

1, of South Carolina. They asked me to ask him this: Instead of using this opportunity to reward Vietnam or to apologize for what he sees as past American wrongs, please, please, please, Mr. President, use this time instead to do something productive and positive and patriotic—help find our missing vets and help bring them home.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 6 minutes p.m.), the House stood in recess.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. COLLINS of New York) at 2 p.m.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

We give You thanks, merciful God, for giving us another day.

As the various Members of this people's House return, we ask Your blessing upon each as they resume the responsibilities that await them. Give each the wisdom and good judgment to give credit to the office they have been honored by their constituencies to fill.

Bless the work of all who serve in their various capacities here in the United States Capitol.

Bless as well all who visit the Capitol this day, be they American citizens or visitors or guests of our Nation. May they be inspired by this monument to the noble idea of human freedom and its guarantee by the democratic experiment that is the United States.

God, bless America, and may all that is done this day be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Michigan (Mr. KILDEE) come forward and lead the House in the Pledge of Allegiance.

Mr. KILDEE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

SHERI AND ROGER CHURCH

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, May is National Foster Care Month when we recognize the individuals who help America's children and youth who are in foster care find permanent homes and connections.

In North Carolina, it is hard to match the dedication of Boone residents Sheri and Roger Church, who recently retired as foster parents after 20 years of providing a loving home to children in need.

Since 1994, the Churches have fostered 91 children. They have been recognized on numerous occasions, locally and statewide, for outstanding service to children in foster care.

In 2003, Sheri was given the State's Caring Spirit Award. In 2014, the couple was named Watauga County's Volunteers of the Year by the local Adult Services Coalition.

The Churches have had a lasting impact on their community and on the children who were entrusted to their care. I wish them the very best in their retirement.

FAMILIES OF FLINT ACT

(Mr. KILDEE asked and was given permission to address the House for 1 minute.)

Mr. KILDEE. Mr. Speaker, the families I represent in Flint, Michigan, are still suffering from an ongoing water crisis that left their water tainted with lead and unsafe to drink.

When Americans face a humanitarian crisis, we come together to act, to provide them help. That has been our tradition. Those are our values, and, in Congress, that is our job.

For too long, the Republican-led House has not allowed a hearing, let alone a vote, on legislation that would provide that basic humanitarian relief to 100,000 people in Flint, Michigan, who still cannot drink their water, who are still suffering from the effect of lead poisoning in their water by acts of its own State government.

The Families of Flint Act, legislation that I introduced, has over 155 cosponsors. This bill at least warrants a hearing. There have been committee hearings on this question. There has been a lot of finger-pointing, a lot of argument, a lot of sympathy from Members of Congress, but no action. Congress needs to do its job.

COMMUNICATION FROM DISTRICT OFFICE MANAGER, THE HONORABLE CHAKA FATTAH, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Dolores Ridley, District Office Manager, the Honorable CHAKA FATTAH, Member of Congress:

HOUSE OF REPRESENTATIVES,

May 16, 2016.

Hon. PAUL D. RYAN,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally pursuant to Rule VIII of the Rules of the House of Representatives that I have been served with a subpoena, issued by the United States District Court for the Eastern District of Pennsylvania, for testimony in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

DOLORES RIDLEY,
District Office Manager.

COMMUNICATION FROM DIRECTOR OF APPROPRIATIONS, THE HONORABLE CHAKA FATTAH, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Michelle Anderson Lee, Director of Appropriations, the Honorable CHAKA FATTAH, Member of Congress:

HOUSE OF REPRESENTATIVES,

May 16, 2016.

Hon. PAUL D. RYAN,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally pursuant to Rule VIII of the Rules of the House of Representatives that I have been served with a subpoena, issued by the United States District Court for the Eastern District of Pennsylvania, for testimony in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

MICHELLE ANDERSON LEE,
Director of Appropriations.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 23, 2016.

Hon. PAUL D. RYAN,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 23, 2016 at 9:19 a.m.:

That the Senate passed with an amendment H.R. 2577.

With best wishes, I am
Sincerely,

KAREN L. HAAS.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules

on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

KELSEY SMITH ACT

Mr. WALDEN. Mr. Speaker, I move to suspend the rules and pass the bill (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, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H. R. 4889

Be it enacted by the Senate and House of Representatives 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 EMERGENCY DISCLOSURE OF CALL LOCATION INFORMATION TO LAW ENFORCEMENT.

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

(1) in subsection (d)—

(A) in paragraph (4), by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively;

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

(C) by striking "Nothing in this section" and inserting the following:

"(1) PERMITTED DISCLOSURES.—Nothing in this section"; and

(D) by adding at the end the following:

"(2) REQUIRED EMERGENCY DISCLOSURE OF CALL LOCATION INFORMATION TO LAW ENFORCEMENT.—Notwithstanding subsections (a), (b), and (c), at the request of an investigative or law enforcement officer, a provider of a covered service shall provide to such officer the call location information, or the best available location information, of a telecommunications device that is—

"(A) used to place a 9-1-1 call requesting emergency assistance; or

"(B) reasonably believed to be in the possession of an individual that the law enforcement officer reasonably believes is in an emergency situation that involves the risk of death or serious physical harm to the individual.

"(3) HOLD HARMLESS.—No cause of action shall lie in any court nor shall any civil or administrative proceeding be commenced by a governmental entity against any provider of a covered service, or its directors, officers, employees, agents, or vendors, for providing in good faith call location information or other information, facilities, or assistance in accordance with paragraph (2) and any regulations promulgated under such paragraph.";

(2) in subsection (f)(1), by striking "subsection (d)(4)" and inserting "subsection (d)(1)(D)"; and

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

"(6) COVERED SERVICE.—The term 'covered service' means—

"(A) a commercial mobile service (as defined in section 332); or

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

"(9) INVESTIGATIVE OR LAW ENFORCEMENT OFFICER.—The term 'investigative or law enforcement officer' has the meaning given such term in section 2510 of title 18, United States Code.";

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentleman from Maryland (Mr. SARBANES) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon.

GENERAL LEAVE

Mr. WALDEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert extraneous materials in the RECORD on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. WALDEN. Mr. Speaker, I yield myself such time as I may consume.

Imagine that your child is missing. You know that she was abducted from a parking lot, but you don't know where she is now or how to find her. Grasping for any possible lead, you ask her cell phone carrier to provide the location—and just the location—of her cell phone, hoping that it will lead you to her, but you are told they don't release that information. So you wait. You rely on others to search for your child by foot and by air, never knowing if your child is alive or if your child is dead, safe, or in pain.

This nightmare came true for Missey and Greg Smith 9 years ago last week when their beloved daughter went missing outside Kansas City, Kansas. By all accounts, Kelsey Smith—pictured here—was a vibrant and joyful 18-year-old girl.

She was preparing to attend college in the fall where she planned to join in the marching band. Kelsey loved to sing. She was the third of five siblings. Tragically, her life was cut short when she was kidnapped from a Target parking lot in June of 2007 just 9 days after her high school graduation, a crime caught on the store's security cameras.

Her family and her friends spent 4 anguished days searching for her, knowing she was in danger but unable to find her. They used every method they could think of to help locate her, but the one tool that would eventually lead to finding her body was not accessible.

Kelsey's parents contacted her cell phone provider on the day she went missing and asked them to ping her cell phone in the hopes that it would assist them in their search. Despite repeated requests from the family and from law enforcement, it took 4 days before the Smiths were able to obtain the location data of Kelsey's cell phone—4 days, Mr. Speaker, nearly 100 hours of not knowing where their little girl had gone, where she had been taken, or if they would ever see her again. Yet, within 45 minutes of receiving that location data, when they finally got it, Kelsey's body was found. She was dead.

When her mother testified in front of the Subcommittee on Communications and Technology, she spoke so bravely of the agony Kelsey's family endured during that time. She described their ordeal in painful detail. What does a parent go through when a child is missing? You do not eat because you do not know if your child is eating. You do not sleep because you wonder if your child is sleeping. It is, to quote Missey, "pure hell."

Missey and Greg Smith have made it their mission to prevent this type of tragedy from ever happening again. They began facilitating safety awareness seminars for parents and for students. They also began to push for legislation to address the very problem of obtaining timely cell phone location data—only location data, that is all we are talking about here—and only during life-threatening emergencies—just life-and-death situations and only locational data.

The legislation we are considering today, which is named in honor of their daughter, is a major step toward that goal. The Kelsey Smith Act requires cell phone providers to provide law enforcement with access to device location data in an emergency situation, when a victim is in danger of death or serious harm or when the device has been used to place a 911 emergency call requesting emergency assistance.

This changes current law. You see, current law already permits carriers to provide the data, but it does not require them to. This places an unreasonable burden on wireless providers to determine what constitutes an emergency and then live with the consequences of their decisions, which they now must do in the case of Kelsey Smith.

When time is of the essence, do you want a lawyer in corporate headquarters to agonize over the legal definition of an "emergency" or do you want the law enforcement officers, who dedicate their lives to keeping us safe, to make that call? I opt for those who can save lives.

To date, versions of the Kelsey Smith Act have been adopted in 23 States, but a patchwork of laws that protect some and leave others vulnerable is not good for the companies that must comply with this law or, more importantly, for the American lives that this law can and will save.

You see, Mr. Speaker, the committee believes we need a consistent Federal law that law enforcement across the country can use. Parents shouldn't have to forum-shop for the most favorable law when their children go missing. What if it were your child?

I have heard the privacy concerns that some say have been raised by this bill. We have worked diligently to make the bill as targeted as possible to balance legitimate privacy concerns with the importance of saving lives. By limiting the circumstances in which it can be used and, most importantly, by limiting the information that is available, we can ensure that it is only used