the end thereof the following new part:

#### "PART IV - EDUCATIONAL TELEVISION FACILITIES GRANTS "DECLARATION OF PURPOSE

"Sec. 390. The purpose of this part is--

"(1) to assist (through matching grants) the several States to survey the need and to develop programs for the construction of educational television facilities, and

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\* An identical bill, H.R. 2910, has just been introduced by Representative McIntyre (R.-Me.)

"(2) to assist (through matching grants) in the construction of educational television facilities.

#### "AUTHORIZATION OF APPROPRIATIONS

"Sec. 391. (a) There is authorized to be appropriated such sums, not to exceed \$520,000 in the aggregate, as may be necessary to carry out the purposes of paragraph (1) of section 390.

"(b) There is authorized to be appropriated such sums not to exceed \$52,000,000 in the aggregate, as may be necessary to carry out the purposes of paragraph (2) of section 390.

#### "GRANTS FOR SURVEYS

"Sec. 392. (a) To be approved, an application for funds for carrying out the provisions of paragraph (1) of section 390—

"(1) must be made by a duly constituted State Educational television agency;

"(2) must provide for the making of a survey and the development of a program by such State educational television agency in accordance with paragraph (1) of section 390; and

"(3) must provide assurances satisfactory to the Secretary that any grant made by the Federal Government under this section will be matched with an equal amount by the State.

"(b) The Secretary shall approve any application for funds which complies with subsection (a).

"(c) The total amount of the grant made to any State for the carrying out of paragraph (1) of section 390 shall not exceed \$10,000.

#### "STATE PLANS FOR CONSTRUCTION OF FACILITIES

"Sec. 393. Grants under this part for the construction of educational television facilities in a State shall be made only if the State educational television agency has submitted to the Secretary a State plan embodying a program for such construction. Such State plan shall be so submitted within three years of the date of enactment of this part.

#### "GRANTS FOR CONSTRUCTION

"Sec. 394. (a) For each proposed project for the construction of educational television facilities there shall be submitted to the State educational television agency, for transmission to the Secretary, an application for a grant and such application shall contain such information with respect to such project as the Secretary shall by regulation require, including the total cost of such project and the amount of the Federal grant requested for such project, and providing assurance satisfactory to the Secretary—

"(1) that necessary funds to construct, operate, and maintain the educational television facilities will be available,

## SPECIAL WASHINGTON REPORT OF ETV LEGISLATION

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1119 Dupont Circle Building

Washington 6, D. C.

### Senate Debate

On March 21, 1961, the Senate, after a three-hour debate, passed S205 ("The Magnuson Bill") by a vote of 67-13.

Most of the debate centered on the position of Health, Education and Welfare as set forth in a letter dated March 14 to Sen. Magnuson, Chr. of the Senate Interstate and Foreign Commerce Committee, which had previously reported the bill out favorably. In the letter Secretary Ribicoff endorsed the purpose of the bill but listed these reasons for not supporting the instant legislation at this time: (1) priority of the general education bill (2) wait for completion of NAEB survey on allocations needed for ETV (3) further study of state and regional patterns for ETV (4) more attention to ways of securing operating funds for ETV installation (5) advisability of inclusion of ETV legislation in broader framework of more comprehensive federal aid to education.

In the debate this letter was used extensively by opponents of the legislation. At one point Sen. Dirksen, minority floor leader, quoted the Secretary's last sentence ("Accordingly, we recommend against enactment of S205") and said: "I find myself now holding up the hands of the new Secretary of Health, Education and Welfare. That is all I have to say."

When it was learned that one of the reasons being advanced for not supporting the ETV legislation at this time was the need to wait for NAEB's survey, President Harley wrote to the Chairman of the FCC, the Commissioner of Education, the Director of the Bureau of the Budget, etc., stating that the NAEB spectrum survey has no relationship to the basic development proposed in the ETV bills. He asserted that this survey was looking to the next decade and beyond and that meanwhile there is imperative need to activate the 214 channels assigned to education that are still unused.

Subsequently, FCC Commissioner Robert E. Lee wrote to Secretary Ribicoff indicating that the NAEB study should not be advanced as a reason for delaying the legislation nor should the consideration of state and regional networks. He pointed out the need to establish individual stations was prerequisite to development of ETV networks.

### House Hearings

Hearings before the Subcommittee on Communications and Power of the House Committee on Interstate and Foreign Commerce Committee were held March 20-23. Witnesses included NAEB members: Martha Gable, Armand Hunter, Raymond Hurlbert, Vernon Bronson and John Crabbe and several others representing educational institutions and organizations, including JCEB, NETRC, AAUW, ACE, AALGC, and SUA.

Two witnesses appeared to request that the legislation be amended to provide that the funds be used for leasing lines: Robert Landry, Vice President for Marketing, AT&T, N.Y.; and Francis E. Almstead, TV Consultant, N.Y. State Department of Education. John White, President of NETRC, and William Harley, President of NAEB, both interpolated into their testimony strong objection to such a provision, pointing out the importance of maintaining the distinction between federal support for capital equipment as opposed to operating funds. Congressman Moss (D. Cal.) agreed and stated that such a proposal went far beyond the original concept of the legislation, whose central purpose, he believed, was to get stations on the air so as to take up the reserved channels. In his opinion, a provision that permitted leasing of facilities, would ensure that the legislation would not be approved by the Congress.

President Harley again read into the record the letters from President Kennedy and former Vice President Nixon (originally presented at the NAEB convention in October) and submitted, that as statements from the spokesman of both major political parties, they indicated bi-partisan support for Federal assistance in fostering educational television.

Responding to questions raised previously by Chairman Oren Harris as to the degree of readiness of the several states to use federal funds for ETV, Harley indicated that in the process of conducting a state-by-state survey of the needs of education for television spectrum space, NAEB had acquired considerable data on the "status of the art" in each state and the degree of preparedness to utilize funds for ETV should they become available. Vernon Bronson, director of the survey, then presented a "roll-call" of the states which provided a partial answer to Harris' question.

Earlier, when Dr. Edgar Fuller was testifying for JCEB, he offered the services of this agency in compiling a full report on the readiness of each state. JCEB-NETRC-NAEB are now working on this survey for inclusion in the record.

Meanwhile, Oren Harris has written to state governors to ascertain the degree of readiness within each state to use federal funds for educational television facilities. Both Harris and Ribicoff are said to place a great importance upon the results of this survey. So far, the returns have been slow to come in.

NAEB has informed people in each state concerning the Harris letter so that they might cooperate with their governor in supplying information relevant to the formulation of his response.

Pending the results of this survey and a statement from HEW, the hearings have been adjourned and the record remains open for filing of statements by interested parties.

Hearings are not expected to resume until early in May, at which time it is presumed that the HEW position will be presented by the Commissioner of Education, Dr. Sterling McMurrin. He was scheduled to appear as the lead-off witness on March 22, but that morning it was announced that a postponement had been requested. Coming on the heels of the Senate vote and discussion of the Ribicoff letter, there has been speculation on a possible relationship. There is also a feeling that the HEW position may be altered somewhat for the House hearings. HEW may make recommendations of its own for what it considers suitable legislation, taking into account some of the questions raised by Ribicoff in his letter to Magnuson and moving the Department into an affirmative posture.

A late development has been the reassignment from the Subcommittee on Communications to the Rules Committee of Rep. William H. Avery (R.-Kan.). Avery has been an outspoken critic of the ETV proposals and at the last session made a personal appearance before the Rules Committee to argue against reporting out H.R. 10609.

Persons interested in giving emphasis to the need for passage of the proposed legislation, may write to any member of the House Committee and duplicate copies for the Chairman and Counsel may be addressed to Room 1334, New House Office Building, Washington 25, D. C.

#### HOUSE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Oren Harris, Ark., Chr.; John Bell Williams, Miss.; Peter F. Mack, Jr., Ill.; Kenneth A. Roberts, Ala.; Morgan M. Moulder, Mo. \* 1/; Harley O. Staggers, W. Va.; Walter Rogers, Tex.\*; Samuel N. Friedel, Md.; John J. Flynt, Jr., Ga.\*; Torbert H. Macdonald, Mass.; George M. Rhodes, Pa.; John Jarman, Okla.; Leo W. O'Brien, N.Y.; John E. Moss, Calif.\*; John D. Dingell, Mich.; Joe M. Kilgore, Tex.; Paul G. Rogers, Fla.; Robert W. Hemphill, S.C.; Dan Rostenkowski, Ill.\*; James C. Healey, N.Y.; John B. Bennett, Mich.; William L. Springer, Ill.; Paul F. Schenck, Ohio; J. Arthur Younger, Calif.\*; Harold R. Collier, Illinois; Milton W. Glenn, N.J.; Samuel L. Devine, Ohio; Ancher Nelsen, Minn.; Hastings Keith, Mass.; Willard S. Curtin, Pa.; Abner W. Sibal, Conn.\*; Vernon W. Thomson, Wisc.; and W. E. Williamson, Clerk.

\* Subcommittee on Communications and Power

1/ Chairman of Subcommittee

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at the Wisconsin Historical Society as part of  
"Unlocking the Airwaves: Revitalizing an Early Public and Educational Radio Collection."



A collaboration among the Maryland Institute for Technology in the Humanities,  
University of Wisconsin-Madison Department of Communication Arts,  
and Wisconsin Historical Society.

Supported by a Humanities Collections and Reference Resources grant from  
the National Endowment for the Humanities



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