To promote and enhance public safety through use of 9-1-1 as the universal emergency assistance number, further deployment of wireless 9-1-1 service, support of States in upgrading 9-1-1 capabilities and related functions, encouragement of construction and operation of seamless, ubiquitous and reliable networks for personal wireless services, and ensuring access to Federal Government property for such networks, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 12, 1998

Mr. Tauzin (for himself, Mr. Manton, Mr. Stearns, Mr. Pallone, Mr. Klug, Mr. Gordon, Mr. Greenwood, Mr. Sawyer, Mr. Crapo, Mr. Green, Mr. Deal of Georgia, Mr. Rogan, Mr. Shimkus, and Mr. Pickering) introduced the following bill; which was referred to the Committee on Commerce

A BILL

To promote and enhance public safety through use of 9-1-1 as the universal emergency assistance number, further deployment of wireless 9-1-1 service, support of States in upgrading 9-1-1 capabilities and related functions, encouragement of construction and operation of seamless, ubiquitous and reliable networks for personal wireless services, and ensuring access to Federal Government property for such networks, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Wireless Communications and Public Safety Act of 1998".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Findings, purpose, and construction.
Sec. 3. Universal emergency telephone number.
Sec. 4. Wireless Communications and Public Safety Fund.
Sec. 5. Assistance to States.
Sec. 6. Research and development on crash information systems.
Sec. 7. Emergency services support from use of Federal property.
Sec. 8. Consultation.
Sec. 9. Parity of protection for provision or use of wireless 9-1-1 service.
Sec. 10. Definitions.
Sec. 11. Authorizations of appropriations and disposition of fees.
Sec. 12. Severability.

SEC. 2. FINDINGS, PURPOSE, AND CONSTRUCTION.

(a) FINDINGS.—The Congress finds that—

(1) the establishment and maintenance of an end-to-end communications infrastructure among members of the public, emergency safety, fire service and law enforcement officials, and hospital emergency and trauma care facilities will reduce response times for the delivery of emergency care, and thereby prevent fatalities, substantially reduce the severity and extent of injuries, reduce time lost from work, and save thousands of lives and billions of dollars in health care costs;

(2) the rapid, efficient deployment of emergency telecommunications service requires statewide coordination of the efforts of local public safety, fire serv-
ice and law enforcement officials, the establishment of a source of adequate funding for carrier and public safety, fire service and law enforcement agency technology development and deployment, and the designation of 9-1-1 as the number to call in emergencies throughout the Nation;

(3) emerging technologies such as automatic crash notification systems can be a critical component of the end-to-end communications infrastructure among emergency medical service providers and emergency dispatch providers, public safety, fire service and law enforcement officials, and hospital emergency and trauma care facilities, to reduce emergency response times;

(4) improved public safety remains an important public health objective of Federal, State, and local governments and substantially facilitates interstate and foreign commerce;

(5) the benefits of wireless communications in emergencies will be enhanced by—

(A) the establishment of a program to improve safety through grants to States to develop integrated enhanced wireless 9-1-1 services and to support State programs to address risks to the safety of members of the public from

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driving under the influence of alcohol or illegal
drugs, driving aggressively, or other driving be-
havior that poses a risk to such safety; and

(B) investments in research on and devel-

opment of automatic crash notification and re-
lated matters;

(6) emergency care systems, particularly in
rural areas of the Nation, will improve with the ena-
bling of prompt notification of emergency services
when motor vehicle crashes occur; and

(7) the construction and operation of seamless,
ubiquitous, and reliable wireless telecommunications
systems promote public safety and provide imme-
diate and critical communications links among mem-
ers of the public, emergency medical service provid-
ers and emergency dispatch providers, public safety,
fire service and law enforcement officials, and hos-
pital emergency and trauma care facilities.

(b) PURPOSE.—The purpose of this Act is to encour-
age and facilitate the prompt deployment throughout the
United States of a seamless, ubiquitous, and reliable end-
to-end infrastructure for communications, including wire-
less communications, to meet the Nation's public safety
and other communications needs.
(e) Rule of Construction.—This Act, and the amendments made by this Act, shall be construed to facilitate achievement of the purpose of this Act.

(d) Use of Existing Authority Consistent with Purpose of Act.—The Federal Communications Commission shall exercise its authority under statutes other than this Act in a manner that facilitates achievement of the purpose of this Act.

SEC. 3. Universal Emergency Telephone Number.

(a) Designation of Universal Emergency Number.—The number 9-1-1 is hereby designated as the universal emergency telephone number within the United States for reporting an emergency to appropriate authorities and requesting assistance.

(b) Federal Agency Use of Universal Emergency Number.—Any department, agency, officer, or instrumentality of the United States that establishes or operates a communications system that is available in whole or in part to members of the public in the United States for use in reporting emergencies shall use such authority as may be available to such department, agency, officer, or instrumentality pursuant to laws other than this Act to ensure that the communications system—

(1) accommodates the number 9-1-1;
(2) uses the number 9–1–1 for the reporting of
emergencies by members of the public; and
(3) does not designate in communications to the
public any number other than 9–1–1 for the report-
ing of emergencies by members of the public.

SEC. 4. WIRELESS COMMUNICATIONS AND PUBLIC SAFETY
FUND.

(a) ESTABLISHMENT OF THE WICAPS FUND.—
There is hereby established in the Treasury a fund to be
known as the Wireless Communications and Public Safety
Fund (hereinafter in this Act referred to as the “WICAPS
Fund”).

(b) ADMINISTRATION OF THE WICAPS FUND.—The
Administrator of the National Highway Traffic Safety Ad-
ministration (hereinafter in this Act referred to as the
“Administrator”) shall administer the WICAPS Fund in
accordance with this Act.

(e) INVESTMENT AND RETENTION OF EARNINGS.—
(1) The Administrator, with the approval of the
Secretary of the Treasury, may invest in accordance
with otherwise applicable law any moneys in the
WICAPS Fund.
(2) Any earnings from investments made under
paragraph (1) shall accrue to the WICAPS Fund.
SEC. 5. ASSISTANCE TO STATES.

(a) POPULATION-BASED MATCHING GRANTS TO IMPLEMENT STATE PLANS.—

(1) The Administrator shall, not later than 90 days after the Governor of a State or the Governor’s designee submits to the Administrator a plan described in paragraph (2), make a grant in the amount and available for the time specified in paragraph (3) to the State to be used for the purposes set forth in paragraph (4), except as provided by paragraph (5).

(2) The plan to which paragraph (1) refers shall—

(A) contain a certification by the Governor or the Governor’s designee that the State—

(i) has designated 9–1–1 as a universal emergency telephone number in such State for reporting an emergency to appropriate authorities and requesting assistance;

(ii) has in place policies to encourage members of the public to report significant risks to the safety of members of the traveling public, such as incidents of driving under the influence of alcohol or illegal drugs, driving aggressively, or other driv-
ing behavior that poses a risk to such safety;

(iii) makes significant efforts to minimize, such as through youth and adult driver education, driving behavior that poses a risk to the safety of members of the public;

(iv) will use funds, other than funds provided by the Federal Government or funds raised by a tax or surcharge on wireless carriers or subscribers, in a specified dollar amount for the purposes set forth in paragraph (4) during a specified period;

and

(v) consulted in the development of the plan to which paragraph (1) refers, and will consult in the implementation of the plan, officials of the State and of political subdivisions of the State, the telecommunications industry (specifically including the cellular and other wireless telecommunications elements of the industry), emergency medical service providers and emergency dispatch providers, public safety, fire service and law enforcement offi-
eials, and hospital emergency and trauma
care personnel (including emergency physi-
cians, trauma surgeons, and nurses);

(B) provide for coordination on a statewide
basis, through a single focal point designated by
the Governor of the State, of deployment and
functioning of a comprehensive end-to-end
emergency communications system, including
enhanced wireless 9-1-1 service;

(C) contain a description of the mecha-

nisms used in the State for wireless carrier re-
covery of costs related to the provision of auto-
matic numbering identification and call location
services in response to a request from a PSAP;

(D) describe the activities to be undertaken
with the grant to achieve the purposes set forth
in paragraph (4); and

(E) provide such uniform assurances as
the Administrator may require that the grant
funds will be used to implement the plan con-
sistent with the provisions of this Act.

(3) The amount of a grant to a State under
paragraph (1) for any fiscal year—

(A) shall be the lesser of—
(i) the amount that bears the same proportion to the amount that is \( \frac{2}{3} \) of the total amount of funds appropriated to carry out this section for such fiscal year as the proportion of the population of the State to the population of the United States in the most recent decennial census of the United States; or

(ii) 3 times the amount of funds set forth in the certification under paragraph (2)(A)(iv); and

(B) shall not be obligated by the State (or an entity under subsection (e)(2) as the case may be) after the end of the period set forth in the certification under paragraph (2)(A)(iv).

(4) The purposes to which paragraph (1) refers are—

(A) payment of nonrecurring costs associated with acquisition, upgrade, or modification of equipment to be used by units of States or of political subdivisions thereof (including PSAP's) for receipt of enhanced wireless 9–1–1 service information;

(B) payment of nonrecurring costs incurred by nongovernmental entities in providing
enhanced wireless 9–1–1 service or in acquiring
the capability to provide such service; and

(C) implementation of other emergency
prevention, educational, or pre-hospital emer-
gency programs and investments which will uti-
lize or make effective the end-to-end system en-
visioned by this Act.

(5) The Administrator shall not make a grant
under paragraph (1) if funds are not available from
the WICAPS Fund to make the grant.

(b) RURAL ASSISTANCE GRANTS TO STATES.—

(1) The Administrator may, after the Governor
of a State or the Governor’s designee submits to the
Administrator a plan described in paragraph (2),
make a grant in the amount and available for the
time specified in paragraph (3) to the State to be
used for the purposes set forth in paragraph (4),
subject to paragraph (5), to assist in ensuring the
achievement of the purpose of this Act in rural areas
of the United States.

(2) The plan to which paragraph (1) refers is
a plan meeting the description set forth in sub-
section (a)(2) (excluding subsection (a)(2)(A)(iv)).

(3) The amount of the grant to which para-
graph (1) refers shall be such amount as the Admin-
istrator deems appropriate to assist in ensuring the achievement of the purpose of this Act in rural areas of the State.

(4) The purposes to which paragraph (1) refers are the purposes set forth in subsection (a)(4).

(5) The Administrator shall not make a grant under paragraph (1) if funds are not available from the WICAPS Fund to make the grant.

(6) A grant made to a State pursuant to this subsection is in addition to any grant made to that State pursuant to subsection (a).

(c) MECHANISMS FOR DISBURSEMENT OF GRANT FUNDS.—A State that receives a grant under this section may disburse the grant funds—

(1) directly; or

(2) through governmental entities of that State, political subdivisions of that State or entities there-of, or nongovernmental entities, that are associated with an emergency communications system if—

(A) the system with which the entity or subdivision is associated uses the number 9-1-1 as a universal emergency telephone number; or

(B) a purpose of the disbursements is to enable such system to use the number
9–1–1 as a universal emergency telephone number.

(d) NOTIFICATION TO GOVERNORS.—Not later than 15 days after the date of enactment of this Act, the Administrator shall notify the Governors of the States in writing of the enactment of the Act and shall furnish a copy of this Act with the notification.

SEC. 6. RESEARCH AND DEVELOPMENT ON CRASH INFORMATION SYSTEMS.

(a) Not later than 90 days after the date of enactment of this Act, the Administrator shall establish a program to fund from the WICAPS Fund, as provided in Section 11, investments in research and development of—

(1) an end-to-end automatic crash notification system that, in the event of a crash of a motor vehicle, would automatically use a wireless telephone in that vehicle to transmit information about the crash to the appropriate emergency personnel; and

(2) a uniform wireless telephone interface in motor vehicles that permits—

(A) the transmission of crash data; and

(B) voice-activated, hands-free use of all models of wireless telephones.
(b)(1) The investments for which subsection (a)(1) provides shall include investments administered by trauma centers for the purpose of—

(A) using automatic crash notification systems;

(B) establishing decision protocols for the use of data obtained from such systems and training emergency personnel in the use of such data;

(C) establishing standardized, robust methods to assess the added value of an end-to-end automatic crash notification system and to identify early the changing epidemiology of motor vehicle crashes; and

(D) developing models for incorporating the use of such data into emergency systems throughout the United States.

(2) The trauma centers for which paragraph (1) provides shall reflect a cross section of the geographic diversity, population characteristics, and climatic features of the United States.

SEC. 7. EMERGENCY SERVICES SUPPORT FROM USE OF FEDERAL PROPERTY.

Title VII of the Communications Act of 1934 is amended by adding after section 714 (47 U.S.C. 614) the following new section:
"SEC. 715. USE OF FEDERAL PROPERTY TO PROVIDE WIRELESS SERVICES.

“(a) POLICY.—It is the policy of the United States to encourage rapid construction and expansion of the wireless communications infrastructure in the United States and, to that end, to make the real property of the United States Government available to the maximum extent practicable for the siting of facilities that are part of that infrastructure.

“(b) AVAILABILITY OF FEDERAL PROPERTY.—Not later than 60 days after a department, agency, officer, or instrumentality of the United States with control of real property (including rights-of-way and easements) owned by the United States receives a request containing the information set forth in subsection (c) from a provider of personal wireless services for access to and use of such real property for siting of facilities used in providing such services, the department, agency, officer, or instrumentality shall make that real property available, on a fair, reasonable, and nondiscriminatory basis and at not more than a reasonable fee (which shall in no event exceed fair market value), to the provider for that purpose, unless and to the extent that the head of the department, agency, officer, or instrumentality determines, on the record after an opportunity for an agency hearing, and notifies the provider prior to the expiration of that 60-day period that

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making such real property available will present an un-
avoidable direct conflict with—

"(1) the mission of the department, agency, of-
fer, or instrumentality; or

"(2) the current use of the real property or the
use of the real property that was planned at the
time of the request.

"(c) INFORMATION REQUIRED IN REQUEST FOR AC-
CESS TO AND USE OF FEDERAL PROPERTY.—A request
by a provider of personal wireless services under sub-
section (b) shall contain the following information:

"(1) The name, address and telephone number
of the provider and the provider’s authorized or legal
representative for the request.

"(2) Site-specific identification of the real prop-
erty to which access is requested, such as a specific
building name and address or site latitude and lon-
gitude.

"(3) The type and size of antenna installation
and support required for the provider’s proposed
wireless site, including access to the site, utility re-
quirements, acreage of land, or foot-pound capacity
for rooftops, and any special site modification re-
quirements.
“(4) A summary of antenna specifications, including frequencies.

“(5) The term of the requirement for use of the real property.

“(6) The terms of removal of the equipment and structures or property restoration.

“(7) A description of any project or larger antenna program to which the site relates.

“(8) A description of methods of achieving compliance with any applicable environmental or historic preservation statutes.

“(d) JUDICIAL REVIEW.—A provider of personal wireless services adversely affected by a final action or failure to act by a department, agency, officer, or instrumentality concerning a request under subsection (b) (including any decision relating to a fair, reasonable, and nondiscriminatory basis for access and use or what constitutes a reasonable fee) may obtain judicial review of the action or failure to act in accordance with the provisions of chapter 7 of title 5 of the United States Code, except that the burden shall be on the department, agency, officer, or instrumentality to sustain its action.

“(e) REGULATORY COMPLIANCE.—A request under subsection (b) and the access to and use of real property pursuant to subsection (b) shall be subject to environ-
mental processing only under subpart I of part 1 of title 47 of the Code of Federal Regulations.”.

SEC. 8. CONSULTATION.

(a) Not later than 90 days after the date of enactment of this Act, the Administrator of the National Highway Traffic Safety Administration and the Federal Communications Commission, acting jointly, shall establish a Wireless Emergency Services Advisory Group to advise the Administrator and the Commission on implementation of this Act and achievement of the purpose of this Act and to make the reports to Congress required by subsection (d).

(b) The Group to which subsection (a) refers shall include representatives of appropriate Federal agencies, States, political subdivisions of States, the telecommunications industry (specifically including the cellular and other wireless telecommunications elements of the industry), emergency medical service providers and emergency dispatch providers, public safety, fire service and law enforcement officials, hospital emergency and trauma care personnel (including emergency physicians, trauma surgeons, and nurses), and the public.

(e) The Group to which subsection (a) refers shall not be deemed to be an advisory committee as defined in
Section 3 of the Federal Advisory Committee Act (5 U.S.C. App. 3).

(d) The Group to which subsection (a) refers shall report to the Senate and the House of Representatives, not later than one year after the date of enactment of this Act, and annually thereafter, presenting its views on matters relating to implementation of this Act and achievement of the purpose of this Act.

SEC. 9. PARITY OF PROTECTION FOR PROVISION OR USE OF WIRELESS 9-1-1 SERVICE.

(a) PROVIDER PARITY.—A wireless carrier, and its officers, directors, employees, vendors, and agents, shall have immunity or other protection from liability of a scope and extent that is not less than the scope and extent of immunity or other protection from liability that a local exchange company, and its officers, directors, employees, vendors, or agents, have under applicable law, including in connection with an act or omission involving—

(1) development, design, installation, operation, maintenance, performance, or provision of telecommunications service (including wireless 9–1–1 service);

(2) transmission errors, failures, network outages, or other technical difficulties that may arise in the course of handling emergency calls or providing
emergency services (including wireless 9-1-1 service); or

(3) release to a PSAP, emergency medical service provider or emergency dispatch provider, public safety, fire service or law enforcement official, or hospital emergency or trauma care facility of subscriber information related to emergency calls or emergency services involving use of wireless services.

(b) USER PARITY.—A person using wireless 9-1-1 service shall have immunity or other protection from liability of a scope and extent that is not less than the scope and extent of immunity or other protection from liability under applicable law in similar circumstances of a person using 9-1-1 service that is not wireless.

(c) BASIS FOR ENACTMENT.—This section is enacted as an exercise of the enforcement power of the Congress under section 5 of the fourteenth amendment and the power of the Congress to regulate commerce with foreign nations, among the several States, and with Indian tribes.

SEC. 10. DEFINITIONS.

As used in this Act:

(1) The term “instrumentality of the United States” includes any independent establishment of the United States.
(2) The term "personal wireless services" has the meaning specified for that term in section 332(c)(7)(C) of the Communications Act of 1934 (47 U.S.C. 332(c)(7)(C)).

(3) The term "public safety answering point" or "PSAP" means a facility that has been designated to receive 9-1-1 calls and route them to emergency service personnel.

(4) The term "State" means any of the several States, the District of Columbia, or any territory or possession of the United States.

(5) The term "wireless carrier" means a provider of commercial mobile services or any other radio communications service that the Federal Communications Commission requires to provide wireless 9-1-1 service.

(6) The term "enhanced wireless 9-1-1 service" means any enhanced 9-1-1 service so designated by the Federal Communications Commission in the proceeding entitled "Revision of the Commission's Rules to Ensure Compatibility with Enhanced 9-1-1 Emergency Calling Systems" (CC Docket No. 94-102; RM-8143), or any successor proceeding.
(7) The term "wireless 9-1-1 service" means any 9-1-1 service provided by a wireless carrier, including enhanced wireless 9-1-1 service.

(8) The term "nongovernmental entity" means a person as defined in Section 3 of the Communications Act of 1934 (47 U.S.C. 153) that is not a department, agency, instrumentality or officer of the United States, a State, or a political subdivision of a State.

SEC. 11. AUTHORIZATIONS OF APPROPRIATIONS AND DISPOSITION OF FEES.

(a) Authorization of Appropriations for Administration of the Act.—There are authorized to be appropriated in any fiscal year to the National Highway Traffic Safety Administration such sums as may be necessary to carry out the duties under this Act (other than the duties for which subsections (b) and (e) authorize appropriations) of the Administrator of the National Highway Traffic Safety Administration, and such sums may be derived by transfer from the WICAPS Fund to the extent provided in appropriations Acts.

(b) Authorization of Appropriations From the WICAPS Fund for Making Grants.—(1) There are authorized to be appropriated in any fiscal year from the
WICAPS Fund, for the purpose of making grants under section 5, such sums as the WICAPS fund may contain.

(2) In any fiscal year, not more than \( \frac{1}{3} \) of the funds appropriated pursuant to an authorization of appropriations in this subsection may be obligated for grants pursuant to section 5(b).

(c) Authorization of Appropriations From the WICAPS Fund for Making Research and Development Investments.—

(1) Subject to paragraph (2), there is authorized to be appropriated in any fiscal year from the WICAPS Fund, for the purpose of making investments under section 6, an amount equal to 25 percent of the amount appropriated for that fiscal year pursuant to the authorization of appropriations in subsection (b)(1).

(2) No funds are authorized to be appropriated in any fiscal year that, if appropriated, would cause the total of funds appropriated for purposes of making investments under section 6 to exceed $60,000,000.

(d) Authorization of Appropriations to the WICAPS Fund.—There are authorized to be appropriated to the WICAPS Fund in any fiscal year such sums as may be necessary to carry out this Act.
(c) **Fiscal Year Availability.**—Funds made available pursuant to an authorization of appropriations contained in this Act shall be available without fiscal year limitation to the extent provided in appropriations Acts.

(f) **Disposition of Fees.**—

(1) Subject to paragraph (4), a department, agency, officer or instrumentality of the United States receiving funds which are the reasonable fees to which section 715(b) of the Communications Act of 1934 (as added by section 7) refers—

   (A) may, without regard to section 3302 of title 31 of the United States Code and consistent with such instructions as the Director of the Office of Management and Budget may issue, credit to the appropriations accounts identified in paragraph (2) not to exceed the amount set forth in paragraph (3); and

   (B) shall remit to the Treasury for deposit in the WICAPS Fund established by section 4 such sums received as reasonable fees as are not credited in accordance with subparagraph (A).

(2) The appropriations accounts to which paragraph (1)(A) refers are the appropriations accounts the appropriated funds of which the department,
agency, officer, or instrumentality would use at the time the crediting occurs to process requests for access to and use of real property for siting of facilities used in providing personal wireless services.

(3) The amount to which paragraph (1)(A) refers is the amount the department, agency, officer, or instrumentality has obligated after the date of enactment of this Act to process requests for access to and use of real property for siting of facilities used in providing personal wireless services.

(4) Nothing in this subsection shall impair or affect the authority under a statute other than this Act of a department, agency, officer, or instrumentality to receive and use funds that are not appropriated funds.

SEC. 12. SEVERABILITY.

If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.