

Senate Adopts Bill to Aid People in Medical Studies

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WASHINGTON, May 30—A permanent Presidential commission to protect the rights of human subjects of medical research would be set up by legislation passed recently by the Senate with no debate and little public notice.

The commission would have a far broader role than the present temporary commission that goes out of existence at the end of December after a two-year term.

While the existing commission is concerned only with research conducted or sponsored by the Department of Health, Education and Welfare, the body called for by the Senate bill would also have jurisdiction over any secret medical and behavioral research done by the Department of Defense or the Central Intelligence Agency.

The law specifies that "the commission may secure directly from any department or agency information necessary to enable it to carry out its duties."

A Senate committee report on the bill said that the need for a commission with a broader role was made evident by disclosures last year concerning experiments done for the C.I.A. and the Pentagon.

'Serious Harm' Alleged

"These experiments, which were perceived to be necessary to meet the needs of national security, violated the basic principles of biomedical and behavioral research with human subjects and their rights," the report from the Senate Labor and Public Welfare Committee said.

"The subjects were not informed of the risks and benefits associated with participation in experiments. No medical follow-up was attempted, and serious harm resulted from the experiments," the report said.

Some of the experiments involved testing of hallucinogenic drugs on unsuspecting persons. The experiments were disclosed during testimony before subcommittee hearings under the chairmanship of Senator Edward M. Kennedy, Democrat of Massachusetts.

He was chief sponsor of the bill that passed the Senate by unanimous consent on May 21. A bill passed in this fashion by the Senators present does not require a voice vote.

The measure will be considered by the House Commerce

Committee's subcommittee on health and environment under the chairmanship of Representative Paul G. Rogers, Democrat of Florida.

The fate of the bill in the House is difficult to predict. The law that set up the present National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research was a compromise between health affairs leaders of the Senate and the House.

Senate leaders, notably Senator Kennedy, had wanted a permanent commission with a broad mandate while House leaders insisted on a commission with a two-year term. This body was to be supplanted thereafter by a national advisory committee to the Department of Health, Education and Welfare.

Present Panel's Impact

The present national commission consists of 11 members, none of them Government officials. The members' professional fields include biomedical science, theology and law. They have already had a substantial impact on research policy in this country, having ended a year-long ban on fetal research that was imposed by Congress. At present they are considering such controversial subjects as psychosurgery, research on prison inmates and research on children and on mental patients.

The Senate committee report lauded the work of the present commission but said the body should be expanded in jurisdiction and government stature.

The report said that the jurisdiction should be expanded to cover all subjects of biomedical and behavioral research regardless of Federal funding source and that the commission should be "upgraded and made a Presidential commission in order to reflect this important and expanded mandate."

The Senate bill calls for the chairman, vice chairman and all members of the new commission to be appointed by the President with consent of the Senate. All would be required to have security clearance so that they could deal with any secret research done by the Department of Defense or other agencies such as the C.I.A.

Members of the present commission would serve on the new body until new members were appointed by the President.