

Committee Print

(SHOWING THE TEXT OF H.R. 4889 AS FORWARDED BY THE SUBCOMMITTEE
ON COMMUNICATIONS AND TECHNOLOGY, APRIL 19, 2016)

114TH CONGRESS
2D SESSION

H. R. 4889

To amend the Communications Act of 1934 to require providers of a covered service to provide call location information concerning the telecommunications device of a user of such service to an investigative or law enforcement officer in an emergency situation involving risk of death or serious physical injury or in order to respond to the user's call for emergency services.

IN THE HOUSE OF REPRESENTATIVES

MARCH 23, 2016

Mr. YODER (for himself, Ms. JENKINS of Kansas, Mr. CLEAVER, and Mr. POMPEO) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Communications Act of 1934 to require providers of a covered service to provide call location information concerning the telecommunications device of a user of such service to an investigative or law enforcement officer in an emergency situation involving risk of death or serious physical injury or in order to respond to the user's call for emergency services.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Kelsey Smith Act”.

5 **SEC. 2. REQUIRED EMERGENCY DISCLOSURE OF CALL LO-**
6 **CATION INFORMATION TO LAW ENFORCE-**
7 **MENT.**

8 Section 222 of the Communications Act of 1934 (47
9 U.S.C. 222) is amended—

10 (1) in subsection (d)—

11 (A) by redesignating paragraphs (1)
12 through (4) as subparagraphs (A) through (D),
13 respectively;

14 (B) by striking “nothing in this section”
15 and inserting the following:

16 “(1) PERMITTED DISCLOSURES.—Nothing in
17 this section”; and

18 (C) by adding at the end the following:

19 “(2) REQUIRED EMERGENCY DISCLOSURE OF
20 CALL LOCATION INFORMATION TO LAW ENFORCE-
21 MENT.—Notwithstanding subsections (a), (b), and
22 (c), at the request of an investigative or law enforce-
23 ment officer, a provider of a covered service shall
24 provide to such officer the call location information,

1 or the best available location information, of a tele-
2 communications device that is—

3 “(A) used to place a 9–1–1 call requesting
4 emergency assistance; or

5 “(B) reasonably believed to be in the pos-
6 session of an individual that the law enforce-
7 ment officer reasonably believes is in an emer-
8 gency situation that involves the risk of death
9 or serious physical harm to the individual.

10 “(3) HOLD HARMLESS.—No cause of action
11 shall lie in any court against any provider of a cov-
12 ered service or its officers, employees, or agents for
13 providing call location information as required under
14 paragraph (2) while acting in good faith.”;

15 (2) in subsection (f)(1), by striking “subsection
16 (d)(4)” and inserting “subsection (d)(1)(D)”; and

17 (3) in subsection (h), by adding at the end the
18 following:

19 “(8) COVERED SERVICE.—The term ‘covered
20 service’ means—

21 “(A) a commercial mobile service (as de-
22 fined in section 332); or

23 “(B) an IP-enabled voice service (as de-
24 fined in section 7 of the Wireless Communica-

1 tions and Public Safety Act of 1999 (47 U.S.C.
2 615b)).

3 “(9) INVESTIGATIVE OR LAW ENFORCEMENT
4 OFFICER.—The term ‘investigative or law enforce-
5 ment officer’ has the meaning given such term in
6 section 2510 of title 18, United States Code.”.