

KARF'S LAW ACT OF 2016

MAY 23, 2016.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. UPTON, from the Committee on Energy and Commerce, submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 4167]

The Committee on Energy and Commerce, to whom was referred the bill (H.R. 4167) to amend the Communications Act of 1934 to require multi-line telephone systems to have a default configuration that permits users to directly initiate a call to 9-1-1 without dialing any additional digit, code, prefix, or post-fix, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

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The amendments are as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Kari’s Law Act of 2016”.

**SEC. 2. CONFIGURATION OF MULTI-LINE TELEPHONE SYSTEMS FOR DIRECT DIALING OF 9-1-1.**

(a) IN GENERAL.—Title VII of the Communications Act of 1934 (47 U.S.C. 601 et seq.) is amended by adding at the end the following:

**“SEC. 721. CONFIGURATION OF MULTI-LINE TELEPHONE SYSTEMS FOR DIRECT DIALING OF 9-1-1.**

“(a) SYSTEM MANUFACTURE, IMPORTATION, SALE, AND LEASE.—A person engaged in the business of manufacturing, importing, selling, or leasing multi-line telephone systems may not manufacture or import for use in the United States, or sell or lease or offer to sell or lease in the United States, a multi-line telephone system, unless such system is pre-configured such that, when properly installed in accordance with subsection (b), a user may directly initiate a call to 9-1-1 from any station equipped with dialing facilities, without dialing any additional digit, code, prefix, or post-fix, including any trunk-access code such as the digit ‘9’, regardless of whether the user is required to dial such a digit, code, prefix, or post-fix for other calls.

“(b) SYSTEM INSTALLATION, MANAGEMENT, AND OPERATION.—A person engaged in the business of installing, managing, or operating multi-line telephone systems may not install, manage, or operate for use in the United States such a system, unless such system is configured such that a user may directly initiate a call to 9-1-1 from any station equipped with dialing facilities, without dialing any additional digit, code, prefix, or post-fix, including any trunk-access code such as the digit ‘9’, regardless of whether the user is required to dial such a digit, code, prefix, or post-fix for other calls.

“(c) ON-SITE NOTIFICATION.—A person engaged in the business of installing, managing, or operating multi-line telephone systems shall, in installing, managing, or operating such a system for use in the United States, configure the system to provide a notification to a central location at the facility where the system is installed or to another person or organization regardless of location, if the system is able to be configured to provide the notification without an improvement to the hardware or software of the system.

“(d) EFFECT ON STATE LAW.—Nothing in this section is intended to alter the authority of State commissions or other State or local agencies with jurisdiction over emergency communications, if the exercise of such authority is not inconsistent with this Act.

“(e) ENFORCEMENT.—This section shall be enforced under title V, except that section 501 applies only to the extent that such section provides for the punishment of a fine.

“(f) MULTI-LINE TELEPHONE SYSTEM DEFINED.—In this section, the term ‘multi-line telephone system’ has the meaning given such term in section 6502 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1471).”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply beginning on the date that is 2 years after the date of the enactment of this Act.

Amend the title so as to read:

A bill to amend the Communications Act of 1934 to require multi-line telephone systems to have a configuration that permits users to directly initiate a call to 9-1-1 without dialing any additional digit, code, prefix, or post-fix, and for other purposes.

PURPOSE AND SUMMARY

H.R. 4167, Kari’s Law Act of 2016, requires multi-line telephone systems (MLTS) to have a default configuration that permits users to directly initiate a call to 9-1-1 without dialing any additional digit, code, or prefix. The bill also requires a MLTS to notify a central point of contact for the system when a user dials 9-1-1.

## BACKGROUND AND NEED FOR LEGISLATION

Multi-Line Telephone Systems (MLTS) serve multiple telephone users at a single site, often an office building, hotel, university campus, or similar location. One common feature of MLTS is the configuration that permits shorter dialing sequences within the system by requiring a user to dial a digit or prefix to reach a number outside of the system—that is, dial “9” before reaching an outside line. Thus, on some MLTS a user may have to dial the prefix when attempting to make an emergency call.

In December 2013, Kari Hunt was killed by her estranged husband in a motel room in Texas. Her daughter repeatedly attempted to dial 9-1-1 from the motel room, but was unable to reach emergency responders because the motel’s MLTS required users to dial “9” to reach an outside line. Kari’s Law seeks to ensure that this situation does not result in confusion in the heat of an emergency, preventing others from accessing essential emergency services from an MLTS phone. While many hotels and office buildings have begun to make this change to their systems, this bill would make it a universal requirement.

H.R. 4167 requires that all MLTS have a default configuration that allows users to directly dial 9-1-1, without the need for any additional digit or prefix, from any phone with dialing facilities. In addition, the system must also be configured to notify a designated central point of contact when someone initiates a call to 9-1-1 using the system. By notifying a central point of contact, emergency responders are better able to access, locate, and assist a caller who initiates a 9-1-1 call within the MLTS.

## HEARINGS

On April 13, 2016, the Subcommittee on Communications and Technology held a hearing on H.R. 4167. The Subcommittee received testimony from:

- Hank Hunt, father of Kari Hunt; and
- Steve Souder, Director, Fairfax County, VA 9-1-1 Center.

## COMMITTEE CONSIDERATION

Representative Gohmert introduced H.R. 4167 on December 3, 2015.

On April 18 and 19, 2016, the Subcommittee on Communications and Technology met in open markup session and forwarded H.R. 4167 without amendment, to the full Committee by a voice vote.

On April 26, 27, and 28, 2016, the full Committee on Energy and Commerce met in open markup session. Chairman Walden and Ranking Member Eshoo offered an amendment to the bill to more accurately reflect the technical configuration of MLTS, and to allow for a central point of contact not located at the MLTS facility. The amendment was adopted and the Committee ordered H.R. 4167 reported to the House, as amended, by a voice vote.

## COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the record votes on the motion

to report legislation and amendments thereto. No recorded votes were taken on this legislation.

#### COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee held a hearing and made findings that are reflected in this report.

#### STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

The goal and objective of H.R. 4167 is to ensure that MLTS allow callers to directly initiate calls to 9-1-1 without dialing a prefix or an additional digit.

#### NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 4167 would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

#### EARMARK, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives, the Committee finds that H.R. 4167 contains no earmarks, limited tax benefits, or limited tariff benefits.

#### COMMITTEE COST ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974. At the time this report was filed, the estimate was not available.

#### CONGRESSIONAL BUDGET OFFICE ESTIMATE

At the time this report was filed, the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974 was not available.

#### FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

#### DUPLICATION OF FEDERAL PROGRAMS

No provision of H.R. 4167 establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

## DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that enacting H.R. 4167 does not direct any rule making within the meaning of 5 U.S.C. 551, as specified in Section 2(a).

## ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

## APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

## SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

*Section 1. Short title*

Section 1 provides that the Act may be cited as the “Kari’s Law Act of 2016.”

*Section 2. Configuration of multi-line telephone systems for direct dialing of 9-1-1*

Section 2(a) adds a new Section 721 to the Communications Act of 1934, as amended.

New Section 721(a) requires that any person manufacturing, selling, importing, or leasing multi-line telephone systems only do so if the system is pre-configured in a way that a user may directly initiate a call to 9-1-1 without dialing any additional digits or prefixes. This section applies to any system that is sold, leased, offered, or imported for use in the United States after the effective date. This includes systems that have call control located outside of the U.S., but have terminals or end points in the U.S. While systems are required to be pre-configured with the default dialing pattern described in this section, it does not preclude the inclusion of additional optional dialing patterns to reach 9-1-1 (e.g. (9)9-1-1). However, if the system is configured with these additional dialing patterns, they must be in addition to the default pattern.

New Section 721(b) requires that any person who installs, operates, or manages a MLTS only do so if the system is configured such that a user may directly initiate a call to 9-1-1 without any additional digit or prefix. This section also applies to systems installed, managed, or operated for use in the United States.

New Section 721(c) requires that systems be configured to provide a notification to either a central location at the facility where the system is located, or to a contact person or organization regardless of location. This section is intended to assist first responders in their emergency response by providing access and information needed to locate the caller. This can be particularly important in large buildings like hotels, hospitals, and schools, where on-site personnel are uniquely suited to provide information about the building and its occupants. This provision requires the system to designate a central point of contact, but allows the MLTS owner or

operator some flexibility in determining the most appropriate contact, whether in the building or otherwise.

This subsection only applies to systems where the configuration is achievable without an improvement to the hardware or software of the system. The Committee intends this provision to include upgrades to the core systems of a MLTS, but not the addition of additional extensions or lines. The Committee also intends this provision to apply to substantial upgrades to the software, particularly those requiring a significant purchase. Minor software upgrades that are easily achieved or are made to improve the security of the system would not be considered an “improvement” for the purposes of this section. The legislation seeks to balance the need for an on-site notification with the goal of not placing an undue burden on MLTS owners or operators.

New Section 721(d) clarifies that this legislation does not alter the authority of state or local agencies with jurisdiction over emergency communications, as long as that authority isn’t exercised in a manner inconsistent with this legislation.

New Section 721(e) allows for enforcement under Title V of the Communications Act, but only to the extent that the section allows for the imposition of a fine.

New Section 721(f) defines multi-line telephone system by cross-referencing the definition in Section 6502 of the Middle Class Tax Relief and Job Creation Act of 2012.

Section 2(b) sets an effective date for the changes at two years after the date of enactment of the Act.

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

### COMMUNICATIONS ACT OF 1934

\* \* \* \* \*

### TITLE VII—MISCELLANEOUS PROVISIONS

\* \* \* \* \*

#### **SEC. 721. CONFIGURATION OF MULTI-LINE TELEPHONE SYSTEMS FOR DIRECT DIALING OF 9-1-1.**

(a) *SYSTEM MANUFACTURE, IMPORTATION, SALE, AND LEASE.*—A person engaged in the business of manufacturing, importing, selling, or leasing multi-line telephone systems may not manufacture or import for use in the United States, or sell or lease or offer to sell or lease in the United States, a multi-line telephone system, unless such system is pre-configured such that, when properly installed in accordance with subsection (b), a user may directly initiate a call to 9-1-1 from any station equipped with dialing facilities, without dialing any additional digit, code, prefix, or post-fix, including any trunk-access code such as the digit “9”, regardless of whether the

*user is required to dial such a digit, code, prefix, or post-fix for other calls.*

*(b) SYSTEM INSTALLATION, MANAGEMENT, AND OPERATION.—A person engaged in the business of installing, managing, or operating multi-line telephone systems may not install, manage, or operate for use in the United States such a system, unless such system is configured such that a user may directly initiate a call to 9-1-1 from any station equipped with dialing facilities, without dialing any additional digit, code, prefix, or post-fix, including any trunk-access code such as the digit “9”, regardless of whether the user is required to dial such a digit, code, prefix, or post-fix for other calls.*

*(c) ON-SITE NOTIFICATION.—A person engaged in the business of installing, managing, or operating multi-line telephone systems shall, in installing, managing, or operating such a system for use in the United States, configure the system to provide a notification to a central location at the facility where the system is installed or to another person or organization regardless of location, if the system is able to be configured to provide the notification without an improvement to the hardware or software of the system.*

*(d) EFFECT ON STATE LAW.—Nothing in this section is intended to alter the authority of State commissions or other State or local agencies with jurisdiction over emergency communications, if the exercise of such authority is not inconsistent with this Act.*

*(e) ENFORCEMENT.—This section shall be enforced under title V, except that section 501 applies only to the extent that such section provides for the punishment of a fine.*

*(f) MULTI-LINE TELEPHONE SYSTEM DEFINED.—In this section, the term “multi-line telephone system” has the meaning given such term in section 6502 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1471).*

\* \* \* \* \*

## MINORITY VIEWS

Democrats support the basic premise for the introduction of H.R. 4167, the “Kari’s Law Act of 2015”: *no one should be left unable to call for help or to believe erroneously that they have called for help, simply because their call to 9-1-1 was made on a phone system that is not fully configured to communicate directly with a 9-1-1 answering point or service.*

A simple first step towards remedying this problem is outlined in H.R. 4167. Specifically, this measure would require that callers using multi-line telephone systems (MLTS) be able to call for help or assistance directly by dialing or phoning 9-1-1 on these systems, without having to dial another digit first.

MLTSs have another shortcoming that also risks lives. Many of these systems do not provide first responders with the location of the caller. In an emergency situation, every second counts. Not knowing a precise or even an approximate location from where a call for assistance has been placed is likely to add to or delay life and property-saving response times, or worse yet render them too late to have any real impact or effect.

Due to this particular shortcoming, Congress should take an additional and very important step: to require that MLTSs provide location information directly to emergency responders. These two actions, taken together, will ensure that callers not only reach emergency responders in a faster manner, but guarantee that the responders will immediately know where to go without additional notifications.

## BACKGROUND

H.R. 4167 is named after Kari Dunn, a mother of three, who was fatally stabbed by her estranged husband while visiting him in a hotel near their home. During the altercation, Kari’s nine-year-old daughter attempted to dial 9-1-1, but she did not know that the hotel’s system required that she dial “9” before “9-1-1.” Kari’s daughter tried to dial 9-1-1 four times, but was unsuccessful each time. Only after guests in an adjacent room heard the attack were the police notified.<sup>1</sup>

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<sup>1</sup>See *Children Tried to Save Mother as She was Murdered by Their Dad but Couldn’t get Through to 911*, Gail Shortland, *Mirror* (Apr. 26, 2015) (online at <http://www.mirror.co.uk/news/real-life-stories/children-tried-save-mother-murdered-5568686>)

This issue is common among the MLTSs found in hotels and office buildings.<sup>2</sup> In March 2014, the American Hotel and Lodging Association (AH&LA), conducted a survey of U.S. properties regarding emergency dialing procedures.<sup>3</sup> Of the 52,500 U.S. properties that AH&LA contacted, 6000 properties responded. Thirty-two percent of independent properties and 45 percent of franchised properties indicated that guests could dial 9-1-1 directly from their guestrooms.<sup>4</sup>

AH&LA also convened a task force on the issue and developed an industry recommendation. The industry recommendation “encourages lodging properties to review their current telephone systems to ensure that when 9-1-1 is directly dialed, without using an access code, from a guestroom phone, the guest is connected to emergency services personnel and/or a hotel employee.”<sup>5</sup> If changes to systems are not “readily achievable,” AH&LA encourages properties to “make efforts and develop policies that facilitate summoning emergency services without delay.”<sup>6</sup>

#### ANALYSIS

H.R. 4167, as introduced by Representative Gohmert (R-TX) with bipartisan support, requires that all MLTSs made or imported into the U.S. have a default configuration that allows a user to directly call 9-1-1 without having to dial an additional digit, code, prefix, or post-fix. The bill also requires MLTS installers to configure the system to provide a notification to a central location when 9-1-1 is called, as long as the system can be reconfigured without improvements to the MLTS’s hardware. The law would take effect two years after the date of enactment.

H.R. 4167 was amended at full Energy and Commerce markup on April 28, 2016. The changes add a direct 9-1-1 dialing requirement for installers, managers, and operators of MLTSs. The amendment also modified the on-site notification provision to allow the central location for such notifications to occur off-site or to another person or organization, and to preserve local or state authority. Democrats supported these changes because they better define the responsibilities of the various parties involved with MLTSs, in addition to the manufacturer.

Communications and Technology Subcommittee Ranking Member Eshoo (D-CA) offered an amendment at both the Subcommittee and full Committee markups that would take the next steps forward. The amendment would have required the Federal Communications Commission (FCC) to begin a proceeding within 180 days of enactment regarding the location accuracy of MLTSs systems.

Ranking Member Eshoo agreed to withdraw her amendment after Subcommittee Chairman Walden (R-OR) and Representative Shimkus (R-IL) committed to work with her on the location issue in a separate bill. The Democratic members of the full Committee

<sup>2</sup> See *ETX Man Campaigns for 911 Reform After Daughter’s Murder*, Sara Machi, KTBS-TV (Apr. 4, 2015) (online at <http://ktbs.com/story/24648521/etx-man-campaigns-for-911-reform-after-daughters-murder?clienttype=generic&mobilecbypass>).

<sup>3</sup> See American Hotel & Lodging Association, *Industry 911 Dial-Through Update* (Mar. 25, 2014) (online at [http://ahla.com/uploadedFiles/Industry911Dial\(2\).pdf](http://ahla.com/uploadedFiles/Industry911Dial(2).pdf)).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

desire and are eager to move forward quickly with next steps at the FCC to study and remedy the underlying technical and logistical shortcomings and problems as expeditiously as possible.

FRANK PALLONE, Jr.,  
*Ranking Member, Committee  
on Energy and Commerce.*

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