

111TH CONGRESS
1ST SESSION

H. R. 3803

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

OCTOBER 13, 2009

Mr. TIAHRT (for himself and 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 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,*

1 **SECTION 1. SHORT TITLE.**

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

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

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. REQUIRED DISCLOSURE OF CALL LOCATION IN-**
9 **FORMATION.**

10 “(a) **IN GENERAL.**—Notwithstanding section 222, at
11 the request of a law enforcement agency, a telecommuni-
12 cations carrier shall provide call location information con-
13 cerning the user of a commercial mobile service (as such
14 term is defined in section 332(d)) or the telecommuni-
15 cations device of the user of an IP-enabled voice service
16 (as such term is defined in section 7 of the Wireless Com-
17 munications and Public Safety Act of 1999 (47 U.S.C.
18 615b)) to a law enforcement official, in order to respond
19 to the user’s call for emergency services or to respond to
20 an emergency situation that involves the risk of death or
21 serious physical harm.

22 “(b) **HOLD HARMLESS.**—No cause of action shall lie
23 in any court against any provider of a commercial mobile
24 service or an IP-enabled voice service, its officers, employ-
25 ees, or agents for providing call location information under
26 subsection (a) while acting in good faith and in accordance

1 with this section and any regulations promulgated pursu-
2 ant to this section.

3 “(c) DEFINITIONS.—For the purpose of this section,
4 the terms ‘customary proprietary network information’,
5 ‘public safety answering point’, and ‘emergency services’
6 have the meanings for such terms as defined in section
7 222.”.

8 **SEC. 3. TRAINING LAW ENFORCEMENT TO USE CALL LOCA-**
9 **TION INFORMATION.**

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

17 (1) understanding the provisions of Federal law
18 (including section 222A of the Communications Act
19 of 1934, as added by this Act) with respect to the
20 ability of law enforcement to request and obtain call
21 location information of a user of a commercial mo-
22 bile service from a telecommunications carrier to re-
23 spond to the user’s call for emergency services or to
24 respond to an emergency situation that involves the
25 risk of death or serious physical harm; and

1 (2) developing and disseminating procedures to
2 ensure that such agencies and officers have the nec-
3 essary contact information available to promptly re-
4 quest and obtain call location information from tele-
5 communications carriers in the circumstances de-
6 scribed in paragraph (1).

7 (b) DEFINITIONS.—In this section—

8 (1) the term “commercial mobile service” has
9 the meaning given such term in section 332(d) of
10 the Communications Act of 1934 (47 U.S.C.
11 332(d)); and

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

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