

Mr. HARVEY. Was that passed by the House?

Mr. HYDE. Only by the committee.

Mr. HARVEY. Neither of these resolutions was passed by the full House or by the Senate; is that correct?

Mr. HYDE. That is correct.

The latter one was discussed, Congressman Harvey. The latter resolution was discussed on the floor of the House by the chairman of the House committee.

Mr. HARVEY. But to the best of your knowledge neither one was approved by the House?

Mr. HYDE. To the best of my knowledge neither one was approved by the House.

Mr. HARVEY. So that we are in a position here where the committee, itself, has expressed to the FCC what its thinking is with regard to subscription TV; is that correct?

Mr. HYDE. That is correct.

Mr. HARVEY. Although it has been discussed on the floor of the House and not repudiated by the House, nevertheless the full House has never expressed its thinking to the FCC?

Mr. HYDE. That is correct.

Mr. HARVEY. As far as what Congress has said, however, I gather that its thinking has always been clear, that is that it thus far has been opposed to subscription TV with the exception of the permission granted for the experiment in the later resolution.

Mr. HYDE. That would be a correct summary of the House committee's views on the matter.

Mr. HARVEY. Has there been any other act by Congress to make the FCC think that they supported subscription TV?

Mr. HYDE. No. I do not know of any.

Mr. HARVEY. So that we are in the position here further where the FCC at the present time, basing its authority for its present hearings not on anything that the Congress has authorized it to do specifically but rather upon the authority that it feels is granted by the courts in the earlier law; is that the fact?

Mr. HYDE. Congressman Harvey, I would rather put it this way.

The Commission relies upon the delegation of authority and power granted by Congress in the basic act which the Commission administers as construed, of course, by decisions of the court.

Mr. HARVEY. We frequently hear with regard to subscription TV, and throughout the report of the subcommittee that I read, some sort of indication or a wish that Congress would give a certain amount of guidance.

Has the FCC ever come before the committee here and requested Congress to give guidance?

Mr. HYDE. We have made statements from time to time such as those I offered today indicating that we would welcome the guidance of Congress.

Mr. HARVEY. Does the FCC feel that the silence of Congress in this regard is a consent to what the FCC is presently doing?

Mr. HYDE. No. Our concern with the question is not based upon silence of Congress at all. It rather has been based upon the Commission's feeling that it must proceed with its duties under the Act,