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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.

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

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.

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

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SECTION 1. SHORT TITLE.

This Act may be cited as the "Wireless Communications and Public Safety Act of 1998".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the establishment and maintenance of an end-to-end communications infrastructure among members of the public, emergency safety, fire service and law enforcement officials, 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, the establishment of sources of adequate funding for carrier and public safety, fire service and law enforcement agency technology development and deployment, and the designation of 911 as the number to call in emergencies throughout the Nation;

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(3) emerging technologies such as automatic crash notification systems can be a critical component of the end-to-end communications infrastructure connecting the public with emergency medical service providers and emergency dispatch providers, public safety, fire service and law enforcement officials, and hospital emergency and trauma care facilities, to reduce emergency response times and provide appropriate care;

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

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

(A) the establishment of a program to improve safety through grants to States to develop integrated enhanced wireless 911 services and to support State programs to address risks to the safety of members of the public from driving under the influence of alcohol or illegal drugs, driving aggressively, or other driving behavior that poses a risk to such safety; and

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(B) investments in research on and development of automatic crash notification and related matters;

(6) emergency care systems, particularly in rural areas of the Nation, will improve with the enabling of prompt notification of emergency services when motor vehicle crashes occur; and

(7) 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.

SEC. 3. UNIVERSAL 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:

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"(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 1998.".

SEC. 4. WIRELESS COMMUNICATIONS AND PUBLIC SAFETY FUND.

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

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

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

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

SEC. 5. ASSISTANCE TO STATES.

(a) POPULATION-BASED MATCHING GRANTS TO IMPLEMENT STATE PLANS.—

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

(2) STATE PLANS.—Any State seeking to obtain a grant under this subsection shall submit to the Secretary a plan for the administration of the grant. Such plan shall—

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

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

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(ii) has in place policies to encourage members of the public to report significant risks to the safety of members of the traveling public, such as incidents of driving under the influence of alcohol or illegal drugs, driving aggressively, or other driving behavior that poses a risk to such safety;

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

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

(v) has consulted in the development of the plan, and will consult in the implementation of the plan, with State and local officials responsible for emergency services and public safety, the telecommunications industry (specifically including the cellular and other wireless telecommunications elements of the industry), the motor vehicle

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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);

(B) provide for coordination on a statewide basis, by an entity designated by the Governor of the State, of deployment and functioning of a comprehensive end-to-end emergency communications system, including enhanced wireless 911 service;

(C) contain a description of the mechanisms used in the State for wireless carrier recovery of costs related to the provision of automatic numbering identification and call location services in response to a request from a PSAP;

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

(E) identify any entity that will be used to administer the grant in accordance with subsection (a);

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(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

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

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

(A) payment of costs associated with acquisition, upgrade, or modification of equipment to be used by units of States or of political subdivisions thereof (including PSAPs) for receipt of enhanced wireless 911 service information; and

(B) other emergency prevention, educational, or pre-hospital emergency medical programs or expenditures which will utilize or make effective the end-to-end system envisioned by this Act.

(b) RURAL ASSISTANCE GRANTS TO STATES.—

(1) IN GENERAL.—From the amounts available under section 9(d)(2), the Secretary shall make grants to States in accordance with the requirements of this subsection to assist in ensuring the achievement of the purpose of this Act in rural areas of the United States.

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(2) STATE PLANS.—Any State seeking to obtain a grant under this subsection shall submit to the Secretary a plan for the administration of the grant. Such plan shall comply with the requirements set forth in subsection (a)(2).

(3) AMOUNT OF GRANTS.—The amount of the grant under this subsection shall be such amount as the Secretary deems appropriate to assist in ensuring the achievement of the purpose of this Act in rural areas of the State.

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

(c) DISBURSEMENT OF GRANT FUNDS.—

(1) DIRECT OR INDIRECT DISBURSEMENT PERMITTED.—A State that receives a grant under this section may—

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

(B) administer such funds through governmental entities of that State, political subdivisions of that State or entities thereof, or eligible nongovernmental entities, if—

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

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911 as a universal emergency telephone number; or

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

(2) ELIGIBLE NONGOVERNMENTAL ENTITIES.—For purposes of paragraph (1), an eligible nongovernmental entity is an entity that provides pubic safety services or administrative services on behalf of a State government.

(d) DUAL GRANTS PERMITTED.—A State may, in any fiscal year, obtain a grant under either or both of subsections (a) and (b).

SEC. 6. RESEARCH AND DEVELOPMENT ON CRASH INFORMATION SYSTEMS.

(a) PROGRAM AUTHORIZED.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish a program to provide, from amounts appropriated from the WICAPS Fund under section 9(b), investments in research and development of—

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

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transmit information about the crash to the appropriate emergency personnel; and

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

(A) to transmit crash data; and

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

(b) CONSULTATION WITH INTERESTED PARTIES.—The Secretary shall consult with representatives of the personal wireless services and equipment industry, the motor vehicle manufacturing industry, the public safety community, and the medical community in planning the research and development investments described in subsection (a).

(c) USE OF FUNDS.—

(1) AUTHORIZED USES.—The investments for which subsection (a)(1) provides shall include investments conducted by trauma centers in coordination with other provides of emergency medical services for the purpose of—

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

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

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(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 (e) (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

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

"(2) AVAILABILITY OF FEDERAL PROPERTY FOR PERSONAL WIRELESS SERVICES.—Not later than 60 days after a department, agency, officer, or instrumentality of the United States with control of real property (including rights-of-way and easements) owned by the United States receives a request containing the information set forth in paragraph (5) from a provider of personal wireless services for access to and use of such real property for siting of facilities used in providing such services, the department, agency, officer, or instrumentality shall make that real property available on a fair, reasonable, and nondiscriminatory basis and at not more than a reasonable fee (which shall in no event exceed fair market value), to the provider for that purpose, unless and to the extent that the head of the department, agency, officer, or instrumentality determines and notifies the provider prior to the expiration of that 60-day period that making such real property available will present an unavoidable direct conflict with—

"(A) the mission of the department, agency, or instrumentality; or

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"(B) the current use of the real property or the use of the real property that was planned at the time of the request.

"(3) FAVORABLE DECISION.—Unless the department, agency, officer, or instrumentality determines pursuant to paragraph (2) that an unavoidable conflict exists (as described in such paragraph), such department, agency, officer, or instrumentality shall, within 90 days after the date of the receipt of the request under paragraph (2), execute any documents, such as a lease, that are necessary to implement the request.

"(4) UNFAVORABLE DECISION.—With regard to a request under paragraph (2), a department, agency, officer, or instrumentality shall not make a determination that an unavoidable conflict exists (as described in such paragraph) unless—

"(A) an opportunity for an informal hearing is afforded to interested persons commencing within 60 days, and concluding within 90 days, after receipt of the request and prior to the making of the determination;

"(B) the determination is in writing, constitutes a final agency action, and discloses the specific grounds therefor.

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"(5) INFORMATION REQUIRED IN REQUEST FOR ACCESS TO AND USE OF FEDERAL PROPERTY.—A request by a provider of personal wireless services under paragraph (2) shall contain the following information:

"(A) The name, address and telephone number of the provider and the provider's authorized or legal representative for the request.

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

"(C) The type and size of antenna installation and support required for the provider's proposed wireless site, including access to the site, utility requirements, acreage of land, or foot-pound capacity for rooftops, and any special site modification requirements.

"(D) a summary of antenna specifications, including frequencies.

"(E) The term of the requirement for use of the real property.

"(F) The terms of removal of the equipment and structures or property restoration.

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

"(H) A description of methods of achieving compliance with any applicable environmental or historic preservation statutes.

"(6) JUDICIAL REVIEW.—A provider of personal wireless services adversely affected by a final action or failure to act by a department, agency, officer, or instrumentality concerning a request under paragraph (2) (including any decision relating to a fair, reasonable, and nondiscriminatory basis for access and use or what constitutes a reasonable fee) may obtain judicial review of the action or failure to act in accordance with the provisions of chapter 7 of title 5, of the United States Code, except that the burden shall be on the department, agency, officer, or instrumentality to sustain its action.

"(7) REGULATORY COMPLIANCE.—The department, agency, officer or instrumentality receiving a request under paragraph (2) shall conduct environmental processing of such request in accordance with subpart I of part 1 of title 47 of the Code of Federal Regulations, except that such rules shall be applied consistent with the time periods established in this subsection.

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"(8) AVOIDANCE OF REDUNDANT REGULATIONS.—Bulletins issued by the Administrator of General Services pursuant to subsection (c) of this section shall continue to apply, to the extent otherwise consistent with this subsection, to the administration of this subsection until modified or superseded by the Administrator as necessary for the purposes of this subsection.

"(9) NOTICE AND OPPORTUNITY TO COMMENT.—

"(A) NOTICE.—A provider of personal wireless services making a request under paragraph (2) shall provide written notice of such request to the chief executives of the State and any local government in which the Federal property covered by the request is located. Such notice shall consist of the intended location of the facilities, and the name, address, and telephone number of the Federal official to whom the request has been made.

"(B) OPPORTUNITY TO PROVIDE COMMENTS.—The department, agency, officer, or instrumentality receiving a request under paragraph (2) shall afford the State and any local government described in subparagraph (A) of

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

"(10) DEFINITIONS.—As used in this subsection:

"(A) The term 'instrumentality of the United States' includes any independent establishment of the United States.

"(B) The term 'personal wireless services' has the meaning specified for that term in section 332(c)(7)(C)(i) of the Communications Act of 1934 (47 U.S.C. 332(c)(7)(C)(i).

"(C) Facilities used in the provision of personal wireless services are the antenna and supporting equipment, including ground-based electronics connected to such equipment, for the provision of such service.".

SEC. 8. PARITY OF PROTECTION FOR PROVISION OR USE OF WIRELESS 9-1-1 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 that a local exchange company, and its officers, directors, employees,

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

(1) development, design, installation, operation, maintenance, performance, or provision of telecommunications service (including wireless 9–1–1 service);

(2) transmission errors, failures, network outages, or other technical difficulties that may arise in the course of handling emergency calls or providing emergency services (including wireless 9–1–1 service); or

(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 9–1–1 service 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 under applicable law in similar circumstances of a person using 9–1–1 service that is not wireless.

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

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

SEC. 9. AUTHORIZATIONS OF APPROPRIATIONS AND DISPOSITION OF FEES.

(a) AUTHORIZATION OF APPROPRIATIONS FOR ADMINISTRATION OF THE ACT.—There are authorized to be appropriated in any fiscal year to the Department of Transportation such sums as may be necessary to carry out the duties of the Secretary under this Act (other than the duties for which subsections (b) and (c) authorize appropriations), and such sums may be derived by transfer from the WICAPS Fund to the extent provided in appropriations Acts.

(b) AUTHORIZATION OF APPROPRIATIONS FROM THE WICAPS FUND FOR MAKING RESEARCH AND DEVELOPMENT INVESTMENTS.—There is authorized to be appropriated in any fiscal year from the WICAPS Fund, for the purpose of making investments under section 6, an amount not to exceed 25 percent of the amount appropriated for that fiscal year pursuant to subsection (c). The total amount that is authorized to be appropriated pursuant to this subsection for all such fiscal years shall not exceed $60,000,000.

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

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

(1) ⅔ of the funds appropriated pursuant to subsection (c) shall be available for grants pursuant to section 5(a); and

(2) ⅓ of the funds so appropriated shall be available for grants pursuant to section 5(b).

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

(f) FISCAL YEAR AVAILABILITY.—Funds made available pursuant to an authorization of appropriations contained in this Act shall be available without fiscal year limitation to the extent provided in appropriations Acts.

(g) DISPOSITION OF FEES.—

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

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

(A) may, without regard to section 3302 of title 31 of the United States Code and consistent with such instructions as the Director of the Office of Management and Budget may issue, credit to the appropriations accounts identified in paragraph (2) not to exceed the amount set forth in paragraph (3); and

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

(2) The appropriations accounts to which paragraph (1)(A) refers are the appropriations accounts the appropriated funds of which the department, agency, officer, or instrumentality would use at the time the crediting occurs to process requests for access to and use of real property for siting of facilities used in providing personal wireless services.

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

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

(4) Nothing in this subsection shall impair or affect the authority under a statute other than this Act of a department, agency, officer, or instrumentality to receive and use funds that are not appropriated funds.

(h) RADIOFREQUENCY STUDY.—

(1) FINDINGS.—The Congress finds that—

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

(B) the United States should add to this body of knowledge through the conduct of appropriate research that is coordinated with other international research efforts; and

(C) representatives of the scientific community and the industry can provide information and expertise that would be valuable to the research authorized by this subsection.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Food and Drug Administration for the purpose of imple-

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

(A) 5 percent of the amount appropriated for the WICAPS Fund for that fiscal year pursuant to section 9(c); or

(B) $2,000,000.

(3) STUDY.—

(A) IN GENERAL.—Subject to the availability of appropriations, the Food and Drug Administration shall conduct a 2-year animal bioassay of radiofrequency emissions from wireless telephones operating on frequencies between 825 and 1900 megahertz, inclusive.

(B) COORDINATION.—To the maximum extent practical, the study described in subparagraph (A) shall be consistent with the global research needs on such matters as set forth by the International Electromagnetic Frequency Project of the World Health Organization.

(4) ADVISORY PANEL.—The Commissioner of the Food and Drug Administration shall, after consultation with the Center for Devices and Radiological Health and representatives of the scientific community and the wireless industry, designate a panel of scientific and industry experts to advise the Food

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

(A) the scope of the investigation;

(B) the appropriate transmission modalities to be studied;

(C) dosimetry techniques and measurements;

(D) other relevant scientific studies;

(E) engineering and properties of radio-frequency transmissions from wireless telephones; and

(F) other matters relevant to such study.

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

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full participation by the United States in the international research in such matters.

SEC. 10. AUTHORITY TO PROVIDE LOCATION 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 paragraph:

"(4) to provide call location information concerning the user of a commercial mobile service as such term is defined in section 332(d)) to emergency dispatch providers and emergency service personnel (including public safety, fire, police, and emergency medical personnel) in order to respond to the user's call for emergency services; and

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

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

"(f) AUTHORITY TO USE WIRELESS LOCATION INFORMATION.—For purposes of subsection (c)(1), without the express prior authorization of the customer, a customer shall not be considered to have approved the use, disclosure, or access to—

"(1) call location information concerning the user of a commercial mobile service (as such term is defined in section 332(d)) to any person other than emergency dispatch providers and emergency service personnel (including public safety, fire, police, and emergency medical personnel); or

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

(3) in subsection (g) (as redesignated by paragraph (2)), by inserting "location," after "destination."; and

(4) by inserting the following new subsection after subsection (d) and redesignating the subsequent subsection accordingly:

"(e) COMMERCIAL MOBILE SERVICES.—Nothing in this section prohibits a provider of commercial mobile

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services from using, disclosing, or permitting access to individually identifiable customer proprietary network information derived from the provision of such services that is related to calling volume or the nature and type of the commercial mobile services purchased to market or provide customer premises equipment or information services necessary to or offered with commercial mobile services.".

SEC. 11. DEFINITIONS.

As used in this Act:

(1) The term "WICAPS Fund" means the Wireless Communications and Public Safety Fund established by section 4.

(2) The term "Secretary" means the Secretary of Transportation.

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

(4) The term "instrumentality of the United States" includes any independent establishment of the United States.

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

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(6) The term "public safety answering point" or "PSAP" means a facility that has been designated to receive 911 calls and route them to emergency service personnel.

(7) 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 911 service.

(8) 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.

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

SEC. 12. SAVINGS CLAUSE.

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

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