

111TH CONGRESS
1ST SESSION

H. R. 3682

To require telecommunications carriers to provide call location information to law enforcement agencies in emergency situations, to authorize education and training for State and local law enforcement agencies and officers with respect to the collection and use of call location information for emergency situations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 30, 2009

Mr. MOORE of Kansas 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 require telecommunications carriers to provide call location information to law enforcement agencies in emergency situations, to authorize education and training for State and local law enforcement agencies and officers with respect to the collection and use of call location information for emergency situations, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Kelsey Smith Act of
3 2009”.

4 **SEC. 2. DISCLOSURE OF CALL LOCATION INFORMATION.**

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

8 **“SEC. 222A. DISCLOSURE OF CALL LOCATION INFORMA-**
9 **TION REQUIRED.**

10 “(a) IN GENERAL.—Notwithstanding section 222, at
11 the request of a law enforcement agency, a telecommuni-
12 cations carrier shall promptly provide call location infor-
13 mation concerning the user of a commercial mobile service
14 (as such term is defined in section 332(d)) or the user
15 of an IP-enabled voice service (as such term is defined
16 in section 7 of the Wireless Communications and Public
17 Safety Act of 1999 (47 U.S.C. 615b)) to—

18 “(1) a public safety answering point, emergency
19 medical service provider or emergency dispatch pro-
20 vider, public safety, fire service, or law enforcement
21 official, or hospital emergency or trauma care facil-
22 ity, in order to respond to the user’s call for emer-
23 gency services or to respond to an emergency situa-
24 tion that involves the risk of death or serious phys-
25 ical harm; or

1 “(2) providers of information or database man-
2 agement services solely for purposes of assisting in
3 the delivery of emergency services in response to an
4 emergency.

5 “(b) ACCESS TO INFORMATION.—To meet the re-
6 quirements of subsection (a), a telecommunications carrier
7 may use, disclose, or permit access to customer propri-
8 etary network information obtained from its customers, ei-
9 ther directly or indirectly through its agents.

10 “(c) DEFINITIONS.—For the purpose of this section,
11 the terms ‘customer proprietary network information’,
12 ‘public safety answering point’, and ‘emergency services’
13 have the meanings given such terms in section 222.”.

14 **SEC. 3. TRAINING LAW ENFORCEMENT TO USE CALL LOCA-**
15 **TION INFORMATION.**

16 (a) PROGRAM.—Not later than 6 months after the
17 date of the enactment of this Act, the Attorney General
18 shall establish a program, to be administered by the Office
19 of Justice Programs, to provide education and training,
20 on a periodic basis, to State and local law enforcement
21 agencies and officials to assist such agencies and officials
22 with—

23 (1) understanding the provisions of Federal law
24 (including section 222A of the Communications Act
25 of 1934, as added by this Act) with respect to the

1 ability of law enforcement to request and obtain call
2 location information of a user of a commercial mo-
3 bile service from a telecommunications carrier to re-
4 spond to the user’s call for emergency services or to
5 respond to an emergency situation that involves the
6 risk of death or serious physical harm; and

7 (2) developing and disseminating procedures to
8 ensure that such agencies and officers have the nec-
9 essary contact information available to promptly re-
10 quest and obtain call location information from tele-
11 communications carriers in the circumstances de-
12 scribed in paragraph (1).

13 (b) DEFINITIONS.—In this section—

14 (1) the term “commercial mobile service” has
15 the meaning given such term in section 332(d) of
16 the Communications Act of 1934 (47 U.S.C.
17 332(d));

18 (2) the terms “customer proprietary network
19 information”, “public safety answering point”, and
20 “emergency services” have the meanings given such
21 terms in section 222 of such Act (47 U.S.C. 222);
22 and

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

○