

KEWEENAW NATIONAL HISTORICAL PARKS ADVISORY COMMISSION ACT

Mr. SHERWOOD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 748) to amend the Act that established the Keweenaw National Historical Park to require the Secretary of the Interior to consider nominees of various local interests in appointing members of the Keweenaw National Historical Parks Advisory Commission, as amended.

The Clerk read as follows:

H.R. 748

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

SECTION 1. APPOINTMENTS TO KEWEENAW NATIONAL HISTORICAL PARK ADVISORY COMMISSION.

Section 9(c)(1) of the Act entitled "An Act to establish the Keweenaw National Historical Park, and for other purposes" (Public Law 102-543; 16 U.S.C. 410yy-8(c)(1)) is amended by striking "from nominees" each place it appears and inserting "after consideration of nominees".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHERWOOD) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHERWOOD).

GENERAL LEAVE

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SHERWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 748, introduced by the gentleman from Michigan (Mr. STUPAK). H.R. 748 is a simple yet necessary bill that amends the Keweenaw National Historical Park Act to require the Secretary of the Interior to consider nominees of various local interests in appointing members of the Keweenaw National Historical Park Advisory Commission.

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The existing statute establishing the Keweenaw National Historical Park Advisory Commission states that members shall be appointed from nominees submitted by various local government entities. Apparently this has raised constitutional concerns as the statute directs the Secretary of the Interior to appoint to the commission persons nominated by State and local officials. The Department of Justice has stated that this procedure does not satisfy the requirements imposed by the appointments clause for Federal officers. H.R. 748 addresses these constitutional concerns by striking from nominees each

place it appears and inserting after consideration of nominees.

This bill has the support of the administration and minority, and I urge my colleagues also to support H.R. 748.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 748 submitted by the gentleman from Michigan (Mr. STUPAK). The Keweenaw National Historical Park is located on the Keweenaw peninsula of Lake Superior in northeastern Michigan. The park was established in 1992 to preserve the area's rich copper mining history as well as the oldest and largest lava flow on earth. The first time I ever knew that there was any volcano in America.

The original legislation authorizing the park specified that the Secretary of the Interior was to appoint members of the park's advisory commission from among individuals nominated by State and local officials only. The Department of Justice found that such a restriction on the Secretary's authority conflicted with the appointments clause of the Constitution. As a result, the commission has never been assembled, and H.R. 748 would amend the authorizing statute to alter the terms under which the Secretary may nominate advisory committee members. The legislation makes clear that while the Secretary must consider State and local nominees, he may appoint commission members at will. Such a change would allow the commission to begin fulfilling its important role as a means of local input and coordination for this important park. This has bipartisan support, Mr. Speaker, and we urge our colleagues to support H.R. 748.

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

Mr. SHERWOOD. Mr. Speaker, I have no more requests for time, and I reserve the balance of my time.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Speaker, I wish to thank the gentleman for yielding this time to me.

Mr. Speaker, the bill before us today, H.R. 748, is a noncontroversial measure that will simply make a technical correction to the act that established the Keweenaw National Historic Park. Although this measure might be considered insignificant when compared with many of the other pieces of legislation considered in this body, H.R. 748 is very important to the people, the culture, and the history of Michigan's upper peninsula and especially to the Keweenaw peninsula. H.R. 748 would facilitate the appointment of the Keweenaw National Historic Park Advisory Commission for this park located in my district. This correction will help the commission assume a

greater role in the development of the park.

The Keweenaw peninsula at one time, Mr. Speaker, was a flourishing economic region in the center for copper mining. This remarkable copper mining history is matched by the extensive commercial fishing and maritime history of the massive Lake Superior which surrounds the peninsula. The splendor and the people of the Keweenaw peninsula rival many, if not most, of the national parks and monuments throughout our Nation.

I wish to thank the chairman of the Committee on Resources, the gentleman from Alaska (Mr. YOUNG), the gentleman from Pennsylvania (Mr. SHERWOOD) and the ranking Democratic member, the gentleman from California (Mr. MILLER) for expediting the consideration of this legislation. I also want to thank the chairman of the Subcommittee on National Parks, the gentleman from Utah (Mr. HANSEN) and the ranking subcommittee Democrat, the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) the resident commissioner for Puerto Rico for their assistance.

Mr. Speaker, H.R. 748 is very important to the future of the Keweenaw peninsula and the preservation of its rich and extensive history, and I wish to thank my colleagues for their support of this measure.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 748, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend the Act that established the Keweenaw National Historical Park to require the Secretary of the Interior to consider nominees of various local interests in appointing members of the Keweenaw National Historical Park Advisory Commission."

A motion to reconsider was laid on the table.

WIRELESS COMMUNICATIONS AND PUBLIC SAFETY ACT OF 1999

Mr. TAUZIN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 800) to promote and enhance public safety through use of 9-1-1 as the universal emergency assistance number, further deployment of wireless 9-1-1 service, support of States in upgrading 9-1-1 capabilities and related

functions, encouragement of construction and operation of seamless, ubiquitous, and reliable networks for personal wireless services, and for other purposes.

The Clerk read as follows:

S. 800

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".

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, emergency dispatch providers, transportation 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, emergency dispatch providers, and transportation officials; the establishment of sources of adequate funding for carrier and public safety, fire service and law enforcement agency technology development and deployment; the coordination and integration of emergency communications with traffic control and management systems and the designation of 9-1-1 as the number to call in emergencies throughout the Nation;

(3) emerging technologies 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) 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

(6) 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; transportation 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.

(a) ESTABLISHMENT OF 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:

"(3) UNIVERSAL EMERGENCY TELEPHONE NUMBER.—The Commission and any agency or entity to which the Commission has delegated authority under this subsection shall designate 9-1-1 as the universal emergency telephone number within the United States for reporting an emergency to appropriate authorities and requesting assistance. The designation shall apply to both wireline and wireless telephone service. In making the designation, the Commission (and any such agency or entity) shall provide appropriate transition periods for areas in which 9-1-1 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) SUPPORT.—The Federal Communications Commission shall encourage and support efforts by States to deploy comprehensive end-to-end emergency communications infrastructure and programs, based on coordinated statewide plans, including seamless, ubiquitous, reliable wireless telecommunications networks and enhanced wireless 9-1-1 service. In encouraging and supporting that deployment, 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, transportation officials, special just 9-1-1 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 Commission shall encourage each State to develop and implement coordinated statewide deployment plans, through an entity designated by the governor, and to include representatives of the foregoing organizations and entities in development and implementation of such plans. Nothing in this subsection shall be construed to authorize or require the Commission to impose obligations or costs on any person.

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 in a State of a scope and extent that is not less than the scope and extent of immunity or other protection from liability that any local exchange company, and its officers, directors, employees, vendors, or agents, have under Federal and State law (whether through statute, judicial decision, tariffs filed by such local exchange company, or otherwise) applicable in such State, including in connection with an act or omission involving the 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.

(b) USER PARITY.—A person using wireless 9-1-1 service shall have immunity or other protection from liability of a scope and ex-

tent 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) PSAP PARITY.—In matters related to wireless 9-1-1 communications, a PSAP, and its employees, vendors, agents, and authorizing government entity (if any) 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 accorded to such PSAP, employees, vendors, agents, and authorizing government entity, respectively, in matters related to just 9-1-1 communications that are not wireless.

(d) BASIS FOR ENACTMENT.—This section is enacted as an exercise of the enforcement power of the Congress under section 5 of the Fourteenth Amendment to the Constitution and the power of the Congress to regulate commerce with foreign nations, among the several States, and with Indian tribes.

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 and "and"; and

(C) by adding at the end the following:

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

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

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

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

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

"(f) AUTHORITY TO USE WIRELESS LOCATION INFORMATION.—For purposes of subsection (c)(1), without the express prior authorization of the customer, a 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 (i)(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) by inserting “location,” after “destination,” in subsection (h)(1)(A) (as redesignated by paragraph (2)); and

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

“(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 9-1-1 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.”.

SEC. 6. DEFINITIONS.

As used in this Act:

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

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

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

(4) WIRELESS CARRIER.—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 9-1-1 service.

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

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

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

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Massachusetts (Mr. MARKEY) each will control 20 minutes.

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

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 on this legislation, S. 800, and to insert extraneous material on the bill.

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

There was no objection.

Mr. TAUZIN. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, let me first compliment the gentleman from Massachusetts (Mr. MARKEY) for his usual excellent cooperation and the spirit by which we always bring our bills to the floor on telecommunication from the Committee on Commerce. I want to also thank the gentleman from Virginia (Mr. BLILEY), our chairman, and the other members of the Subcommittee on Telecommunications, Trade and Consumer Protection for the excellent work they have done on this bill.

But most importantly, Mr. Speaker, I want to thank my good friend and new father of his third son, Daniel Martin, the gentleman from Illinois (Mr. SHIMKUS), for not only sponsoring this important piece of legislation, but for leading the charge to make it that which we know it will be soon, the law of the land. Congratulations on the birth of a new son, and we wish the gentleman from Illinois and his wife the best, and this is a good day for him as we hopefully pass this legislation on to the President of the United States for signature.

Mr. Speaker, 1998 was a landmark year in the history of this country. In 1998, more Americans bought cordless phones than wire phones, and for the first time in the history of this technology people were wireless. In fact, some 80 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 lifeline in emergencies, a parent, for example, driving down an interstate highway with babies in the back seat draws comfort from knowing that if the car is involved in a crash, he or she can call 9-1-1 for help, and an ambulance will soon be there. An older American driving alone on a long trip feels safer knowing that if an accident occurs or symptoms strike, they can call 9-1-1 and the State police will soon be on the way.

But there is a problem with that expectation. In many parts of the country when a frantic parent or a suddenly disabled elder punches 9-1-1 on the wireless phone, nothing happens; and in many regions, in fact, 9-1-1 is not the emergency number. The ambulance and the police do not come, and 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. S. 800 will fix that problem by making 9-1-1 the universal number to call in an emergency any time anywhere in the country.

The rule in America ought to be simple. If one is on a highway, a byway, bike path or a duck blind in Louisiana where someone calls 9-1-1, they ought to get help. S. 800 will provide that help, and that is why I am glad to be

here to take final action on it. Passing the bill is a recognition as the telecommunications industry changes that laws must also change to govern their operations.

Let me provide a little background on the bill.

The bill started 3 years ago as a much broader effort. Since then, we have listened closely, pared the bill back. This year my friend, the gentleman from Illinois (Mr. SHIMKUS), reintroduced the bill; and it passed overwhelmingly in the House. The other body took our product, made a couple of changes to reflect new information, and essentially the Senate version is nearly identical to Mr. SHIMKUS’ bill, and today’s action will send that bill on to the President.

It establishes parity between the wireless and wire line communications industries. It provides, in fact, a situation where wireless phones not only will be that safety link but will be eventually locatable; that is, when one makes a wireless call, they will be able to be found and cars will be able to become smarter, and in fact when accidents happen not only will they be helped, but the search will be taken out of the search and rescue. Rescue will be available more quickly.

The Senate replaced a provision in the bill for straight parity provisions in liability that we considered essentially okay, and we concur in those changes. The protections are necessary to help ensure that the wireless technology develops and matures to provide greater services. It also provides, as I said, 9-1-1 service to receive the same protection from liability under State and federal laws as users of wire line 9-1-1 services. This good samaritan principle should apply also on a State by State basis. S. 800 again improves wireless users’ privacy by limiting the disclosure of location information to specific instances. Locatability, yes; privacy, still protected.

This is good, sound public policy. It will enhance security and safety for consumers.

I want to thank the other body for the great work they did on the bill. I particularly want to thank the members of the Committee on Commerce, but especially my good friend, the gentleman from Illinois (Mr. SHIMKUS) for his excellent work on this piece of legislation. This is a good one that all Members should support.

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

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

Mr. Speaker, I would like to begin by commending my good friend, the gentleman from Louisiana (Mr. TAUZIN) for his excellent work on this legislation and to praise the gentleman from Illinois (Mr. SHIMKUS) for his work and to congratulate him on the addition to his family.

It has been a wonderful day, if we can get all of those things done, plus have the Red Sox beat Cleveland and head on to beat the Yankees and take the curse of the Bambino off of our shoulders. It would be excellent, as well, if we can follow on and beat the Mets and get rid of the Bill Buckner curse as part of this week as well, but it is developing as one of the best weeks I think that this Congress is going to have, at least from this Member's perspective.

I would also like to compliment the gentleman from Virginia (Mr. BLILEY) and thank both of my colleagues for working closely with the gentleman from Michigan (Mr. DINGELL) and myself and the other Democratic colleagues on our side of the aisle; as my colleagues know, the gentlewoman from Missouri (Ms. DANNER) has been very much identified with this legislation right from the beginning.

Mr. Speaker, the bill before us, S. 800, is the Senate version of legislation that picks up on an effort that the gentleman from Louisiana (Mr. TAUZIN) spearheaded last year to enhance the emergency 9-1-1 infrastructure of this country for wireless communications. It is the Senate version of House Bill 438 which was approved by the House overwhelmingly earlier this year.

This is a very timely endeavor given the explosive growth of wireless communications in our country. Mr. Speaker, as more and more Americans use wireless phones, wireless services become less and less perceived as an ancillary, discretionary service. With over 70 million subscribers and with some carriers dropping prices as much as 30 percent in the last year alone, wireless technology is a great success story, and there is no question that every day more consumers will increasingly be relying on wireless technology for both business and safety.

A natural result of the proliferation of these wireless phones is that many consumers will use them to call for help and assistance in time of emergency. Indeed many wireless carriers actively promote their services to consumers as safety devices, and this re-emphasizes the need to make that promise a reality for wireless communications.

Both the House and Senate version of this bill seek to enhance public safety by making 9-1-1 the national public safety designated number. This is important because in many jurisdictions the emergency number wireless consumers must call is something other than 9-1-1.

□ 1800

The gentleman from Louisiana has already pointed that out. That is confusing as people cross State boundaries, and unless it is changed, could cost lives. Simply put, establishing 911 as the national emergency number for

wireless calls is something that we believe will save lives.

Secondly, the Senate bill also includes a provision that I added as an amendment to last year's wireless 911 legislation in the House conference committee to protect personal privacy. This is, again, something that I have had an enormous concern about in every aspect of telecommunications. How will these communications technologies impinge upon the privacy of every American?

I have tried working with the majority to include a privacy provision in every telecommunications bill that has passed through the House over the last 5 years. This new ever-more sophisticated location technology permits wireless carriers a greater ability to physically pinpoint the geographic location of the caller. This is vital technology for locating people who may be in distress or in an accident, in situations where emergency personnel must quickly locate victims, treat injuries, and get them to respond, so that they can get to a hospital. Yet, the same technology that can save lives also poses privacy issues that must be dealt with simultaneously.

There is no question that information-rich location systems that do wonders to help save lives on our Nation's roadways also pose significant risks for compromising personal privacy. This is because the technology also avails wireless companies of the ability to locate and track individual's movements throughout society, where you go for your lunch break; where you drive on the weekends; the places you visit during the course of a week is your business. It is your private business, not information that wireless companies ought to collect, monitor, disclose, or use without one's approval.

The privacy amendment that I successfully offered last year and which was contained in H.R. 438 this year, as introduced, and is identical to the provisions subsequently adopted in the Senate is in the bill. It stipulates that location information will not be used by wireless carriers, except for 911 emergency purposes, or with the approval of consumers for any other services.

This is an opt-in for consumer privacy. The company has to get one's permission to use this information. They just cannot say well, they did not say we could not use it, so we are going to let everybody in town buy where you go, where you stop, the places you have been. This is opt-in, and that is the way it should be. They should have to come to you and say we want to sell this information to anyone who wants to buy it as to where you are going. Wherever your cell phone goes becomes a monitor of all of your activities.

Finally, the bill also extends liability protections to wireless carriers for emergency calls equivalent to the pro-

tection accorded to States for wire phone companies. Liability protection for wireless service is to be implemented on a State-by-State basis, mirroring the services protections accorded local telephone companies in such jurisdictions.

Again, I want to compliment the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Illinois (Mr. SHIMKUS), the gentlewoman from Missouri (Ms. DANNER), and the majority for the way in which they treated us. I think we have a nice, solid compromise package here for all of the Members to support tonight.

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

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume to first take a second to compliment the gentleman from Massachusetts on the provision that he so eloquently spoke about. His privacy provision is one that he has fought for and we have agreed upon extensively across the Committee on Commerce philosophies, primarily because it not only protects a person's privacy in the sense of someone selling that information, it also protects us from Government knowing where you are going and what you are doing in your life, so it keeps people protected from that kind of scrutiny. I think it was equally important that this amendment be adopted for that purpose.

Mr. Speaker, I am proud to yield such time as he may consume to the gentleman from Illinois (Mr. SHIMKUS), the author of the legislation in the House and the father of a new son.

Mr. SHIMKUS. Mr. Speaker, I would like to thank the chairman for the kind words to my wife and family. We briefly floated the name Billy Tazuin Shimkus, briefly. We settled on Daniel, and as my son, David said, it is now Daniel in the Shimkus den, so he is going to be prepared for a well time in the family.

Mr. Speaker, I thank the gentleman from Louisiana (Mr. TAUZIN), and the gentleman from Virginia (Mr. BLILEY) for their help and support. I also thank the gentleman from Michigan (Mr. DINGELL) and the gentleman from Massachusetts (Mr. MARKEY) for their help and support in working on this important issue. I also would like to recognize the gentlewoman from Missouri (Ms. DANNER) for her constant historic aspect in this battle from my neighboring State of Missouri, and I am sure she is excited about us coming to completion on one portion today.

I am very happy that the House has decided to take up this bill, which is the Senate version of my E-911 legislation. It is a good bill and one which improves upon what was passed out of the Committee on Commerce.

Currently, there are over 68 million wireless phone users in the United States. Many of these users bought

their phone specifically for use in emergency situations. Ironically, a simple solution to a life-threatening situation becomes very complicated when some areas in the United States do not use 911 as a cellular number for emergencies, and I recounted numerous times just going over from my side of the St. Louis metropolitan area from Illinois over to Missouri and the Mason Dixon Line of the Mississippi having two different numbers and how critical that could be at a time of emergency.

At a time when studies have shown that in an accident it is critical to receive care within 30 minutes in urban areas and 50 minutes in rural areas, it is vital that we pass this legislation and get our constituents the care they need. Specifically, both the House and the Senate bills designate 911 as the national emergency number. Importantly, S. 800 includes provisions from the House bill that were drafted by the gentleman from Massachusetts (Mr. MARKEY) to protect consumer privacy. This legislation requires carriers to obtain a customer's express prior authorization before disclosing any location information other than in an emergency situation. Unless this legislation is enacted, there will be no protection for a customer's location information.

Additionally, this bill provides comparable liability protection for wireless and land line carriers with respect to nonemergency communications. 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 of both the full committee and the subcommittee. I urge my colleagues to support this important piece of legislation.

Mr. MARKEY. Mr. Speaker, I yield 4 minutes to the gentlewoman from Missouri (Ms. DANNER), who played a critical role in the passage of this legislation.

Ms. DANNER. Mr. Speaker, I rise to express my support for S. 800, the Wireless Communications and Public Safety Act.

This bill, which provides cellular phone users nationwide with a single reliable emergency cellular phone number, will help to ensure that citizens can summon help, whether they are a block from home or thousands of miles away.

I have just had some very exciting information too with regard to my family, and an upcoming birth that is going to be taking place in the spring, so I too am a little excited about children this evening.

Wireless technology has helped to simplify or, in some cases complicate our lives; but one important contribution of cellular telephones is the ability to improve public safety. Cellular phones greatly increase the ability of individuals without access perhaps to

wire phones at the time to quickly report accidents or other emergencies and to help speed the arrival of assistance.

In March of 1997, 2½ years ago, I introduced legislation that would standardize State cellular emergency numbers. Earlier this year, I introduced a similar bill to accomplish the same goal. I am pleased that the bill we will vote upon and hopefully pass today includes, among its many other important provisions, the designation of 911 as the universal cellular assistance number, and I hear a cellular ringing in the background. We can tell how prevalent they are.

Adoption of this bill will remove one of the greatest obstacles to the effective use of cellular telephones in emergency situations.

I would like to take this opportunity to share with my colleagues briefly a true story that demonstrates the current limits of wireless phone service, a story that might have ended differently if this law had been in place just a short time ago.

In 1997 on Thanksgiving Day, several months after I had introduced the legislation, a couple from Lenexa, Kansas, was driving south on U.S. 71 in southwestern Missouri. This couple observed a minivan weaving through traffic, driving at erratic speed, and crossing both the road's shoulder and its center line. Using a cellular phone, the passenger tried to reach assistance. However, because she was not aware that the cellular emergency number in Missouri is *55, she was unable to reach assistance quickly because in her neighboring State, her home State of Kansas, it is *47, and if one is on the Kansas turnpike, it is even different.

After attempting several different numbers, she was finally able to reach an operator who connected her to the local police station. However, by that time, it was too late. As the police were beginning to set up their roadblock, the minivan, driven by an individual, collided with an oncoming vehicle containing a mother and her two-year-old child. It resulted in the death of all three.

This tragic accident might have been avoided if the passenger in the Kansas vehicle had been able to reach authorities on the first attempt.

It is troubling that this tragic situation could occur almost anywhere in our Nation. For example, the six States between Kansas City and Washington, D.C. have five different cellular assistance numbers. In the United States as a whole, there are as many as 15 different numbers. Besides making it easier for citizens to report aggressive or impaired drivers, this bill will also enhance an individual's ability to summon help whenever needed, for example, when a person might be lost, injured, or otherwise disabled in a secluded area. Such action would provide people with additional peace of mind.

I urge all of my colleagues to vote in favor of this important public safety legislation. It will literally save lives.

Mr. TAUZIN. Mr. Speaker, could I inquire as to how much time is remaining.

The SPEAKER pro tempore (Mr. UPTON). The gentleman from Louisiana (Mr. TAUZIN) has 11 minutes remaining; the gentleman from Massachusetts (Mr. MARKEY) has 8½ minutes remaining.

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

Mr. Speaker, this bill addresses a great many problems simultaneously. I want to compliment my dear friend, the gentlewoman from Missouri (Ms. DANNER), for the extraordinary efforts she has made to continue to press forward for this legislation, having the experience she has described in mind, and again my good friend, the gentleman from Illinois (Mr. SHIMKUS), for moving it forward.

The one thing we are not doing in this bill is addressing the question of tower siting, and we have taken it out of the bill because it is still a very controversial question that has to do with local jurisdictions and zoning and what have you. But that problem poses a real problem for many parts of our country.

Right here in the Nation's capital, Rock Creek Parkway still does not have cellular service. So citizens in this area who are using that parkway, women and men who are jogging in that park with their children, maybe subject to some unfortunate attack or some problem with their health cannot dial 911; they cannot dial anybody, because there is no cellular service.

The gentleman from Massachusetts (Mr. MARKEY) and I have been pressing the park agency for the agreement to allow cellular service to come to Rock Creek Parkway, but unfortunately, after giving us promises of meeting deadline after deadline after deadline, there is still no agreement to authorize tower siting for cellular service in Rock Creek Parkway. If we cannot get it done right next to the capital, imagine how much trouble Americans all over the country are having getting cellular service established in places where our own Government sometimes stands in the way.

Mr. Speaker, I wish that we had been able to address that problem in this bill. We were not. In order to get the bill through these two bodies and on to the President's desk, it is so important to get 911 out there and all the features we have just described that we have had to drop that important feature of tower siting. But my friend from Massachusetts and I will continue this fight to see to it that one day Rock Creek Parkway has cellular service and that other parks and recreational areas of the country similarly get the right to have that sort of safety protection for the citizens who use those parks.

□ 1815

Mr. MARKEY. Mr. Speaker, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Speaker, the gentleman put his finger right on the problem. I do not think we want people driving around, driving up Rock Creek without an E-911 signal. That is what we have right now. It would be very helpful if down the line we are able to resolve these tensions that exist between environmental concerns and telecommunications technology, but ultimately, we have to harmonize the policies to ensure that Americans are able to get the best of both, which right now I think they are being denied.

Mr. TAUZIN. I thank the gentleman.

In this case, Mr. Speaker, the cellular service provider has agreed to put the cellular service antennas onto already existing towers at the tennis center. We would think that would be fine, and we would have cellular service for this park. We still cannot get those approved.

It is an example of a problem that exists all over America, and unfortunately, we do not cure it in this bill, but we are not through in our efforts to get service for Rock Creek Parkway.

I know the gentleman from Massachusetts will not give up, anymore than I will give up in that effort.

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

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. FORD), that eloquent forceful advocate.

Mr. FORD. Mr. Speaker, the gentleman from Massachusetts (Mr. MARKEY) is very kind. He has defined his jump shot on this side of the aisle. We thank him for that. My thanks to the gentleman from Louisiana (Mr. TAUZIN), to the gentleman from Massachusetts (Mr. MARKEY), and to the chairman, the gentleman from Illinois (Mr. SHIMKUS), and to the gentleman from Virginia (Chairman BLILEY) and to the ranking member, the gentleman from Michigan (Mr. DINGELL) and the gentleman from Missouri (Ms. DANNER). I thank them for all they have done.

Mr. Speaker, S. 800 is a major advancement in our ability to use all our communication abilities to save lives and report crimes. This bill designates 911 as the universal emergency telephone number and replaces the confusing codes and alternative numbers that wireless networks have been forced to use.

The bill upgrades conventional wireline services in areas which do not have the funds to upgrade their services.

Under current law, wireless operators cannot respond to some emergency calls because they are not allowed to process pertinent location information.

This legislation, as the gentleman from Illinois has said, will expand the current definition of customer proprietary network information to include local information.

However, it states clearly that a provider must obtain the express prior authorization before a carrier can use location information, other than in an emergency situation.

By extending the current liability protection which exists for landline carriers to wireless carriers, the legislation makes sure that our liability statutes keep pace with ever-changing technology. The bill does not give wireless providers greater protection. It does not change rules for land lines. It simply levels the playing field between the two carriers.

Congress has the opportunity today, and I look forward to joining with colleagues on both sides of the aisle, to open access to emergency services anywhere in this country. Whether it is on a gridlocked highway or in the middle of a national park, emergency service will never be out of reach.

I thank the gentlewoman from Missouri (Ms. DANNER), the gentleman from Louisiana (Mr. TAUZIN), I thank the jump-shooting gentleman from Massachusetts (Mr. MARKEY), and the gentleman from Illinois (Mr. SHIMKUS). I look forward to being part of the vote in favor of the Wireless Communications and Public Safety Act of 1999.

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

Mr. Speaker, I would only point out that in order to have a jump shot, we must be able to get off the ground. I would like to have the gentleman have an opportunity to revise and extend so that he can correct any erroneous impression that he may have left with the listening audience here today with regard to my jumping ability.

Mr. Speaker, I yield 2 minutes to the gentleman from Houston, Texas (Mr. GREEN), the illustrious legislator and another luminary in the firmament of jump-shooting basketball players in Congress.

Mr. GREEN of Texas. Mr. Speaker, I thank my colleague for yielding time to me.

Mr. Speaker, I am glad the gentleman corrected or at least gave my friend, the gentleman from Tennessee (Mr. FORD), the opportunity to correct himself. The gentleman from Massachusetts (Mr. MARKEY) and I both lost our jump shot about 30 years ago.

Mr. FORD. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Texas. I yield to the gentleman from Tennessee.

Mr. FORD. Mr. Speaker, the gentleman does have a set shot.

Mr. GREEN of Texas. I stand corrected.

I am glad to be here, Mr. Speaker, with both my colleague, the gentleman from Louisiana (Mr. TAUZIN), the chair-

man of the Subcommittee on Telecommunications, Trade, and Consumer Protection, and the ranking member in support of S. 800.

For over 68 million wireless subscribers, wireless communications is often the critical link in emergency and accident situations.

Mr. Speaker, from the city of Houston, our Greater Harris County Emergency Network has taken great strides in implementing E-911 services. Over the past year in Houston, Texas, the emergency service has been conducting a test of an actual E-911 network with simulated 911 wireless calls. The test has met with great success, and the city's action has made them a leader and role model for the rest of the country in deploying and implementing E-911. I applaud all localities that are taking this extra step toward implementing this in our communities.

The ultimate goal in S. 811 is to deploy an end-to-end seamless wireless safety network that will save lives.

There are some obstructions we need to overcome. I am glad my colleague, the gentleman from Massachusetts, was able to get his privacy amendment in there, because there are times that we want to know where we are at, particularly in an emergency, but also we do not want Big Brother looking over our shoulders, so I am glad that hopefully was addressed.

Currently, wireless emergency calls do not include location information. Location information allows a wireless 911 call to be located on a map within 100 meters of the actual call. S-800 enforces current FEC rules that call for Automatic Information Location to be put in place by October 1, 2001. It eliminates the barriers to installing wireless location technology, and assists emergency medical and public safety communities to respond to calls for help.

Mr. Speaker, in response, and the gentleman has heard it in our committee hearing, last spring I was going through a number of States, including Louisiana, Mississippi, Alabama, Tennessee, and Virginia. I did not realize how many States had different numbers than 911. So if nothing else, this bill will do that, but it does a lot more.

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

Mr. Speaker, I would correct the gentleman from Houston, it is Massachusetts, rather than Massatusetts. We are very sensitive to that as we head into the Yankee Series. Mr. Speaker, we recommend to the full House that this bill be accepted.

Mr. BLILEY. Mr. Speaker, I am pleased that we have the opportunity today to complete a project that has been a high priority for the Commerce Committee since December of last year. S. 800 is sound public policy that will have a positive impact on the lives of all Americans for years to come. While the changes contained in the bill are rather small compared to some bills we consider in the

House, the impact will be very significant to the lives and safety of our constituents.

Let me start by thanking the other body for their work on this issue. Last Congress, the Commerce Committee considered a similar bill led by my good friend from Louisiana, Mr. TAUZIN, that did not make it to the House floor. This Congress we were able to bring a new bill, H.R. 438, led by my good friend from Illinois, Mr. SHIMKUS, to the House floor with overwhelming support. This work became the basis for the other body's effort on this issue. The result is S. 800, which slightly modifies and improves the House product without altering the underlying concepts.

S. 800 will resolve once and for all the telephone number people need to dial in order to get emergency personnel. The bill establishes 911 as the universal emergency number for both wireless and wireline telecommunications services. In many parts of our nation, the seemingly ubiquitous telephone number, 911, is not the number used by the local community for emergencies. What seems like such a simple concept has not been implemented uniformly throughout the nation. This situation causes consumer confusion that can delay or prevent emergency personnel from reaching people in need. For instance, there are approximately 15 emergency numbers used around the country for wireless calls. These range from 911 to *55, #77, to the acronym of the State highway police, to the local sheriff or police department.

Think about the typical American experience of taking a family vacation. When you are out on the roads of America with your family and you see an accident or get involved in an accident yourself, how do you get help for your loved ones if you don't know how to reach emergency personnel? Take a moment to imagine trying to get emergency help on an interstate highway when you are not certain of your precise location and you may have no idea of what number that State has adopted to call emergency personnel. These scenarios are real and they happen every day.

Thankfully we are making the thoughtful decision through this bill that there should be one number for consumers to dial to reach emergency personnel. This will remove the dialing guessing game and help improve the safety of our citizens.

S. 800 also provides liability parity between wireline and wireless carriers. Wireless carriers have made a compelling case as to why liability parity is justified in this limited instance and how public safety will be enhanced if it is enacted. The public safety community is also strongly supporting this provision recognizing that the deployment of wireless location technology is being stalled because wireless companies are correctly concerned about their exposure to lawsuit for trying to improve the safety of their systems. With over 100,000 wireless emergency calls being placed each day, pinpointing the exact location of wireless calls will be extremely helpful in improving emergency response time. Liability protection will help facilitate the deployment of such technology.

Lastly, S. 800 will provide privacy protections for consumers in the use of subscriber call location information. 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. S. 800 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.

These are well thought-out, well-vetted concepts that have received broad bipartisan support.

I want to thank all Members that have helped us get where we are today. I especially want to thank Senators BURNS, MCCAIN, and HOLLINGS, and their staffs for the work that went into S. 800. I also want to thank the relevant industry parties involved, including the U.S. wireless companies and their trade associations—the Cellular Telecommunications Industry Association and the Personal Communications Industry Association—for their continued support and helpful suggestions. It is also important that we recognize the fine work of the public safety community, including the ComCARE Alliance, for continuing to remind us that these simple reforms will be so helpful to the safety of Americans. I ask that a letter sent to me by the ComCARE Alliance on this bill be made part of the RECORD.

I urge all Members to support passage of the bill.

Mr. MARKEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TAUZIN. Mr. Speaker, asking all Members to join us in this bill, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Louisiana (Mr. TAUZIN) that the House suspend the rules and pass the Senate bill, S. 800.

The question was taken.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

HILLORY J. FARIAS DATE-RAPE PREVENTION DRUG ACT OF 1999

Mr. UPTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2130) to amend the Controlled Substances Act to add gamma hydroxybutyric acid and ketamine to the schedules of controlled substances, to provide for a national awareness campaign, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2130

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 "Hillory J. Farias Date-Rape Prevention Drug Act of 1999".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) *Gamma hydroxybutyric acid (also called G, Liquid X, Liquid Ecstasy, Grievous Bodily Harm, Georgia Home Boy, Scoop) has become a significant and growing problem in law enforcement. At least 20 States have scheduled such drug in their drug laws and law enforcement officials have been experiencing an increased presence of the drug in driving under the influence, sexual assault, and overdose cases, especially at night clubs and parties.*

(2) *A behavioral depressant and a hypnotic, gamma hydroxybutyric acid ("GHB") is being used in conjunction with alcohol and other drugs with detrimental effects in an increasing number of cases. It is difficult to isolate the impact of such drug's ingestion since it is so typically taken with an ever-changing array of other drugs and especially alcohol, which potentiates its impact.*

(3) *GHB takes the same path as alcohol, processes via alcohol dehydrogenase, and its symptoms at high levels of intake and as impact builds are comparable to alcohol ingestion/intoxication. Thus, aggression and violence can be expected in some individuals who use such drug.*

(4) *If taken for human consumption, common industrial chemicals such as gamma butyrolactone and 1,4-butanediol are swiftly converted by the body into GHB. Illicit use of these and other GHB analogues and precursor chemicals is a significant and growing law enforcement problem.*

(5) *A human pharmaceutical formulation of gamma hydroxybutyric acid is being developed as a treatment for cataplexy, a serious and debilitating disease. Cataplexy, which causes sudden and total loss of muscle control, affects about 65 percent of the estimated 180,000 Americans with narcolepsy, a sleep disorder. People with cataplexy often are unable to work, drive a car, hold their children or live a normal life.*

SEC. 3. ADDITION OF GAMMA HYDROXYBUTYRIC ACID AND KETAMINE TO SCHEDULES OF CONTROLLED SUBSTANCES; GAMMA BUTYROLACTONE AS ADDITIONAL LIST I CHEMICAL.

(a) ADDITION TO SCHEDULE I.—

(1) *IN GENERAL.*—Section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) is amended by adding at the end of schedule I the following:

"(d) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following substance having a depressant effect on the central nervous system, or which contains any of their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

"(1) Gamma hydroxybutyric acid."

(2) *SECURITY OF FACILITIES.*—For purposes of any requirements that relate to the physical security of registered manufacturers and registered distributors, gamma hydroxybutyric acid and its salts, isomers, and salts of isomers manufactured, distributed, or possessed in accordance with an exemption approved under section 505(i) of the Federal Food, Drug, and Cosmetic Act shall be treated as a controlled substance in schedule III under section 202(c) of the Controlled Substances Act.

(b) ADDITION TO SCHEDULE III.—Schedule III under section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) is amended in (b)—

(1) *by redesignating (4) through (10) as (6) through (12), respectively;*

(2) *by redesignating (3) as (4);*

(3) *by inserting after (2) the following:*

"(3) Gamma hydroxybutyric acid and its salts, isomers, and salts of isomers contained in a drug