

Communications Act that they have authority to dictate programs or program content.

Mr. MACDONALD. I say in the order that we have been discussing and you have been discussing it does provide for 10 percent of the type of programing that you say is not going to be made available.

Mr. DINGELL. If you were going to look at submissions to the American people by the networks you will find that they are turning out about 10 percent of this kind of time. They might even, perhaps in some instances, be doing better than this, depending, you know, on the question of definition. So that, what you are really doing is converting what we are now getting for free to a subscription charge-type service. That is what you really are really doing with this subscription TV.

Mr. BROWN. Would the gentleman yield to clarify a point here?

I understood NBC said they were spending 25 percent of their time on public service broadcasting. I did not understand that to include the general definition of cultural broadcasting. I thought the FCC limitation was only 90 percent of the time could be used in pay TV on sports and entertainment and left the other 10 percent open as to what they would use it for, whether it was news or something else. Is that right?

Mr. MACDONALD. That is my understanding.

Mr. ROONEY. I have no further questions.

Mr. MACDONALD. Mr. Harvey.

Mr. HARVEY. I want to congratulate my colleague from Michigan on a very fine statement.

As I understand his position, you are unmistakingly opposed to subscription television?

Mr. DINGELL. Totally.

Mr. HARVEY. But looking at your bill and trying to interpret your bill, if I place the right interpretation on it, let me say, your bill would not necessarily prohibit subscription TV forever in the future but rather your bill says subscription TV shall not come into being until Congress has held hearings and made the decision on it.

Is that correct?

Mr. DINGELL. In effect that is what the bill does.

I believe this is a congressional decision. I would point out, as I did very briefly in my comments, that the bill was drafted in haste because of the needs of the situation.

I believe on careful scrutiny the committee may find that there are technical defects in the bill. But I believe the intent of the bill is sound and would protect the public interest.

Certainly if one of the problems that might rise is that the bill as drawn might absolutely preclude the use of wire pay TV, this was not my intent. I intended to limit it to the use of the broadcast spectrum. I have been advised that some people consider the wire to be a part of the spectrum.

I certainly did not intend to include that.

Mr. HARVEY. What you are trying to do in your bill, what you are trying to accomplish, let me say, is to transfer jurisdiction of this whole subject from the FCC as they have claimed it right to this committee where you feel it belongs.