

Calendar No. 255

106TH CONGRESS
1ST Session

S. 800

[Report No. 106-138]

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 for other purposes.

AUGUST 4, 1999

Reported with amendments

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IN THE SENATE OF THE UNITED STATES

APRIL 14, 1999

Mr. BURNS (for himself, Mr. MCCAIN, Mr. DORGAN, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

AUGUST 4, 1999

Reported by Mr. MCCAIN, with amendments

[Omit the part struck through and insert the part printed in *italic*]

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 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Wireless Communica-
5 tions and Public Safety Act of 1999”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—The Congress finds that—

8 (1) the establishment and maintenance of an
9 end-to-end communications infrastructure among
10 members of the public, emergency safety, fire service
11 and law enforcement officials, emergency dispatch
12 providers, transportation officials, and hospital
13 emergency and trauma care facilities will reduce re-
14 sponse times for the delivery of emergency care, as-
15 sist in delivering appropriate care, and thereby pre-
16 vent fatalities, substantially reduce the severity and
17 extent of injuries, reduce time lost from work, and
18 save thousands of lives and billions of dollars in
19 health care costs;

20 (2) the rapid, efficient deployment of emergency
21 telecommunications service requires statewide coordi-
22 nation of the efforts of local public safety, fire serv-
23 ice and law enforcement officials, emergency dis-
24 patch providers, and transportation officials; the es-
25 tablishment of sources of adequate funding for car-

1 rier and public safety, fire service and law enforce-
2 ment agency technology development and deploy-
3 ment; the coordination and integration of emergency
4 communications with traffic control and manage-
5 ment systems and the designation of 9-1-1 as the
6 number to call in emergencies throughout the Na-
7 tion;

8 (3) emerging technologies can be a critical com-
9 ponent of the end-to-end communications infrastruc-
10 ture connecting the public with emergency medical
11 service providers and emergency dispatch providers,
12 public safety, fire service and law enforcement offi-
13 cials, and hospital emergency and trauma care facili-
14 ties, to reduce emergency response times and provide
15 appropriate care;

16 (4) improved public safety remains an impor-
17 tant public health objective of Federal, State, and
18 local governments and substantially facilitates inter-
19 state and foreign commerce;

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

24 (6) the construction and operation of seamless.
25 ubiquitous, and reliable wireless telecommunications

1 systems promote public safety and provide imme-
2 diate and critical communications links among mem-
3 bers of the public; emergency medical service pro-
4 viders and emergency dispatch providers; public
5 safety, fire service and law enforcement officials;
6 transportation officials, and hospital emergency and
7 trauma care facilities.

8 (b) PURPOSE.—The purpose of this Act is to encour-
9 age and facilitate the prompt deployment throughout the
10 United States of a seamless, ubiquitous, and reliable end-
11 to-end infrastructure for communications, including wire-
12 less communications, to meet the Nation’s public safety
13 and other communications needs.

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

15 (a) ESTABLISHMENT OF UNIVERSAL EMERGENCY
16 TELEPHONE NUMBER.—Section 251(e) of the Commu-
17 nications Act of 1934 (47 U.S.C. 251(e)) is amended by
18 adding at the end the following new paragraph:

19 “(3) UNIVERSAL EMERGENCY TELEPHONE
20 NUMBER.—The Commission and any agency or enti-
21 ty to which the Commission has delegated authority
22 under this subsection shall designate 9-1-1 as the
23 universal emergency telephone number within the
24 United States for reporting an emergency to appro-
25 priate authorities and requesting assistance. The

1 designation shall apply to both wireline and wireless
2 telephone service. In making the designation, the
3 Commission (and any such agency or entity) shall
4 provide appropriate transition periods for areas in
5 which 9-1-1 is not in use as an emergency telephone
6 number on the date of enactment of the Wireless
7 Communications and Public Safety Act of 1999.”.

8 (b) SUPPORT.—The Federal Communications Com-
9 mission shall encourage and support efforts by States to
10 deploy comprehensive end-to-end emergency communica-
11 tions infrastructure and programs, based on coordinated
12 statewide plans, including seamless, ubiquitous, reliable
13 wireless telecommunications networks and enhanced wire-
14 less 9-1-1 service. In encouraging and supporting that de-
15 ployment, the Commission shall consult and cooperate
16 with State and local officials responsible for emergency
17 services and public safety, the telecommunications indus-
18 try (specifically including the cellular and other wireless
19 telecommunications service providers), the motor vehicle
20 manufacturing industry, emergency medical service pro-
21 viders and emergency dispatch providers, transportation
22 officials, special 9-1-1 districts, public safety, fire service
23 and law enforcement officials, consumer groups, and hos-
24 pital emergency and trauma care personnel (including
25 emergency physicians, trauma surgeons, and nurses). The

1 Commission shall encourage each State to develop and im-
 2 plement coordinated statewide deployment plans, through
 3 an entity designated by the governor, and to include rep-
 4 resentatives of the foregoing organizations and entities in
 5 development and implementation of such plans. Nothing
 6 in this subsection shall be construed to authorize or re-
 7 quire the Commission to impose obligations or costs on
 8 any person.

9 **SEC. 4. PARITY OF PROTECTION FOR PROVISION OR USE**
 10 **OF WIRELESS 9-1-1 SERVICE.**

11 (a) PROVIDER PARITY.—A wireless carrier, and its
 12 officers, directors, employees, vendors, and agents, shall
 13 have immunity or other protection from liability in a State
 14 of a scope and extent that is not less than the scope and
 15 extent of immunity or other protection from liability that
 16 any local exchange company, and its officers, directors,
 17 employees, vendors, or agents, have under Federal and
 18 State law (whether through statute, judicial decision, tar-
 19 iffs filed by such local exchange company, or otherwise)
 20 applicable in such State, including in connection with an
 21 act or omission involving—

22 (1) development, design, installation, operation,
 23 maintenance, performance, or provision of tele-
 24 communications service (including 9-1-1 service);

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

5 ~~(3) release to a PSAP, emergency medical serv-~~
 6 ~~ice provider or emergency dispatch provider, public~~
 7 ~~safety, fire service or law enforcement official, or~~
 8 ~~hospital emergency or trauma care facility of sub-~~
 9 ~~scriber information related to emergency calls or~~
 10 ~~emergency services.~~

11 *involving the release to a PSAP, emergency medical service*
 12 *provider or emergency dispatch provider, public safety, fire*
 13 *service or law enforcement official, or hospital emergency*
 14 *or trauma care facility of subscriber information related*
 15 *to emergency calls or emergency services.*

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

22 (c) PSAP PARITY.—In matters related to wireless 9-
 23 1-1 communications, a PSAP, and its employees, vendors,
 24 agents, and authorizing government entity (if any) shall
 25 have immunity or other protection from liability of a scope

1 and extent that is not less than the scope and extent of
 2 immunity or other protection from liability under applica-
 3 ble law accorded to such PSAP, employees, vendors,
 4 agents, and authorizing government entity, respectively, in
 5 matters related to 9-1-1 communications that are not
 6 wireless.

7 (d) BASIS FOR ENACTMENT.—This section is enacted
 8 as an exercise of the enforcement power of the Congress
 9 under section 5 of the Fourteenth Amendment to the Con-
 10 stitution and the power of the Congress to regulate com-
 11 merce with foreign nations, among the several States, and
 12 with Indian tribes.

13 **SEC. 5. AUTHORITY TO PROVIDE CUSTOMER INFORMA-**
 14 **TION.**

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

17 (1) in subsection (d)—

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

20 (B) by striking the period at the end of
 21 paragraph (3) and inserting a semicolon *and*
 22 “*and*”; and

23 (C) by adding at the end the following:

“(4) to provide call location information concerning the user of a commercial mobile service (as such term is defined in section 332(d))—

“(A) to a public safety answering point, emergency medical service provider or emergency dispatch provider, public safety, fire service, or law enforcement official, or hospital emergency or trauma care facility, in order to respond to the user’s call for emergency services;

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

“(C) to providers of information or database management services solely for purposes of assisting in the delivery of emergency services in response to an emergency.”.

(2) by redesignating subsection (f) as subsection (h) and by inserting the following after subsection (e):

“(f) **AUTHORITY TO USE WIRELESS LOCATION INFORMATION.**—For purposes of subsection (c)(1), without the express prior authorization of the customer, a cus-

1 tomer shall not be considered to have approved the use
 2 or disclosure of or access to—

3 “(1) call location information concerning the
 4 user of a commercial mobile service (as such term is
 5 defined in section 332(d)), other than in accordance
 6 with subsection (d)(4); or

7 “(2) automatic crash notification information to
 8 any person other than for use in the operation of an
 9 automatic crash notification system.

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

23 (3) by inserting “location,” after “destination,”
 24 in subsection (h)(1)(A) (as redesignated by para-
 25 graph (2)); and

1 (4) by adding at the end of subsection (h) (as
2 redesignated), the following:

3 “(4) PUBLIC SAFETY ANSWERING POINT.—The
4 term ‘public safety answering point’ means a facility
5 that has been designated to receive emergency calls
6 and route them to emergency service personnel.

7 “(5) EMERGENCY SERVICES.—The term ‘emer-
8 gency services’ means 9-1-1 emergency services and
9 emergency notification services.

10 “(6) EMERGENCY NOTIFICATION SERVICES.—
11 The term ‘emergency notification services’ means
12 services that notify the public of an emergency.

13 “(7) EMERGENCY SUPPORT SERVICES.—The
14 term ‘emergency support services’ means informa-
15 tion or data base management services used in sup-
16 port of emergency services.”.

17 **SEC. 6. DEFINITIONS.**

18 As used in this Act:

19 (1) SECRETARY.—The term “Secretary” means
20 the Secretary of Transportation.

21 (2) STATE.—The term “State” means any of
22 the several States, the District of Columbia, or any
23 territory or possession of the United States.

24 (3) PUBLIC SAFETY ANSWERING POINT;
25 PSAP.—The term “public safety answering point”

1 or “PSAP” means a facility that has been des-
2 ignated to receive 9-1-1 calls and route them to
3 emergency service personnel.

4 (4) WIRELESS CARRIER.—The term “wireless
5 carrier” means a provider of commercial mobile
6 services or any other radio communications service
7 that the Federal Communications Commission re-
8 quires to provide wireless 9-1-1 service.

9 (5) ENHANCED WIRELESS 9-1-1 SERVICE.—The
10 term “enhanced wireless 9-1-1 service” means any
11 enhanced 9-1-1 service so designated by the Federal
12 Communications Commission in the proceeding enti-
13 tled “Revision of the Commission’s Rules to Ensure
14 Compatibility with Enhanced 9-1-1 Emergency Call-
15 ing Systems” (CC Docket No. 94-102; RM-8143), or
16 any successor proceeding.

17 (6) WIRELESS 9-1-1 SERVICE.—The term “wire-
18 less 9-1-1 service” means any 9-1-1 service provided
19 by a wireless carrier, including enhanced wireless 9-
20 1-1 service.

21 (7) EMERGENCY DISPATCH PROVIDERS.—The
22 term “emergency dispatch providers” shall include
23 governmental and non-governmental providers of
24 emergency dispatch services.