H. R. 847

To amend the Communications Act of 1934 to require a provider of a commercial mobile service or an IP-enabled voice service to provide call location information concerning the user of such a service to law enforcement agencies in order to respond to a call for emergency services or in an emergency situation that involves risk of death or serious physical harm.

IN THE HOUSE OF REPRESENTATIVES

March 1, 2011

Ms. Jenkins (for herself, Mr. Pompeo, Mr. Yoder, Mr. Schiff, Mr. Roskam, Mr. Huelskamp, Mr. Tiberi, Mrs. Capito, and Mr. Platts) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

A BILL

To amend the Communications Act of 1934 to require a provider of a commercial mobile service or an IP-enabled voice service to provide call location information concerning the user of such a service to law enforcement agencies in order to respond to a call for emergency services or in an emergency situation that involves risk of death or serious physical harm.

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

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

SEC. 2. REQUIRED DISCLOSURE OF CALL INFORMATION LOCATION.

Title II of the Communications Act of 1934 (47 U.S.C. 201) is amended by inserting after section 222 the following new section:

“SEC. 222A. REQUIRED DISCLOSURE OF CALL LOCATION INFORMATION.

“(a) In General.—Notwithstanding section 222, at the request of a law enforcement agency, a telecommunications carrier shall provide call location information concerning the user of a commercial mobile service (as such term is defined in section 332(d)) or the telecommunications device of the user of an IP-enabled voice service (as such term is defined in section 7 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615b)) to a law enforcement official, in order to respond to the user’s call for emergency services or to respond to an emergency situation that involves the risk of death or serious physical harm.

“(b) Hold Harmless.—No cause of action shall lie in any court against any provider of a commercial mobile service or an IP-enabled voice service, its officers, employees, or agents for providing call location information under subsection (a) while acting in good faith and in accordance
with this section and any regulations promulgated pursuant to this section.

“(c) DEFINITIONS.—For the purpose of this section, the terms ‘customary proprietary network information’, ‘public safety answering point’, and ‘emergency services’ have the meanings for such terms as defined in section 222.”.

SEC. 3. TRAINING LAW ENFORCEMENT TO USE CALL LOCATION INFORMATION.

(a) PROGRAM.—Not later than 6 months after the date of the enactment of this Act, the Attorney General under the Byrne Law Enforcement Grant Program and administered by the Office of Justice Programs, shall provide education and training, on a periodic basis, to State and local law enforcement agencies and officials to assist such agencies and officials with—

(1) understanding the provisions of Federal law (including section 222A of the Communications Act of 1934, as added by this Act) with respect to the ability of law enforcement to request and obtain call location information of a user of a commercial mobile service from a telecommunications carrier to respond to the user’s call for emergency services or to respond to an emergency situation that involves the risk of death or serious physical harm; and
(2) developing and disseminating procedures to ensure that such agencies and officers have the necessary contact information available to promptly request and obtain call location information from telecommunications carriers in the circumstances described in paragraph (1).

(b) DEFINITIONS.—In this section—

(1) the term “commercial mobile service” has the meaning given such term in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d)); and

(2) the term “telecommunications carrier” has the meaning given such term in section 3 of such Act (47 U.S.C. 153).