

Committee. Congressman Harris indicated that the Committee allowed tests such as Hartford pursuant to the Third Report solely because of the experimental nature of the venture, and he stated that (105 Cong. Rec. 5362-63, emphasis added):

* * * the Congress reserves to itself the right to determine whether or not to enact legislation to amend the Communications Act of 1934, as amended, to empower the Commission to grant, and to prescribe the conditions under which the Commission would have the power to grant, authorizations for extended or permanent operations.

Mr. Speaker, therefore, in conclusion, under no circumstances can the action of the Federal Communications Commission [in the First and Third Reports] and the action of the Committee on Interstate and Foreign Commerce be construed as placing a stamp of approval on subscription television as a permanent service.

It seems clear, therefore, that the mere power to authorize experimental operations (which was the only power approved by the Court of Appeals in *Connecticut Committee, supra*) does not carry within it the power to authorize pay television on a permanent basis.

The Joint Committee is aware that the Commission in the First Report has concluded that the Commission has such permanent authority. The Joint Committee believes that the Commission's determination in the First Report was erroneous, and that it should be carefully reconsidered at this time.

It cannot be emphasized too strongly that a system which demands direct payment of fees by the public in order to receive programs broadcast on publicly controlled broadcast facilities represents a major and drastic change in the nature of American broadcasting. Prior to the advent of pay television, broadcasting had been solely supported by commercial advertisers. There was, and is, no direct financial relationship between a listener and a broadcast licensee. The absence of this relationship is more than just a matter of commercial choice; it represents an