

Union Calendar No. 15

106TH CONGRESS
1ST SESSION

H. R. 438

[Report No. 106-25]

To promote and enhance public safety through use of 911 as the universal emergency assistance number, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 2, 1999

Mr. SHIMKUS (for himself and Mr. TAUZIN) introduced the following bill;
which was referred to the Committee on Commerce

FEBRUARY 23, 1999

Additional sponsors: Mr. SAWYER, Ms. ESHOO, Mr. DEAL of Georgia, Mr. BLUNT, and Mrs. WILSON

FEBRUARY 23, 1999

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on February 2, 1999]

A BILL

To promote and enhance public safety through use of 911 as the universal emergency assistance number, and for other purposes.

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 “Wireless Communica-*
3 *tions and Public Safety Act of 1999”.*

4 **SEC. 2. FINDINGS AND PURPOSE.**

5 (a) *FINDINGS.*—*The Congress finds that—*

6 (1) *the establishment and maintenance of an*
7 *end-to-end emergency communications infrastructure*
8 *among members of the public, local public safety, fire*
9 *service, and law enforcement officials, emergency dis-*
10 *patch providers, and hospital emergency and trauma*
11 *care facilities will reduce response times for the deliv-*
12 *ery of emergency care, assist in delivering appro-*
13 *priate care, and thereby prevent fatalities, substan-*
14 *tially reduce the severity and extent of injuries, re-*
15 *duce time lost from work, and save thousands of lives*
16 *and billions of dollars in health care costs;*

17 (2) *the rapid, efficient deployment of emergency*
18 *telecommunications service requires statewide coordi-*
19 *nation of the efforts of local public safety, fire service,*
20 *and law enforcement officials, and emergency dis-*
21 *patch providers, and the designation of 911 as the*
22 *number to call in emergencies throughout the Nation;*

23 (3) *improved public safety remains an impor-*
24 *tant public health objective of Federal, State, and*
25 *local governments and substantially facilitates inter-*
26 *state and foreign commerce;*

1 (4) *the benefits of wireless communications in*
2 *emergencies will be enhanced by the development of*
3 *state-wide plans to coordinate the efforts of local pub-*
4 *lic safety, fire service, and law enforcement officials,*
5 *emergency dispatch providers, emergency medical*
6 *service providers on end-to-end emergency commu-*
7 *nications infrastructures; and*

8 (5) *the construction and operation of seamless,*
9 *ubiquitous, and reliable wireless telecommunications*
10 *systems promote public safety and provide immediate*
11 *and critical communications links among members of*
12 *the public, emergency medical service providers and*
13 *emergency dispatch providers, public safety, fire serv-*
14 *ice and law enforcement officials, and hospital emer-*
15 *gency and trauma care facilities.*

16 (b) *PURPOSE.—The purpose of this Act is to encourage*
17 *and facilitate the prompt deployment throughout the United*
18 *States of a seamless, ubiquitous, and reliable end-to-end in-*
19 *frastructure for communications, including wireless com-*
20 *munications, to meet the Nation’s public safety and other*
21 *communications needs.*

22 **SEC. 3. UNIVERSAL EMERGENCY TELEPHONE NUMBER.**

23 (a) *ESTABLISHMENT OF UNIVERSAL SERVICE EMER-*
24 *GENCY TELEPHONE NUMBER.—Section 251(e) of the Com-*

1 *munications Act of 1934 (47 U.S.C. 251(e)) is amended by*
2 *adding at the end the following new paragraph:*

3 “(3) *UNIVERSAL EMERGENCY TELEPHONE NUM-*
4 *BER.—The Commission and any agency or entity to*
5 *which the Commission has delegated authority under*
6 *this subsection shall designate 911 as the universal*
7 *emergency telephone number within the United States*
8 *for reporting an emergency to appropriate authorities*
9 *and requesting assistance. Such designation shall*
10 *apply to both wireline and wireless telephone service.*
11 *In making such designation, the Commission (and*
12 *any such agency or entity) shall provide appropriate*
13 *transition periods for areas in which 911 is not in*
14 *use as an emergency telephone number on the date of*
15 *enactment of the Wireless Communications and Pub-*
16 *lic Safety Act of 1999.”.*

17 “(b) *TECHNICAL SUPPORT.—The Federal Communica-*
18 *tions Commission shall provide technical support to States*
19 *to support and encourage the development of statewide*
20 *plans for the deployment and functioning of a comprehen-*
21 *sive end-to-end emergency communications infrastructure,*
22 *including enhanced wireless 911 service, on a coordinated*
23 *statewide basis. In supporting and encouraging such de-*
24 *ployment and functioning, the Commission shall consult*
25 *and cooperate with State and local officials responsible for*

1 *emergency services and public safety, the telecommuni-*
2 *cations industry (specifically including the cellular and*
3 *other wireless telecommunications service providers), the*
4 *motor vehicle manufacturing industry, emergency medical*
5 *service providers and emergency dispatch providers, special*
6 *911 districts, public safety, fire service and law enforcement*
7 *officials, consumer groups, and hospital emergency and*
8 *trauma care personnel (including emergency physicians,*
9 *trauma surgeons, and nurses).*

10 **SEC. 4. PARITY OF PROTECTION FOR PROVISION OR USE OF**
11 **WIRELESS SERVICE.**

12 *(a) PROVIDER PARITY.—A wireless carrier, and its of-*
13 *ficers, directors, employees, vendors, and agents, shall have*
14 *immunity or other protection from liability of a scope and*
15 *extent that is not less than the scope and extent of immunity*
16 *or other protection from liability in a particular jurisdic-*
17 *tion that a local exchange company, and its officers, direc-*
18 *tors, employees, vendors, or agents, have under Federal and*
19 *State law applicable in such jurisdiction with respect to*
20 *wireline services, including in connection with an act or*
21 *omission involving—*

22 *(1) development, design, installation, operation,*
23 *maintenance, performance, or provision of wireless*
24 *service;*

1 (2) *transmission errors, failures, network out-*
2 *ages, or other technical difficulties that may arise in*
3 *the course of transmitting or handling emergency*
4 *calls or providing emergency services (including wire-*
5 *less 911 service); and*

6 (3) *release to a PSAP, emergency medical service*
7 *provider or emergency dispatch provider, public safe-*
8 *ty, fire service or law enforcement official, or hospital*
9 *emergency or trauma care facility of subscriber infor-*
10 *mation related to emergency calls or emergency serv-*
11 *ices involving use of wireless services.*

12 (b) *USER PARITY.*—*A person using wireless 911 serv-*
13 *ice shall have immunity or other protection from liability*
14 *in a particular jurisdiction of a scope and extent that is*
15 *not less than the scope and extent of immunity or other*
16 *protection from liability under Federal or State law appli-*
17 *cable in such jurisdiction in similar circumstances of a per-*
18 *son using 911 service that is not wireless.*

19 (c) *EXCEPTION FOR STATE LEGISLATIVE ACTION.*—
20 *The immunity or other protection from liability required*
21 *by subsection (a)(1) shall not apply in any State that, prior*
22 *to the expiration of 2 years after the date of enactment of*
23 *this Act, enacts a statute that specifically refers to this sec-*
24 *tion and establishes a different standard of immunity or*
25 *other protection from liability with respect to an act or*

1 omission involving development, design, installation, oper-
 2 ation, maintenance, performance, or provision of wireless
 3 service (other than wireless 911 service). The enactment of
 4 such a State statute shall not affect the immunity or other
 5 protection from liability required by such subsection (a)(1)
 6 with respect to acts or omissions occurring before the date
 7 of enactment of such State statute.

8 **SEC. 5. AUTHORITY TO PROVIDE CUSTOMER INFORMATION.**

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

11 (1) in subsection (d)—

12 (A) by striking “or” at the end of para-
 13 graph (2);

14 (B) by striking the period at the end of
 15 paragraph (3) and inserting a semicolon;

16 (C) by adding at the end the following new
 17 paragraphs:

18 “(4) to provide call location information con-
 19 cerning the user of a commercial mobile service (as
 20 such term is defined in section 332(d))—

21 “(A) to a public safety answering point,
 22 emergency medical service provider or emergency
 23 dispatch provider, public safety, fire service, or
 24 law enforcement official, or hospital emergency

1 *or trauma care facility, in order to respond to*
 2 *the user’s call for emergency services;*

3 *“(B) to inform the user’s legal guardian or*
 4 *members of the user’s immediate family of the*
 5 *user’s location in an emergency situation that*
 6 *involves the risk of death or serious physical*
 7 *harm; or*

8 *“(C) to providers of information or data-*
 9 *base management services solely for purposes of*
 10 *assisting in the delivery of emergency services in*
 11 *response to an emergency; or*

12 *“(5) to transmit automatic crash notification in-*
 13 *formation as part of the operation of an automatic*
 14 *crash notification system.”;*

15 *(2) by redesignating subsection (f) as subsection*
 16 *(h) and by inserting before such subsection the follow-*
 17 *ing new subsections:*

18 *“(f) AUTHORITY TO USE WIRELESS LOCATION INFOR-*
 19 *MATION.—For purposes of subsection (c)(1), without the ex-*
 20 *press prior authorization of the customer, a customer shall*
 21 *not be considered to have approved the use or disclosure of*
 22 *or access to—*

23 *“(1) call location information concerning the*
 24 *user of a commercial mobile service (as such term is*

1 *defined in section 332(d)), other than in accordance*
 2 *with subsection (d)(4); or*

3 “(2) *automatic crash notification information to*
 4 *any person other than for use in the operation of an*
 5 *automatic crash notification system.*

6 “(g) *SUBSCRIBER LISTED AND UNLISTED INFORMA-*
 7 *TION FOR EMERGENCY SERVICES.—Notwithstanding sub-*
 8 *sections (b), (c), and (d), a telecommunications carrier that*
 9 *provides telephone exchange service shall provide informa-*
 10 *tion described in subsection (h)(3)(A) (including informa-*
 11 *tion pertaining to subscribers whose information is unlisted*
 12 *or unpublished) that is in its possession or control (includ-*
 13 *ing information pertaining to subscribers of other carriers)*
 14 *on a timely and unbundled basis, under nondiscriminatory*
 15 *and reasonable rates, terms, and conditions to providers of*
 16 *emergency services, and providers of emergency support*
 17 *services, solely for purposes of delivering or assisting in the*
 18 *delivery of emergency services.”;*

19 (3) *in subsection (h)(1)(A) (as redesignated by*
 20 *paragraph (2)), by inserting “location,” after “des-*
 21 *tination,”; and*

22 (4) *in such subsection (h), by adding at the end*
 23 *the following new paragraphs:*

24 “(4) *PUBLIC SAFETY ANSWERING POINT.—The*
 25 *term ‘public safety answering point’ means a facility*

1 *that has been designated to receive emergency calls*
2 *and route them to emergency service personnel.*

3 “(5) *EMERGENCY SERVICES.*—*The term ‘emer-*
4 *gency services’ means 911 emergency services and*
5 *emergency notification services.*

6 “(6) *EMERGENCY NOTIFICATION SERVICES.*—*The*
7 *term ‘emergency notification services’ means services*
8 *that notify the public of an emergency.*

9 “(7) *EMERGENCY SUPPORT SERVICES.*—*The term*
10 *‘emergency support services’ means information or*
11 *data base management services used in support of*
12 *emergency services.”.*

13 **SEC. 6. DEFINITIONS.**

14 *As used in this Act:*

15 (1) *The term “State” means any of the several*
16 *States, the District of Columbia, or any territory or*
17 *possession of the United States.*

18 (2) *The term “public safety answering point” or*
19 *“PSAP” means a facility that has been designated to*
20 *receive emergency calls and route them to emergency*
21 *service personnel.*

22 (3) *The term “wireless carrier” means a pro-*
23 *vider of commercial mobile services or any other radio*
24 *communications service that the Federal Communica-*

1 *tions Commission requires to provide wireless emer-*
2 *gency service.*

3 (4) *The term “enhanced wireless 911 service”*
4 *means any enhanced 911 service so designated by the*
5 *Federal Communications Commission in the proceed-*
6 *ing entitled “Revision of the Commission’s Rules to*
7 *Ensure Compatibility with Enhanced 911 Emergency*
8 *Calling Systems” (CC Docket No. 94–102; RM–8143),*
9 *or any successor proceeding.*

10 (5) *The term “wireless 911 service” means any*
11 *911 service provided by a wireless carrier, including*
12 *enhanced wireless 911 service.*

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