

**NOMINATION OF JONATHAN S. ADELSTEIN  
TO BE A MEMBER OF THE  
FEDERAL COMMUNICATIONS COMMISSION**

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**HEARING**

BEFORE THE

**COMMITTEE ON COMMERCE,  
SCIENCE, AND TRANSPORTATION  
UNITED STATES SENATE**

**ONE HUNDRED SEVENTH CONGRESS**

SECOND SESSION

JULY 16, 2002

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COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED SEVENTH CONGRESS

SECOND SESSION

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**NOMINATION OF JONATHAN S. ADELSTEIN  
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**TUESDAY, JULY 16, 2002**

U.S. SENATE,  
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,  
*Washington, DC.*

The Committee met, pursuant to notice, at 2:35 p.m. in room SR-253, Russell Senate Office Building, Hon. Daniel K. Inouye, presiding.

**OPENING STATEMENT OF HON. DANIEL K. INOUE,  
U.S. SENATOR FROM HAWAII**

Senator INOUE. This afternoon, the Committee will consider the nomination of Jonathan Adelstein to be Commissioner of the Federal Communications Commission. Mr. Adelstein currently serves as an advisor to our esteemed Senate Majority Leader, Tom Daschle.

I'd like to take this moment to welcome Mr. Adelstein and ask him to introduce to the Committee his family members and friends who have accompanied him today.

Mr. ADELSTEIN. Thank you very much, Mr. Chairman, and thank you for calling this hearing so promptly.

First, I'd like to introduce my beloved wife Karen, who has supported me throughout this process and made it so much easier for me to get here today. Next, my son, Adam, who represents the future we are truly dedicated to improving. My father, Stan Adelstein, is here. Like myself, he is a public servant. He has been elected to the South Dakota State House of Representatives—as a Republican, I might add. In our family, bipartisanship starts at home.

[Laughter.]

Mr. ADELSTEIN. But what a person stands for is really not about labels. It's about values. My father and I share basic values about our country and our State. I would be proud if it were thought that I shared the integrity that he displays in everything he does. Nobody could be a better father, and nobody could be a better citizen of our State. It is well-known how much he's done for our State. I'm so proud to call him my dad, and I'm so happy that he's here with us today.

I have one of my brothers here, as well, Lieutenant Colonel Dan Adelstein. My other brother, Jim, is in Los Angeles, and couldn't be here today. Dan is the third generation of our family to serve

as a U.S. Army officer. He was at the Pentagon on September 11th, very near where the plane attack occurred. We are all the more grateful for his presence here today and for the service he gives to our country. Thank you, Dan.

I'd like to introduce Karen's parents, Arnie and Anita Brenner. Everybody should be so fortunate to have such wonderful in-laws. Arnie has had a distinguished career in the wireless telecommunications industry, and we are very proud of him. I want to thank Karen's brother, Ira Brenner, and his wife, Jennfer, and daughter, Everleigh, for also joining us. I also want to thank them for not bringing their newborn son, Boulder. I love him, but I think at any moment he may have made it difficult to proceed with this hearing.

Senator INOUE. I thank you very much, and I'd like to welcome the members of the family and congratulate them. The rest of my statement will be made part of the record.

[The prepared statement of Senator Inouye follows:]

PREPARED STATEMENT OF HON. DANIEL K. INOUE,  
U.S. SENATOR FROM HAWAII

This morning the Committee will consider the nomination of Jonathan Adelstein to be a Commissioner of the Federal Communications Commission. Mr. Adelstein comes highly recommended, as he currently serves as an advisor to, and has been recommended by, our esteemed Senate Majority Leader, Tom Daschle. Mr. Adelstein has noted that he is aware of the enormous responsibilities that awaits him should he be confirmed, and that he is prepared for the challenge. He will be questioned this morning about the critical issues presently confronting the FCC and the communications industries, which, indeed, are many. I would like to take this moment to welcome him, and to allow him to recognize family members and friends that have accompanied him this morning.

This is an important period in the evolution of the communications industry. There are a number of critical issues that are presently pending before the FCC that must be successfully resolved if we are to make the progress that we are seeking in the major communications sectors. These issues include telecommunications competition in the last mile, spectrum management, and the digital television transition. Additionally, the telecommunications industry is currently in the midst of a very turbulent economic period, as many companies have been affected by the overall downturn in the financial markets, especially those on the competitive side. Clearly this situation has implications for preserving competition in the telecommunications market. In this environment, it is imperative that the FCC provide effective leadership, and in a manner that maintains fairness and competition in the marketplace and improved and affordable services for consumers.

With respect to my home State of Hawaii, a policy of great importance is rate integration and geographic averaging. This policy was first adopted by the FCC in order to ensure that the so called "offshore points," Alaska, Hawaii, Puerto Rico, and the Virgin Islands were integrated into the telecommunications rate and service structure prevailing on the mainland. Previously, these points were deemed "international" points for purposes of telephone communications. Long distance rates were 3 times that of Mainland levels. In the 1996 Act, Congress in adding section 254(g), codified these policies and expanded their reach.

Even though the long distance market was deemed competitive, Congress took this action to ensure that all Americans, even those in remote areas, receive the benefits accorded by a competitive market. It is important that the FCC continues to sustain these policies in order to ensure that residents of Hawaii have affordable telecommunications service.

Lastly, Hawaii has long struggled to obtain direct broadcast satellite (dbs) service comparable to that available on the Mainland. Today, one company, pursuant to the commission's mandate, provides DBS service in Hawaii that roughly approximates that available in the mainland states. The other DBS provider does not, and has resisted doing so. For these reasons, it is essential that the commission enforces its long standing policy, as well as its recently adopted rules, in order to eliminate any misunderstanding as to whether DBS services are required to be offered to Hawaii and Alaska in a manner that is equivalent to the services provided in the mainland states. This is vitally important, due to the fact that DBS not only promises video

programming and competition to cable, but also holds the promise of high speed data services.

With that said, I look forward to working with you, Mr. Adelstein, in the months ahead.

Senator INOUE. May I call upon Mr. McCain.

**STATEMENT OF HON. JOHN MCCAIN,  
U.S. SENATOR FROM ARIZONA**

Senator MCCAIN. Well, thank you, Mr. Chairman. I'd like to welcome Jonathan Adelstein, along with his family members and guests. I think Mr. Adelstein will play an important role in guiding American telecommunications policy in the digital age, and I think he's fully qualified for performing those duties despite the years of service that he spent with Senator Daschle.

[Laughter.]

Senator MCCAIN. I had the pleasure of meeting with Mr. Adelstein recently, and found him to be thoughtful and committed to serving consumer interests. I commend him on his career in public service, and I appreciate his willingness to undertake the tremendous responsibility of serving as an FCC Commissioner.

Mr. Chairman, I only have one additional comment. I think we recognize that there are enormous challenges facing the telecommunications industry in America today. I can think of nobody that is probably more important to the future of the economy of this Nation than the Federal Communications Commission. I think it is ably led by Chairman Powell, but I know that Mr. Adelstein understands how very critical his position will be. I think he brings the right experience and credentials to this job. But this is not an obscure agency. This is not a task that can lend itself to mediocrity.

And so, therefore, Mr. Adelstein, I'm glad that you are willing to serve this Nation, as you have done ably, as members of your family have in the past. I congratulate you and your family. And there may be some days in the years ahead where you'll wish that we had turned you down.

[Laughter.]

Senator MCCAIN. I thank you, Mr. Chairman.

[The prepared statement of Senator McCain follows:]

PREPARED STATEMENT OF SENATOR JOHN MCCAIN.  
U.S. SENATOR FROM ARIZONA

Mr. Chairman, I would like to welcome Jonathan Adelstein, along with his family members and guests. If confirmed, he will play an important role in guiding American telecommunications policy into the digital age.

I congratulate Mr. Adelstein on his nomination. He has a distinguished career as a staff member in the U.S. Senate, including 7 years with Senate Majority Leader Tom Daschle. I had the pleasure of meeting him recently, and found him to be thoughtful and committed to serving consumer interests. I commend him on his career in public service, and I appreciate his willingness to undertake the tremendous responsibility of serving as an FCC Commissioner.

Mr. Adelstein, your experience in government will prove important as the FCC continues to confront the challenges that face this critical sector of our Nation's economy. Several large communications companies have been at the center of recent events that have resulted in a crisis in confidence in corporate America. I hope that, if confirmed, you will dedicate your efforts to implementing sound public policy that serves the interest of consumers during this era of industry uncertainty.

Senator INOUE. And now it's my privilege to call upon my leader, Senator Tom Daschle.

**STATEMENT OF HON. THOMAS DASCHLE,  
U.S. SENATOR FROM SOUTH DAKOTA**

Senator DASCHLE. Thank you very much, Mr. Chairman and Senator McCain, for your kind words. Well, at least in your case, Mr. Chairman.

[Laughter.]

Senator DASCHLE. I am grateful to have the opportunity to appear before you, and I have a formal statement that, with your consent, I would like inserted into the record.

Senator INOUE. Without objection, so ordered.

[The prepared statement of Senator Daschle was not available at press time.]

Senator DASCHLE. Let me just say that it is a great day for our country and certainly a proud moment for me. It is especially an honor that so many of the Adelstein family has come for this special occasion. But I must say, in all my time in public life, I have never presented a nominee with greater confidence and with greater enthusiasm. Perhaps that's because I know Jonathan as well as I do.

He's worked here in the Senate for 15 years. He has worked in many capacities. I know him as a fast learner. I know him as a fair and balanced analyst. I know him as someone with wise intellectual capacity. I know him as someone who is committed to rural America. I know him as someone who is ready to respond to the challenges that Senator McCain so eloquently just described.

We have a big challenge at the FCC, and I know of no one who can do it better than Jonathan Adelstein. So it's a pleasure for me to be at his side on this special occasion, on this important day.

I thank the Committee, and I thank you, Mr. Chairman, for your willingness to hold this hearing so that we can move to meet these challenges in the near future.

Senator INOUE. I thank you very much, Mr. Leader.

Now may I call upon the illustrious Senator, Senator Tim Johnson.

**STATEMENT OF HON. TIM JOHNSON,  
U.S. SENATOR FROM SOUTH DAKOTA**

Senator JOHNSON. Well, thank you, Mr. Chairman. And let me begin by thanking Chairman Hollings for calling this important hearing on the nomination of Jonathan Adelstein to be a member of the Federal Communications Commission. I want to thank you and Senator Hollings, Senator McCain, for participating in this overdue hearing today.

Mr. Chairman, I'm pleased to be here today before the Commerce Committee to help introduce a fellow South Dakotan who's been selected by Senator Daschle and nominated by President Bush to be our next FCC Commissioner.

This nomination is long overdue. Mr. Adelstein's selection was announced on February 8th of 2002, but his nomination was not sent to the Senate until July 10th. While I'm disappointed in the delay, which was caused by extraneous circumstances, it's important now that we focus on the need for speedy confirmation of this highly qualified nominee.

The FCC is urgently in need of a Commissioner who knows first-hand the telecommunications needs of rural America. Advances in telecommunications technology is changing at an incredible rate, and I'm concerned that in an effort by the FCC to address issues related to these advances, the Commission often does not fully realize or take into account the impact these decisions have on rural telecommunications providers and consumers. Too often I hear from telecommunications leaders in South Dakota that many FCC decisions adversely impact their ability to bring telecommunications advances to rural customers.

That said, I'm confident that Jonathan will be a strong voice for rural America and will work with the other Commissioners to determine telecommunications policy in a way that encourages and not hinders telecommunications advances in all areas of America, rural and urban alike.

Jonathan is a native of Rapid City, South Dakota. He graduated from high school at Phillips Academy in Andover, Massachusetts, in 1980. He went on to earn both undergraduate and graduate degrees from Stanford University. Jonathan completed his education at the Kennedy School of Government at Harvard.

Jonathan began his long and distinguished career in public service right here in this chamber. He came to the Senate in 1987 as a legislative assistant to former Senator Don Riegle. After serving in Senator Riegle's office, Jonathan worked for former Senator David Pryor, then Chairman of the Senate Aging Committee. Jonathan worked on finance matters for the Aging Committee and, in 1985, began working as a legislative assistant for my good friend and colleague, Senator Daschle, covering a wide range of issues, including telecommunications, banking, transportation, and Social Security. After 15 years in Congress, I know it is especially gratifying to staff colleagues that one of their own has reached this day.

I'm particularly grateful to Jonathan for his efforts on behalf of our State of South Dakota. His expertise, determination, and understanding of the process have enabled both Senator Daschle and me to further our goals in telecommunications policy. All those that work with Jonathan praise his pragmatism and his ability to maintain an open mind as well as his ability work in a bipartisan fashion. I personally bear witness to his dedication and dependability, and it is these traits, along with his deep knowledge of the Congress, which will serve him well in his new capacity.

Again, Mr. Chairman, I thank you for holding this hearing today. I look forward to working with you and my colleagues to move this nomination to the floor for an expeditious Senate confirmation.

Thank you.

Senator INOUE. I thank you very much, Senator.

And now may I call upon the man of the hour, Mr. Jonathan Adelstein.

Senator DASCHLE. Mr. Chairman, if I could ask unanimous consent to insert a letter by the Governor of South Dakota, Governor Bill Janklow, in support of the nominee in the record at this point.

Senator INOUE. Without objection, so ordered.

Senator DASCHLE. Thank you, Mr. Chairman.

[The information referred to follows:]



STATE OF SOUTH DAKOTA  
WILLIAM J. JANKLOW, GOVERNOR

January 7, 2002

The President  
The White House  
Washington, DC 20500

Dear Mr. President:

I write to offer my strong and unqualified support for the candidacy of Jonathan Adelstein, currently a senior aide to Senator Tom Daschle, to be nominated for the position of Commissioner at the Federal Communications Commission (FCC). The high quality of Jonathan's public service over the past fifteen years eminently qualifies him for this position.

I have known Jonathan personally for nearly thirty years. I have been a close friend of his family since he was very young and have always been impressed by his keen intellect, strong character, and devotion to principle. His generous sense of fairness and relentless pursuit of innovative approaches to expand telecommunications opportunities for all Americans will help form the important decisions that are made at the FCC.

We have worked together on a number of critical issues in recent years, and I have been impressed with his effectiveness and his willingness to put the interests of the people of South Dakota and the country ahead of partisan considerations. Many of us talk about bipartisanship and the good it can do for our country. Jonathan lives it. To cite one recent example, Jonathan worked closely with my staff and me to win congressional approval of an unprecedented number of priority transportation projects for South Dakota. His success in that undertaking and many others demonstrates his knowledge of how to get things done in Washington.

Jonathan's tireless work ethic and responsiveness have earned him the respect of his peers. He has fostered excellent working relationships with South Dakotans, including me and my staff, national leaders from both parties, as well as industry leaders in the fields of telecommunications, banking, housing, and transportation.

I wholeheartedly recommend that you nominate this excellent public servant to serve as a Commissioner of the FCC. If you or your staff would like to discuss this further, please feel free to contact me at any time.

Respectfully,

A handwritten signature in cursive script that reads "Bill Janklow".

William J. Janklow  
WJJ:djh

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57501-5070

Senator MCCAIN. Could we say, we know that the other Senators have important duties, and we thank you for appearing on behalf of this witness.

Senator INOUE. Thank you.

**STATEMENT OF JONATHAN S. ADELSTEIN, NOMINEE TO BE  
A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION**

Mr. ADELSTEIN. Mr. Chairman and Members of the Committee, it's been an honor to work with you and your staff over the years. After 15 years in the Senate, it's truly humbling to appear here before you as the nominee to serve on one of your most important creations, the Federal Communications Commission.

First, I want to thank Senator Daschle and Senator Johnson for their generous introduction. I'm deeply grateful to both of them, and especially to Senator Daschle for the wisdom that he's shared with me over the years; for the opportunities he has given me to learn and to grow, and for the display of confidence he's shown in me by recommending me for this position.

Senator Daschle, working for you has meant the world to me. There's nobody who could be a better mentor, role model, and friend. As a South Dakotan, I think I have two of the best Senators in the U.S. Senate, with all due respect to the current Members here.

[Laughter.]

Mr. ADELSTEIN. South Dakota is blessed with an outstanding delegation—the best South Dakota has ever had.

And thank you, Mr. Chairman, again, for holding this hearing so promptly. I'd also like to thank the Chairman of the Full Committee, Senator Hollings, who stopped by to say hello before he had to do some business at the Appropriations Committee, for his leadership in getting this process moving so promptly. His supportive and gracious comments are deeply appreciated.

Senator McCain, I appreciate your generous comments, as well, and I enjoyed having the chance to talk to you about critical telecommunications issues. I look forward to a productive relationship with you, if confirmed.

I'm also grateful to President Bush for sending my nomination forward, and also to Governor Bill Janklow for his stalwart support throughout this entire process.

Finally, I'd like to say a word to my fellow Members of the Senate staff, the crowd who's sitting behind you on the dais, where I sat for so many years myself. Without the work that we've done together, without the help of you, my friends, my colleagues, and my mentors, I would not be prepared to pursue this opportunity. So thank you very much.

Senator MCCAIN. That's enough. They'll be asking for a raise.

[Laughter.]

Mr. ADELSTEIN. OK, that's enough. That's it, staff, sorry.

[Laughter.]

Mr. ADELSTEIN. I can't go on. I know we drafted this statement together, but I can't complete it. I'm just going to have to skip over it.

[Laughter.]

Mr. ADELSTEIN. I also want you all to know about the family that I've come from. It's an extraordinary family, and I'm very proud of them. You've met some of them here today, but I want to step back a little in time.

I want to go back to my great-grandmother, who homesteaded near the Badlands of South Dakota. I wonder what she would think if she could be here today. Her son, my grandfather, became an engineer and built bridges for the Allies in France under fire during World War I. After our victory, he returned to start a construction company in our State that grew to become one of its largest employers. My father took over that business, and he made it thrive before he moved on to his own career in public service, in which he has distinguished himself. I'm so proud of him.

The motto of our family company carries with me today: "Builders of better bridges and highways." Mr. Chairman if confirmed to the FCC, I want to make that motto my own.

Just as roads and bridges provide physical links, advanced communications and information services can also bring people together. They not only can conquer physical distances, but also challenge the less tangible barriers that separate us. They help weave together the very fabric of our society. They can make the best educational and commercial opportunities available to all Americans regardless of geography or income. This is the promise of modern communications. These are the links I want to help build.

My family's presence on the Great Plains has endured for four generations. I feel duty-bound by that heritage to assure, if confirmed, that the benefits of advanced communications reach all Americans, including those who live in and sustain our Nation's rural areas. This commitment is embodied in the Telecommunications Act of 1996.

America, of course, is not just a place, but a unique set of ideas and aspirations. Broadband represents the most powerful means we have yet invented to communicate the best that America has always offered the world, the promise of freedom and equality of opportunity. Greater bandwidth and more competition will foster more freedom and more opportunity—better bridges and highways between people.

To promote those ideals and to help combat the enemies of freedom, America must retain its leadership in communications. Congress, I believe, has established a legislative framework designed to keep our network the most advanced, most accessible, and most reliable in the world. But the continued vitality of the communications sector, as we've discussed here today, and our entire economy, face serious challenges.

If confirmed, I commit myself to working with this Committee, with Congress, with the Chairman and members of the Commission, with consumers and all stakeholders to implement a sensible, bipartisan approach to maintaining America's leadership. Guided by the policies Congress set forth in its communications laws, if confirmed, I will work to enhance competition, promote universal access, and manage the public spectrum efficiently. In light of September 11th, if confirmed I will also make it my highest priority to address all of the communications-related needs of national security and public safety.

Mr. Chairman, my family, my education, and my 15 years of service to this institution have, I believe, prepared me for that task. Thank you for holding this hearing today. Senator McCain, thank you for being here and for your support. I would now welcome any questions that you might have.

[The prepared statement and biographical information of Mr. Adelstein follow:]

PREPARED STATEMENT OF JONATHAN S. ADELSTEIN

Mr. Chairman, and Members of the Committee, it has been an honor to work with you and your staff over the years. After 15 years in the Senate, it is humbling to appear before you as a nominee to serve on one of Congress's most important creations: the Federal Communications Commission.

I thank Senator Daschle and Senator Johnson for their generous introduction. I am deeply grateful to Senator Daschle for the wisdom he has shared with me over the years, and for his display of confidence in recommending me for this position.

Thank you, Mr. Chairman, and Chairman Hollings, for scheduling this hearing so promptly.

I am grateful to President Bush for nominating me, and Governor Bill Janklow of South Dakota for his stalwart support.

Finally, to my fellow members of the Senate staff. Without the work we have done together, and the help of my friends, colleagues and mentors, I could not be prepared to pursue this opportunity.

I want you all to know that I come from an extraordinary family of which I am very proud.

Stepping back, my great-grandmother homesteaded near the Badlands of South Dakota. Her son, my grandfather, became an engineer and built bridges for the Allies in France during World War I. After our victory, he returned to start a construction company that grew to become one of the largest employers in the State. My father took over that business and made it thrive before moving on to his own career in public service.

The motto of our family company carries with me today: "Builders of Better Bridges and Highways." Mr. Chairman, if confirmed to the FCC, I want to make that motto my own. Just as roads and bridges provide physical links, advanced communications and information services bring people together. They can actually conquer physical distances, as well as challenge the less tangible barriers that separate us. They have the potential to weave together the fabric of our society. They make the best educational and commercial opportunities available to all Americans, regardless of income or geography. This is the promise of modern communications.

My own family's presence on the Great Plains has endured for four generations. I feel honored by that heritage, and duty-bound to ensure the benefits of advanced communications reach all Americans—including those who sustain our Nation's rural areas—a commitment enshrined in the Telecommunications Act of 1996.

America, of course, is not just a place, but a unique set of ideas and aspirations. Broadband represents the most powerful means we have yet invented to communicate the best that America has always offered the world: the promise of freedom and equality. Greater bandwidth and more competition will foster more freedom and more opportunity—better bridges and highways between people.

To best promote those ideals—and to help combat the enemies of freedom—America must retain its leadership in communications. Congress has established a legislative framework designed to ensure our network remains the most advanced, most accessible and most reliable in the world. But the continued vitality of the communications sector, and our economy as a whole, face serious challenges.

If confirmed, I commit myself to working with this Committee, with Congress, with the Chairman and members of the Commission, and with all stakeholders to implement a sensible, bipartisan approach to maintaining America's leadership. Guided by the policies Congress set forth in its communications laws, if confirmed I will work to enhance competition, promote universal access and efficiently manage the public spectrum. In light of September 11th, I will also make it my highest priority to address all the communications-related needs of national security and public safety.

My family, my education and my 15 years of service to this institution have, I believe, prepared me for that task.

Mr. Chairman, thank you for your consideration. I welcome any questions Members of the Committee may have.

## A. BIOGRAPHICAL INFORMATION

1. Name: Jonathan Steven Adelstein (Jon).
2. Position to which nominated: Commissioner, Federal Communications Commission.
3. Date of nomination: July 10, 2002.
4. Address: Home: Information not released to the public. Office: Senator Tom Daschle, Washington, DC 20510.
5. Date and place of birth: August 28, 1962, Rapid City, South Dakota.
6. Marital Status: Married to the former Karen Gail Brenner.
7. Name and age of child: Adam Fortis Adelstein, 1.
8. Education: Harvard University, Kennedy School of Government, 1986–1987; Stanford University, 1985–1986, M.A., History, 1986; Stanford University, 1982–1985, B.A., Political Science, 1985; Lewis & Clark College, 1980–1982; Phillips Academy, Andover, 1977–1980, High School Diploma, 1980.
9. Employment Record: 1995–present: Senate Majority Leader Tom Daschle, Legislative Assistant; 1989–1995: Chairman David Pryor, Senate Special Committee on Aging, Professional Staff Member, also served as special liaison to Senator Harry Reid; 1987–1989 Senator Donald W. Riegle, Jr., Legislative Assistant; 1987 Senator Richard C. Shelby, Intern; 1987 Harvard College, Department of History, Teaching Fellow; 1986 Stanford Graduate School of Business, Communications Consultant; 1985–1986 Stanford University, Department of History, Teaching Assistant.
10. Government experience: U.S. Senate staff for 15 years, 1987–present. In addition, I was appointed to the Clinton/Gore Presidential Transition Team in 1992 as a liaison to the Department of Health and Human Services.
11. Business relationships: None other than those listed above.
12. Memberships: Member, National Academy of Social Insurance, Washington, D.C.
13. Political affiliations and activities: (a) None. (b) I took leaves of absences from the U.S. Senate to volunteer on the Senate campaigns of Senator Harry Reid from October–November 1992, and on the Senate campaign of then-U.S. Rep. Tim Johnson from October–November 1996. (c) Tim Johnson for Senate, \$1000, (2001); Tim Johnson for Senate, \$1500, (1996); Democratic National Committee, \$1000, (2000); Voters for Choice, \$850 total, (1996 and 1998); Rick Weiland for Congress, \$1000, (1996).
14. Honors and awards: U.S. Senate Service Award, 1999; Inducted into the National Academy of Social Insurance, 1999; Graduated with Distinction (highest honors), Stanford University; Phi Kappa Phi National Honor Society; Pi Sigma Alpha Political Science Honor Society; Outstanding Leadership Award, National Association for Music Therapy, 1991.
15. Published writings: “Disabled Yet Denied: Bureaucratic Injustice in the Disability Determination System” *Journal of Disability Policy Studies*, Volume 1, No. 4, Winter 1990, pages 57–80.
16. Speeches: I have made a number of informal presentations, primarily on panels with other Congressional staff, in my capacity as a U.S. Senate aide. They have been extemporaneous remarks for which there is no written text.
17. Selection: (a) I believe I was nominated by the President, upon the recommendation of Senator Daschle, primarily because of my experience in telecommunications policy and related fields, and also because my career in public service demonstrates my ability to work in a bipartisan fashion with the legislative and executive branches of government, with independent regulatory agencies, and with the many constituencies affected by Federal policy. (b) For the past 15 years, I have served in a number of senior staff policy positions in the U.S. Senate. That diverse and extensive experience culminated in Senate Majority Leader Tom Daschle’s decision to make me his lead advisor on telecommunications issues and in several other key policy areas. In the many different capacities in which I served in the government, I have attempted to ascertain and promote the public interest by weighing the substantive policy arguments presented by an array of Members of Congress and their personal and committee staffs, powerful and often intensely competitive industries, public interest groups, Federal agencies, the White House and, perhaps most importantly, constituents with a direct stake in the outcome of Federal policy debates.  
I have a long and proven record of working with Senators on both sides of the aisle to promote the public interest by developing legislation, influencing independent and executive agencies, conducting hearings and investigations and completing casework. This experience is ideally suited to developing the judgment required to ascertain Congressional intent and the public interest in complex regulatory proceedings, which often involve powerful opposing interests.

I have assisted a number of Senators in overseeing some of the largest and most complex Federal programs, as well as a number of regulatory agencies such as the FCC. This responsibility has provided me with an excellent background on the inner workings of the Federal Government and its impact on the many stakeholders affected by its actions. As a Senate staffer, I enjoyed access to the best information from leading experts in the field, interests with a stake in the outcome, members of the public with views on the issues and other players in Congress with differing policy and political agendas. Every day I have served the Senate has enriched my education in Federal policymaking. This has prepared me, should I be confirmed, to be an independent, impartial arbiter able to implement the statutes crafted by Congress in an accurate and equitable manner which serves the public interest.

In my service to Senator Daschle, I have worked extensively in every field of telecommunication policy overseen by the FCC, including common carrier, wireless, satellite and mass media issues. As Senate Majority and Democratic Leader, Senator Daschle has played a key role in every telecommunications debate to come before Congress. I have assisted him in taking a leadership role on a number of significant legislative and regulatory initiatives, including speeding the deployment of broadband to all Americans, including those who reside in rural areas. Our many bipartisan successes have prepared me to enhance communications and cooperation between Congress and the FCC.

#### B. FUTURE EMPLOYMENT RELATIONSHIPS

1. Will you sever all connections with your present employers, business firms, business associations or business organizations if you are confirmed by the Senate? Yes.

2. Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, explain. No.

3. Do you have any plans, commitments or agreements after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization? No.

4. Has anybody made a commitment to employ your services in any capacity after you leave government service? No.

5. If confirmed, do you expect to serve out your full term or until the next Presidential election, whichever is applicable? Yes.

#### C. POTENTIAL CONFLICTS OF INTEREST

1. Describe *all* financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients or customers. None.

2. Indicate any investments, obligations, liabilities or other relationships which could involve potential conflicts of interest in the position to which you have been nominated. I have disposed of all personal assets which could involve potential conflicts of interest in the position to which I have been nominated. My wife holds certain assets that could raise conflict of interest issues, and she intends to sell or dispose of all of them prior to or upon my confirmation, consistent with an ethics agreement I am prepared to sign.

3. Describe any business relationship, dealing or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated. None.

4. Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration and execution of law or public policy. As an employee of the U.S. Senate for more than the past 10 years, I have regularly engaged in legislative and policy activities on behalf of the Senators and the Committee for whom I have worked. I have not engaged in any such efforts on behalf of myself or any external agent or interest.

5. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. (Please provide a copy of any trust or other agreements). I will resolve all potential conflicts of interest in a manner consistent with applicable laws and ethics rules. Specifically, I have already disposed of all personal assets that could involve potential conflicts of interest; my wife intends to divest or dispose of all assets of companies that engage in any business with issues before the FCC. I am consulting with FCC ethics officials and will follow their guidance regarding any possible conflicts that might arise from my wife's assets.

6. Do you agree to have written opinions provided to the Committee by the designated agency ethics officer of the agency to which you are nominated and by the Office of Government Ethics concerning potential conflicts of interest or any legal impediments to your serving in this position? Yes.

#### D. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details. No.

2. Have you ever been investigated, arrested, charged or held by any Federal, State, or other law enforcement authority for violation of any Federal, State, county or municipal law, regulation or ordinance, other than a minor traffic offense? If so, provide details. No.

3. Have you or any business of which you are or were an officer ever been involved as a party in interest in an administrative agency proceeding or civil litigation? If so, provide details. No.

4. Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense? No.

5. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination. None.

#### E. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines set by congressional committees for information? Yes. To the extent I can control the outcome if confirmed, I strongly believe that Federal agencies should always comply with congressional deadlines if at all humanly possible.

2. Will you ensure that your department/agency does whatever it can to protect congressional witnesses and whistle blowers from reprisal for their testimony and disclosures? Yes.

3. Will you cooperate in providing the committee with requested witnesses, to include technical experts and career employees with firsthand knowledge of matters of interest to the committee? Yes.

4. Please explain how you will review regulation issued by your department/agency, and work closely with Congress, to ensure that such regulations comply with the spirit of the laws passed by Congress. If confirmed, I will consider it my first obligation to ensure that any regulations issued comport completely with the letter and spirit of the law. I will maintain regular meetings, correspondence and telephone contact with Members of Congress and their staff, consistent with the agency's procedural rules, to solicit their views and keep an open dialog on all key issues.

5. Describe your department/agency's current mission, major programs and major operational objectives. The FCC is an independent regulatory agency created by the Communications Act of 1934 to oversee emerging communications technologies by wire and radio. Its mission has been expanded by subsequent amendments to include television, satellite and cable. It is charged with carrying out the responsibilities conferred upon it by Congress to help "all the people of the United States" benefit from the best telecommunications system possible, and to do so at reasonable rates.

In short, the FCC regulates radio and television broadcasters, wire common carriers, wireless and satellite communications providers, as well as multichannel video programmers, and helps coordinate international and satellite policies. The FCC oversees the administration of universal service support programs, including high-cost and lifeline support, the E-rate and support for rural health care facilities. It enforces the Communications Act requirements in these fields and handles public inquiries and consumer complaints.

The FCC's mission, as detailed in the statute, is to facilitate competition, promote universal service and technological innovation, and to protect the public interest. Much of its recent activities has involved implementation of the Telecommunications Act of 1996. In addition, it faces the challenge of managing spectrum in an efficient manner.

Operationally, the FCC currently oversees a vast array of regulations that it must continually enforce and evaluate in light of changing market conditions and technological change. It must also respond to input from Congress, and to any changes that Congress enacts to its current mission.

6. Are you willing to appear and testify before any duly constituted committee of Congress on such occasions as you may be reasonably requested to do so? Yes, I would welcome the opportunity to do so.

#### F. GENERAL QUALIFICATIONS AND VIEWS

1. How have your previous professional experience and education qualified you for the position for which you have been nominated? As a staffer for Senator Daschle, I have been intimately involved in policy matters which fall under the FCC's jurisdiction. This experience has given me a working knowledge of the Commission, its functions, its organization and its employees. The Senate has provided an excellent setting in which to learn the details of the Communications Act of 1934, which defines the Commission's responsibilities, and its history as a living document which is constantly interpreted and reinterpreted by the Commission, the Courts, Congress and stakeholders.

I have worked with Senator Daschle and other Senators to take a leadership role on a number of telecommunications initiatives. Most recently, we worked on a bipartisan, bicameral basis to win enactment of a significant program to promote broadband deployment in rural areas. The legislation, enacted this year as part of the Farm Bill, will provide unprecedented levels of assistance each year in low-cost loans to providers so that they may offer broadband service to rural communities that lie beyond the reach of current deployments.

This achievement emerged from a long-term effort by Senator Daschle and other Senators, with my assistance, to promote more widespread broadband deployment to rural and other underserved communities. This included my taking the staff, lead in spearheading and organizing a series of events that both studied and highlighted the need for Federal leadership to promote broadband. In September, 1999, Senator Daschle hosted the "CEO Summit on Rural Telecommunications," attended by then-FCC Chairman Kennard and other FCC Commissioners, top CEOs from every segment of the telecommunications industry, and a number of Senators, their staff, members of the public and the press. That event was followed shortly thereafter by another bipartisan forum entitled "Going the Extra Mile: Bringing High Speed Internet to Rural America," which explored the efforts by rural telecommunications providers to meet the need for broadband deployment, the specific technological and economic challenges posed by distance and population dispersion in rural markets, the applicability of universal service support to the broadband context and the potential that certain wireless and satellite technologies could speed deployment of broadband to rural businesses and residences. The FCC Chairman gave his view of the FCC's role in fostering rural broadband deployment and a number of other leading experts and practitioners in the field offered their advice. These initiatives also involved numerous letters, meetings and other communications with FCC Commissioners and staff to ensure that additional attention was paid to the need to spur nationwide broadband deployment.

Senator Daschle also charged me with helping to develop a comprehensive congressional technology agenda which Senator Daschle and Representative Dick Gephardt unveiled live on the Internet in April, 2001. It contained a detailed series of proposals to spur innovation, productivity, economic growth and job creation. This effort required extensive consultation with each of the many Congressional committees that have jurisdiction over technology issues and the many Members of Congress with an interest in these issues. This exercise helped me establish a broad vision for promoting U.S. technological development in which the FCC, along with many other Federal agencies, plays an important role.

I have also worked with Senator Daschle on initiatives to promote efficient spectrum management, improve the availability of local-to-local television service to all regions of the U.S., and to establish the validity of electronic signatures and numerous other telecommunications initiatives.

As Senator Daschle's leading banking and financial services advisor, I have also gained a solid understanding of the operations and structure of the capital markets, which remain crucial in the financing and development of the U.S. telecommunications infrastructure overseen by the FCC. For example, I worked on every aspect of the landmark legislation to revamp the financial services industry, the Gramm-Leach-Bliley bill. This experience provided me with great perspective on the, latest developments in a field which plays a key role in the future of the telecommunications industry. Moreover, I have participated in the multi-year effort to enact bankruptcy reform, the commercial aspects of which are unfortunately playing an increasingly prominent role in the structuring of the telecommunications industry.

In my previous staff position for the Senate Special Committee on Aging, I undertook a number of in-depth investigations and organized a number of hearings, many

of which led to changes in Federal law or reforms of executive agency practices and organizational structures. This experience in exploring the depths of complex issues, and learning how to conduct Federal investigations and organize fact-finding hearings will help me, if confirmed, to evaluate the complex field of telecommunications. Moreover, this oversight experience provided valuable insight into the management of large and complex Federal agencies and how to address bureaucratic problems that can have an adverse effect on the public which relies on those agencies. In this position, I also learned first-hand the importance of affordable telecommunications services to senior citizens and their families.

I served as the primary advisor to Senators Pryor and Riegle on some of the largest programs in the Federal budget which fall under the jurisdiction of the Finance Committee on which they served. This responsibility rapidly developed my ability to evaluate the effectiveness of Federal programs, initiate specific proposals for improving them and forge a bipartisan consensus in order to get changes enacted or otherwise approved by Federal agencies. This experience would aid me, if confirmed, in confronting the many challenges to the efficient functioning of the FCC.

My undergraduate and graduate education focused on how American history, political science, economics and public policy analysis could be employed to improve the functioning of government. My political science studies at Stanford, followed by my studies there to attain a Masters in history, helped me to better understand the context in which government decisions were being made. I furthered my studies at Harvard's Kennedy School of Government, where I gained valuable lessons in economics, statistics and public policy analysis.

In sum, I have had the privilege of studying and serving in capacities that have provided a unique level of experience, exposure and education about Federal Government processes, including those involving telecommunications policy. I have dedicated my career to public service in the U.S. Senate, working for some of its finest members. The Senate remains, in my view, the world's greatest deliberative body. I can imagine no greater training ground to prepare an individual for the enormous responsibility of implementing the complex and often disputed telecommunications laws enacted by Congress.

Public service has afforded me the opportunity to make some concrete contributions to what I, and the members I served, considered to be in the public interest. If confirmed, I look forward to new opportunities to continue to do so.

2. Why do you wish to serve in the position for which you have been nominated? It is a great privilege to serve the government of the United States. This country and my home State of South Dakota have given so much to me and my family that no amount of giving back in the form of public service can ever repay the gratitude I feel. My mother's family found safe haven here from the holocaust as they escaped Nazi-occupied Poland. My father's family found safe haven here from the pogroms in Russia around the turn of the century. My greatgrandmother homesteaded near the Badlands of South Dakota, and my grandfather went on from there to found a business that became one of the largest employers in the state.

Now, based on the extraordinary opportunities and education I have been afforded in the Senate and at fine educational institutions, I would like to use my experience to promote the public interest as envisioned by Congress in its communications laws. The FCC has before it perhaps the most exciting challenges of any agency in promoting the development of telecommunications and information technologies and services during a time of economic difficulty in the industry and security threats to our country. I would like to work toward achieving bipartisan solutions that maximize the ability of the Commission to contribute to productivity, economic growth and improved security for the entire country.

Having been born and raised in one of the most rural states in the country, South Dakota, and given my experience working on behalf of South Dakota for 7 years in Senator Daschle's office, I see the value of quality communications and media services in people's lives. My experience has taught me that these services can make a positive contribution to economic development, education, public safety, and the quality of health care services available to people in need. In rural areas like the one where I was raised, the availability of the most advanced communications technology can determine whether a small community can offer an economic future to its citizens, and can even mean the difference between life and death in the case of medical emergencies. It is also clear that enhancing the quality of the nationwide telecommunications infrastructure improves the overall economy by increasing the productivity and efficiency of the entire nation. If confirmed, serving at the Commission will provide me with an opportunity to promote the transforming power of communications and media services in people's lives.

The FCC has been charged by Congress with a key role in fostering competition, innovation and universal service. Advanced technologies can connect people to new

opportunities and obliterate the distances between them. They can contribute to our quality of life, and keep this country competitive in the global economy. If confirmed, I will work with the other Commissioners and the many talented people at the Commission to help improve the telecommunications economy and promote the deployment of the most advanced technologies to every region and sector of American society, as envisioned by the Telecommunications Act of 1996.

3. What goals have you established for your first 2 years in this position, if confirmed? If confirmed, my goals are to work toward expanding access to telecommunications services for all Americans, including broadband services, to help restore the economic vitality of the telecommunications sector, and to address emerging public safety and security needs. In pursuing these goals, I will strive to faithfully carry out the communications laws enacted by Congress, consistent with Congressional intent ascertained from a plain reading of the statute and its legislative history. In order to accomplish this most effectively, I will work to keep open and improve communications with Members of Congress and their staffs. Working firmly within that framework, I will seek to realize the goal of improving the economic climate of the telecommunications industry, which is currently witnessing an historic downturn, so that continued innovation, investment and deployment can improve the level of services available to consumers. This effort can be accomplished in part by working toward the statutory goal of the Act itself, which calls for extending the availability of advanced telecommunications technology to all Americans in all regions, including the ubiquitous deployment of broadband. Finally, our country must have the most reliable and sound telecommunications infrastructure in order to meet new and emerging threats to our security. Addressing the needs of the public safety community must remain at the very forefront of the Commission's agenda.

4. What skills do you believe you may be lacking which maybe necessary to successfully carry out this position? What steps can be taken to obtain those skills? This Commission has a vast responsibility in a number of complex industries. It would be difficult for any individual to master the intricacies of all of those many areas of jurisdiction. Recognizing these difficulties, despite my years of experience in this field, I will examine even more intensively the many issues arising before the Commission, taking advantage of the greater access to information available to Commission members. I realize that many different challenges face the legislative branch and independent regulatory agencies of government. If confirmed, in making the transition to the FCC, I will need to reach out to the many experienced and skilled public servants within the Commission. Moreover, I will also draw on the experience of leading outside experts, including those in academia and public interest groups, and that of the many leaders in the telecommunications industry. I will also reach out to regular consumers and residents of rural areas to learn about their perspectives. Telecommunications is a rapidly changing field and I will need to refine my knowledge constantly to keep abreast of these changes. I am confident this can be accomplished by drawing on the seasoned Commission staff and leading technologists from outside the agency.

5. Please discuss your philosophical views on the role of government. Include a discussion of when you believe the government should involve itself in the private sector, when should society's problems be left to the private sector, and what standards should be used to determine when a government program is no longer necessary. The United States was founded upon a Constitution that carefully enumerates powers available to the Federal Government, and places limits on those powers. The American Revolution was largely a response to abuses of power by an unaccountable king. Emerging from this beginning, the U.S. has, historically and properly, retained a skeptical view of the role of government power. Most importantly, it vested responsibility for limiting the encroachment of government into the private sector and people's lives not only through the Bill of Rights, but through a sound democracy. Laws are established by the people through their representatives in Congress.

For officials in a regulatory agency such as the FCC, it is imperative not to exceed the authority delegated to the agency by Congress when applying regulations to the private sector. Congress has the power to regulate interstate commerce, and regulators must restrain themselves from using their congressionally delegated authority to exceed the limits of congressional mandates. When that happens, it is up to the courts to impose a further restraint upon regulators. I consider the necessity for such judicial action a failure to interpret congressional intent in implementing the law and, if confirmed, would strive to avoid such failure.

In my view, which happens to be consistent with the Telecommunications Act, competition is preferable to regulation as a means of encouraging innovation, lowering prices and improving the quality and availability of services to consumers. Some sectors of the telecommunications industry are already witnessing a competi-

tive market, while others are still making the transition. Where competition thrives, the role of government should be highly limited. A greater government role may be needed to facilitate competition in less open markets, and government action may be necessary to stimulate service in other instances in which the market fails to address essential societal goals, such as the deployment of the advanced services to rural areas. In these exceptional circumstances, to make markets work best, the government should operate in a fair, clear and open manner, establishing frameworks that are technologically and competitively neutral. The goal must always be to get to the point where market forces and competition render governmental regulation unnecessary. Once that point is achieved, the regulatory environment should diminish deftly and appropriately.

In terms of when government programs are no longer necessary, section 10 of the Communications Act provides useful guidance. This provision authorizes the Commission to discontinue applying regulations that are no longer needed to prevent discrimination or other unjust practices or charges, or to protect consumers. This provision specifically requires the Commission to weigh whether or not eliminating a regulation could enhance competition. In general, I agree with the proposition that a program or regulation is no longer needed when the market failure it was designed to correct has been addressed.

The government has a role to play in furthering national goals. For example, the government has historically promoted universal service in areas such as postal service and telephone service. It has also established a national highway system, and promoted universal access to electricity. In these cases, government has worked in close cooperation with the private sector to accomplish laudable goals. Whenever possible, the government should attempt to work in partnership with the private sector to address policy goals in areas where competition or the market alone might not accomplish them to the satisfaction of policymakers in Congress. It is a core, bipartisan American value that the government should act to secure universal service for its citizens. This policy goal, when met, enhances the value of the telecommunications network for all who use it, whether as consumers or providers.

6. In your own words, please describe the agency's current missions, major programs, and major operational objectives? The FCC is an independent regulatory agency created by the Communications Act of 1934 to oversee emerging communications technologies by wire and radio. Its mission has been expanded by subsequent amendments to include television, satellite and cable. It is charged with carrying out the responsibilities conferred upon it by Congress to help "all the people of the United States" benefit from the best telecommunications system possible, and to do so at reasonable rates.

In short, the FCC regulates radio and television broadcasters, wire common carriers, wireless and satellite communications providers, as well as multichannel video programmers, and helps coordinate international and satellite policies. The FCC oversees the administration of universal service support programs, including high-cost and lifeline support, the E-rate and support for rural health care facilities. It enforces the Communications Act requirements in these fields and handles public inquiries and consumer complaints.

The FCC's mission, as detailed in the statute, is to facilitate competition, promote universal service and technological innovation, and to protect the public interest. Much of its recent activities has involved implementation of the Telecommunications Act of 1996. In addition, it faces the challenge of managing spectrum in an efficient manner.

Operationally, the FCC currently oversees a vast array of regulations that it must continually enforce and evaluate in light of changing market conditions and technological change. It must also respond to input from Congress, and to any changes that Congress enacts to its current mission.

7. In reference to question No. 6, what forces are likely to result in changes to the mission of this agency over the coming 5 years? The FCC's fundamental mission will change only to the extent that Congress amends the laws governing the agency, or that competition develops in a manner that obviates the need for regulation. Even if such fundamental developments do not occur, however, in certain areas the agency will confront the need to respond to technological innovation, and to accommodate rising demand for spectrum and new wireless technologies, as well as to respond to significant changes in the marketplace that may emerge.

8. In further reference to question No. 6, what are the likely outside forces which may prevent the agency from accomplishing its mission? What do you believe to be the top three challenges facing the department/agency and why? While outside forces are presenting challenges to the FCC, I am hopeful none of them will prevent it from accomplishing its statutory mission. One great outside challenge now facing the agency is that changes in revenue streams are placing pressure on universal

service, which may complicate efforts to ensure its sustainability and to encourage the deployment of advanced services. Second, increasing demands on spectrum are straining the ability of the agency to balance the need to promote the deployment of advanced wireless telecommunications services with the essential needs of national security and public safety. Third, the Commission will need adequate resources to carry out its mission as the telecommunications environment grows ever more technologically complex. It will be a challenge to attract and retain the best-trained specialist in the fields of telecommunications technology, economics, and law unless resources keep pace with the demands placed on the agency.

9. In further reference to question No. 6, what factors in your opinion have kept the department/agency from achieving its missions over the past several years? The agency can improve communications with Congress so that emerging problems can be addressed in the most cooperative manner possible. In addition, the judicial review process has led increasingly to inconsistent interpretations of the law, in some cases due to inadequate efforts to provide objective justification for some of the regulatory positions the agency has taken. There is also a need to show more dedication to expeditiously and responsively addressing section 254 of the Telecommunications Act in light of the changing nature of the marketplace.

10. Who are the primary stakeholders in the work of this agency? The primary stakeholders are residential and business consumers of telecommunications services. Congress, which created the agency, is also a primary stakeholder which is accountable and responsive to those consumers. Telecommunications businesses that provide services to consumers are, of course, key stakeholders. Others include the White House, related executive branch agencies, State regulators, and international governments.

11. What is the proper relationship between your position, if confirmed, and the stakeholders identified in question No. 10? The proper relationship varies in relation to the various stakeholders. The FCC is an independent regulatory agency. It must act to preserve its independence if its decisions are to be regarded as objective and fair. Given this position, the agency must always keep focused on its mission, as embodied in the Communications Act, to protect consumers and promote the public interest. As such, it is imperative that Commissioners maintain close communications with Congress so as to reflect most accurately its intentions with regard to the law and attend most efficiently to members' concerns as raised by their various constituencies. Commissioners should work cooperatively with outside stakeholders, listen carefully to their concerns, and respond to those concerns in a manner consistent with the law. Commissioners should hear and consider fully the competing visions of the many providers of telecommunications services and evaluate what outcomes would best serve the public interest as intended by the Act. All stakeholders should be heard and treated fairly, but none should be granted any special treatment in terms of access or outcomes.

12. The Chief Financial Officers Act requires all government departments and agencies to develop sound financial management practices similar to those practiced in the private sector. (a) What do you believe are your responsibilities, if confirmed, to ensure your agency has proper management and accounting controls? If confirmed, I will consider it my responsibility to work closely with and oversee agency management and administrative personnel, and help to ensure a clean audit. The Act specifies that the Chairman is to serve as the chief executive officer of the Commission, and the Commission has hired a Chief Financial Officer. At the same time, all Commissioners are responsible for overseeing and assisting with the management of the agency in order to comply with statutory mandates. I will seek to work closely with these officials to help establish the most effective organizational structure and the most efficient use of the budgetary resources provided by Congress. In terms of what will most closely fall under my purview if confirmed, I will employ diligence and careful scrutiny in administering the resources of my office. (b) What experience do you have in managing a large organization? I have extensive experience in congressional oversight of large agencies, including committee oversight experience in evaluating the management of the over 60,000 employees of the Social Security Administration. I also have extensive experience in the congressional budget process involving the entire Federal Government, as I have assisted Senator Daschle with those responsibilities. While this differs from direct management experience of a large agency, if confirmed I will work closely with agency officials who manage the day-to-day operations of the Commission to refine the management skills I gained on the Hill in a manner consistent with its operations.

13. The Government Performance and Results Act requires all government departments and agencies to identify measurable performance goals and to report to Congress on their success in achieving those goals. (a) Please discuss what you believe to be the benefits of identifying performance goals and reporting on your

progress in achieving those goals. All successful organizations, and people for that matter, whether in government or in the private sector, must have a plan with measurable goals in order to maximize effectiveness. The GPRA, which requires a Strategic Plan and Annual Performance Plans, increases the effectiveness of Federal agencies by forcing them to adopt a structure by which to measure performance goals and to help set budget priorities. These measurable goals permit Congress, and the agency itself, to evaluate the progress being made toward achieving certain milestones. They also help direct human and financial resources to promote the most pressing priorities. Moreover, they can help determine whether certain programs and initiatives should get additional resources, fewer resources, or should be eliminated entirely. (b) What steps should Congress consider taking when an agency fails to achieve its performance goals? Should these steps include the elimination, privatization, downsizing or consolidation of departments and/or programs? The appropriate response to agency failures would depend upon the size, significance and impact upon the public of those failures, and the degree to which it was due to factors under the agency's control, or upon external factors. Depending upon these circumstances, Congress is best able to determine the appropriate response based upon its investigative and oversight powers. While all the above options are available to Congress, the need for drastic measures can be minimized if the agency and Congress maintain effective communication so that would-be failures can be caught early and minimized through early corrective action. (c) What performance goals do you believe should be applicable to your personal performance, if confirmed? In order to judge whether I fulfill my responsibilities, if confirmed I should be evaluated as to whether I have implemented the law consistent with congressional intent in a balanced, fair and impartial manner, and done so expeditiously and with thorough attention to the details of every issue that comes before the Commission.

14. Please describe your philosophy of supervisor/employee relationships. Generally, what supervisory model do you follow? Have any employee complaints been brought against you? My view of managing involves identifying a core set of values and a vision, and communicating them clearly to employees. Foremost among these is a dedication to serving the public interest and doing what is right for the country. Setting a high standard for service in a public office, whether as an FCC commissioner or as a Senate staffer, serves to inspire employees to reach their full potential by making them realize that they are working for a cause much greater than themselves.

Supervisors should lead by example, both in terms of their work ethic and their communication of a vision that drives employees toward measurable goals. Supervisors should maintain an open door, be frank about both successes and shortcomings of employees' performance, and give regular guidance as to how to improve performance. These frank discussions are best accomplished in a collaborative setting, with incentives and opportunities to reward outstanding performance. Most importantly, employees should feel empowered to achieve their highest aspirations, and should be recognized and given credit for achievements. The message is always that we are all in this together, as a team, and that our successes and failures matter greatly because other people are depending upon us for, our judgment and work product.

I have never been the subject of an employee complaint.

15. Describe your working relationship, if any, with Congress. Does your professional experience include working with committees of Congress? If yes, please describe. I have served as a Senate staffer for the past 15 years, advancing in positions of increasing responsibility from positions with a personal staff, a committee staff, and with a leadership staff. In each of these positions, I have worked regularly with congressional committees in both the Senate and the House. In the Senate, I have worked particularly closely with the Committee on Commerce, Science and Transportation, the Committee on Finance and the Committee on Banking, Housing and Urban Affairs.

16. Please explain what you believe to be the proper relationship between yourself, if confirmed, and the Inspector General of your department/agency. The Inspector General must maintain independence from the Commissioners and all employees of the agency. If confirmed, were I to observe anything which appeared to involve improprieties, I would consider it my duty to report that matter to the IG and allow the IG to conduct an autonomous investigation. In addition, I would review any recommendations by the IG involving FCC activities and operations with great seriousness and act upon them to ensure compliance with statutory requirements. I would offer my full support and cooperation to the IG's office and urge cooperation throughout the agency as the IG carried out its responsibilities. I would not tolerate any impediments to the IG's efforts to investigate any and all operations of the Commission.

17. Please explain how you will work with this Committee and other stakeholders to ensure that regulations issued by your department/agency comply with the spirit of the laws passed by Congress. I believe I currently enjoy an excellent working relationship with the Commerce Committee and its members on both sides of the aisle, and, if confirmed, I would strive to build upon those relationships. As I have stated, I see it as a fundamental priority to ensure that all of my activities comply with the spirit and the letter of the laws enacted by Congress. If confirmed, I pledge to maintain a regular dialog with members of this committee and their staff, consistent with the agency's procedural rules. I will seek regular guidance from them concerning how best to implement that statute as envisioned by the committee and by Congress. I fully recognize that Congress sets the United States' communications policy and the FCC implements it, and will act accordingly in all of my relations with this Committee.

18. In areas under the department/agency's jurisdiction, what legislative action(s) should Congress consider as priorities? Please State your personal views. I would not presume at this time to recommend any specific legislative actions regarding Federal telecommunications policy. If confirmed, I will view my role as carrying out the law as enacted. The agency remains involved in debating ways to carry out the substantial responsibilities vested in it by the Telecommunications Act of 1996. I would note that the Chairman has proposed strengthening the agency's enforcement authority, and his proposals have great merit and deserve the careful attention of Congress.

19. Within your area of control, will you pledge to develop and implement a system that allocates discretionary spending based on national priorities determined in an open fashion on a set of established criteria? If not, please State why. If yes, please State what steps you intend to take and a timeframe for implementation. If confirmed, I will work with the Chairman in order to set appropriate budgetary priorities and processes, and will seek to ensure the Commission has adequate resources to carry out its responsibilities to meet the national priorities established by Congress. I will begin work toward this goal immediately upon confirmation.

Senator INOUE. Thank you very much.

I have several questions, but I'd like to submit them to you for your consideration and response.

Senator INOUE. Senator McCain.

Senator MCCAIN. Do you believe that there's a crisis in the telecommunications industry today?

Mr. ADELSTEIN. I do.

Senator MCCAIN. How so?

Mr. ADELSTEIN. There's an unprecedented downturn, I believe, in the telecommunications economy. This sector has never seen the likes of it. The market capitalization has been reduced dramatically over the last few years by \$2 trillion. We're seeing a rash of bankruptcies. There's a crisis of confidence regarding the financial underpinnings of the system. We've seen a problem in major corporations that have been alleged to have engaged in fraudulent activities. If we don't have public and investor confidence in this sector, it's going to be difficult to raise the capital needed to maintain America's leadership, as I indicated in my opening statement.

Senator MCCAIN. Is one of the symptoms of this problem overcapacity of broadband?

Mr. ADELSTEIN. Some analysts believe that there is an overcapacity in certain aspects of long-haul delivery systems.

Senator MCCAIN. And yet there's not broadband service to some parts of America.

Mr. ADELSTEIN. That's exactly right. There's a problem in delivering service to the last mile, which is the main bottleneck.

Senator MCCAIN. What do you think we should do about broadband?

Mr. ADELSTEIN. Well, as I indicated, the deployment of broadband is one of my top priorities. In fact, it's a top priority, I

think, in the Telecommunications Act, which is what I would be charged to implement. You can't deploy broadband fast enough. And I come from a rural State, as has been indicated, and in South Dakota I think we've done a good job of deploying broadband and delivering it to the last mile. But many rural, insular and tribal areas don't have the level of service they should. I'd like to use the tools available under the Act, if confirmed, to address this problem. The main way to do that is to enhance competition, to advance universal service, and to engage in efficient spectrum management.

Senator MCCAIN. We'd all like to enhance competition, I believe. Did you happen to see the remarks of Chairman Powell, I believe, reported in the media yesterday that perhaps you may have to even see something which was unthinkable just a short time ago, that perhaps parts or all of WorldCom might be acquired by one of the Bell Companies?

Mr. ADELSTEIN. I did see that article.

Senator MCCAIN. Do you have any comment?

Mr. ADELSTEIN. I prefer not to comment on any potential or hypothetical merger, as I may be, if confirmed, in a position of having to make determination regarding that merger. In general, I would say that the Chairman made a good point, that we are facing an urgent situation in this sector of the economy and that steps are needed to address the problem.

Senator MCCAIN. It seems to me he's saying also that perhaps, in some aspects of telecommunication, because of the requirements for infrastructure and massive capital infusions, that perhaps it can't all be competitive. Do you get that inference out of his remarks?

Mr. ADELSTEIN. As I read the Telecommunications Act, I believe that it's designed to enhance competition and——

Senator MCCAIN. It was designed to, yes.

Mr. ADELSTEIN. [continuing]. It would be incumbent upon me, if confirmed, to do everything I could to promote that.

Senator MCCAIN. Well, as one of, I think, three hardy souls who voted against the Telecommunications Act in 1996, I believe, by any measurement, it has not lived up to the promise of the Act when it was passed. Now, maybe some events were out of the control of the sponsors, but the incredibly optimistic statements that were made on the floor of the Senate and in this Committee when that bill was passed have turned out, obviously, not to be true. I mean, obviously, they weren't true.

My opening question to you, "What's the state of telecommunications industry today," is ample evidence that something went wrong. Something went badly wrong. Now, whether it was just confined to the telecommunications industry and their behavior, or whether it was the bubble, the defiance of rational laws of investment, of unscrupulous—clearly we know there was unscrupulous executives; in fact, maybe even criminal behavior on the part of some of them—and maybe part of it was over-hyping the potential of things like broadband and how quickly they would become part of America's everyday life.

Now, you and I have played this game for many years, so I know that it'll be very difficult to get a definitive answer out of you, because you might make Senator Brownback mad if you did. But the

fact is, in my view, as you agree, we are in a crisis situation. The FCC will play a major role—a major role—because we may continue to be gridlocked to a large degree here in the Congress because of—look at the different broadband bills that have been proposed, which I think is ample evidence of the divergence of views. But here is a sense of urgency and a sense of priority about this issue because of its impact, not only on the economy of the United States, but, frankly, our ability to progress as a Nation because of the potential that the information technologies have in all aspects of American life and, indeed, rural life.

So I hope that you will recognize, as one who was heavily involved in the Telecommunications Act of 1996, that it has not lived up to the expectations that were held for it at the time it was passed. And if you don't believe me, go back and look at the statements that were made at the time of its passage. We are always self-congratulatory when we pass legislation. We reached the extremes of rhetoric on the passage of that legislation. And every lobbyist in town was writing that legislation. And every group was there behind those closed doors except one group of Americans, and that was the American citizen, the ones that can't afford a lobbyist, to pay millions of dollars to represent them here in Washington. Portions of that bill were written by lobbyists. We all know that. No portion of that bill, that I know of, was written by an average American citizen. It's a lesson as to how we do business around here.

But, more important, in the immediate term, we'd better look at that bill, and what its consequences were, both intended and unintended, and we'd better start to think of new and innovative ways of doing business, both here in the Congress and at the FCC. The reason why I place so much responsibility on the FCC, frankly, is an admission of my pessimism of our ability to act here in Congress, because we have so many competing special interests that gridlock us time after time. Big money and big-money lobbyists that are here—a bunch of them are here in this room making several hundred dollars an hour as we speak. I wish we were compensated as well.

The fact is that we need to review what has happened since we passed that bill in 1996 and learn some lessons from it, because I don't know how we avoid repeating mistakes in the future unless we review what happened in the past. One postscript. They were well-meaning people when this bill was passed. There was no evil or malfeasance, in my view, of the people who were involved in the passage of this bill. I just think it was wrong. And I'd be glad to listen to any response you might have, in a general or a specific fashion.

Mr. ADELSTEIN. Senator McCain, I share your sense of urgency about this problem, your sense of concern about the nature of the telecommunications economy and the challenges that it's facing. I believe that addressing these challenges is important, not just because there's a downturn of the telecommunications sector itself, but because the telecommunications sector is so important to the overall productivity and efficiency of the economy.

As I said in my opening statement, if we don't have the best system in the world, if we don't maintain our edge, we're not going

to be able to be as competitive in the global economy as we otherwise could be. And so, if confirmed, I commit to you that I will do everything possible, using the tools of the Act, to try to turn the situation around—to the extent that the FCC has the ability to contribute in doing so.

Senator MCCAIN. Well, you're a fine young man. I congratulate you. I congratulate your family. And I'm grateful that people of your caliber are willing to engage in public service.

I thank you, Mr. Chairman.

Senator INOUE. Thank you.

Senator BROWNBACK.

**STATEMENT OF HON. SAM BROWNBACK,  
U.S. SENATOR FROM KANSAS**

Senator BROWNBACK. Thank you very much, Mr. Chairman, and thank you for holding the hearing.

Congratulations on your nomination. Congratulations to your family. I've got a couple of questions and thoughts that I'd like to raise with you, if I could.

We met and discussed privately some of these issues, but I just want to raise them here, as well. A couple of items that the Senate is working on a great deal—overall broadband deployment, ubiquitous broadband deployment. We're seeing now more bills circulating in the system to try and get more broadband out there to consumers. And it's going to be a tough time where you've got capital markets devaluing telecommunications and deployments so heavily. So I think this is going to be a key issue. I hope that the FCC will be positively engaged in this in trying to get as much broadband out and deployed as broadly and as diffusely as possible as we wrestle with the issue here, and as the capital markets take their hit on the telecommunications field.

What do you hope to see taking place at the FCC on ubiquitous broadband deployment?

Mr. ADELSTEIN. I believe that the Act clearly is designed to promote the deployment of advanced services to all areas of the United States, including rural areas such as your State, Kansas, and mine. You've shown great leadership on this issue in your commitment, of which I am well aware, to moving that process forward.

I believe that the Act contains a number of tools designed to enhance ubiquitous broadband deployment, including promoting competition, both inter-modal and intra-modal competition, advancing universal service, which is critical, and efficiently managing the public spectrum. Each of these tools promotes broadband deployment over wireline and wireless networks.

Senator BROWNBACK. I hope you'll take a very aggressive stance on getting it out everywhere, because you'll be in a key spot, if you're confirmed, to be able to do that, even after legislation that's being considered from here.

We've got a lot of issues that we're starting to take and work on here on unlicensed spectrum, on spectrum management. We need to back up on spectrum and come together on a comprehensive plan, a comprehensive view of that finite resource, and press on it aggressively so that we can have enough in the future deployed in

the right places so that we can meet all the needs that we're going to have of our citizenry.

What are your thoughts on that, looking at an FCC Commissioner position?

Mr. ADELSTEIN. I think you raise a very good point about spectrum management. I identified it as a major priority. I think it's one of the primary functions of the FCC, going back to the very founding of the Commission in the 1934 Act. Spectrum is a scarce public resource, as you noted. Efficient management is essential.

You also mentioned the need for coordination. I agree with you. The FCC manages, as you know, the spectrum used by commercial and public safety users. The NTIA controls government spectrum, including that utilized by the Department of Defense, which is of such a great concern.

There's a growing need for more spectrum, both by commercial and governmental users, including the Department of Defense, and it's difficult to accommodate that, but we're going to have to do more with less. One way to do that is to foster innovation and to enable innovative technologies to come forward to meet that demand more efficiently. I believe that the Act gives the Commission the tools and the mandate to foster such innovation.

Senator BROWNBACK. Do you have any thoughts about taking that forward in the agency? Do you think the Act gives the agency the tools to accomplish that? Can you flesh that idea out further?

Mr. ADELSTEIN. There are tools that could be employed to improve coordination. The Commission has a significant ability to try to foster innovative telecommunications technologies, particularly wireless technologies. At the same time, the Commission needs to guard against harmful interference with current users. It's a very delicate balancing act to promote innovative technologies while protecting against harmful interference, but that's the mission of the Commission, as I see it.

Senator BROWNBACK. Any other tools that you could use in sponsoring and having good spectrum-management policy that you envision as a Commissioner?

Mr. ADELSTEIN. As I indicated, I think there's a need for better coordination between the FCC and the NTIA, as well as the State Department, which has a major role in overseeing the global spectrum and coordinating our domestic spectrum policy with foreign nations. I think that more needs to be done to coordinate among these different agencies. But it's also an inherent problem, because there are competing needs for spectrum. Not only are there different agencies, but also they represent competing interests in terms of the demand for this scarce resource.

So, if confirmed, I'm committed to doing my best to improve that coordination and to finding the best uses of the available spectrum.

Senator BROWNBACK. One other issue I wanted to raise with you, it's one I mentioned to you in our meeting we had.

It was about the public-interest test on over-the-air broadcast in television and radio.

And, Mr. Chairman, if you could, I'd like unanimous consent to enter in the record a—this is a one-page summary of a study of TV violence and brainmapping in children. It's got nice, interesting color pictures from the study. And what it shows is the brain activ-

ity that was going on while a child watches violent entertainment, and what takes place, what parts of the brain get activated when this occurs.

It's a very interesting study, in that we've got about a thousand studies—I mean, truly about a thousand behavior studies, that say that kids below a certain age, if they watch violent entertainment, they become more violent. That happens to be behavioral studies. This, to my knowledge, is the first set of studies where they go in and actually map what's taking place in the brain.

I think we're on the same path as on smoking, where, for years, people would wake up in the morning, and they had been smoking, and they were coughing, and they didn't feel good, and so they didn't think smoking was probably good for them, but they didn't know for sure. And then we started watching the trail, watching the studies, and saw the links between lung cancer and other health problems, when we could actually track the physical activity that was taking place in the body because of smoking. And then that really turned the tide on it and we said we really have got to discourage people from smoking.

Here now, we have what I think is the beginnings of the studies of the smoking gun for what's taking place with violent entertainment and its impact on kids. The reason I point it out to you—and I ask that this be placed in the record—and, if you would, to look at it.

Senator INOUE. Without objection.

[The information referred to follows:]

[From *Psychiatric Times*, October 2001]

#### TV VIOLENCE AND BRAINMAPPING IN CHILDREN

(By John P. Murray, Ph.D.)

Research conducted over the past 30 years leads to the conclusion that televised violence does influence viewers' attitudes, values and behavior (Hearold, 1986; Murray, 2000, 1994, 1973; Paik and Comstock, 1994; Surgeon General's Scientific Advisory Committee on Television and Social Behavior, 1972). Although the social effect of viewing televised violence is a controversial topic of research and discussion, the body of research is extensive and fairly coherent in demonstrating systematic patterns of influence. In general, there seem to be three main classes of effects:

- *Aggression.* Viewing televised violence can lead to increases in aggressive behavior and/or changes in attitudes and values favoring the use of aggression to solve conflicts (Huston et al., 1992).

- *Desensitization.* Extensive violence viewing may lead to decreased sensitivity to violence and a greater willingness to tolerate increasing levels of violence in society (Drabman and Thomas, 1974; Thomas et al., 1977).

- *Fear.* Extensive exposure to television violence may produce the "mean world syndrome," in which viewers overestimate their risk of victimization (Gerbner, 1970; Gerbner et al., 1994).

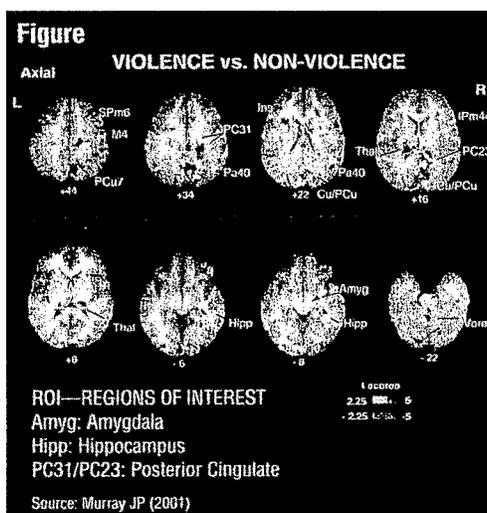
Although we know that viewing televised violence can lead to increases in aggressive behavior or fearfulness and to changed attitudes and values about the role of violence in society, we need to know more about how these changes occur in viewers—the neurological processes that lead to changes in social behavior.

Within the context of social learning theory, we know that changes in behavior and thoughts can result from observing models in the world around us, such as parents, peers or the mass media. The processes involved in modeling or imitating overt behavior were addressed in social learning theories from the 1960s (Bandura, 1969, 1965, 1962; Berkowitz, 1965, 1962), but we must expand our research approaches if we are to understand the neurological processes that might govern the translation of the observed models into thoughts and actions.

Both Bandura (1994) and Berkowitz (1984) have provided some theoretical foundations for the translation of communication events into thoughts and actions. Bandura's social-cognitive approach and Berkowitz's cognitive-neoassociation anal-

ysis posit a role for emotional arousal as an “affective tag” that may facilitate lasting influences. With regard to aggression, we know that viewing televised violence can be emotionally arousing (e.g., Cline et al., 1973; Osborn and Endsley, 1971; Zillmann, 1982, 1971), but we lack direct measures of cortical arousal or neuroanatomical patterns in relation to viewing violence.

The pursuit of neurological patterns in viewing violence would likely start with the amygdala, because it has a well-established role in controlling physiological responses to emotionally arousing or threatening stimuli (Damasio, 1999, 1994; LeDoux, 1996; Ornstein, 1997). Indeed, a National Research Council report (Reiss and Roth, 1993) concluded: All human behavior, including aggression and violence, is the outcome of complex processes in the brain. Violent behaviors may result from relatively permanent conditions or from temporary states . . . Biological research on aggressive and violent behavior has given particular attention to . . . functioning of steroid hormones such as testosterone and glucocorticoids, especially their action on steroid receptors in the brain . . . neurophysiological (i.e., brain wave) abnormalities, particularly in the temporal lobe of the brain; brain dysfunctions that interfere with language processing or cognition.



Thus, one suggestion for further research on the impact of viewing media violence is to assess some of its neurological correlates. In particular, the use of videotaped violent scenes can serve as the ideal stimulus for assessing activation patterns in response to violence.

It is very likely that the amygdala is involved in processing violence, but the projections to the cortex are not clear. However, developing hypotheses about viewing violence and brain activation needs to start with research on physiological arousal (e.g., Osborn and Endsley, 1971; Zillmann, 1982; Zillmann and Bryant, 1994) and then link this to cortical arousal. In this regard, the work of Paul Ekman, Ph.D., and Richard Davidson, Ph.D., using electroencephalogram recordings while subjects viewed gruesome films indicated asymmetries in activation patterns in the anterior regions of the left and right hemispheres (Davidson et al., 1990; Ekman and Davidson, 1993; Ekman et al., 1990). In particular, positive affect (indexed by facial expression) was associated with left-sided anterior activation, while negative affect was associated with right-sided activation (Davidson et al., 1990).

Our preliminary research (Liotti et al., in press; Murray et al., 2001) has focused on the amygdala and related structures in an effort to identify the neurological correlates of viewing televised violence. In this instance, we used functional magnetic resonance imaging (fMRI) to map the brains of eight children (five boys, three girls; aged 8 to 13 years) while they watched violent and nonviolent videotapes. The violent video segments consisted of two, 3-minute clips of boxing from “Rocky IV” The nonviolent video segments were two, 3-minute clips of a National Geographic program on animals at play and “Ghostwriter,” a children’s literacy program set in a mystery context. In addition, we presented two, 3-minute control, rest/fixation clips of an “X” on a blue screen.

We, conducted whole-brain (18 to 22 slices) echoplanar fMRI throughout the 18 minutes of viewing. Following the viewing, structural or anatomical (aMRI) images were acquired. Both the fMRI and aMRI images were normalized to Talairach space, and statistical analyses were conducted with task-induced blood oxygenation-level dependent (BOLD) changes detected using a conventional statistical parametric mapping method of voxel-wise independent paired t-tests.

In this study, we found that both violent and nonviolent viewing activated regions implicated in aspects of visual and auditory processing. In contrast, however; viewing violence selectively recruited right precuneus, right posterior cingulate, right amygdala, bilateral hippocampus and parahippocampus, bilateral pulvinar, right inferior parietal and prefrontal, and right premotor cortex. Thus, viewing televised violence appears to activate brain areas involved in arousal/attention, detection of threat, episodic memory encoding and retrieval, and motor programming. These findings are displayed in the Figure, which provides the significant contrasts between the violence-viewing and nonviolence-viewing sessions. The regions of interest in the composite activations of the eight children included the amygdala, hippocampus and posterior cingulate. These areas of the brain are likely indicators of threat-perception and possible long-term memory storage of the threatevent (particularly, these patterns are similar to the memory storage of traumatic events in posttraumatic stress disorder) (Brannan et al., 1997; Liotti et al., 2000). These activation patterns are important because they demonstrate that viewing video violence selectively activates right hemisphere and some bilateral areas that collectively suggest significant emotional processing of video violence.

Of course, this is a preliminary study with a small sample of children, and we must conduct further studies with larger samples of young viewers. However, this preliminary research leads us to conclude that there are important, theoretically predictable patterns of neurological response to viewing media violence.

In our next series of studies, we will explore these neuroanatomical correlates of viewing violence in children who have had differing experiences with violence in their lives in order to better understand the processes of sensitization and desensitization.

In this instance, we will assess the responses of children who have experienced violence as victims of abuse, in contrast to youngsters who are more aggressive. We also expect to see differences in response to viewing violence among the abused, high-aggression and low-aggression children. We expect to see increased responsiveness to threat in the abused children and decreased responsiveness to threat in the high-aggression children.

Furthermore we anticipate differences in media preferences and viewing patterns to correlate with the level of aggression in these children. This constellation of findings will begin to address the patterns of response to aggression and the learning of aggression from media models. The issues of desensitization and enhanced aggression may be related to the patterns of brain activation observed in these children. The social significance of brain mapping and violence viewing is the contribution these studies make to our understanding of the learning and cognitive/affective processing of aggression in children and youth.

Senator BROWNBACK. Thank you, Mr. Chairman, this is a public commodity, the airwaves. We license it to radios, television, but in this case I'm talking about television, and then they have to use this, according to the FCC, in the public interest.

And I would like for you very much to consider looking at these types of studies and asking if, during family hour, when we are trying to encourage, I would think, as much as anything, families to watch television together, is it in the public interest to have a certain level of violent entertainment? Is this actually in the public interest?

I'm not asking you at this point to say we ought to ban it, we ought to do this or that. But we certainly ought to be funding, I would think, a lot more studies like this to determine, not just behaviorally now, but the electrochemicals in the brain and the activities in the neurons that fire—is this in the public interest?

Mr. ADELSTEIN. Senator, you raise an incredibly important issue. I know that over the years you've shown great leadership in addressing this issue—as much as any Member of this body.

I have a new son, Adam, who is 1 year old. I think he's been squired out of the room for the benefit of the Committee. But it is something that is of great concern to me personally, because of him, and because of all children in the entire Nation and of the society that we live in. This goes to the heart of what they see and how it influences them.

You know, I see on television today some of the best programming that we've ever seen, yet I also see some of the worst, and I'm alarmed by some of what I see. Adam is only 1 year old, but I wonder when he turns 2 and 3 and starts understanding what he sees on TV, what the impact will be on him? I want to look at those studies, both personally, and, if confirmed, in my next role, to see what can be done in hours when children watch television. The broadcasters, I believe, should be very vigilant about what is going out over the airways.

Now, you know, there's a V-chip available. I'm not sure a lot of parents know about a V-chip. I'm about ready to start educating myself in a real hurry. But I also want to try to educate others, if confirmed, about the opportunities available to parents to try to screen out some of the material that they don't think is appropriate for their children. But then children can go off to somebody else's house, and parents can lose control. So there is a need to do what you've done over the years, which is to encourage improvement in this area.

I remember when I was very young, in one of my earliest memories, my father, sitting now over here, brought me in to watch the Apollo moon landing, and I'll never forget it. And I wonder what will some of Adam's earliest memories be? What will he remember? And I hope they're good ones.

Senator BROWNBACK. Well, this shows, in here in these studies, that when a child watches the violent entertainment—in this, I think they actually showed them scenes from “Rocky IV”—what it stimulates in the brain is the fight-or-flight area of the brain. That's the area. And you can see in these studies, it just flares up the hot activity, fight or flight. And it also stimulates the part of the brain that's for storing of significant information and—like, you know where you were September 11th. When you heard about the Twin Towers being hit, you know where you were. That's a part of the brain that stores significant events and significant activity.

It turns out, when a child watches violent entertainment, that part of the brain is stimulated and fires and starts building the patterns there. And the reason that this researcher speculates that children become more violent is that the thinking, the reasoning part of the head, isn't as developed, so now, whenever they see a violent situation, their brain doesn't process it well and say, “Well, wait. That's not what I saw in a movie.” They just say, “this is a violent situation” and react, because the thinking part of the brain isn't as developed to say, “No, wait. This isn't the same thing.” This, I think, is a significant thing for us to look at.

Mr. Chairman, this is a fine nominee. I look forward to supporting his nomination, and I look forward to working with you on the FCC.

Senator INOUE. Senator Burns.

Senator BURNS. Thank you, Mr. Chairman. And I'm relieved we're moving this nomination, fully supported. And I want to thank Mr. Adelstein for coming in yesterday. And we had a nice visit in our office after being pushed around a little bit on times and everything else. We have hard time, it seems like, carving out times to visit about some of the very important things.

We talked about universal service yesterday, and we agreed that we're going to have to take some kind of an approach there in order to solve that problem.

One I did not mention yesterday, Jonathan, was my concern—but it is related to 9/11—my concern with E-911 and the buildout of E-911. We worked very hard for a couple of years to pass that bill. And now, with the public-safety people who are deploying and ready to put a lot of new technology in place, I'm not real sure it wasn't one of the bills that we passed through here that has as much impact on public safety as anything that we've done.

Mr. Chairman, you were a part of that, the ability to use a cell phone and also locate where the caller is coming from and to nationalize 911 as the emergency number as far as public safety is concerned. And we found out, in 9/11 of last year that it becomes even more important now to public safety.

I want to work with you on those issues and also on spectrum reform. How do you respond to an idea that spectrum management. Now, you've got to understand that I'm the only guy in the whole world that does not think that spectrum is a national resource. I think it's a technology. I think we should make sure that everybody stays in their lane, and that's about it. Once you own it, it becomes a part of the asset folio of anybody that uses that particular chunk of spectrum. How do you respond that we should just have one agency or one entity that deals with spectrum and not be split between two agencies, as it is now?

Mr. ADELSTEIN. Senator Burns, I appreciate what you've done over the years on spectrum management—and my understanding of the law is that it does split out responsibilities. Any change in the allocation of those responsibilities would require legislation. At this point, I'd prefer not to comment on legislation that might affect the jurisdiction of the FCC.

At the same time, I would like to return to your comment about E-911 services, if I could. Your leadership on this issue has been extraordinary, and I think it's an incredibly important issue. In my own Jewish tradition, it is said in the Talmud, that if you save one life, you save the whole world. And I think that someday it will be said that you have saved many worlds with the efforts that you've made to promote these services. I believe that, if confirmed, there's no higher calling for somebody in a position of responsibility in the FCC than to ensure that the E-911 implementation is carried out as quickly as possible—there can be no delay, no excuses. It has to move forward.

Senator BURNS. Well, I thank you for that. And, as you know, it just wasn't me on E-911. I had a lot of help. I operate from the premise that if you find a turtle sitting on top of a fencepost, he didn't get there by himself. And I shall continue to work in that vein.

But there was a lot of us here that understood that this was a major piece of legislation that we passed. It was truly one that would be very, very beneficial to the people that work in emergency services, first responders, and people who are in rural areas.

I continue to be concerned—a lot of loss of life in Montana is, No. 1, after the call comes in, we can't find them. And 9 times out of 10, they're a long way from the house. And so we need some way to do that.

But I look forward in working with you, Mr. Adelstein, and we need you in a chair down there. And also I would be remiss if I didn't mention a letter I just got from Bob Rowe, our good friend who is a Public Service Commissioner out in Montana. You and Mr. Rowe have worked together on a lot of issues, and I consider him one of the finest Commissioners that we've had in Montana. And if you hadn't have made it, I was going to push this fellow pretty hard.

Knowing your friendship, though, and he highly compliments you and is highly supportive of your nomination and looks forward to working with you, and so I appreciate that.

Mr. Chairman, thank you very much. We'll continue to work on those issues.

And I would say this, on spectrum. We have started the ball rolling on spectrum management reform. This is a huge issue and is not one of those June-bug issues. It is going to take a lot of study on the direction we should go and how we should do it.

And the Chairman and our staffs are working together. We've gathered some studies now. We'll start formulating new policy for spectrum. We want to do it—we don't want to rush right into it, because we know it's a huge issue. It may be as big as the 1996 Telco bill before it's all over, because spectrum touches so many lives in so many ways that it is not one of those that you just ram right into and think you've got all the answers. And it's not an issue that we can piecemeal it. We think we should have a total look on how we do everything.

I appreciate the cooperation of this Committee, and especially of this Subcommittee, in working on that piece of legislation. We will not get anything done this year, but we are sure laying the groundwork and visiting with those entities and those interests that depend on spectrum, along with our military services and our national defense, to work on those to where we can come up with, I think, better use of spectrum and also allow the new technologies to flow forward.

I thank you for holding the hearing today. Thank you, Mr. Chairman.

Senator INOUE. What is a June-bug issue?

[Laughter.]

Senator BURNS. By the way, I got this from an old Senator here. You can take a—it's an issue that's coming down the track, and it's got such a head of steam that, you know, no matter what is said or what is done—you know, you can go out and catch a June-bug—you know, those great big old June-bugs? And you can put it in a jar and set it up on the shelf in the kitchen, and you look at that thing for 3 or 4 days. There is no way you can swallow that thing. But if you were going down the back roads in your motorcycle—

[Laughter.]

Senator BURNS. [continuing]. Doing 90 miles and hour, and one of those rascals hit you right in the mouth, you can swallow that thing just like that.

[Laughter.]

Senator INOUE. That's a great explanation.

[Laughter.]

Senator INOUE. Senator Dorgan.

Senator DORGAN. Senator Inouye, you asked one question too many.

[Laughter.]

Senator DORGAN. I learned long ago never ask Senator Conrad Burns what he meant.

[Laughter.]

Senator DORGAN. Those of us who—

Senator BURNS. You're just going to—

Senator DORGAN. [continuing]. Grew up in Dakota never ask Montanans that question.

[Laughter.]

Senator BURNS. But you don't wander through life just being a North Dakotan.

[Laughter.]

Senator DORGAN. Senator Burns has made a great deal of money in my State, by the way, over the years and is thankful for North Dakota.

[Laughter.]

Senator DORGAN. You were actually run out, as I recall.

[Laughter.]

Senator DORGAN. We don't want to have fun at Mr.

Adelstein's expense, however.

Let me tell you that this is a day I share Senator Burns' comments. I'm really pleased that we've reached this day, and it's taken far too long. I'm very distressed that it took this long to get this position filled. There's no reason to rehash why that's the case; but, nonetheless, today I'm pleased to support a nominee that I think will do an extraordinary job and someone the Commission desperately needs at this point. This Commission begs for your voice, and when you get there, be a tiger on these issues. I know you will, but on the issues of universal service, competition, and the things that really matter to a lot of the American people, we're going to have to rely on you to be a voice that's extraordinarily aggressive, and never give up on these issues.

Mr. Adelstein, let me just make a couple of points. We wrote the 1996 Telecommunications Act in this Committee, and we thought it would hold great promise for competition. The fact is, we've seen precious little competition in local exchanges across the country. It has not performed as we would have liked. There are people who say: "Well, that's because we don't let the Bells go out and get engaged in long-distance service." But that's not relevant, and that's not what's important here. That's not what has created the circumstance where we don't have the competition that we need and want.

In North Dakota—and you're well familiar with your neighboring State—Qwest serves 24 exchanges, most of our big cities, in fact.

They offer DSL service in only 4 of the 24 exchanges. It's an awful record, in my judgment. Qwest has its own problems these days, of course, and it's been involved a lot of high-flying activities around the country—and the world, for that matter—but they couldn't find the interest to provide DSL service in the other 20 exchanges. Four out of 24 have DSL. The other 20 don't.

We need to try to march toward more competition, and we need to try to find ways to have broader support for universal service. You know well what the Commission has been doing in these areas. Universal service, unfortunately, for too many years, has been almost an afterthought, but it's actually critically important for North Dakota, South Dakota, Montana, Hawaii, and other parts of the country.

As you know, the Commission is moving forward quickly on redefining wire-line DSL as an information service, which would narrow the base for universal service even more. I just think we have very, very serious problems. At a recent hearing, I asked the FCC witness how often the FCC audits carriers to make sure those charges we all have on our telephone bills for universal service actually reflect the carriers' costs or are actually passed on to the customer. The fact is, very few audits go on, if any. The witness didn't know. So, I just think you're going to have to be the one that's the voice down there that pushes very hard on these issues.

Let me make a final point, and then I'm going to ask you a quick question. I apologize for being late, I was chairing an Appropriations Subcommittee markup.

April 7, 1805, Lewis and Clark got up in the morning, and they were in North Dakota all winter—what is now North Dakota. They spent the entire winter there after they got through South Dakota—what is now South Dakota, I should say. And April 7, 1805, Captain Lewis had written a letter to President Jefferson. And so, on that morning, as they sought to embark following that winter stay in what is now North Dakota, they wanted to send the letter to President Jefferson and take off up the Missouri River and finish their trip. So the way they sent a letter on April 7, 1805, was to put four soldiers in a little dugout boat and put it down the Missouri River, down the St. Louis, down to New Orleans on a boat. They moved it around by boat up to the East Coast and finally found its way to Thomas Jefferson in the White House. Now, that was a 5-page handwritten letter by Captain Lewis.

Of course, now if you are at that point on the river at the Information Center, the Lewis and Clark Center there, you are as close to Washington, DC., as the river out here, you're a nanosecond away. You're a click away. Things have changed. Communications have changed so dramatically, and it's so important to rural regions of the country, because we've always had a geographical disadvantage. All of a sudden, distance is dead. And if distance is dead, then opportunity is born. And if opportunity is born, it is enabled only by an FCC that understands that opportunity exists with a robust universal-service program that renders for advanced telecommunications services. That is the language we wrote in the bill, and I helped write it, so I know the language, that renders it the same as universal service and telephone service supported by

a basic universal service program for advanced telecommunications service.

So thanks for allowing me to say that. Again, I apologize for being late. But, Mr. Adelstein, if you can, just describe for me, briefly, your views on the universal service situation and whether you share our views that this has been a football that's been kicked around several different directions by several different FCCs over the recent years. What's your impression of what's going on there?

Mr. ADELSTEIN. Senator Dorgan, because of a number of open proceedings that are currently pending before the Commission, I do not wish to comment on the universal service issues, as they relate to these proceedings. Virtually every aspect of universal service is up for grabs, so I've got to be careful not to mention anything that would prejudice how I would rule on any of these open proceedings.

Senator DORGAN. For God's sake, don't disqualify yourself on any of them.

Mr. ADELSTEIN. Exactly.

Senator DORGAN. I want you voting on all of them.

Mr. ADELSTEIN. But I would say, as a general matter, that I would see my role, if confirmed to the FCC, as being one of implementing the Telecommunications Act that you helped write. So I feel like I'm talking to an author of the book about what it said, but let me tell you that I've read it and I know what it said, and I know what level of commitment this Committee and this Congress has placed on universal service. I will say that I am not convinced that the Commission over the years has placed the same level of priority on those matters that this Committee and this Congress have.

My commitment, therefore, is to fulfill the responsibilities of the Commission to implement faithfully the provisions of the Act. I recognize the efforts by the farm team to put those provisions in there. I recognize the vast effort that went into that, and I believe that calls for a commensurate effort at the FCC. I will do everything I can to ensure that, as the Act requires, specific, predictable, and sufficient support mechanisms are available to all areas of the country.

Senator DORGAN. Do you agree that, in recent years, actions have been taken by the FCC that have narrowed the base for support of universal service, and that, in fact, if we're going to have a robust universal-service support of advanced services, you have to have a broader base, not a narrower base? Would you not agree with that?

Mr. ADELSTEIN. The courts have ruled that universal service is only allowed to use interstate revenues and not intrastate revenues, which took a huge amount off the table. It's not clear to me that's what the Act said, but that's what the courts said, and that's—

Senator DORGAN. But that ruling was not even appealed, was that not the case?

Mr. ADELSTEIN. It was not appealed.

Senator DORGAN. I mean, it wasn't exactly an aggressive FCC chasing after a decision they wanted here. They got one court ruling and said, "Oops, time is up; we give up." I mean, I'm sorry to interrupt you, but my point is, yes, a court ruled, but the ruling

wasn't even appealed. And there are a good many lawyers that think that could well have been overturned.

Mr. ADELSTEIN. It is, in my opinion, an open question as to what the Act says on this matter. But, unfortunately, the FCC is bound by the court decision, since it did not appeal. I would note that the Act requires equitable and non-discriminatory contributions, and that is the principle that I would apply to any issue which, like universal service, is a fundamental principle enshrined in the Telecommunications Act.

Senator DORGAN. Well, Mr. Adelstein, it will be a breath of fresh air to have you serve on the Commission. We've had a lot of wonderful people in this country's history serve in that role, but we have a Commission that is relatively inexperienced, as you know, and I'm not going to talk about any particular member of the Commission at this point, but a relatively inexperienced Commission and also a Commission that seems less aggressive in pursuing the things that we wrote in the law. And that was to say that universal service support shall apply to "advanced telecommunications services." That's written in law.

It is going to be a breath of fresh air to have you there, and I wish you well and have high hopes for your service at the FCC and am pleased to vote for your nomination.

Mr. ADELSTEIN. Thank you, Senator Dorgan.

Senator INOUE. Thank you very much.

I'm certain you know that the Members of this Committee seem rather pleased with your nomination.

The hearing is adjourned.

[Whereupon, at 3:25 p.m., the hearing was adjourned.]



## A P P E N D I X

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. DANIEL K. INOUE TO  
JONATHAN S. ADELSTEIN

*Question 1.* The Communications Act gives the FCC the authority to act based on the public interest. The authority provides an FCC commissioner with an ability to balance the issues before them based on the “greater good.” I believe this authority is important and necessary in developing communications policy and ensuring that rates, competition, quality of service and consumers are protected. What importance do you place on the FCC’s public interest authority?

Answer. The Communications Act, as amended, requires the FCC to act in accordance with the public interest. As a result, the public interest authority is central to the work of the Commission. It is referred to over 100 times in the Communications Act. Although it is not defined specifically in the statute, it is interpreted through years of precedent in FCC rulings and court reactions to those rulings. If confirmed, I would use the public interest authority Congress conferred upon the Commission to accomplish the many goals articulated in the Act. The public interest standard is very important and if confirmed as a Commissioner, I would use this authority carefully and thoughtfully.

*Question 2.* What do you believe are the most important policy issues facing the FCC?

Answer. The FCC faces many important issues. Some of the most important that the Commission will have to address in the near future include reforming universal service as Congress intended under Section 254 of the Act; preserving continuation of service in light of the potential financial collapse of any major telecommunications carriers; encouraging broadband deployment; establishing efficiencies in spectrum use in order to address the growing demands for spectrum; and remaining faithful to the pro-competitive model established by Congress under the Telecommunications Act of 1996.

*Question 3.* What personal philosophy do you use to analyze communications issues and make policy decisions?

Answer. First and foremost, appointees to independent regulatory agencies, such as FCC Commissioners, implement the law, they do not make it. Congress has laid out this Nation’s telecommunications policy framework in the Communications Act. If confirmed, it would be my job to implement that framework to the letter and spirit of the law. I also believe that it is important to analyze the entire record of a proceeding, ensure that all parties have the opportunity to be heard and ensure that all actions are in the public interest as required by law.

*Question 4.* There have been many mergers and substantial consolidation in the marketplace. How can the FCC ensure that rates, service, innovation, and competition are not undermined by consolidation?

Answer. There are two general areas where the FCC can address concerns related to consolidation. First, the FCC is required by statute to use its public interest authority to ensure that rates, service, innovation, and competition are not undermined. Second, when the FCC reviews mergers, it needs to evaluate the matter based on whether any proposed merger is in the public interest on a case-by-case basis.

*Question 5.* Congress passed the 1996 Telecommunications Act outlining a structure to introduce competition into the local markets. Under the Act, the FCC is required to oversee a section 271 process. From your perspective, how important is it for our local markets to be open to competition?

Answer. It is not only important that local markets are open to competition, but the Act requires that local markets be open. As I indicated in my testimony, I fully recognize the pro-competitive requirements of the Act and if confirmed, I will do my very best to enforce these requirements.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. GORDON SMITH TO  
JONATHAN S. ADELSTEIN

*Question.* Senator Feingold recently introduced a bill that request the Commission to investigate the impact of recent unprecedented increases in radio ownership consolidation on citizens and musicians, including the relationship between radio stations and independent promoters that could influence playlists. It is important that the Commission review the current practices in radio to assure that the public airwaves continue to serve the public interest. What is your opinion on these practices? Can you assure us that, if confirmed, you will give this important issue the consideration it deserves at the Commission?

*Answer.* The short answer is yes. As you know, the Commission is in the midst of a rulemaking proceeding considering how to address consolidation in the radio industry in light of the limits established in the Telecommunications Act of 1996. This proceeding is underway. I can assure you that if confirmed I will give this issue important consideration and look closely at the implementation of the 1996 Act in this area, and will work to ensure that the Commission's rules are consistent with the goals of the Act and with the Commission's obligation to review each license transfer in the public interest. In addition, the FCC has an obligation to review the practices of its license holders, including radio stations. They, like all license holders, operate in the public interest: and are required to conduct their business in accordance with this standard.

