

Union Calendar No.

114TH CONGRESS
2^D SESSION

H. R. 4889

[Report No. 114-]

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

MAY --, 2016

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on March 23, 2016]

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) in paragraph (4), by redesignating sub-*
12 *paragraphs (A) through (C) as clauses (i)*
13 *through (iii), respectively;*

14 *(B) by redesignating paragraphs (1)*
15 *through (4) as subparagraphs (A) through (D),*
16 *respectively;*

17 *(C) by striking “Nothing in this section”*
18 *and inserting the following:*

19 *“(1) PERMITTED DISCLOSURES.—Nothing in this*
20 *section”; and*

21 *(D) by adding at the end the following:*

22 *“(2) REQUIRED EMERGENCY DISCLOSURE OF*
23 *CALL LOCATION INFORMATION TO LAW ENFORCE-*
24 *MENT.—Notwithstanding subsections (a), (b), and (c),*
25 *at the request of an investigative or law enforcement*

1 officer, a provider of a covered service shall provide
2 to such officer the call location information, or the
3 best available location information, of a telecommuni-
4 cations device that is—

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

7 “(B) reasonably believed to be in the posses-
8 sion of an individual that the law enforcement
9 officer reasonably believes is in an emergency sit-
10 uation that involves the risk of death or serious
11 physical harm to the individual.

12 “(3) *HOLD HARMLESS.*—No cause of action shall
13 lie in any court nor shall any civil or administrative
14 proceeding be commenced by a governmental entity
15 against any provider of a covered service, or its direc-
16 tors, officers, employees, agents, or vendors, for pro-
17 viding in good faith call location information or other
18 information, facilities, or assistance in accordance
19 with paragraph (2) and any regulations promulgated
20 under such paragraph.”;

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

23 (3) in subsection (h), by adding at the end the
24 following:

1 “(8) *COVERED SERVICE*.—The term ‘covered
2 *service*’ means—

3 “(A) a commercial mobile service (as de-
4 *fin*ed in section 332); or

5 “(B) an IP-enabled voice service (as defined
6 *in* section 7 of the Wireless Communications and
7 *Public Safety Act of 1999 (47 U.S.C. 615b)*).

8 “(9) *INVESTIGATIVE OR LAW ENFORCEMENT OF-*
9 *FICER*.—The term ‘investigative or law enforcement
10 *officer*’ has the meaning given such term in section
11 *2510 of title 18, United States Code.*”.