HEINONLINE

Citation: 1 Wireless Communications and Public Safety Act of P.L. 106-81 113 Stat. 1286 October 26 1999 H728 1999

Content downloaded/printed from
HeinOnline (http://heinonline.org)
Tue Apr 16 16:58:09 2013

-- Your use of this HeinOnline PDF indicates your acceptance of HeinOnline's Terms and Conditions of the license agreement available at http://heinonline.org/HOL/License

-- The search text of this PDF is generated from uncorrected OCR text.

minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, what is it that the President wants to do with 38 percent of the Social Security funds?

There is a surplus in Social Security. The President is supporting taking 38 percent of that money and spending it on non-Social Security programs.

One of those programs is to expand AmeriCorps. AmeriCorps is a program that pays a lot of little yuppie college kids to do volunteer work and get paid for the volunteer work. They were doing it for free. The President, if an upper middle class family, the President is going to pay them. Might be a good program if they are a Democrat. I do not know. It does not make much sense to me in the real world.

But I do not want my grandmother's retirement money going into that, and the President is going to say, "I want 38 percent of your Social Security money, grandmother, and we're going to spend it on other programs."

That is wrong, Mr. President, and I hope the Democrats will join me in saying let us preserve and protect Social Security and only use the money for Social Security.

SOUTH ASIAN LEADERS BRING RENEWED HOPE OF PEACE

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, this Member rises as the chairman of the Subcommittee on Asia and the Pacific to praise the recent breakthrough in relations between India and Pakistan.

Last week, Indian Prime Minister Vajpayee and Pakistani Prime Minister Nawaz Sharif traveled on the first commercial bus service between the two countries in 51 years, arriving in Lahore, Pakistan, to discuss the future of those nations. This seemingly modest but symbolically important change brings renewed hope that the decades of hostility and conflict may soon come to an end.

In an historic meeting, the two leaders agreed to work together to reduce the risk between their newly nuclear states. They have agreed to continue their declared moratoriums on future nuclear testing, exchange information on warhead numbers and deployment, and provide advanced notification of future missile tests. India and Pakistan also have committed to signing the Comprehensive Test Ban Treaty within the next few months; and, importantly, they have agreed to intensify efforts to resolve the difficult issue of Kashmir.

Mr. Speaker, they should be encouraged by all Members of this body. This can be a breakthrough in relations between India and Pakistan.

SPECIAL EDUCATION

(Mr. SESSIONS asked and was given permission to address the House for 1 minute.)

Mr. SESSIONS. Mr. Speaker, I appreciate the opportunity to address the House for a minute today, and today I would like to speak not just as a Congressman from the Fifth District of Texas but really as a parent.

My wife and I have a five-year-old Down syndrome little boy who is about to enter the school system in Dallas, Texas; and the discussion that my wife and I had was that we believe, as parents, that the Federal Government and our local school system should do a better job of funding the special education needs in not only our children but other special education children. And I hope that the American public is listening when they hear the Republican majority talking about the need for the Federal Government and the Congress to fully fund special needs and special education in school districts across this country.

That is what the Federal money should be spent for, because we are the people that put the rules and regulations on these school districts, and we need to fund that which we have asked them to do.

Mr. Speaker, I hope that the American public is listening, that the Republican majority does care about education, and we care about each and every one of our children.

WIRELESS COMMUNICATIONS AND PUBLIC SAFETY ACT OF 1999

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 76 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 76

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 438) to promote and enhance public safety through use of 911 as the universal emergency assistance number, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 4(a) of rule XIII are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Commerce now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. GILLMOR). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 76 is an open rule providing for consideration of H.R. 438, the Wireless Communications and Public Safety Act of 1999. H. Res. 76 is a wide-open rule providing 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce. The rule waives points of order against consideration of the bill for failure to comply with clause 4(a) of Rule 13 which by rule requires a 3-day layover for the committee report.

H. Res. 76 further allows the chairman of the Committee of the Whole to accord priority and recognition to those Members who have preprinted their amendments in the CONGRESSIONAL RECORD prior to the consideration.

The rule also allows the Chairman of the Committee of the Whole to postpone recorded votes and to reduce to 5 minutes the voting time on any proposed postponed question provided that the voting time on the first in any series of questions is not less than 15 minutes.

Finally, the rule provides one motion to recommit, with or without instructions, as is the right of the minority.

Mr. Speaker, H.R. 438 will promote public safety and consistency in the provision of emergency services through the universal use of 911 and enable States to develop the necessary communications infrastructure to provide such emergency services. Millions of American already know that 911 is the number to dial when they are in trouble and need emergency assistance. However, for thousands of miles across the country this is simply not true. Other numbers are used or no emergency system exists at all. H.R. 438

HeinOnline -- 1 Wireless Communications and Public Safety Act of 1999: P.L. 106-81: 113 Stat. 1286: October 26, 1999 H728 1999

helps to end the confusion and makes 911 the universal emergency number.

This change is particularly important for wireless phones which often use other numbers, such as pound-77 or star-55, to link to local law enforcement. However, these codes can change from one cellular calling area to another, effectively eliminating the speed and safety that such a number can provide in emergency. H.R. 438 will make 911 the universal call for help that is already believed to be, so that public service is not jeopardized.

H.R. 438 will also help to develop the full capability of wireless communications by enhancing the ability of local authorities to locate distressed individuals through information provided by wireless carriers. It also contains the necessary privacy protections to ensure that this capability is not misused. With the passage of H.R. 438, Americans will know, once and for all, how to get help when they need it.

Mr. Speaker, H.R. 438 easily passed the Committee on Commerce by voice vote, as did this open rule from the Committee on Rules. I applaud the hard work put forth by the gentleman from Illinois (Mr. SHIMKUS) on this important legislation, and I urge my colleagues to support this open rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank my colleague, the gentleman from Georgia (Mr. LINDER), for yielding me the time.

This is an open rule. It will allow full and fair debate on H.R. 438, which is the Wireless Communications and Public Safety Act of 1999. As my colleague has described, this rule will provide for 1 hour of general debate to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Commerce. The rule permits amendments under the 5-minute rule, which is the normal amending process in the House. All Members on both sides of the aisle will have the opportunity to offer amendments.

In most parts of the country a caller from a standard telephone can call 911 to ask for emergency assistance or to report a crime. That is not so from the cellular or other wireless telephones. The Wireless Communications and Public Safety Act of 1999 designates 911 as the universal emergency number for both wireless and wire line telephone calls. This will improve public safety by eliminating confusion over what number to call for emergency services. This is especially important to travelers who do not know the emergency number for the place they are visiting.

The rule waives the prohibition against bringing up a bill under 3 days after the committee report was filed in the House. The committee report for this bill was filed only yesterday afternoon, less than 24 hours ago. The 3-day layover rule is an important protection for the minority, and by waiving this rule so early in the House session I hope that we are not setting a pattern that will be followed for controversial bills.

I recognize the need to move legislation early in the session, to demonstrate that the House is serious about its business.

Moreover, the bill is not controversial. It has broad support on both sides of the aisle. Therefore, I will support the open rule.

Mr. Speaker, I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. GILLMOR). Pursuant to House Resolution 76 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 438.

□ 1046

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 438) to promote and enhance public safety through use of 911 as the universal emergency assistance number, and for other purposes, with Mr. KINGSTON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Massachusetts (Mr. MARKEY) each will control 30 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me first compliment the gentleman from Massachusetts (Mr. MARKEY) for his excellent cooperation and work and the spirit by which we bring this bill to the floor today. I thank the gentleman from Virginia (Mr. BLILEY), the chairman, and the other members of the Subcommittee on Telecommunications, Trade, and Consumer Protection for the excellent work that they have done on this bill and the other bill that we will bring to the floor today, both bills dealing with the wireless telephone industry and its consumers and aspects that are extremely important to both the public safety and to the privacy of those communications.

I also want to thank my good friend the gentleman from Illinois (Mr. SHIMKUS) and my dear colleague, the gentlewoman from New Mexico (Mrs. WILSON) for sponsoring these bills and for leading the charge to indeed make them the law of the land.

Mr. Chairman, 1997 was a landmark year in the history of this country. In 1997, more Americans bought cordless phones than wired phones, for the first time in the history of this technology. In fact, some 68 million Americans now carry wireless telephones or pagers. Studies show that most of those American subscribers of these wireless phones purchase them for safety reasons. People count on those phones to be their lifelines in emergencies.

A parent driving down an interstate highway with babies in the back seat draws comfort from knowing if the car is involved in a crash he or she can call 911 for help; an ambulance will be rolling in seconds. An older American driving alone on a long trip feels safer knowing that if an accident occurs or symptoms strike, he or she can use a wireless phone to dial 911 for help and the State police will be on the way.

There is a problem with that expectation, though. In many parts of our country, when a frantic parent or the suddenly disabled elder punches 911 on the wireless phone, nothing happens. In many regions, in fact, 911 is not the emergency number to call on a wireless phone. The ambulance and the police will not be coming. Someone may be facing a terrible life threatening emergency but they are on their own, because they do not know the local number to call for the emergency for help.

This bill will help fix that problem by making 911 the universal number to call in an emergency any time, anywhere in this country. The rule in America ought to be a simple uniform system. If there is an emergency, wherever someone is, on a highway, a byway, a bike path or a duck blind in south Louisiana, wherever someone is, they call 911.

911 does four things. First, it directs the Federal Communications Commission to use its existing exclusive authority to designate 911 as a universal emergency telephone number for wireless and wireline services. The bill also directs the FCC to provide support to the States to help them implement a comprehensive end-to-end emergency communications infrastructure.

The FCC required in 1997 that wireless carriers provide what is called automatic number identification of a wireless user when the user calls that emergency number, but only when the emergency call center requests it. These emergency call centers are called PSAPS for Public Safety Answering Points.

A recent study showed that only about 6 to 7 percent of wireless subscribers live in regions or operate in regions where PSAPS have undertaken the necessary upgrading to their existing plant to accept the additional number data. Thus, despite a year's passage of this deadline intended to enhance public safety to save American lives, only a minuscule amount of subscribers are benefiting.

HeinOnline -- 1 Wireless Communications and Public Safety Act of 1999: P.L. 106-81: 113 Stat. 1286: October 26, 1999 H729 1999

The intent behind that requirement was that the PSAPS know the number of the wireless caller to call back, provide instructions, whether it be to a child, to an incapacitated adult or someone in a very dangerous situation who needs to be walked through to safety. That was step one.

The second requirement was that by October of the year 2001, wireless carriers provide automatic location information with each wireless call, but only upon the PSAP's request. If the past is prologue, October 2001 could easily roll around and the PSAP will not have undertaken the necessary upgrades to accept this additional data either, and that is critical, for unlike users who call 911 over the phone or in an office or a house, that is over a wireless network, a user on a cell phone rather than the user on a wireline network, particularly a driver often has no clear idea of his location. If they do not know where they are when they place a 911 call, how can anyone else know where they are?

Imagine the public safety benefits of placing a 911 call if someone can send out a radio signal that told rescuers exactly where they are. Imagine if we could take the search out of search and rescue. Imagine what a different fate those who were lost in the Swiss Alps would have seen had they been equipped with cell phone transmitting location information.

The wireless carriers are busy preparing to meet this location information deadline, but all their preparations will come to naught if the PSAPS have not undertaken the necessary upgrades. So the bill addresses this weak link in the chain of public safety by requiring the FCC to work with the States to develop a statewide plan for developing end-to-end communications infrastructure for wireless services; to the PSAP, to intelligent traffic systems, automatic crash notifications technologies, triad algorithms and medical response, in short, a way to locate someone who calls for help in a 911 emergency.

Third, the bill establishes parity between the wireless and the wireline communications industries in protection from liability for the provision of telephone services, including 911 service, and in the use of that 911 service. This parity would be extended on a State-by-State basis. Imagine a community that does not have 911 service available because they are scared of lawsuits involved in the use of that 911 service insofar as a wireless telephone network is concerned.

They are protected from that on the wireline side. They are not protected on the wireless side and so they do not implement a 911 strategy. This bill provides that wireless providers of telephone service would receive at least as much protection from liability as local exchange companies, the local wireline carriers receive in providing telephone services in a given State, subject to a two-year period during which the States may choose to enact the wireless liability statute that differs from such parity.

Therefore, other than the 911 service, States may opt out of this parity paradigm. The bill provides for users of wireless 911 service to receive the same protection from liability under Federal or State laws, as users of wireline 911 services receive. This good Samaritan principle would again apply on a State-by-State basis.

Fourth and lastly, the bill protects wireless users' privacy by limiting the disclosure of location information to specific instances, and I want to particularly thank my friend, the gentleman from Massachusetts (Mr. MARKEY) for his contributions in this critically important area of privacy in the use of cellular phones and in the 911 systems.

While it will help rescuers to find victims in emergencies and cut down on that golden hour following a car crash, where we have learned in the hearings, for example, time is the issue, that golden hour is a critical hour; lives are either saved or lost on the highway. Location information is nevertheless sensitive personal information that must be treated with great care.

We do not want police knowing everywhere someone is traveling on the highway for no good reason. There is a lot of privacy in where someone goes and what they are doing in their life that the government and police agencies do not necessarily need to know about. Protecting privacy and location when that is important is equally important in a 911 structure.

Under H.R. 438, a carrier can disclose location information only in an emergency and only to the public safety personnel or the immediate family. If a carrier seeks to use location information for marketing purposes, it must obtain the customer's prior express authorization. In short, the location of someone's travels is not going to be commercialized for purposes without their permission. It is simply going to be available to public safety information and to family when necessary.

Location information may also be transmitted as part of an automatic crash notification system, such as the one called OnStar, where the crash triggers a cell phone mounted in the car to automatically dial 911, without the driver or the passenger actually dialing the number.

Last year, in fact a year and a half ago I think it is, we witnessed in America the first car crash, head-on collision, between a car equipped with the OnStar system and one that was not. There were parties seriously injured in both cars. The car dialed up the satellite. The car summoned help. Ambulances and emergency services arrived and both loads of people were treated and helped with emergency services because the automatic dialing system inside the car called for help, located those individuals and got emergency help to them.

H.R. 438 permits providers of information or database managers who provide emergency support services to PSAPS to receive subscriber lists and unlisted data but only for the purposes of assisting in the delivery of emergency service. Thus, the bill enhances a user's public safety while also protecting their privacy interest. It encourages the development of cellular and other wireless services by providing parity and liability protection and it takes the FCC, it tasks the FCC, rather, with working with the States to develop the end-to-end infrastructure for delivering emergency services.

H.R. 438 is an important public service bill. This is a great bill for this Congress to begin its work this year on, and I commend all of my colleagues who have contributed to it.

Mr. Chairman, I reserve the balance of my time.

Mr. MARKEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me begin by commending the gentleman from Louisiana (Mr. TAUZIN), the chairman, for the exemplary way in which he has handled this very important path-breaking piece of legislation. He, along with the gentleman from Virginia (Mr. BLILEY), have treated myself and the gentleman from Michigan (Mr. DINGELL) very well in terms of ensuring that the minority have their views completely included in terms of the deliberations and ultimate product which has been produced.

We also want to compliment the gentleman from Illinois (Mr. SHIMKUS) for the work and the leadership which he has given on this issue. He is the lead sponsor of the bill.

□ 1100

Just as the gentleman from Louisiana has been saying, this is a new era which we are in in which 68 million Americans now subscribe to some form of wireless technology. 68 million. This was something that was rare in America in 1990 and has almost reached the point of ubiquity in terms of either subscribing or thinking about subscribing to this technology.

As a result, we have to update our laws to ensure that we are moving in a direction which deals with the implications of the introduction of such a pervasive technology.

What this bill does today is to take something which was relatively experimental a decade ago and to transform it into a national emergency system; something where it makes it possible for Americans in their automobiles, as they are walking, if they have an emergency health or safety condition which has developed, to dial up a 911 number and to be able to immediately access the resources which they would need in order to deal with the problem that has now confronted them or their family.

This is a dramatic change in terms of how our country is going to deal with these issues. When we are in our home we try to teach young people how to dial if there is a fire or a police emergency. When we are younger, each one

HeinOnline -- 1 Wireless Communications and Public Safety Act of 1999: P.L. 106-81: 113 Stat. 1286: October 26, 1999 H730 1999

of us is taught that the firebox is at the end of the street and to only pull it when there is an emergency. But it has been put there for that purpose and do not allow anyone else ever to pull it, because it would not be right because it has been put there for that particular reason.

Now, because of this new technology, people are able to travel anywhere, to any corner of our country, far away from those corner fireboxes, far away from the wire-fixed land phone system, and still be able to call in.

What this legislation does is ensure that it is a national system, that there are standards that are established that will ensure that it will work for all Americans when they are on the road.

There is a particular part of this legislation, and the gentleman from Louisiana referred to it, that I think will serve our country well, which is that even as it makes it possible to dial up in the event of an emergency on a wireless phone, it also creates the more sinister side of cyberspace which is the capacity to be able to use this as a national tracking system. No matter where we are in our car with our cell phone, that someone might be able to track us where we went.

What the legislation makes quite clear, and I thank the gentleman for including this provision, an amendment which we had which we put into last year's bill and now is reincluded in this legislation, which guarantees that the information can be used only for emergency purposes and it cannot be reused for any other purpose unless there has been a preauthorization by the consumer giving authority to a company or to public authorities to be able to use it for other purposes. I think that is the correct balance, and I think the legislation with that balance is something which is going to serve our country very well.

The gentleman from Louisiana has gone through all the details. There is no point in going through the litany of all of the excellent provisions which are built into the legislation. But, again, I cannot compliment the gentleman from Louisiana (Chairman TAUZIN) and the gentleman from Virginia (Chairman BLILEY) enough in terms of the way we have been treated. The gentleman from Michigan (Mr. DINGELL) and the rest of the Democrats on the committee appreciate it. And, again, a tip of the hat to the gentleman from Illinois (Mr. SHIMKUS) for his good work.

Mr. Chairman, I reserve the balance of my time.

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in a brief moment I will recognize the author of the legislation, but I wanted to thank the gentleman from Massachusetts (Mr. MARKEY) for his kind words and to assure him that that standard of cooperation is one that the gentleman from Virginia (Mr. BLILEY) and I hope to emulate in all aspects of our committee's work in this important area, that is so bipartisan, of extending communication services to the bulk of our citizenry in a fashion that is competitive and fair and also addresses public interest concerns and these important privacy concerns that the gentleman from Massachusetts has been so much a leader on. I want to compliment him on that.

Mr. Chairman, I also see in the Chamber, and I know that she will be speaking in a minute, the gentlewoman from Missouri (Ms. DANNER), my dear friend, who was kind enough to come to our committee and lead the charge and address the issue of 911 safety concerns, particularly the concerns of citizens that she brought to our attention who have suffered because of the fact that they did not have a common number in this country.

I know that we will be hearing from the gentlewoman later, but I want to thank her on behalf of the committee for her contributions on this important issue.

Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. SHIMKUS), the author of the legislation.

Mr. SHIMKUS. Mr. Chairman, I thank the gentleman from Louisiana and the gentleman from Virginia (Chairman BLILEY) for their help and support. I also thank the gentleman from Michigan (Mr. DINGELL), the ranking member; and the gentleman from Massachusetts (Mr. MARKEY) for their help and support in working on this legislation.

Mr. Chairman, we have bought our second cellular phone for the simple purpose of my wife's protection when she is on the road. In the last 3 years, I have personally called 911 on vehicle accidents, all in my 20th District in Illinois, which is mostly rural, 19 counties and over 300 miles long.

One of those calls was for a vehicle that we could not find. It was off the road, and we actually had to get on foot to search it out. Another call was made, since I border the metropolitan St. Louis area, right on the famous Poplar Street Bridge. Not knowing exactly how the State of Missouri would answer and receive the 911 transmission, knowing that in this legislation that there are many States did not have it.

So, I think most Americans now have experienced and I think they would be surprised to find out that 911 is not the national number.

The purpose of H.R. 438 is to improve our Nation's wireless 911 system so we can reduce response times to emergencies and basically save lives. Reducing emergency response time will help to lessen the impact of serious injuries and, again, save lives. Studies show that crashes and care time for fatal accidents is over 30 minutes in urban areas and over 50 minutes in rural areas. I know the gentlewoman from Missouri (Ms. DANNER) is going to mention that fact. In rural areas, this is truly an important piece of legislation.

Mr. Chairman, reducing this time by mere minutes could save thousands of lives each year. There are 68 million wireless phone users, as we have heard before, across the Nation who make an average of 98,000 emergency calls every day. Even though every American is taught to dial 911 in an emergency, these teachings may be worthless in some areas of the United States because dialing 911 on wireless phones does not always connect one to the emergency service provider.

In fact, today there are currently 25 different wireless emergency numbers across the country. Travelers may never figure out the emergency number they need. H.R. 438 makes 911 the universal emergency number for all phones so that everyone has simple access to emergency help.

In order to make 911 work on every phone, we must have reliable phone networks both in the wireless and in the wireline. This legislation encourages States to develop coordinated plans to eliminate dead zones, ensure seamless wireless networks, and upgrade their 911 systems so that public safety officials and emergency medical service providers can get the best available information as quickly as possible.

The bill also extends to wireless providers and users of 911 services the same liability standard that each State has already established for its wireline providers and users of 911 services. We do not want to penalize and punish the good Samaritans in our society who are trying to help someone in need. This legislation addresses that issue.

Finally, the bill provides protection for call location. And I thank the gentleman from Massachusetts (Mr. MARKEY) for improving the legislation, because there is a concern in the public about the ability of location devices.

Mr. Chairman, I am a big fan of Star Trek and the communication badges and they know where everyone is at and all they have to do is identify them and they can get beamed across to another part of the ship. Well, our society and our country is not prepared for the "next generation." We still like part of the old generation where we have some privacy in thought, word, deed and location; and so I appreciate the gentleman's support in that aspect of this legislation.

Finally, the bill provides that protection for call location information concerning users of wireless phones, including such information provided by an automatic crash notification system. Without express written consent from the customer, location information may not be released.

Again, I would like to thank the gentleman from Virginia (Mr. BLILEY), our full committee chairman; the gentleman from Louisiana (Mr. TAUZIN), my subcommittee chairman; and the ranking members on both the full committee and the subcommittee. I urge all of my colleagues to support this legislation.

HeinOnline -- 1 Wireless Communications and Public Safety Act of 1999: P.L. 106-81: 113 Stat. 1286: October 26, 1999 H731 1999

Mr. MARKEY. Mr. Chairman, I yield 4 minutes to the gentlewoman from Missouri (Ms. DANNER), who has given us great leadership on this issue.

Ms. DANNER. Mr. Chairman, first of all, let me express my appreciation to the gentleman from Louisiana (Chairman TAUZIN), the gentleman from Massachusetts (Mr. MARKEY), ranking member; and the gentleman from Illinois (Mr. SHIMKUS), the sponsor of the bill; for bringing this very important legislation to the floor.

Over 100 years ago, Henry Wadsworth Longfellow said, and I quote, "All things come around to him who will but wait." And I have waited, sometimes impatiently, Mr. Chairman, for this legislation to come to the floor.

Two years ago, I recognized the need for legislation to address the problem we are discussing today, the problem faced by cellular telephone users who require emergency assistance. In March of 1997, I introduced legislation to accomplish that purpose. Now, 2 years later, I am very pleased that my concept has come to the floor incorporated in this very important bill we are discussing today.

As we all know, wireless technology has helped to simplify or maybe in some instances complicate our lives, but one important attribute of cellular telephones is that they greatly increase the ability of individuals to quickly report accidents or other emergencies and help speed the arrival of assistance.

Let me share a true story that demonstrates the current limits of wireless telephone service, a tragedy that might have ended very differently had this legislation been in place in 1997.

On Thanksgiving Day in 1997, a couple from Kansas was driving south on U.S. 71 in southwestern Missouri. They observed a minivan that was ahead of them being driven in an erratic fashion, weaving back and forth at high rates of speed, crossing first the shoulder then the center line.

Using the cellular telephone they had at their disposal, they began dialing numbers. Unfortunately, having come from Kansas into our State of Missouri, they were not aware that our cellular emergency number is "star 55." I might mention that in Kansas they have two emergency numbers, a different one if one is on the toll road.

This couple first tried to reach the Missouri Highway Patrol, but the number they dialed brought forth a message saying that it was a toll call, and they had to first give a credit card number if they wanted to reach the highway patrol. Next, they dialed 911. This connected them to an administrative number at the Joplin Police Department. Unfortunately, that phone call was not answered.

Next, as they were approaching Neosho, they tried the Neosho Police Department; and their first call was unanswered. They dialed again. The second call was finally answered. However, by that time, unfortunately, tragically, it was too late. For as the police of Neosho were beginning to establish their roadblock, this minivan crossed the lane, hit an oncoming vehicle in which a 22-year-old mother was killed and her 2-year-old son. And I might say that the little baby boy was in a car seat in the rear of the vehicle.

This tragic accident might have been avoided if the caller had been able to reach the proper authority on the first attempt.

Mr. Chairman, I am pleased that the bill that we are voting upon and hopefully will pass today includes, among many other important provisions, the designation of 911 as the universal cellular assistance number. Adoption of this bill will provide one of the many positive utilizations of cellular telephones: their use in emergency situations.

Mr. Chairman, I urge my colleagues to vote in favor of this very important public safety legislation which can and will literally save lives.

Mr. TAUZIN. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. STEARNS), my good colleague on the committee.

Mr. STEARNS. Mr. Chairman, I also rise in strong support of H.R. 438, the Wireless Communications and Public Safety Act, which will begin creating a national, seamless emergency system.

In today's world, a wireless telephone user cannot automatically, believe it or not, dial 911 in order to reach emergency personnel.

□ 1115

For instance, if you go into the State of Nevada, a citizen would have to dial NHP, that is right, NHP. In Arkansas, a resident would have to dial 55. And somebody in Virginia would have to call 77 or put the star sign 77 or the pound sign 77 to get the 911.

So, for many of us, we felt that was not right. So this legislation would require the FCC to designate 911 as the universal emergency telephone number for both wireless and wireline calls.

The bill also would require the FCC to provide support to the States in their development of their Statewide plans.

As the Chairman knows, the House passed similar legislation overwhelmingly in the last Congress with my support and others. But the previous bill contained a glaring provision that should not have been included in the bill. The previous legislation unnecessarily co-opted local decision-making authority regarding access to Federal sites in deploying necessary equipment for the transmission of wireless networks.

The previous bill wanted to establish an ability to fund the creation of a seamless 911 system, but frankly, in my opinion, it was done at the detriment of local officials playing a role at deciding the location of wireless towers.

This mistake has been corrected in this version, which makes the bill more palatable, especially for our colleagues in the Senate. Obviously, it will likely pass the other body, I think, with ease. It is necessary this morning and imperative to allow our local cities and counties to play a primary role in tower siting issues that affect, of course, their local communities.

Another important change in the bill is the provision to grant liability protection to wireless providers. The liability protection will establish a legal parity between wireline providers and wireless companies that have to carry emergency calls on their systems and help provide emergency services. Wireless providers should and will have equal protection under the law as wireline providers do.

Finally, Mr. Chairman, H.R. 438 would also grant privacy protection to wireless consumers by prohibiting carriers from releasing a user's location information. Location information will only be given to emergency personnel responding to an emergency call and will be given to family members to notify them of the emergency situation. Location information can also be distributed with the wireless consumers consent.

Mr. Chairman, I appreciate all the work that the gentleman from Louisiana (Chairman TAUZIN) has done, the gentleman from Illinois (Mr. SHIMKUS) has done, and also the gentleman from Virginia (Chairman BLILEY), and keep up the good work.

Mr. TAUZIN. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I simply want to take the time to thank our staff; to, first of all, thank the minority staff, Andy LEVIN and Colin Crowell, who have been so helpful and instrumental in helping us get this bill done; to thank the majority staff, Tricia Paoletta, Mike O'Rielly, Hugh Halpern and Cliff Riccio, as well as my own staffer, Monica Azare, who all contributed so much to moving this bill forward and I think perfecting it.

I want to say, as we move this bill forward, that we should always, I think, take time to say special thanks to both hardworking staffers on both our personal staff and the committee staff because they toil very often late at night and sometimes with not enough recognition for how much of a contribution they make to this body as a whole. Our thanks go out to all of them collectively.

Mr. Chairman, I reserve the balance of my time.

Mr. MARKEY. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Chairman, I thank my colleague, the gentleman from Massachusetts, for allowing me to address the House and support the bill.

The number of wireless subscribers in our country totals about 68 million, and that number continues to grow. Although being in my fourth term in Congress, the first time I became aware

HeinOnline -- 1 Wireless Communications and Public Safety Act of 1999: P.L. 106-81: 113 Stat. 1286: October 26, 1999 H732 1999

of 911 was as a State Representative in Houston in the early 1980s, and we created a 911 system in Harris County, Texas, due to the cooperation from Harris County and the City of Houston. Then Texas went on to create the 911 system around the State.

So it is great to see what we have learned in our individual States, whether it be in Missouri with the gentlewoman from Missouri (Ms. DANNER) or any other State and now this idea has come to Washington, which is the way it should be.

We have experimented with it on the local level and learned what works and what does not. Now we can create an emergency wireless network for our whole country.

H.R. 438 is the first step in increasing safety in our Nation. First by designating 911 as the emergency number for not only wireless calls but also wireline calls.

It has been said before during this debate that many States have different emergency wireless numbers. In fact, I had the opportunity a few weeks ago to drive from Houston to Washington, and going through Mississippi, Alabama, Virginia, Tennessee, to see the different numbers that each State has made this bill even more important.

H.R. 438 builds on the existing number of wireless networks and subscribers to form an expansive emergency end-to-end wireless safety network in the United States.

Again, I think it is so important that we are doing this today, and I am a little disappointed that we did not have the funding mechanisms to upgrade the State PSAPs and for the research and development for the automatic crash notification system.

However, I also understand that the concerns about local control for the siting of the towers, and for local zoning concerns. But, again, coming from Houston where we are the largest city in the world, I guess, without zoning, so it is not a big concern.

I also hope that the FCC will continue their public safety efforts, because I think our chairman of our subcommittee noted a lot of this could have been done by the regulatory agency, and hopefully they will do that.

I also hope that the Federal Communications Commission will continue with their public safety agenda. I have heard that only 6–7% of the country is in compliance with the Phase 1 wireless location requirement. I hope that the FCC will take the appropriate steps to ensure that Phase I location identification technology is in place in a timely fashion all around the country.

H.R. 438 will save lives. In order to save lives we have to make sure that emergency services can quickly get out to the site of an accident. That is the basic premise of this legislation to help save lives.

H.R. 438 is a great start in increasing safety in our country. It will start the deployment of an E–911 system for our country. However, in order to ensure the full deployment of an end to end wireless communications emergency network, we all must work together on all levels of government and between all agencies in our government.

I stand in support of H.R. 438 and encourage my colleagues to do the same.

Mr. MARKEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, again, this is a very important piece of legislation. The FCC has the responsibility for ensuring that these location technologies are built into wireless technologies over the next 2 or 3 or 4 years. We want to encourage the FCC to make progress on that issue, meeting the deadlines which have been established. At that point, we will have an ability to get help for everyone in the country who has a wireless phone and at the same time protect their privacy. That is a good balance. This is a good bill.

I want to congratulate the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Virginia (Mr. BLILEY) once again, and all the staff who have worked on it, the litany of saints that the gentleman from Louisiana (Mr. TAUZIN) mentioned and everyone else that helped.

Mr. Chairman, I yield back the balance of my time.

Mr. TAUZIN. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, let me again thank my friend, the gentleman from Massachusetts (Mr. MARKEY). I am not sure if the House is aware of it, but the gentleman from Massachusetts and I also, in the context of this bill, engaged the Park Service in an interesting experiment to see how fast the Park Service could authorize the installation of cellular towers in Rock Creek Park, which is now an area of our country which is considered a hole in the cellular system where people enjoying that park cannot call 911 or any other number because cellular phones will not work in it.

Almost a year ago, I guess, we had hearings, and the Park Service promised us that within 90 days they would process an application. Rock Creek Park is still waiting for the approval of an application. Our latest hearings on this bill, they promised us again, in 75 days, they would complete the application leading to the installation of cellular service for Rock Creek Parkway and all the residents in the area as well as those who enjoy Rock Creek Park.

It is a good example of problems we have across America, getting out there and then having a safety net system like 911 available to help them.

I want to thank my friend again for all of his excellent work on this bill, for our cooperative efforts in issues like this. I regret the bill does not move the process of cellular location towers forward. But as the gentleman from Florida (Mr. STEARNS) pointed out, it was a necessary task to leave that language out of the bill in order to ensure passage of this good legislation.

But let me say, as we conclude debate on this bill, that I hope the communities of America who have passed moratoriums against additional tower siting will rethink those moratoriums and will instead come up with zoning plans that effectively, under their own discretion, get towers located so that people not only can have cellular service without losing signals as they move from one area to another but that they can also have this incredibly important safety system, the E-911 system, available for them and their family when they are in desperate need of emergency help.

Mr. Chairman, as I said, this is a great way for us to start this session. I think we have demonstrated the way we can work cooperatively in a bipartisan fashion to do something good for our country.

This is a good start because we have focused on something that is critically important to every American, every American who is out there driving our highways, riding the bike paths or running on those bike paths or enjoying the great outdoors in our parks and wonderful areas such as we have along I-10 in south Louisiana that my friend, the gentleman from Texas (Mr. GREEN), drove on his way up here; that they will know, when something goes wrong, there is a number they can call, and they can get help. Mr. Chairman, this is good legislation.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank you for giving me the opportunity to speak on behalf of this bill, which further standardizes our emergency infrastructure around the country.

One of the great benefits of wireless technology, and specifically, cellular phones, is the improvement of safety on the roadways. Whereas in past years, people who had car trouble or had become involved in a traffic accident had to rely on passers-by to notify the proper authorities, now, cellular phone users can dial for help from nearly everywhere in the United States.

In fact, many purchasers of cellular phones do so with the sole intention of using it as a safety device—much like a fire extinguisher. Many cellular service providers have elaborated on that concept by offering cellular calling plans that cost less than "landlines," based on the fact that they will only be used on great occasion. Still others have marketed their products in a way that promotes the use of cellular phones as measure of security.

This bill enhances the safety value of wireless phones by standardizing the phone number "911" for exclusive use by emergency agencies. Although this is currently standardized on land-based phone systems, this is not the case with cellular systems. This will remedy that problem so that there is no confusion for consumers who are in need of assistance. And in a time of emergency—one second of confusion could mean the difference between life and death.

However, before I fully endorse this bill, I would like to raise an area of concern, for my district and for the city of Houston. Houston recently adopted a new phone number designation for nonemergency phone calls—"311". That number was designated in order to offload nonemergency phone calls from 911, thereby freeing up our scarce emergency resources.

HeinOnline -- 1 Wireless Communications and Public Safety Act of 1999: P.L. 106-81: 113 Stat. 1286: October 26, 1999 H733 1999

One important aspect of 311 is educating the public that it should be used in place of 911 in nonemergency situations. And while I believe that this bill and the 311 program will both prove themselves to be valuable and effective programs, I hope that this bill will not adversely affect the implementation of 311.

Having said that, I would hope that the Conference Committee will take a close look at the issue of 311, and if any problems are foreseen, that they would place clarifying language in the Conference Committee Report so that there will be some guidance for local and State legislators as well as the courts on this matter.

I look forward to seeing H.R. 438 enacted into law, and encourage my colleagues to support it, along with other efforts at enhancing the safety of this country for our citizens.

Mr. BLILEY. Mr. Chairman, at the outset, let me thank the sponsor of H.R. 438, the gentleman from Illinois, Mr. SHIMKUS, for his hard work on this issue. Let me also thank the subcommittee chair, Mr. TAUZIN, for his leadership on this important issue over the last Congress and this Congress as well.

As I said in December when I outlined the priorities for the Commerce Committee this Congress, we intent to move telecommunications legislation that promotes consumers access to emergency personnel in times of need and promotes wireless communications privacy. Today, we take the first step by bringing to the floor H.R. 438, a bill to solidify the use of 911 as the emergency telephone number for consumers to dial in emergency situations and other purposes. Tomorrow, the House will consider H.R. 514, a bill to strengthen the privacy protections afforded wireless communications consumers. These two bills complement each other by improving and facilitating consumer utilization of wireless communications. They also have important public interest benefits—improving personal safety and privacy protections. I am hopeful that the other body will consider the hard work of the House when it receives these two bills and will quickly take similar action. While we couldn't quite enact these bills into law last Congress, these bills deserve the attention of the other body of this Congress.

As many Members of the House already know, the growth rate in wireless telephone subscribers has been phenomenal. The Cellular Telecommunications Industry Association indicates that there are over 68 million wireless subscribers in the United States today and the demand for wireless services continues to grow. One reason for this significant growth is that more and more subscribers are purchasing wireless telephones for safety.

Whether traveling with our children or grandchildren, or driving on unfamiliar roads, an increasing number of Americans are comforted by knowing that in the case of an emergency they could make a telephone call to reach a close relative or police. Far too often, however, that critical call cannot go through. In order for a successful emergency call to be made, wireless communications users need to know what number to dial to reach emergency personnel. And the problem doesn't lie just with wireless communications. In some parts of our Nation, the seemingly ubiquitous telephone number 911 is not the number used by the local community for emergencies. This situation causes consumer confusion that can delay or prevent emergency personnel from reaching people in need. There are approximately 15 emergency numbers used around the country for wireless calls. These range from 911, to *55, #77, the acronym of the State highway police, to the local sheriff or police department. Take a moment to image trying to get emergency help on an interstate highway when you are not certain of your precise location, and then stumbling through the telephone number possibilities while a loved one suffers. Representative DANNER testified at a hearing before the Subcommittee on Telecommunications, Trade, and Consumer Protection last year that to drive through the six States from her district in Missouri to Washington, DC, a driver would have to know 5 different emergency wireless numbers.

H.R. 438 will resolve this problem once and for all. The bill designates 911 as the universal emergency telephone number. When a consumer picks up a telephone or pulls out a pocket phone they can be confident that dialing 911 will reach proper emergency personnel. This simple concept will have a significant impact on overall public safety and consumer welfare.

H.R. 438 will require the Federal Communications Commission to provide technical support to the States and encourage the development of statewide plans to develop end-to-end emergency communications network, by working both with the States and interested parties in the private sector.

H.R. 438 provides liability parity between wireline and wireless carriers. After examining the issue closely, the Committee felt strongly that wireless carriers should be afforded every legal protection provided a wireline carrier in a given State in order to provide the emergency communications in need. The bill allows States to "opt-out" of the liability parity scheme if it develops its own protections within a two year period. This will provide adequate time for States to take action if they so choose but will also provide a Federal standard to promote common legal treatment of wireless carriers.

The Committee has been told by a small minority that liability protections for wireless carriers are inappropriate and the other body will eliminate them during the process. I hope that this is not the case. Anything that promotes public safety should not be dropped merely because it is opposed by the powerful lobby groups. Wireless carriers have carefully made the case as to why liability parity is justified in this limited instance and how public safety will be enhanced if it is enacted. This provision should remain in any companion bill.

H.R. 438 will also provide privacy protections for consumers in the use of subscriber call location information. Call location information is a technology that will help locate consumers dialing from a wireless telephone. In many instances today, wireless users dial the appropriate telephone number but are unable to describe exactly where they are. Technology that is available today and newer technologies in the experimental stages are being deployed to help public service answering points (PSAP's) locate the exact position of a wireless call without requiring consumer input. This technology already exists in a wireline world. Its use in a wireless world will help speed the deployment of personnel in emergency situations.

As call location information technologies are deployed, it is equally important that we ensure that this information is treated confidentially. It is not appropriate to let government or commercial parties collect such information or keep tabs on the exact location of individual subscribers. H.R. 438 will ensure that such call location information is not disclosed without the authorization of the user, except in emergency situations, and only to specific personnel.

Lastly, the bill will clarify the privacy protections of current law to ensure that emergency support services, such as those provided by information or database management service providers, can receive subscriber list information from telecommunications carriers in a timely, unbundled and reasonable manner. it is important that emergency support service providers have accurate and timely information to ensure that the service they offer the PSAP is the best that can be done. Emergency support service providers should not have to pay for information they don't need and should not be forced to pay exorbitant rates or wait for such information. The bill provides a balanced requirement to alleviate concerns about obtaining such information from telecommunications companies by emergency support service providers.

Before closing, I want to thank my good friend, the chairman of the Committee on the Judiciary, Mr. HYDE, for his assistance in moving this legislation forward. With his understanding, we were able to resolve a last-minute jurisdictional issue between his committee and the Committee on Commerce. Without objection, at this point in the RECORD, I want to insert an exchange of letters between the committees on this legislation.

I urge all of my colleagues to support H.R. 438.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, February 23, 1999.

Hon. TOM BLILEY,
Chairman, Committee on Commerce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing you regarding H.R. 438, the "Wireless Communications and Public Safety Act of 1999," legislation that has been ordered reported by the Committee on Commerce. As ordered reported, H.R. 438 contains language within the Rule X jurisdiction of the Committee on the Judiciary.

Section 4 of H.R. 438 governs the legal liability under Federal and state law of wireless carriers and wireless 911 service users. As you know, matters relating to immunity and limitations on liability fall within the jurisdiction of this committee.

I am, however, willing to forgo a sequential referral of this bill with the understanding that the Commerce Committee accedes to this committee's jurisdictional claim on this matter. We will, of course, insist that the Speaker name conferees from this committee on section 4 of this bill and any similar Senate provision.

Sincerely,

HENRY J. HYDE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, February 23, 1999.

Hon. HENRY HYDE,
Chairman, Committee on the Judiciary, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR HENRY: Thank you for your letter regarding your Committee's jurisdictional interest in H.R. 438, the Wireless Communications and Public Safety Act of 1999.

HeinOnline -- 1 Wireless Communications and Public Safety Act of 1999: P.L. 106-81: 113 Stat. 1286: October 26, 1999 H734 1999

I acknowledge your committee's jurisdiction over section 4 of this legislation and appreciate your cooperation in moving the bill to the House floor expeditiously. I agree that your decision to forgo further action on the bill will not prejudice the Judiciary Committee with respect to its jurisdictional prerogatives on this or similar provisions, and will support your request for conferees on those provisions within the Committee on the Judiciary's jurisdiction should they be the subject of a House-Senate conference. I will also include a copy of your letter and this response in the Congressional Record when the legislation is considered by the House.

Thank you again for your cooperation.

Sincerely,

TOM BLILEY,
Chairman.

Mr. TAUZIN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. LINDER). All time for general debate has expired.

The amendment in the nature of a substitute printed in the bill shall be considered by sections as an original bill for the purpose of amendment and, pursuant to the rule, each section is considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wireless Communications and Public Safety Act of 1999".

The CHAIRMAN pro tempore. Are there any amendments to section 1?

The Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the establishment and maintenance of an end-to-end emergency communications infrastructure among members of the public, local public safety, fire service, and law enforcement officials, emergency dispatch providers, and hospital emergency and trauma care facilities will reduce response times for the delivery of emergency care, assist in delivering appropriate 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 service, and law enforcement officials, and emergency dispatch providers, and the designation of 911 as the number to call in emergencies throughout the Nation;

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

(4) the benefits of wireless communications in emergencies will be enhanced by the development of state-wide plans to coordinate the efforts of local public safety, fire service, and law enforcement officials, emergency dispatch providers, emergency medical service providers on end-to-end emergency communications infrastructures; and

(5) the construction and operation of seamless, ubiquitous, and reliable wireless telecommunications systems promote public safety and provide immediate and critical communications links among members of the public, emergency medical service providers and emergency dispatch providers, public safety, fire service and law enforcement officials, and hospital emergency and trauma care facilities.

(b) PURPOSE.—The purpose of this Act is to encourage and facilitate the prompt deployment throughout the United States of a seamless, ubiquitous, and reliable end-to-end infrastructure for communications, including wireless communications, to meet the Nation's public safety and other communications needs.

The CHAIRMAN pro tempore. Are there amendments to section 2?

The Clerk will designate section 3.

The text of section 3 is as follows:

SEC. 3. UNIVERSAL EMERGENCY TELEPHONE NUMBER.

(a) ESTABLISHMENT OF UNIVERSAL SERVICE EMERGENCY TELEPHONE NUMBER.—Section 251(e) of the Communications Act of 1934 (47 U.S.C. 251(e)) is amended by adding at the end the following new paragraph:

"(3) UNIVERSAL EMERGENCY TELEPHONE NUMBER.—The Commission and any agency or entity to which the Commission has delegated authority under this subsection shall designate 911 as the universal emergency telephone number within the United States for reporting an emergency to appropriate authorities and requesting assistance. Such designation shall apply to both wireline and wireless telephone service. In making such designation, the Commission (and any such agency or entity) shall provide appropriate transition periods for areas in which 911 is not in use as an emergency telephone number on the date of enactment of the Wireless Communications and Public Safety Act of 1999.".

(b) TECHNICAL SUPPORT.—The Federal Communications Commission shall provide technical support to States to support and encourage the development of statewide plans for the deployment and functioning of a comprehensive end-to-end emergency communications infrastructure, including enhanced wireless 911 service, on a coordinated statewide basis. In supporting and encouraging such deployment and functioning, the Commission shall consult and cooperate with State and local officials responsible for emergency services and public safety, the telecommunications industry (specifically including the cellular and other wireless telecommunications service providers), the motor vehicle manufacturing industry, emergency medical service providers and emergency dispatch providers, special 911 districts, public safety, fire service and law enforcement officials, consumer groups, and hospital emergency and trauma care personnel (including emergency physicians, trauma surgeons, and nurses).

The CHAIRMAN pro tempore. Are there any amendments to section 3?

The Clerk will designate section 4.

The text of section 4 is as follows:

SEC. 4. PARITY OF PROTECTION FOR PROVISION OR USE OF WIRELESS 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 in a particular jurisdiction that a local exchange company, and its officers, directors, employees, vendors, or agents, have under Federal and State law applicable in such jurisdiction with respect to wireline services, including in connection with an act or omission involving—

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

(2) transmission errors, failures, network outages, or other technical difficulties that may arise in the course of transmitting or handling emergency calls or providing emergency services (including wireless 911 service); and

(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 911 service shall have immunity or other protection from liability in a particular jurisdiction of a scope and extent that is not less than the scope and extent of immunity or other protection from liability under Federal or State law applicable in such jurisdiction in similar circumstances of a person using 911 service that is not wireless.

(c) EXCEPTION FOR STATE LEGISLATIVE ACTION.—The immunity or other protection from liability required by subsection (a)(1) shall not apply in any State that, prior to the expiration of 2 years after the date of enactment of this Act, enacts a statute that specifically refers to this section and establishes a different standard of immunity or other protection from liability with respect to an act or omission involving development, design, installation, operation, maintenance, performance, or provision of wireless service (other than wireless 911 service). The enactment of such a State statute shall not affect the immunity or other protection from liability required by such subsection (a)(1) with respect to acts or omissions occurring before the date of enactment of such State statute.

The CHAIRMAN pro tempore. Are there any amendments to section 4?

The Clerk will designate section 5.

The text of section 5 is as follows:

SEC. 5. AUTHORITY TO PROVIDE CUSTOMER INFORMATION.

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

(1) in subsection (d)—

(A) by striking "or" at the end of paragraph (2);

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

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

"(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; or

"(5) to transmit automatic crash notification information as part of the operation of an automatic crash notification system.";

(2) by redesignating subsection (f) as subsection (h) and by inserting before such subsection the following new subsections:

"(f) AUTHORITY TO USE WIRELESS LOCATION INFORMATION.—For purposes of subsection

HeinOnline -- 1 Wireless Communications and Public Safety Act of 1999: P.L. 106-81: 113 Stat. 1286: October 26, 1999 H735 1999

(c)(1), without the express prior authorization of the customer, a customer shall not be considered to have approved the use or disclosure of or access to—

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

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

"(g) SUBSCRIBER LISTED AND UNLISTED INFORMATION FOR EMERGENCY SERVICES.—Notwithstanding subsections (b), (c), and (d), a telecommunications carrier that provides telephone exchange service shall provide information described in subsection (h)(3)(A) (including information pertaining to subscribers whose information is unlisted or unpublished) that is in its possession or control (including information pertaining to subscribers of other carriers) on a timely and unbundled basis, under nondiscriminatory and reasonable rates, terms, and conditions to providers of emergency services, and providers of emergency support services, solely for purposes of delivering or assisting in the delivery of emergency services.";

(3) in subsection (h)(1)(A) (as redesignated by paragraph (2)), by inserting "location," after "destination,"; and

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

"(4) PUBLIC SAFETY ANSWERING POINT.—The term 'public safety answering point' means a facility that has been designated to receive emergency calls and route them to emergency service personnel.

"(5) EMERGENCY SERVICES.—The term 'emergency services' means 911 emergency services and emergency notification services.

"(6) EMERGENCY NOTIFICATION SERVICES.—The term 'emergency notification services' means services that notify the public of an emergency.

"(7) EMERGENCY SUPPORT SERVICES.—The term 'emergency support services' means information or data base management services used in support of emergency services.".

The CHAIRMAN pro tempore. Are there any amendments to section 5?

The Clerk will designate section 6.

The text of section 6 is as follows:

SEC. 6. DEFINITIONS.

As used in this Act:

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

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

(3) 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 emergency service.

(4) The term "enhanced wireless 911 service" means any enhanced 911 service so designated by the Federal Communications Commission in the proceeding entitled "Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems" (CC Docket No. 94-102; RM-8143), or any successor proceeding.

(5) The term "wireless 911 service" means any 911 service provided by a wireless carrier, including enhanced wireless 911 service.

The CHAIRMAN pro tempore. Are there any amendments to section 6?

Are there any amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HORN) having assumed the chair, Mr. LINDER, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 438) to promote and enhance public safety through use of 911 as the universal emergency assistance number, and for other purposes, pursuant to House Resolution 76, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The CHAIRMAN pro tempore. Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken, and the Speaker pro tempore announced the ayes appeared to have it.

Mr. TAUZIN. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 415, nays 2, not voting 16, as follows:

[Roll No. 24]

YEAS—415

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

HeinOnline -- 1 Wireless Communications and Public Safety Act of 1999: P.L. 106-81: 113 Stat. 1286: October 26, 1999 H736 1999

NAYS—2

Chenoweth	Paul

NOT VOTING—16

Brady (TX)	Hinchey	Pickering
Capps	Kennedy	Reyes
Davis (IL)	Livingston	Rush
Engel	McInnis	Sanders
Ganske	Neal	
Hill (IN)	Owens	

□ 1151

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HILL of Indiana. Mr. Speaker, during rollcall vote No. 24 on H.R. 438, I was unavoidably detained. Had I been present, I would have voted "yes."

Mr. McINNIS. Mr. Speaker, due to business in Colorado, I will be unable to vote on the following bill, H.R. 438. Had I been able to vote, I would have voted "yea."

PERSONAL EXPLANATION

Mr. TAYLOR of Mississippi. Mr. Speaker, during rollcall vote No. 23, H.R. 171, and No. 24, H.R. 193, I was unavoidably detained. Had I been present, I would have voted "yes."

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 438, the bill just passed.

The SPEAKER pro tempore (Mr. GIBBONS). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 436, GOVERNMENT WASTE, FRAUD, AND ERROR REDUCTION ACT OF 1999

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 43 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 436) to reduce waste, fraud, and error in Government programs by making improvements with respect to Federal management and debt collection practies, Federal payment systems, Federal benefit programs, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with section 303 of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. During consideration of the bill for amendment, the chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 43 is an open rule providing for consideration of H.R. 436, the Government Waste, Fraud and Error Reduction Act of 1999, a bill to reduce waste, fraud and error in government programs by making improvements to the Federal management and debt collection practices, Federal payment systems, and Federal benefit programs.

H. Res. 43 is an open rule, providing 1 hour of general debate divided equally between the chairman and ranking minority member of the Committee on Government Reform. The rule waives section 303 of the Congressional Budget Act, prohibiting consideration of legislation providing new budget authority or contract authority for a fiscal year until the budget resolution for that fiscal year has been agreed to against the consideration of the bill.

Section 303 of the Budget Act prohibits consideration of legislation providing new budget authority or contract authority for a fiscal year until the budget resolution for that fiscal year has been agreed to. This is simply a technical waiver. The rule also provides that the bill will be considered as read.

Members who have preprinted their amendments in the RECORD prior to their consideration will be given priority in recognition to offer their amendments if otherwise consistent with House rules.

The rule allows for the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce votes to 5 minutes on a postponed question if the vote follows a 15-minute vote.

□ 1200

Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, the Federal Government's failure to collect delinquent debt is costing American taxpayers billions of dollars each year. According to the Department of the Treasury, the Federal Government is owed approximately $50 billion in delinquent debt, and that is not including taxes. Of that amount, more than $47 billion has been delinquent over 180 days. The Federal Government also writes off an additional $10 billion each year.

H.R. 436, the Government Waste, Fraud and Error Reduction Act of 1999, is identical to H.R. 457 that passed the U.S. House of Representatives last year with overwhelming bipartisan support. Unfortunately, the Senate did not take up this legislation. We are bringing the bill back before the American people because we believe it is the right thing to do. This legislation builds on prior Federal debt collection initiatives such as the Debt Collection Improvement Act of 1996 by providing Federal agencies with additional tools to collect their debt collection.

The Congressional Budget Office estimated in the 105th Congress that this legislation would actually save the Federal Government $14 million over a 4-year period. By forcing agencies to make debt collection a priority and giving them the tools to be successful, this legislation stops the lax attitudes of Federal agencies over the handling of our tax dollars. It is unfortunate that these common sense ideas have to be mandated by Congress in order for Federal agencies to pay attention. The savings generated by this bill is just one part of the billions of dollars that are wasted each and every year by this government.

I am proud of the strides this Congress, the Republican majority, has made to reduce waste, fraud and abuse. We must continue to be vigilant in search of a smaller, smarter government.

In this era of surpluses there have been calls for my colleagues on the left to increase government spending. This legislation conveys the absurdity of those suggestions. I believe it is wrong for the Federal Government to spend more on government programs until it has properly accounted for and been efficient in that which the money has been spent up to now. Taxpayers work hard for the tax dollars they send to Washington, and it is time that we stop throwing their money at problems without demanding proper accountability of those dollars and, more importantly, results which are measurable.

This legislation puts us on the right track. It is not a silver bullet. It does not eliminate waste, fraud and error in the government. Rather, it is a tool to help government deal more carefully with that problem.

I urge my colleagues to pass this fair, open rule and the underlying legislation.

HeinOnline -- 1 Wireless Communications and Public Safety Act of 1999: P.L. 106-81: 113 Stat. 1286: October 26, 1999 H737 1999

HeinOnline -- 1 Wireless Communications and Public Safety Act of 1999: P.L. 106-81: 113 Stat. 1286: October 26, 1999 [i] 1999