

106TH CONGRESS
1ST SESSION

S. 800

AN ACT

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”.

1 **SEC. 2. FINDINGS AND PURPOSE.**

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

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

15 (2) the rapid, efficient deployment of emergency
16 telecommunications service requires statewide coordi-
17 nation of the efforts of local public safety, fire serv-
18 ice and law enforcement officials, emergency dis-
19 patch providers, and transportation officials; the es-
20 tablishment of sources of adequate funding for car-
21 rier and public safety, fire service and law enforce-
22 ment agency technology development and deploy-
23 ment; the coordination and integration of emergency
24 communications with traffic control and manage-
25 ment systems and the designation of 9–1–1 as the

1 number to call in emergencies throughout the Na-
2 tion;

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

11 (4) improved public safety remains an impor-
12 tant public health objective of Federal, State, and
13 local governments and substantially facilitates inter-
14 state and foreign commerce;

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

19 (6) the construction and operation of seamless,
20 ubiquitous, and reliable wireless telecommunications
21 systems promote public safety and provide imme-
22 diate and critical communications links among mem-
23 bers of the public; emergency medical service pro-
24 viders and emergency dispatch providers; public
25 safety, fire service and law enforcement officials;

1 transportation officials, and hospital emergency and
2 trauma care facilities.

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

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

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

14 “(3) UNIVERSAL EMERGENCY TELEPHONE
15 NUMBER.—The Commission and any agency or enti-
16 ty to which the Commission has delegated authority
17 under this subsection shall designate 9–1–1 as the
18 universal emergency telephone number within the
19 United States for reporting an emergency to appro-
20 priate authorities and requesting assistance. The
21 designation shall apply to both wireline and wireless
22 telephone service. In making the designation, the
23 Commission (and any such agency or entity) shall
24 provide appropriate transition periods for areas in
25 which 9–1–1 is not in use as an emergency tele-

1 phone number on the date of enactment of the Wire-
2 less Communications and Public Safety Act of
3 1999.”.

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

1 development and implementation of such plans. Nothing
2 in this subsection shall be construed to authorize or re-
3 quire the Commission to impose obligations or costs on
4 any person.

5 **SEC. 4. PARITY OF PROTECTION FOR PROVISION OR USE**
6 **OF WIRELESS SERVICE.**

7 (a) PROVIDER PARITY.—A wireless carrier, and its
8 officers, directors, employees, vendors, and agents, shall
9 have immunity or other protection from liability in a State
10 of a scope and extent that is not less than the scope and
11 extent of immunity or other protection from liability that
12 any local exchange company, and its officers, directors,
13 employees, vendors, or agents, have under Federal and
14 State law (whether through statute, judicial decision, tar-
15 iffs filed by such local exchange company, or otherwise)
16 applicable in such State, including in connection with an
17 act or omission involving the release to a PSAP, emer-
18 gency medical service provider or emergency dispatch pro-
19 vider, public safety, fire service or law enforcement official,
20 or hospital emergency or trauma care facility of subscriber
21 information related to emergency calls or emergency serv-
22 ices.

23 (b) USER PARITY.—A person using wireless 9–1–1
24 service shall have immunity or other protection from liabil-
25 ity of a scope and extent that is not less than the scope

1 and extent of immunity or other protection from liability
2 under applicable law in similar circumstances of a person
3 using 9–1–1 service that is not wireless.

4 (c) PSAP PARITY.—In matters related to wireless 9–
5 1–1 communications, a PSAP, and its employees, vendors,
6 agents, and authorizing government entity (if any) shall
7 have immunity or other protection from liability of a scope
8 and extent that is not less than the scope and extent of
9 immunity or other protection from liability under applica-
10 ble law accorded to such PSAP, employees, vendors,
11 agents, and authorizing government entity, respectively, in
12 matters related to 9–1–1 communications that are not
13 wireless.

14 (d) BASIS FOR ENACTMENT.—This section is enacted
15 as an exercise of the enforcement power of the Congress
16 under section 5 of the Fourteenth Amendment to the Con-
17 stitution and the power of the Congress to regulate com-
18 merce with foreign nations, among the several States, and
19 with Indian tribes.

20 **SEC. 5. AUTHORITY TO PROVIDE CUSTOMER INFORMA-**
21 **TION.**

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

24 (1) in subsection (d)—

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

3 (B) by striking the period at the end of
4 paragraph (3) and inserting a semicolon and
5 “and”; and

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

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

10 “(A) to a public safety answering point,
11 emergency medical service provider or emer-
12 gency dispatch provider, public safety, fire serv-
13 ice, or law enforcement official, or hospital
14 emergency or trauma care facility, in order to
15 respond to the user’s call for emergency serv-
16 ices;

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

22 “(C) to providers of information or data-
23 base management services solely for purposes of
24 assisting in the delivery of emergency services
25 in response to an emergency.”.

1 (2) by redesignating subsection (f) as sub-
2 section (h) and by inserting the following after sub-
3 section (e):

4 “(f) **AUTHORITY TO USE WIRELESS LOCATION IN-**
5 **FORMATION.**—For purposes of subsection (c)(1), without
6 the express prior authorization of the customer, a cus-
7 tomer shall not be considered to have approved the use
8 or disclosure of or access to—

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

13 “(2) automatic crash notification information to
14 any person other than for use in the operation of an
15 automatic crash notification system.

16 “(g) **SUBSCRIBER LISTED AND UNLISTED INFORMA-**
17 **TION FOR EMERGENCY SERVICES.**—Notwithstanding sub-
18 sections (b), (c), and (d), a telecommunications carrier
19 that provides telephone exchange service shall provide in-
20 formation described in subsection (i)(3)(A) (including in-
21 formation pertaining to subscribers whose information is
22 unlisted or unpublished) that is in its possession or control
23 (including information pertaining to subscribers of other
24 carriers) on a timely and unbundled basis, under non-
25 discriminatory and reasonable rates, terms, and conditions

1 to providers of emergency services, and providers of emer-
2 gency support services, solely for purposes of delivering
3 or assisting in the delivery of emergency services.”;

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

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

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

13 “(5) EMERGENCY SERVICES.—The term ‘emer-
14 gency services’ means 9–1–1 emergency services and
15 emergency notification services.

16 “(6) EMERGENCY NOTIFICATION SERVICES.—
17 The term ‘emergency notification services’ means
18 services that notify the public of an emergency.

19 “(7) EMERGENCY SUPPORT SERVICES.—The
20 term ‘emergency support services’ means informa-
21 tion or data base management services used in sup-
22 port of emergency services.”.

23 **SEC. 6. DEFINITIONS.**

24 As used in this Act:

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

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

6 (3) PUBLIC SAFETY ANSWERING POINT;
7 PSAP.—The term “public safety answering point” or
8 “PSAP” means a facility that has been designated
9 to receive 9–1–1 calls and route them to emergency
10 service personnel.

11 (4) WIRELESS CARRIER.—The term “wireless
12 carrier” means a provider of commercial mobile
13 services or any other radio communications service
14 that the Federal Communications Commission re-
15 quires to provide wireless 9–1–1 service.

16 (5) ENHANCED WIRELESS 9–1–1 SERVICE.—The
17 term “enhanced wireless 9–1–1 service” means any
18 enhanced 9–1–1 service so designated by the Federal
19 Communications Commission in the proceeding enti-
20 tled “Revision of the Commission’s Rules to Ensure
21 Compatibility with Enhanced 9–1–1 Emergency
22 Calling Systems” (CC Docket No. 94–102; RM–
23 8143), or any successor proceeding.

24 (6) WIRELESS 9–1–1 SERVICE.—The term
25 “wireless 9–1–1 service” means any 9–1–1 service

1 provided by a wireless carrier, including enhanced
2 wireless 9-1-1 service.

3 (7) EMERGENCY DISPATCH PROVIDERS.—The
4 term “emergency dispatch providers” shall include
5 governmental and nongovernmental providers of
6 emergency dispatch services.

Passed the Senate August 5, 1999.

Attest:

Secretary.

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