

**Opening Statement of the Honorable Greg Walden**  
**Subcommittee on Communications and Technology**  
**Markup of H.R. 4889, H.R. 4167, H.R. 4884, H.R. 4111, H.R. 4190, H.R. 3998, H.R. 2031**  
**April 18, 2016**

*(As Prepared for Delivery)*

After a productive and informative legislative hearing on these seven bills, I'm pleased that we are moving quickly to subcommittee markup. It was clear to me after the testimony and questions we heard last week, these bills are all worthy candidates for becoming law.

We heard from the mother of Kelsey Smith, a young woman whose tragic death motivated her family to give law enforcement the tools to prevent something similar from happening to another family. The Kelsey Smith Act would allow law enforcement to more quickly and easily locate victims in emergencies, using location data from their cell phone providers. We also heard from an ACLU attorney who expressed concerns about privacy violations and potential abuse of the legislation by law enforcement. While I know these concerns are shared by some members here, I believe the law as drafted creates a sufficiently narrow set of circumstances in which law enforcement can access this type of data, as well as a very small subset of data that they are able to access. The bill seeks to balance all interests by protecting the privacy of users while still providing access when the situation demands it. This bill utilizes existing technology to help law enforcement better respond when someone is in serious danger.

As we discussed last week, it is essential that any legislation not place the burden or liability on cell phone carriers – any decision should be left to trained law enforcement, allowing carriers to hand over the data without second guessing the police on what constitutes an emergence and without fear of a lawsuit. I will offer an amendment tomorrow 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. When every second counts, this type of decision shouldn't be left to someone who isn't trained to make it. Let's not get in the way of law enforcement trying to do their jobs.

The Kelsey Smith Act has been passed in 22 states, including my own state of Oregon in 2014 where it passed unanimously and was signed into law by a Democratic governor. This doesn't have to be a partisan exercise. As Mrs. Smith testified, concerns about abuse of the law and privacy violations have simply not come to fruition. The life-saving benefits, however, have been seen more than once. I hope that today we can take another step towards a federal law that will help prevent another family from enduring what the Smiths did.

We will also consider 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 addition prefix required. I think that most of the members on this panel shared my disbelief when we heard last week that such a problem could exist. I think every parent can agree that they never taught their child to dial "9" before 9-1-1. We have the opportunity to make sure that this confusion never contributes to a tragedy again, with a legislative fix that is both easy and inexpensive. Hotels have made significant progress in addressing this problem, but without a uniform, consistent law across the country, those efforts will not eliminate the potential for the another caller to try and fail to reach emergency responders when they're needed most. No grandfather should have to hear his grandchild say that she tried dialing 911 but it just didn't work, as Hank Hunt did after the tragic death of his daughter. Let's fix this.

We're also going to look at a bill from Rep. Austin Scott, which caps the Lifeline portion of the Universal Service Fund. Last week, we heard from a Lifeline recipient, who spoke of the

importance of connectivity for children and families. I agree with her—being connected is a vital thing in our digitally-driven world. The changes this bill would make don't end the program, and they don't require the FCC to turn people away. All we are asking is for fiscal discipline. If there is a budget in place, the FCC will be forced to undergo a more serious examination of the problems plaguing the system. They've taken some steps to address the waste, fraud, and abuse, but there is clearly still more that can be done. Just two weeks ago, they issued a proposed \$51 million fine to a company for receiving subsidies for tens of thousands of duplicate registrants – and that represented a fraction of the alleged fraud. Instead of continually expanding the fund, at the cost of ratepayers, let's instead take a hard look at what we can do while living within our means.

We will also consider four other bills that we discussed at last week's legislative hearing. We heard from several witnesses on the importance of these pieces of legislation- almost all of which are targeted fixes to important problems. As we move forward with these bills, we continue our work towards more modern and effective communications laws. There is no question that this industry is driving our economy in so many ways, and it is our job to make sure that the law doesn't unnecessarily stand in the way of that progress.

I'd again like to thank all of the sponsors of the bills we consider today, both Republican and Democratic, for their hard work on these legislative efforts. This markup is another promising step forward in the Subcommittee's productive legacy.

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