

The Committee on Energy and Commerce



Memorandum

January 13, 2014

To: Members, Subcommittee on Communications and Technology

From: Majority Committee Staff

Subject: Hearing on “#CommActUpdate: Perspectives from Former FCC Chairmen”

The Subcommittee on Communications and Technology will hold a hearing Wednesday, January 15, 2014, at 10:00 a.m. in 2123 Rayburn House Office Building on “#CommActUpdate: Perspectives from Former FCC Chairmen.” One panel of witnesses will testify:

1. Honorable Richard Wiley
2. Honorable Reed Hundt
3. Honorable Michael Powell
4. Honorable Michael Copps

In December 2013, Energy and Commerce Committee Chairman Fred Upton and Communications and Technology Subcommittee Chairman Greg Walden announced plans to commence a multi-year effort to examine and modernize the Communications Act of 1934. In the 17 years since the last major update to the Act, technology has changed drastically, and the current laws no longer work for the communications marketplace. The process will include a series of white papers and hearings that ask what can be done to improve the laws and create a more nimble and appropriate regulatory regime.

As the Subcommittee begins its examination of the Communications Act, the former chairmen of the Federal Communications Commission (FCC) will provide unique insight into the workings of the expert agency and the challenges of implementing the Act as amended at very different times in the agency’s past. The perspectives of chairmen who served during a range of time periods and technological developments can inform potential legislation and address pitfalls that have been encountered in the past. It is vital that any changes to the law account for the impact on consumers and industry alike, and one starting point will be a conversation with those who were directly responsible for implementing the provisions of the law as written.

Biographies

Honorable Richard Wiley.

Chairman Richard Wiley was nominated by President Nixon and served as Chairman of the FCC from 1970 to 1977. As Chairman for most of the 1970s, Chairman Wiley’s tenure at the Commission predates many of the major changes in the communications sector that we take for

granted today. During Chairman Wiley's term as Chairman, the nation's telephone service was a government regulated monopoly, broadcast television and newspapers were the primary sources of news for most Americans, and the World Wide Web, which was invented by Tim Berners-Lee in 1989, was more than a decade away.

Following his time as chairman, Chairman Wiley founded Wiley Rein LLP, where he serves as managing partner and leads the communications practice. In the 35 years since Chairman Wiley left the Commission, he has been an active participant in the Washington, D.C. communications law community. In addition to his work on behalf of his clients, Chairman Wiley also served as the Chairman of the FCC's Advisory Committee on Advanced Television Service from 1987 to 1995, where he helped advance the development of HDTV in the United States.

Honorable Reed Hundt.

Chairman Reed Hundt was nominated by President Clinton and served as Chairman of the FCC from 1993 to 1997. Chairman Hundt's tenure at the Commission saw the passage of the Omnibus Budget Reconciliation Act of 1993 (which granted the Commission the authority to auction spectrum licenses) and the Telecommunications Act of 1996. Chairman Hundt's time at the Commission came at a crossroads in American communications law and technology. In addition to the challenges of implementing spectrum auctions and the local competition provisions of the 1996 Act, Chairman Hundt's term also coincides with significant changes in technology that we take for granted today: mobility and the Internet.

Following his tenure at the FCC, Chairman Hundt was co-chairman of the Forum on Communications and Society at the Aspen Institute from 1998 to 2006. He is currently the CEO of the Coalition for Green Capital and an advisor to several technology groups.

Honorable Michael Powell.

Chairman Michael Powell was nominated by President George W. Bush and served as Chairman of the FCC from 2001 to 2005. During Chairman Powell's term saw a significant increase the deployment of broadband to American homes as well as a convergence of services toward the bundles of services that are common today. Additionally, Chairman Powell served as Chairman as the Internet began to become more commonplace in the American home.

Prior to joining the FCC, Chairman Powell worked as an attorney for the firm O'Melveny & Myers, and the antitrust division of the Department of Justice. In addition, Chairman Powell served as policy advisor to the Secretary of Defense, and served in the military as an armored cavalry officer before beginning his legal career. Currently, Chairman Powell serves as president and CEO of the National Cable & Telecommunications Association.

Honorable Michael Copps.

Michael Copps served as Acting Chairman of the FCC from January to June 2009 and served as commissioner from 2001 to 2011. Prior to joining the Commission, Commissioner

Copps worked on Capitol Hill and in the U.S. Department of Commerce. Commissioner Copps currently serves as Special Advisor for Common Cause's Media and Democracy Reform Initiative and sits on the boards of multiple organizations.

If you need more information, please call David Redl or Grace Koh at (202) 225-2927.