

105TH CONGRESS  
2D SESSION

# S. 2519

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.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 24, 1998

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

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## A BILL

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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 1998”.

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 communications infrastructure among  
8 members of the public, emergency safety, fire service  
9 and law enforcement officials, and hospital emer-  
10 gency and trauma care facilities will reduce response  
11 times for the delivery of emergency care, assist in  
12 delivering appropriate care, and thereby prevent fa-  
13 talities, substantially reduce the severity and extent  
14 of injuries, reduce time lost from work, and save  
15 thousands of lives and billions of dollars in health  
16 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 serv-  
20 ice and law enforcement officials, the establishment  
21 of sources of adequate funding for carrier and public  
22 safety, fire service and law enforcement agency tech-  
23 nology development and deployment, and the des-  
24 ignation of 911 as the number to call in emergencies  
25 throughout the Nation;

1           (3) emerging technologies such as automatic  
2 crash notification systems can be a critical compo-  
3 nent of the end-to-end communications infrastruc-  
4 ture connecting the public with emergency medical  
5 service providers and emergency dispatch providers,  
6 public safety, fire service and law enforcement offi-  
7 cials, and hospital emergency and trauma care facili-  
8 ties, to reduce emergency response times and provide  
9 appropriate care;

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

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

16           (A) the establishment of a program to im-  
17 prove safety through grants to States to develop  
18 integrated enhanced wireless 911 services and  
19 to support State programs to address risks to  
20 the safety of members of the public from driv-  
21 ing under the influence of alcohol or illegal  
22 drugs, driving aggressively, or other driving be-  
23 havior that poses a risk to such safety; and

1 (B) investments in research on and devel-  
2 opment of automatic crash notification and re-  
3 lated matters;

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

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

16 (b) PURPOSE.—The purpose of this Act is to encour-  
17 age and facilitate the prompt deployment throughout the  
18 United States of a seamless, ubiquitous, and reliable end-  
19 to-end infrastructure for communications, including wire-  
20 less communications, to meet the Nation’s public safety  
21 and other communications needs.

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

23 Section 251(e) of the Communications Act of 1934  
24 (47 U.S.C. 251(e)) is amended by adding at the end the  
25 following new paragraph:

1           “(3) UNIVERSAL EMERGENCY TELEPHONE  
 2           NUMBER.—The Commission and any agency or en-  
 3           tity to which the Commission has delegated author-  
 4           ity under this subsection shall designate 911 as the  
 5           universal emergency telephone number within the  
 6           United States for reporting an emergency to appro-  
 7           priate authorities and requesting assistance. Such  
 8           designation shall apply to both wireline and wireless  
 9           telephone service. In making such designation, the  
 10          Commission (and any such agency or entity) shall  
 11          provide appropriate transition periods for areas in  
 12          which 911 is not in use as an emergency telephone  
 13          number on the date of enactment of the Wireless  
 14          Communications and Public Safety Act of 1998.”.

15 **SEC. 4. WIRELESS COMMUNICATIONS AND PUBLIC SAFETY**  
 16 **FUND.**

17          (a) ESTABLISHMENT OF THE WICAPS FUND.—  
 18          There is hereby established in the Treasury a fund to be  
 19          known as the Wireless Communications and Public Safety  
 20          Fund.

21          (b) ADMINISTRATION OF THE WICAPS FUND.—The  
 22          Secretary of the Treasury shall administer the WICAPS  
 23          Fund in accordance with this Act.

24          (c) INVESTMENT AND RETENTION OF EARNINGS.—  
 25          It shall be the duty of the Secretary of the Treasury to

1 invest such portion of the WICAPS Fund as is not, in  
 2 the Secretary of the Treasury's judgment, required to  
 3 meet current withdrawals. Such investments may be made  
 4 only in interest-bearing obligations of the United States.  
 5 The interest on, and the proceeds from the sale or redemp-  
 6 tion of, any obligations held in the WICAPS Fund shall  
 7 be credited to and form a part of the WICAPS Fund.

8 **SEC. 5. ASSISTANCE TO STATES.**

9 (a) POPULATION-BASED MATCHING GRANTS TO IM-  
 10 PLEMENT STATE PLANS.—

11 (1) IN GENERAL.—From the amounts available  
 12 under section 9(d)(1), the Secretary shall make  
 13 grants to States in accordance with the requirements  
 14 of this subsection.

15 (2) STATE PLANS.—Any State seeking to ob-  
 16 tain a grant under this subsection shall submit to  
 17 the Secretary a plan for the administration of the  
 18 grant. Such plan shall—

19 (A) contain a certification by the Governor  
 20 or the Governor's designee that the State—

21 (i) will implement the designation of  
 22 911 as a universal emergency telephone  
 23 number in such State for reporting an  
 24 emergency to appropriate authorities and  
 25 requesting assistance;

1           (ii) has in place policies to encourage  
2           members of the public to report significant  
3           risks to the safety of members of the trav-  
4           eling public, such as incidents of driving  
5           under the influence of alcohol or illegal  
6           drugs, driving aggressively, or other driv-  
7           ing behavior that poses a risk to such safe-  
8           ty;

9           (iii) will make significant efforts to  
10          minimize, such as through youth and adult  
11          driver education, driving behavior that  
12          poses a risk to the safety of members of  
13          the public;

14          (iv) will provide from non-Federal  
15          sources for carrying out the purposes of  
16          the grant an amount equal to not less than  
17          one-fourth of the amount of the grant; and

18          (v) has consulted in the development  
19          of the plan, and will consult in the imple-  
20          mentation of the plan, with State and local  
21          officials responsible for emergency services  
22          and public safety, the telecommunications  
23          industry (specifically including the cellular  
24          and other wireless telecommunications ele-  
25          ments of the industry), the motor vehicle

1 manufacturing industry, emergency medi-  
2 cal service providers and emergency dis-  
3 patch providers, special 911 districts, pub-  
4 lic safety, fire service and law enforcement  
5 officials, consumer groups, and hospital  
6 emergency and trauma care personnel (in-  
7 cluding emergency physicians, trauma sur-  
8 geons, and nurses);

9 (B) provide for coordination on a statewide  
10 basis, by an entity designated by the Governor  
11 of the State, of deployment and functioning of  
12 a comprehensive end-to-end emergency commu-  
13 nications system, including enhanced wireless  
14 911 service;

15 (C) contain a description of the mecha-  
16 nisms used in the State for wireless carrier re-  
17 covery of costs related to the provision of auto-  
18 matic numbering identification and call location  
19 services in response to a request from a PSAP;

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

23 (E) identify any entity that will be used to  
24 administer the grant in accordance with sub-  
25 section (a);



(F) provide such assurances as the Secretary may require that the grant funds will be used to implement the plan consistent with the provisions of this Act.

(3) ALLOCATION OF GRANTS ON THE BASIS OF POPULATION.—

(A) IN GENERAL.—The Secretary shall allocate the amount available under section 9(d)(1) for any fiscal year among States submitting plans in accordance with paragraph (2) for such fiscal year. The amount of each such grant shall be equal to the amount that bears the same ratio to the amount available under section 9(d)(1) for such fiscal year as the population of each State bears to the total population of the States submitting such plans, as determined in the most recent decennial census of the United States.

(B) REALLOCATION OF UNMATCHED AMOUNTS.—If any amounts remain unallocated because one or more States provide a smaller matching amount under paragraph (2)(A)(iv) than is required to obtain the full grant amount under subparagraph (A) of this paragraph, the Secretary shall reallocate such remaining

1 amounts among the other States (meeting such  
2 matching amount) in proportion to the amounts  
3 allocated under subparagraph (A).

4 (4) USE OF FUNDS.—Funds made available by  
5 a grant under this subsection may be used for any  
6 one or more of the following purposes:

7 (A) payment of costs associated with ac-  
8 quisition, upgrade, or modification of equipment  
9 to be used by units of States or of political sub-  
10 divisions thereof (including PSAPs) for receipt  
11 of enhanced wireless 911 service information;  
12 and

13 (B) other emergency prevention, edu-  
14 cational, or pre-hospital emergency medical pro-  
15 grams or expenditures which will utilize or  
16 make effective the end-to-end system envisioned  
17 by this Act.

18 (b) RURAL ASSISTANCE GRANTS TO STATES.—

19 (1) IN GENERAL.—From the amounts available  
20 under section 9(d)(2), the Secretary shall make  
21 grants to States in accordance with the requirements  
22 of this subsection to assist in ensuring the achieve-  
23 ment of the purpose of this Act in rural areas of the  
24 United States.

1           (2) STATE PLANS.—Any State seeking to ob-  
2       tain a grant under this subsection shall submit to  
3       the Secretary a plan for the administration of the  
4       grant. Such plan shall comply with the requirements  
5       set forth in subsection (a)(2).

6           (3) AMOUNT OF GRANTS.—The amount of the  
7       grant under this subsection shall be such amount as  
8       the Secretary deems appropriate to assist in ensur-  
9       ing the achievement of the purpose of this Act in  
10      rural areas of the State.

11          (4) USE OF FUNDS.—Funds made available by  
12      a grant under this subsection may be used for any  
13      of the purposes set forth in subsection (a)(4).

14      (c) DISBURSEMENT OF GRANT FUNDS.—

15          (1) DIRECT OR INDIRECT DISBURSEMENT PER-  
16      MITTED.—A State that receives a grant under this  
17      section may—

18              (A) directly administer funds provided by a  
19      grant under subsection (a) or (b) (or both); or

20              (B) administer such funds through govern-  
21      mental entities of that State, political subdivi-  
22      sions of that State or entities thereof, or eligible  
23      nongovernmental entities, if—

24                  (i) the system with which the entity or  
25      subdivision is associated uses the number

1                   911 as a universal emergency telephone  
2                   number; or

3                   (ii) a purpose of the disbursements is  
4                   to enable such system to use the number  
5                   911 as a universal emergency telephone  
6                   number.

7                   (2) ELIGIBLE NONGOVERNMENTAL ENTI-  
8                   TIES.—For purposes of paragraph (1), an eligi-  
9                   ble nongovernmental entity is an entity that  
10                  provides public safety services or administrative  
11                  services on behalf of a State government.

12               (d) DUAL GRANTS PERMITTED.—A State may, in  
13               any fiscal year, obtain a grant under either or both of sub-  
14               sections (a) and (b).

15   **SEC. 6. RESEARCH AND DEVELOPMENT ON CRASH INFOR-**  
16                   **MATION SYSTEMS.**

17               (a) PROGRAM AUTHORIZED.—Not later than 90 days  
18               after the date of enactment of this Act, the Secretary shall  
19               establish a program to provide, from amounts appro-  
20               priated from the WICAPS Fund under section 9(b), in-  
21               vestments in research and development of—

22               (1) an end-to-end automatic crash notification  
23               system that, in the event of a crash of a motor vehi-  
24               cle, would automatically use a wireless telephone or  
25               other communications system in that vehicle to

1 transmit information about the crash to the appro-  
 2 priate emergency personnel; and

3 (2) an interface in motor vehicles that permits  
 4 all models of wireless telephones—

5 (A) to transmit crash data; and

6 (B) to be voice-activated, allowing hands-  
 7 free use.

8 (b) CONSULTATION WITH INTERESTED PARTIES.—

9 The Secretary shall consult with representatives of the  
 10 personal wireless services and equipment industry, the  
 11 motor vehicle manufacturing industry, the public safety  
 12 community, and the medical community in planning the  
 13 research and development investments described in sub-  
 14 section (a).

15 (c) USE OF FUNDS.—

16 (1) AUTHORIZED USES.—The investments for  
 17 which subsection (a)(1) provides shall include invest-  
 18 ments conducted by trauma centers in coordination  
 19 with other providers of emergency medical services  
 20 for the purpose of—

21 (A) establishing decision protocols for the  
 22 use of data obtained from such systems;

23 (B) training emergency personnel in the  
 24 use of such data;

(C) establishing standardized methods to assess the added value of an end-to-end automatic crash notification system and to identify the factors causing changes in injury patterns of motor vehicle crashes; and

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

(2) GEOGRAPHIC DISTRIBUTION.—The 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.**

Section 704 of the Telecommunications Act of 1996 is amended by inserting after subsection (c) (47 U.S.C. 332 nt) the following new subsection:

“(d) USE OF FEDERAL PROPERTY TO PROVIDE PERSONAL WIRELESS SERVICES.—

“(1) 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

1 to the maximum extent practicable for the siting of  
2 facilities that are part of that infrastructure.

3 “(2) AVAILABILITY OF FEDERAL PROPERTY  
4 FOR PERSONAL WIRELESS SERVICES.—Not later  
5 than 60 days after a department, agency, officer, or  
6 instrumentality of the United States with control of  
7 real property (including rights-of-way and ease-  
8 ments) owned by the United States receives a re-  
9 quest containing the information set forth in para-  
10 graph (5) from a provider of personal wireless serv-  
11 ices for access to and use of such real property for  
12 siting of facilities used in providing such services,  
13 the department, agency, officer, or instrumentality  
14 shall make that real property available on a fair,  
15 reasonable, and nondiscriminatory basis and at not  
16 more than a reasonable fee (which shall in no event  
17 exceed fair market value), to the provider for that  
18 purpose, unless and to the extent that the head of  
19 the department, agency, officer, or instrumentality  
20 determines and notifies the provider prior to the ex-  
21 piration of that 60-day period that making such real  
22 property available will present an unavoidable direct  
23 conflict with—

24 “(A) the mission of the department, agen-  
25 cy, or instrumentality; or

1           “(B) the current use of the real property  
2           or the use of the real property that was planned  
3           at the time of the request.

4           “(3) FAVORABLE DECISION.—Unless the de-  
5           partment, agency, officer, or instrumentality deter-  
6           mines pursuant to paragraph (2) that an unavoid-  
7           able conflict exists (as described in such paragraph),  
8           such department, agency, officer, or instrumentality  
9           shall, within 90 days after the date of the receipt of  
10          the request under paragraph (2), execute any docu-  
11          ments, such as a lease, that are necessary to imple-  
12          ment the request.

13          “(4) UNFAVORABLE DECISION.—With regard to  
14          a request under paragraph (2), a department, agen-  
15          cy, officer, or instrumentality shall not make a de-  
16          termination that an unavoidable conflict exists (as  
17          described in such paragraph) unless—

18                 “(A) an opportunity for an informal hear-  
19                 ing is afforded to interested persons commenc-  
20                 ing within 60 days, and concluding within 90  
21                 days, after receipt of the request and prior to  
22                 the making of the determination;

23                 “(B) the determination is in writing, con-  
24                 stitutes a final agency action, and discloses the  
25                 specific grounds therefor.



1           “(5) INFORMATION REQUIRED IN REQUEST FOR  
2       ACCESS TO AND USE OF FEDERAL PROPERTY.—A  
3       request by a provider of personal wireless services  
4       under paragraph (2) shall contain the following in-  
5       formation:

6           “(A) The name, address and telephone  
7       number of the provider and the provider’s au-  
8       thorized or legal representative for the request.

9           “(B) Site-specific identification of the real  
10      property to which access is requested, such as  
11      a specific building name and address or site  
12      latitude and longitude.

13          “(C) The type and size of antenna installa-  
14      tion and support required for the provider’s  
15      proposed wireless site, including access to the  
16      site, utility requirements, acreage of land, or  
17      foot-pound capacity for rooftops, and any spe-  
18      cial site modification requirements.

19          “(D) a summary of antenna specifications,  
20      including frequencies.

21          “(E) The term of the requirement for use  
22      of the real property.

23          “(F) The terms of removal of the equip-  
24      ment and structures or property restoration.

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

3           “(H) A description of methods of achieving  
4 compliance with any applicable environmental  
5 or historic preservation statutes.

6           “(6) JUDICIAL REVIEW.—A provider of per-  
7 sonal wireless services adversely affected by a final  
8 action or failure to act by a department, agency, of-  
9 ficer, or instrumentality concerning a request under  
10 paragraph (2) (including any decision relating to a  
11 fair, reasonable, and nondiscriminatory basis for ac-  
12 cess and use or what constitutes a reasonable fee)  
13 may obtain judicial review of the action or failure to  
14 act in accordance with the provisions of chapter 7 of  
15 title 5, of the United States Code, except that the  
16 burden shall be on the department, agency, officer,  
17 or instrumentality to sustain its action.

18           “(7) REGULATORY COMPLIANCE.—The depart-  
19 ment, agency, officer or instrumentality receiving a  
20 request under paragraph (2) shall conduct environ-  
21 mental processing of such request in accordance  
22 with subpart I of part 1 of title 47 of the Code of  
23 Federal Regulations, except that such rules shall be  
24 applied consistent with the time periods established  
25 in this subsection.

1           “(8) AVOIDANCE OF REDUNDANT REGULA-  
2           TIONS.—Bulletins issued by the Administrator of  
3           General Services pursuant to subsection (c) of this  
4           section shall continue to apply, to the extent other-  
5           wise consistent with this subsection, to the adminis-  
6           tration of this subsection until modified or super-  
7           seded by the Administrator as necessary for the pur-  
8           poses of this subsection.

9           “(9) NOTICE AND OPPORTUNITY TO COM-  
10          MENT.—

11           “(A) NOTICE.—A provider of personal  
12           wireless services making a request under para-  
13           graph (2) shall provide written notice of such  
14           request to the chief executives of the State and  
15           any local government in which the Federal  
16           property covered by the request is located. Such  
17           notice shall consist of the intended location of  
18           the facilities, and the name, address, and tele-  
19           phone number of the Federal official to whom  
20           the request has been made.

21           “(B) OPPORTUNITY TO PROVIDE COM-  
22           MENTS.—The department, agency, officer, or  
23           instrumentality receiving a request under para-  
24           graph (2) shall afford the State and any local  
25           government described in subparagraph (A) of

1           this paragraph with a reasonable opportunity,  
 2           consistent with the time period established in  
 3           paragraph (2), to comment on the request.

4           “(10) DEFINITIONS.—As used in this sub-  
 5           section:

6                   “(A) The term ‘instrumentality of the  
 7           United States’ includes any independent estab-  
 8           lishment of the United States.

9                   “(B) The term ‘personal wireless services’  
 10          has the meaning specified for that term in sec-  
 11          tion 332(c)(7)(C)(i) of the Communications Act  
 12          of 1934 (47 U.S.C. 332(c)(7)(C)(i).

13                  “(C) Facilities used in the provision of per-  
 14          sonal wireless services are the antenna and sup-  
 15          porting equipment, including ground-based elec-  
 16          tronics connected to such equipment, for the  
 17          provision of such service.”.

18   **SEC. 8. PARITY OF PROTECTION FOR PROVISION OR USE**  
 19                   **OF WIRELESS 9-1-1 SERVICE.**

20          (a) PROVIDER PARITY.—A wireless carrier, and its  
 21          officers, directors, employees, vendors, and agents, shall  
 22          have immunity or other protection from liability of a scope  
 23          and extent that is not less than the scope and extent of  
 24          immunity or other protection from liability that a local ex-  
 25          change company, and its officers, directors, employees,

1 vendors, or agents, have under applicable law, including  
2 in connection with an act or omission involving—

3 (1) development, design, installation, operation,  
4 maintenance, performance, or provision of tele-  
5 communications service (including wireless 9–1–1  
6 service);

7 (2) transmission errors, failures, network out-  
8 ages, or other technical difficulties that may arise in  
9 the course of handling emergency calls or providing  
10 emergency services (including wireless 9–1–1 serv-  
11 ice); or

12 (3) release to a PSAP, emergency medical serv-  
13 ice provider or emergency dispatch provider, public  
14 safety, fire service or law enforcement official, or  
15 hospital emergency or trauma care facility of sub-  
16 scriber information related to emergency calls or  
17 emergency services involving use of wireless services.

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

24 (c) BASIS FOR ENACTMENT.—This section is enacted  
25 as an exercise of the enforcement power of the Congress

1 under section 5 of the fourteenth amendment and the  
2 power of the Congress to regulate commerce with foreign  
3 nations, among the several States, and with Indian tribes.

4 **SEC. 9. AUTHORIZATIONS OF APPROPRIATIONS AND DIS-**  
5 **POSITION OF FEES.**

6 (a) AUTHORIZATION OF APPROPRIATIONS FOR AD-  
7 MINISTRATION OF THE ACT.—There are authorized to be  
8 appropriated in any fiscal year to the Department of  
9 Transportation such sums as may be necessary to carry  
10 out the duties of the Secretary under this Act (other than  
11 the duties for which subsections (b) and (c) authorize ap-  
12 propriations), and such sums may be derived by transfer  
13 from the WICAPS Fund to the extent provided in appro-  
14 priations Acts.

15 (b) AUTHORIZATION OF APPROPRIATIONS FROM THE  
16 WICAPS FUND FOR MAKING RESEARCH AND DEVELOP-  
17 MENT INVESTMENTS.—There is authorized to be appro-  
18 priated in any fiscal year from the WICAPS Fund, for  
19 the purpose of making investments under section 6, an  
20 amount not to exceed 25 percent of the amount appro-  
21 priated for that fiscal year pursuant to subsection (c). The  
22 total amount that is authorized to be appropriated pursu-  
23 ant to this subsection for all such fiscal years shall not  
24 exceed \$60,000,000.

1 (c) AUTHORIZATION OF APPROPRIATIONS FROM THE  
 2 WICAPS FUND FOR MAKING GRANTS.—There are au-  
 3 thorized to be appropriated in any fiscal year from the  
 4 WICAPS Fund, for the purpose of making grants under  
 5 section 5, such sums as the WICAPS fund may contain  
 6 after deduction of the amounts appropriated pursuant to  
 7 subsections (a) and (b).

8 (d) ALLOCATION OF APPROPRIATIONS FOR  
 9 GRANTS.—In any fiscal year—

10 (1)  $\frac{2}{3}$  of the funds appropriated pursuant to  
 11 subsection (c) shall be available for grants pursuant  
 12 to section 5(a); and

13 (2)  $\frac{1}{3}$  of the funds so appropriated shall be  
 14 available for grants pursuant to section 5(b).

15 (e) AUTHORIZATION OF APPROPRIATIONS TO THE  
 16 WICAPS FUND.—There are authorized to be appro-  
 17 priated to the WICAPS Fund in any fiscal year such sums  
 18 as may be necessary to carry out this Act.

19 (f) FISCAL YEAR AVAILABILITY.—Funds made avail-  
 20 able pursuant to an authorization of appropriations con-  
 21 tained in this Act shall be available without fiscal year  
 22 limitation to the extent provided in appropriations Acts.

23 (g) DISPOSITION OF FEES.—

24 (1) Subject to paragraph (4), a department,  
 25 agency, officer or instrumentality of the United

1 States receiving funds which are the reasonable fees  
2 to which section 704(d)(2) of the Telecommuni-  
3 cations Act of 1996 (as added by section 7) refers—

4 (A) may, without regard to section 3302 of  
5 title 31 of the United States Code and consist-  
6 ent with such instructions as the Director of  
7 the Office of Management and Budget may  
8 issue, credit to the appropriations accounts  
9 identified in paragraph (2) not to exceed the  
10 amount set forth in paragraph (3); and

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

16 (2) The appropriations accounts to which para-  
17 graph (1)(A) refers are the appropriations accounts  
18 the appropriated funds of which the department,  
19 agency, officer, or instrumentality would use at the  
20 time the crediting occurs to process requests for ac-  
21 cess to and use of real property for siting of facili-  
22 ties used in providing personal wireless services.

23 (3) The amount to which paragraph (1)(A) re-  
24 fers is the amount the department, agency, officer,  
25 or instrumentality has obligated after the date of en-



1 actment of this Act to process requests for access to  
2 and use of real property for siting of facilities used  
3 in providing personal wireless services.

4 (4) Nothing in this subsection shall impair or  
5 affect the authority under a statute other than this  
6 Act of a department, agency, officer, or instrumen-  
7 tality to receive and use funds that are not appro-  
8 priated funds.

9 (h) RADIOFREQUENCY STUDY.—

10 (1) FINDINGS.—The Congress finds that—

11 (A) there is a significant international  
12 body of scientific knowledge on electromagnetic  
13 energy and wireless telephones;

14 (B) the United States should add to this  
15 body of knowledge through the conduct of ap-  
16 propriate research that is coordinated with  
17 other international research efforts; and

18 (C) representatives of the scientific com-  
19 munity and the industry can provide informa-  
20 tion and expertise that would be valuable to the  
21 research authorized by this subsection.

22 (2) AUTHORIZATION OF APPROPRIATIONS.—

23 There is authorized to be appropriated to the Food  
24 and Drug Administration for the purpose of imple-

1       menting this subsection in each of fiscal years 1999,  
2       2000, 2001, 2002, and 2003, the lesser of—

3               (A) 5 percent of the amount appropriated  
4       for the WICAPS Fund for that fiscal year pur-  
5       suant to section 9(c); or

6               (B) \$2,000,000.

7       (3) STUDY.—

8               (A) IN GENERAL.—Subject to the availabil-  
9       ity of appropriations, the Food and Drug Ad-  
10      ministration shall conduct a 2-year animal bio-  
11      assay of radiofrequency emissions from wireless  
12      telephones operating on frequencies between  
13      825 and 1900 megahertz, inclusive.

14              (B) COORDINATION.—To the maximum ex-  
15      tent practical, the study described in subpara-  
16      graph (A) shall be consistent with the global re-  
17      search needs on such matters as set forth by  
18      the International Electromagnetic Frequency  
19      Project of the World Health Organization.

20       (4) ADVISORY PANEL.—The Commissioner of  
21      the Food and Drug Administration shall, after con-  
22      sultation with the Center for Devices and Radiologi-  
23      cal Health and representatives of the scientific com-  
24      munity and the wireless industry, designate a panel  
25      of scientific and industry experts to advise the Food

1 and Drug Administration, on an ongoing basis, on  
2 the preparation, conduct, and evaluation of the  
3 study described in paragraph (3)(A). Such panel  
4 shall provide advice on—

5 (A) the scope of the investigation;

6 (B) the appropriate transmission modali-  
7 ties to be studied;

8 (C) dosimetry techniques and measure-  
9 ments;

10 (D) other relevant scientific studies;

11 (E) engineering and properties of radio-  
12 frequency transmissions from wireless tele-  
13 phones; and

14 (F) other matters relevant to such study.

15 (5) ATTENDANCE AT MEETINGS.—Subject to  
16 the availability of appropriations, the Food and  
17 Drug Administration may use funds appropriated  
18 pursuant to the authorization of appropriations in  
19 this subsection to provide for attendance by Food  
20 and Drug Administration personnel at scientific  
21 symposia and other meetings related to the subject  
22 matter of the study described in paragraph (3)(A),  
23 including such meetings convened under the auspices  
24 of the International Electromagnetic Frequency  
25 Project of the World Health Organization, to ensure

1 full participation by the United States in the inter-  
2 national research in such matters.

3 **SEC. 10. AUTHORITY TO PROVIDE LOCATION INFORMA-**  
4 **TION.**

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

7 (1) in subsection (d)—

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

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

12 (C) by adding at the end the following new  
13 paragraph:

14 “(4) to provide call location information con-  
15 cerning the user of a commercial mobile service as  
16 such term is defined in section 332(d)) to emergency  
17 dispatch providers and emergency service personnel  
18 (including public safety, fire, police, and emergency  
19 medical personnel) in order to respond to the user’s  
20 call for emergency services; and

21 “(5) to transmit automatic crash notification  
22 information as part of the operation of an automatic  
23 crash notification system.”;

1           (2) by redesignating subsection (f) as sub-  
 2           section (g) and by inserting before such subsection  
 3           the following new subsection:

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 disclosure, 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)) to any person other than  
 12          emergency dispatch providers and emergency service  
 13          personnel (including public safety, fire, police, and  
 14          emergency medical personnel); or

15          “(2) automatic crash notification information to  
 16          any person other than for use in the operation of an  
 17          automatic crash notification system.”; and

18          (3) in subsection (g) (as redesignated by para-  
 19          graph (2)), by inserting “location,” after “destina-  
 20          tion.”; and

21          (4) by inserting the following new subsection  
 22          after subsection (d) and redesignating the subse-  
 23          quent subsection accordingly:

24          “(e) **COMMERCIAL MOBILE SERVICES.**—Nothing in  
 25 this section prohibits a provider of commercial mobile

1 services from using, disclosing, or permitting access to in-  
2 dividually identifiable customer proprietary network infor-  
3 mation derived from the provision of such services that  
4 is related to calling volume or the nature and type of the  
5 commercial mobile services purchased to market or pro-  
6 vide customer premises equipment or information services  
7 necessary to or offered with commercial mobile services.”.

8 **SEC. 11. DEFINITIONS.**

9 As used in this Act:

10 (1) The term “WICAPS Fund” means the  
11 Wireless Communications and Public Safety Fund  
12 established by section 4.

13 (2) The term “Secretary” means the Secretary  
14 of Transportation.

15 (3) 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 (4) The term “instrumentality of the United  
19 States” includes any independent establishment of  
20 the United States.

21 (5) The term “personal wireless services” has  
22 the meaning specified for that term in section  
23 332(c)(7)(C)(i) of the Communications Act of 1934  
24 (47 U.S.C. 332(c)(7)(C)(i)).

1           (6) The term “public safety answering point”  
2           or “PSAP” means a facility that has been des-  
3           ignated to receive 911 calls and route them to emer-  
4           gency service personnel.

5           (7) The term “wireless carrier” means a pro-  
6           vider of commercial mobile services or any other  
7           radio communications service that the Federal Com-  
8           munications Commission requires to provide wireless  
9           911 service.

10          (8) The term “enhanced wireless 911 service”  
11          means any enhanced 911 service so designated by  
12          the Federal Communications Commission in the pro-  
13          ceeding entitled “Revision of the Commission’s Rules  
14          to Ensure Compatibility with Enhanced 911 Emer-  
15          gency Calling Systems” (CC Docket No. 94–102;  
16          RM–8143), or any successor proceeding.

17          (9) The term “wireless 911 service” means any  
18          911 service provided by a wireless carrier, including  
19          enhanced wireless 911 service.

20   **SEC. 12. SAVINGS CLAUSE.**

21          Nothing in this Act shall be construed to affect sec-  
22          tions 253, 332(a), or 332(c) of the Communications Act  
23          of 1934, as amended (47 U.S.C. 253, 332(a), 332(c)).

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