

**Opening Statement of the Honorable Greg Walden
Subcommittee on Communications and Technology
“Legislative Hearing on Seven Communications Bills”
April 13, 2016**

(As Prepared for Delivery)

Today’s hearing will examine seven important bills, all seeking to improve the way our communications laws work, and better reflect modern technology and consumer expectations.

Two of these bills deal with important public safety issues, and how to improve emergency response when it matters most.

First, the Kelsey Smith Act, sponsored by Rep. Kevin Yoder, gives law enforcement the tools to locate victims in emergencies, using location data from their cell phone providers. By creating a narrow set of circumstances in which law enforcement can access this type of data, the bill seeks to protect the privacy of users while still allowing access when the situation demands it. This bill utilizes existing technology to help law enforcement better respond when someone is in serious danger. It’s important to note, however, that the legislation does not place the burden or liability on cell phone carriers - the decision is in the hands of law enforcement, and carriers should be able to hand over the data without fear of a lawsuit. I intend to offer an amendment at subcommittee markup that will make sure that a carrier’s customer service representative isn’t faced with making a decision about whether complying with a request from law enforcement opens the company or individual up to liability.

The Kelsey Smith Act is already law in 22 states, including my own state of Oregon where it passed in 2014. The bill we are looking at today mirrors much of the language in the Oregon bill, giving law enforcement the ability to act quickly when every second counts, but only in narrow circumstances of a true emergency. This bill passed unanimously through both the Oregon House and Senate, and was signed into law by a Democratic governor - demonstrating that this isn’t a partisan issue, but just good policy.

Another important piece of public safety legislation before the committee today is Kari’s Law, which requires that multi-line telephone systems, typically found in hotels, offices, and schools, have a default configuration to dial out to 9-1-1 without any additional prefix required. To quote FCC Commissioner Jessica Rosenworcel, you may only call 9-1-1 once in your life, but it will be the most important call you’ll ever make. As Kari’s father will testify today, children are taught from an early age to dial 9-1-1 in an emergency. There should be no question that when they do so they will reach the emergency dispatcher. The simple fix that this bill provides, one that has already been implemented by many MLTS users, has the potential to prevent another tragedy like the one that happened to Kari Hunt.

I’d like to especially thank Kari’s father, Mr. Hunt, and Kelsey’s mother, Mrs. Smith, for agreeing to testify today. While your losses must be very difficult to discuss in such a public way, your testimony is an important resource for the subcommittee as we consider these important bills.

We're also going to look at a bill from Rep. Austin Scott, which caps the Lifeline portion of the Universal Service Fund. In many ways, I wish we didn't have to take the legislative step we are considering today—capping the fund is well within the authority of the FCC, and something that they came close to doing in the most recent Lifeline Reform Order. Unfortunately, thanks to partisan politics and broken FCC process, that didn't happen. As a result, we're left with a so-called "budget" for the fund—a provision that requires the FCC to take note when annual Lifeline spending exceeds \$2 billion and have the staff explain why spending is so high. That's it. The FCC can blow right through its "budget" by as much as it desires. This is not the way that the government should be handling the American people's dollars, with cavalier disregard for basic fiscal discipline.

I want to be clear: we do not support eliminating the Lifeline subsidy. This is an important program for those who are truly eligible. We are not opposed to the mission of Lifeline. Universal connectivity is a core principle in this country, particularly for those who need it most, like children from low-income families. What we cannot support is a fund that lacks external controls and is susceptible to waste, fraud, and abuse. We've seen in the past how rapidly this fund can expand, and it's our duty to our constituents to make sure that their money is spent responsibly. The reforms that the FCC has adopted over the past few years, including those it adopted last month, are certainly positive steps towards a more accountable fund. But until there are better, more effective guardrails in place, there is nothing to prevent the FCC from spending and spending, placing an even greater burden on American household budgets... real budgets that can't simply keep spending other people's money.

In addition to these three bills, we will also look at a bill to encourage innovative solutions to the spectrum crunch, a problem we've spent a great deal of time considering in this subcommittee. We'll look at Ranking Member Pallone's bill to improve post-disaster communications; something that he is unfortunately all too familiar with after Superstorm Sandy struck his district. We will also consider a bill to allow skilled nursing facilities to improve their broadband connectivity, and finally, we will look at a bill to increase penalties for criminals who spark an unnecessary and dangerous law enforcement response by falsifying caller ID information.

I'd like to thank all of the sponsors of the bills we consider today for their hard work on these legislative efforts, and I thank the subcommittee Democrats for their bills. Today's hearing is another example of the productive bipartisan work that our committee is known for, and I look forward to discussing all of the legislative proposals before us with our two panels of distinguished witnesses.

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