

AMENDMENT TO H.R. 4889
OFFERED BY MR. PALLONE

Strike section 2 and insert the following:

1 **SEC. 2. REQUIRED EMERGENCY DISCLOSURE OF CALL LO-**
2 **CATION INFORMATION.**

3 (a) IN GENERAL.—Title II of the Communications
4 Act of 1934 (47 U.S.C. 201 et seq.) is amended by insert-
5 ing after section 222 the following:

6 **“SEC. 222A. REQUIRED EMERGENCY DISCLOSURE OF CALL**
7 **LOCATION INFORMATION.**

8 “(a) IN GENERAL.—Notwithstanding section 222, at
9 the request of an investigative or law enforcement officer
10 in accordance with this section, a provider of a covered
11 service shall provide call location information concerning
12 the telecommunications device of a user of such service
13 to such officer.

14 “(b) FORM OF REQUEST.—A request to a provider
15 of a covered service by an investigative or law enforcement
16 officer for call location information under subsection (a)
17 shall be accompanied by a sworn written statement from
18 such officer stating facts that support such officer’s prob-
19 able cause to believe that disclosure without delay is re-
20 quired—

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

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

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

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

21 “(e) NON-PREEMPTION.—Nothing in this section
22 shall be construed to preempt any State law regarding the
23 ability of law enforcement officers to obtain call location
24 information from a provider of a covered service in an
25 emergency situation.

1 “(f) DEFINITIONS.—In this section:

2 “(1) COVERED SERVICE.—The term ‘covered
3 service’ means—

4 “(A) a commercial mobile service (as de-
5 fined in section 332); or

6 “(B) an IP-enabled voice service (as de-
7 fined in section 7 of the Wireless Communica-
8 tions and Public Safety Act of 1999 (47 U.S.C.
9 615b)).

10 “(2) EMERGENCY SERVICES.—The term ‘emer-
11 gency services’ has the meaning given such term in
12 section 222.

13 “(3) INVESTIGATIVE OR LAW ENFORCEMENT
14 OFFICER.—The term ‘investigative or law enforce-
15 ment officer’ has the meaning given such term in
16 section 2510 of title 18, United States Code.”.

17 (b) REGULATIONS.—Not later than 180 days after
18 the date of enactment of this Act, the Federal Commu-
19 nications Commission shall, after public notice and com-
20 ment, adopt regulations to implement section 222A(a) of
21 the Communications Act of 1934, as added by subsection
22 (a).

