

# Union Calendar No. 560

113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 1575

**[Report No. 113-729, Part I]**

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.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 15, 2013

Mr. YODER (for himself, Mr. POMPEO, Ms. JENKINS, and Mr. CLEAVER) introduced the following bill; which was referred to the Committee on Energy and Commerce

JANUARY 2, 2015

Reported with amendments and referred to the Committee on the Judiciary for a period ending not later than January 2, 2015, for consideration of such provisions of the bill and amendments as fall within the jurisdiction of that committee pursuant to clause 1(l) of rule X

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

JANUARY 2, 2015

The Committee on the Judiciary discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on April 15, 2013]

# **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,*

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.**

7       *(a) IN GENERAL.—Title II of the Communications Act*  
8 *of 1934 (47 U.S.C. 201 et seq.) is amended by inserting*  
9 *after section 222 the following:*

10 **“SEC. 222A. REQUIRED EMERGENCY DISCLOSURE OF CALL**  
11 **LOCATION INFORMATION.**

12       *“(a) IN GENERAL.—Notwithstanding section 222, at*  
13 *the request of an investigative or law enforcement officer*  
14 *in accordance with this section, a provider of a covered serv-*  
15 *ice shall provide call location information concerning the*  
16 *telecommunications device of a user of such service to such*  
17 *officer.*

18       *“(b) FORM OF REQUEST.—A request to a provider of*  
19 *a covered service by an investigative or law enforcement of-*  
20 *ficer for call location information under subsection (a) shall*  
21 *be accompanied by a sworn written statement from such*  
22 *officer stating facts that support such officer’s probable*  
23 *cause to believe that disclosure without delay is required—*

24               *“(1) by an emergency involving risk of death or*  
25       *serious physical injury; or*

1           “(2) *in order to respond to the user’s call for*  
2           *emergency services.*

3           “(c) *HOLD HARMLESS.—No cause of action shall lie*  
4           *in any court nor shall any civil or administrative pro-*  
5           *ceeding be commenced by a governmental entity against*  
6           *any telecommunications carrier, or its directors, officers,*  
7           *employees, agents, or vendors, for providing in good faith*  
8           *call location information or other information, facilities, or*  
9           *assistance in accordance with subsection (a) and any regu-*  
10          *lations promulgated under this section.*

11          “(d) *COURT ORDER.—Not later than 48 hours after*  
12          *an investigative or law enforcement officer makes a request*  
13          *for call location information under subsection (a), the law*  
14          *enforcement agency of such officer shall request a court*  
15          *order stating whether such officer had probable cause to be-*  
16          *lieve that the conditions described in subsection (b)(1) or*  
17          *subsection (b)(2) existed at the time of the request under*  
18          *subsection (a).*

19          “(e) *DEFINITIONS.—In this section:*

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

22                          “(A) *a commercial mobile service (as de-*  
23                          *finied in section 332); or*

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

4                   “(2) *EMERGENCY SERVICES*.—The term ‘emer-  
5                   gency services’ has the meaning given such term in  
6                   section 222.

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

11                  “(b) *REGULATIONS*.—Not later than 180 days after the  
12                  date of the enactment of this Act, the Federal Communica-  
13                  tions Commission shall, after public notice and comment,  
14                  adopt regulations to implement section 222A(a) of the Com-  
15                  munications Act of 1934, as added by subsection (a).

Amend the title so as to read: “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.”.

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