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MARK WALKER, CHAIRMAN



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S 96 — Improving Rural Call Quality (Sen. Klobuchar, D-MN)

CONTACT: [Nicholas Rodman](#), 202-226-8576

FLOOR SCHEDULE:

Scheduled for consideration on February 8, 2018 under suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[S. 96](#) would require that intermediate telecommunication providers register with the Federal Communications Commission (FCC). The bill would additionally require the FCC to issue rules establishing specified service quality standards for intermediate telecommunication providers.

COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing S. 96 would cost \$4 million over the 2017-2022 period for the agency to establish and operate the registry of voice communication service providers and to promulgate rules establishing service quality standards. However, the FCC is authorized to collect fees sufficient to offset the costs of its regulatory activities each year. Therefore, CBO estimates that the net cost to implement S. 96 would be negligible, assuming annual appropriation actions consistent the agency's authorities. Enacting S. 96 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting S. 96 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

S. 96 would amend part II of title II of the Communications Act of 1934 ([47 U.S.C. 251 et seq.](#)) by requiring that intermediate telecommunication providers that offer the capability to transmit covered voice communications from one destination to another and that charge any rate to any other entity for the transmission, register with the FCC and comply with specified service quality standards. The bill would prohibit a covered provider from using an intermediate provider unless it is registered with the FCC.

Intermediate providers route and connect long distance calls between local phone companies.

Within 1 year, the FCC would be directed to promulgate rules to establish service quality standards for the transmission of covered voice communications by intermediate providers. The FCC would be mandated to: (1) ensure the integrity of the transmission of covered voice communications to all customers in the United States; and (2) prevent unjust or unreasonable discrimination among areas of the United States in the delivery of covered voice communications.

Under [64.2101 of title 47, Code of Federal Regulations](#), a "covered provider" is a provider of long-distance voice service that makes the initial long-distance call path choice for more than 100,000 domestic retail subscriber lines, counting the total of all business and residential fixed subscriber lines and mobile phones and aggregated over all of the providers' affiliates.

S. 96 contains identical language to H.R. 460 which passed the House in the 115th Congress by voice vote on January 23, 2017. The RSC's legislative bulletin for H.R. 460 can be found [here](#).

COMMITTEE ACTION:

S. 96 was introduced on January 11, 2017 and was referred to the Senate Committee on Commerce, Science, and Transportation. On August 3, 2017, the bill passed the Senate without amendment by unanimous consent.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

Constitutional authority statements are not required for Senate bills.

Concurring in the Senate Amendment to H.R. 582 — Kari's Law (Rep. Gohmert, R-TX)

CONTACT: [Nicholas Rodman](#), 202-226-8576

FLOOR SCHEDULE:

Scheduled for consideration on February 8, 2018 under suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 582](#) would 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.

COST:

No Congressional Budget Office (CBO) estimate is available.

Rule 28(a)(1) of the Rules of the Republican Conference prohibit measures from being scheduled for consideration under suspension of the rules without an accompanying cost estimate. Rule 28(b) provides that the cost estimate requirement may be waived by a majority of the Elected Leadership.

CBO [estimated](#) that implementing H.R. 4167, passed in the 114th Congress and identical to the House-passed H.R. 582, would have no significant effect on federal spending for telecommunications services or regulatory activities.

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

H.R. 582 would amend the [Communications Act of 1934](#) to prohibit multi-line telephone systems from being sold and manufactured in the United States unless they are pre-configured such that, when properly installed, 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. The bill would prohibit businesses from installing systems unless they are configured such that a user may directly initiate a call to 9-1-1. Businesses would be required to 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 its hardware or software.

H.R. 582 would clarify that nothing in it would be 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 the bill.

The Senate amendment to H.R. 582 modified the effective date provision in the bill to clarify that the legislation would apply with respect to a multi-line telephone system that is manufactured, imported, offered for first sale or lease, first sold or leased, or installed 2 years after the bill's enactment.

The RSC's legislative bulletin for the House-passed H.R. 582 can be found [here](#).

COMMITTEE ACTION:

H.R. 582 was introduced on January 17, 2017 and was referred to the House Committee on Energy and Commerce. On January 23, 2017, the bill passed the House by the yeas and nays: (2/3 required): [408 - 0](#) and was referred to the Senate Committee on Commerce, Science, and Transportation. The bill passed the Senate with an amendment by unanimous consent.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

According to the sponsor: "Congress has the power to enact this legislation pursuant to the following: Under Article I, Section 8 of the U.S. Constitution, "The Congress shall have Power . . . to regulate Commerce... among the several States." Telecommunication devices, such as a multi-line telephone system (MLTS), enable the interstate transmission of voice telephony communication. Additionally, MLTS devices enter the stream of commerce as part of an economic enterprise and affect interstate commerce in that they are bought, sold and transported across state lines, and under Article I, Section 8 Congress has the authority to regulate products in interstate Commerce. See also, U.S. v. Lopez, 514 U.S. 549 (1995)."

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