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105TH CONGRESS
2D SESSION

H. R. 3844

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 HOUSE OF REPRESENTATIVES

MAY 12, 1998

Mr. TAUZIN (for himself, Mr. MANTON, Mr. STEARNS, Mr. PALLONE, Mr. KLUG, Mr. GORDON, Mr. GREENWOOD, Mr. SAWYER, Mr. CRAPO, Mr. GREEN, Mr. DEAL of Georgia, Mr. ROGAN, Mr. SHIMKUS, and Mr. PICKERING) introduced the following bill; which was referred to the Committee on Commerce

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “Wireless Communications and Public Safety Act of
4 1998”.

5 (b) **TABLE OF CONTENTS.**—

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings, purpose, and construction.
- Sec. 3. Universal emergency telephone number.
- Sec. 4. Wireless Communications and Public Safety Fund.
- Sec. 5. Assistance to States.
- Sec. 6. Research and development on crash information systems.
- Sec. 7. Emergency services support from use of Federal property.
- Sec. 8. Consultation.
- Sec. 9. Parity of protection for provision or use of wireless 9-1-1 service.
- Sec. 10. Definitions.
- Sec. 11. Authorizations of appropriations and disposition of fees.
- Sec. 12. Severability.

6 **SEC. 2. FINDINGS, PURPOSE, AND CONSTRUCTION.**

7 (a) **FINDINGS.**—The Congress finds that—

8 (1) the establishment and maintenance of an
9 end-to-end communications infrastructure among
10 members of the public, emergency safety, fire service
11 and law enforcement officials, and hospital emer-
12 gency and trauma care facilities will reduce response
13 times for the delivery of emergency care, and there-
14 by prevent fatalities, substantially reduce the sever-
15 ity and extent of injuries, reduce time lost from
16 work, and save thousands of lives and billions of dol-
17 lars in health care costs;

18 (2) the rapid, efficient deployment of emergency
19 telecommunications service requires statewide coordi-
20 nation of the efforts of local public safety, fire serv-

1 ice and law enforcement officials, the establishment
2 of a source of adequate funding for carrier and pub-
3 lic safety, fire service and law enforcement agency
4 technology development and deployment, and the
5 designation of 9-1-1 as the number to call in emer-
6 gencies throughout the Nation;

7 (3) emerging technologies such as automatic
8 crash notification systems can be a critical compo-
9 nent of the end-to-end communications infrastruc-
10 ture among emergency medical service providers and
11 emergency dispatch providers, public safety, fire
12 service and law enforcement officials, and hospital
13 emergency and trauma care facilities, to reduce
14 emergency response times;

15 (4) improved public safety remains an impor-
16 tant public health objective of Federal, State, and
17 local governments and substantially facilitates inter-
18 state and foreign commerce;

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

21 (A) the establishment of a program to im-
22 prove safety through grants to States to develop
23 integrated enhanced wireless 9-1-1 services
24 and to support State programs to address risks
25 to the safety of members of the public from

1 driving under the influence of alcohol or illegal
2 drugs, driving aggressively, or other driving be-
3 havior that poses a risk to such safety; and

4 (B) investments in research on and devel-
5 opment of automatic crash notification and re-
6 lated matters;

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

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

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

1 (c) RULE OF CONSTRUCTION.—This Act, and the
2 amendments made by this Act, shall be construed to facili-
3 tate achievement of the purpose of this Act.

4 (d) USE OF EXISTING AUTHORITY CONSISTENT
5 WITH PURPOSE OF ACT.—The Federal Communications
6 Commission shall exercise its authority under statutes
7 other than this Act in a manner that facilitates achieve-
8 ment of the purpose of this Act.

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

10 (a) DESIGNATION OF UNIVERSAL EMERGENCY NUM-
11 BER.—The number 9–1–1 is hereby designated as the uni-
12 versal emergency telephone number within the United
13 States for reporting an emergency to appropriate authori-
14 ties and requesting assistance.

15 (b) FEDERAL AGENCY USE OF UNIVERSAL EMER-
16 GENCY NUMBER.—Any department, agency, officer, or in-
17 strumentality of the United States that establishes or op-
18 erates a communications system that is available in whole
19 or in part to members of the public in the United States
20 for use in reporting emergencies shall use such authority
21 as may be available to such department, agency, officer,
22 or instrumentality pursuant to laws other than this Act
23 to ensure that the communications system—

24 (1) accommodates the number 9–1–1;

1 (2) uses the number 9–1–1 for the reporting of
2 emergencies by members of the public; and

3 (3) does not designate in communications to the
4 public any number other than 9–1–1 for the report-
5 ing of emergencies by members of the public.

6 **SEC. 4. WIRELESS COMMUNICATIONS AND PUBLIC SAFETY**

7 **FUND.**

8 (a) **ESTABLISHMENT OF THE WICAPS FUND.—**

9 There is hereby established in the Treasury a fund to be
10 known as the Wireless Communications and Public Safety
11 Fund (hereinafter in this Act referred to as the “WICAPS
12 Fund”).

13 (b) **ADMINISTRATION OF THE WICAPS FUND.—**The

14 Administrator of the National Highway Traffic Safety Ad-
15 ministration (hereinafter in this Act referred to as the
16 “Administrator”) shall administer the WICAPS Fund in
17 accordance with this Act.

18 (c) **INVESTMENT AND RETENTION OF EARNINGS.—**

19 (1) The Administrator, with the approval of the
20 Secretary of the Treasury, may invest in accordance
21 with otherwise applicable law any moneys in the
22 WICAPS Fund.

23 (2) Any earnings from investments made under
24 paragraph (1) shall accrue to the WICAPS Fund.

1 **SEC. 5. ASSISTANCE TO STATES.**

2 (a) POPULATION-BASED MATCHING GRANTS TO IM-
3 PLEMENT STATE PLANS.—

4 (1) The Administrator shall, not later than 90
5 days after the Governor of a State or the Governor's
6 designee submits to the Administrator a plan de-
7 scribed in paragraph (2), make a grant in the
8 amount and available for the time specified in para-
9 graph (3) to the State to be used for the purposes
10 set forth in paragraph (4), except as provided by
11 paragraph (5).

12 (2) The plan to which paragraph (1) refers
13 shall—

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

16 (i) has designated 9-1-1 as a univer-
17 sal emergency telephone number in such
18 State for reporting an emergency to appro-
19 priate authorities and requesting assist-
20 ance;

21 (ii) has in place policies to encourage
22 members of the public to report significant
23 risks to the safety of members of the trav-
24 eling public, such as incidents of driving
25 under the influence of alcohol or illegal
26 drugs, driving aggressively, or other driv-

1 ing behavior that poses a risk to such safe-
2 ty;

3 (iii) makes significant efforts to mini-
4 mize, such as through youth and adult
5 driver education, driving behavior that
6 poses a risk to the safety of members of
7 the public;

8 (iv) will use funds, other than funds
9 provided by the Federal Government or
10 funds raised by a tax or surcharge on wire-
11 less carriers or subscribers, in a specified
12 dollar amount for the purposes set forth in
13 paragraph (4) during a specified period;
14 and

15 (v) consulted in the development of
16 the plan to which paragraph (1) refers,
17 and will consult in the implementation of
18 the plan, officials of the State and of polit-
19 ical subdivisions of the State, the tele-
20 communications industry (specifically in-
21 cluding the cellular and other wireless tele-
22 communications elements of the industry),
23 emergency medical service providers and
24 emergency dispatch providers, public safe-
25 ty, fire service and law enforcement offi-

1 cials, and hospital emergency and trauma
2 care personnel (including emergency physi-
3 cians, trauma surgeons, and nurses);

4 (B) provide for coordination on a statewide
5 basis, through a single focal point designated by
6 the Governor of the State, of deployment and
7 functioning of a comprehensive end-to-end
8 emergency communications system, including
9 enhanced wireless 9-1-1 service;

10 (C) contain a description of the mecha-
11 nisms used in the State for wireless carrier re-
12 covery of costs related to the provision of auto-
13 matic numbering identification and call location
14 services in response to a request from a PSAP;

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

18 (E) provide such uniform assurances as
19 the Administrator may require that the grant
20 funds will be used to implement the plan con-
21 sistent with the provisions of this Act.

22 (3) The amount of a grant to a State under
23 paragraph (1) for any fiscal year—

24 (A) shall be the lesser of—

1 (i) the amount that bears the same
2 proportion to the amount that is $\frac{2}{3}$ of the
3 total amount of funds appropriated to
4 carry out this section for such fiscal year
5 as the proportion of the population of the
6 State to the population of the United
7 States in the most recent decennial census
8 of the United States; or

9 (ii) 3 times the amount of funds set
10 forth in the certification under paragraph
11 (2)(A)(iv); and

12 (B) shall not be obligated by the State (or
13 an entity under subsection (c)(2) as the case
14 may be) after the end of the period set forth in
15 the certification under paragraph (2)(A)(iv).

16 (4) The purposes to which paragraph (1) refers
17 are—

18 (A) payment of nonrecurring costs associ-
19 ated with acquisition, upgrade, or modification
20 of equipment to be used by units of States or
21 of political subdivisions thereof (including
22 PSAPs) for receipt of enhanced wireless 9-1-1
23 service information;

24 (B) payment of nonrecurring costs in-
25 curred by nongovernmental entities in providing

1 enhanced wireless 9-1-1 service or in acquiring
2 the capability to provide such service; and

3 (C) implementation of other emergency
4 prevention, educational, or pre-hospital emer-
5 gency programs and investments which will uti-
6 lize or make effective the end-to-end system en-
7 visioned by this Act.

8 (5) The Administrator shall not make a grant
9 under paragraph (1) if funds are not available from
10 the WICAPS Fund to make the grant.

11 (b) RURAL ASSISTANCE GRANTS TO STATES.—

12 (1) The Administrator may, after the Governor
13 of a State or the Governor's designee submits to the
14 Administrator a plan described in paragraph (2),
15 make a grant in the amount and available for the
16 time specified in paragraph (3) to the State to be
17 used for the purposes set forth in paragraph (4),
18 subject to paragraph (5), to assist in ensuring the
19 achievement of the purpose of this Act in rural areas
20 of the United States.

21 (2) The plan to which paragraph (1) refers is
22 a plan meeting the description set forth in sub-
23 section (a)(2) (excluding subsection (a)(2)(A)(iv)).

24 (3) The amount of the grant to which para-
25 graph (1) refers shall be such amount as the Admin-

1 istrator deems appropriate to assist in ensuring the
2 achievement of the purpose of this Act in rural areas
3 of the State.

4 (4) The purposes to which paragraph (1) refers
5 are the purposes set forth in subsection (a)(4).

6 (5) The Administrator shall not make a grant
7 under paragraph (1) if funds are not available from
8 the WICAPS Fund to make the grant.

9 (6) A grant made to a State pursuant to this
10 subsection is in addition to any grant made to that
11 State pursuant to subsection (a).

12 (c) MECHANISMS FOR DISBURSEMENT OF GRANT
13 FUNDS.—A State that receives a grant under this section
14 may disburse the grant funds—

15 (1) directly; or

16 (2) through governmental entities of that State,
17 political subdivisions of that State or entities there-
18 of, or nongovernmental entities, that are associated
19 with an emergency communications system if—

20 (A) the system with which the entity or
21 subdivision is associated uses the number
22 9-1-1 as a universal emergency telephone num-
23 ber; or

24 (B) a purpose of the disbursements is to
25 enable such system to use the number

1 9-1-1 as a universal emergency telephone num-
2 ber.

3 (d) NOTIFICATION TO GOVERNORS.—Not later than
4 15 days after the date of enactment of this Act, the Ad-
5 ministrator shall notify the Governors of the States in
6 writing of the enactment of the Act and shall furnish a
7 copy of this Act with the notification.

8 **SEC. 6. RESEARCH AND DEVELOPMENT ON CRASH INFOR-**
9 **MATION SYSTEMS.**

10 (a) Not later than 90 days after the date of enact-
11 ment of this Act, the Administrator shall establish a pro-
12 gram to fund from the WICAPS Fund, as provided in Sec-
13 tion 11, investments in research and development of—

14 (1) an end-to-end automatic crash notification
15 system that, in the event of a crash of a motor vehi-
16 cle, would automatically use a wireless telephone in
17 that vehicle to transmit information about the crash
18 to the appropriate emergency personnel; and

19 (2) a uniform wireless telephone interface in
20 motor vehicles that permits—

21 (A) the transmission of crash data; and

22 (B) voice-activated, hands-free use of all
23 models of wireless telephones.

1 (b)(1) The investments for which subsection (a)(1)
2 provides shall include investments administered by trauma
3 centers for the purpose of—

4 (A) using automatic crash notification systems;

5 (B) establishing decision protocols for the use
6 of data obtained from such systems and training
7 emergency personnel in the use of such data;

8 (C) establishing standardized, robust methods
9 to assess the added value of an end-to-end automatic
10 crash notification system and to identify early the
11 changing epidemiology of motor vehicle crashes; and

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

15 (2) The trauma centers for which paragraph (1) pro-
16 vides shall reflect a cross section of the geographic diver-
17 sity, population characteristics, and climatic features of
18 the United States.

19 **SEC. 7. EMERGENCY SERVICES SUPPORT FROM USE OF**
20 **FEDERAL PROPERTY.**

21 Title VII of the Communications Act of 1934 is
22 amended by adding after section 714 (47 U.S.C. 614) the
23 following new section:

1 **“SEC. 715. USE OF FEDERAL PROPERTY TO PROVIDE WIRE-**
2 **LESS SERVICES.**

3 “(a) **POLICY.**—It is the policy of the United States
4 to encourage rapid construction and expansion of the wire-
5 less communications infrastructure in the United States
6 and, to that end, to make the real property of the United
7 States Government available to the maximum extent prac-
8 ticable for the siting of facilities that are part of that in-
9 frastructure.

10 “(b) **AVAILABILITY OF FEDERAL PROPERTY.**—Not
11 later than 60 days after a department, agency, officer, or
12 instrumentality of the United States with control of real
13 property (including rights-of-way and easements) owned
14 by the United States receives a request containing the in-
15 formation set forth in subsection (c) from a provider of
16 personal wireless services for access to and use of such
17 real property for siting of facilities used in providing such
18 services, the department, agency, officer, or instrumentality
19 shall make that real property available, on a fair, rea-
20 sonable, and nondiscriminatory basis and at not more than
21 a reasonable fee (which shall in no event exceed fair mar-
22 ket value), to the provider for that purpose, unless and
23 to the extent that the head of the department, agency,
24 officer, or instrumentality determines, on the record after
25 an opportunity for an agency hearing, and notifies the pro-
26 vider prior to the expiration of that 60-day period that

1 making such real property available will present an un-
2 avoidable direct conflict with—

3 “(1) the mission of the department, agency, of-
4 ficer, or instrumentality; or

5 “(2) the current use of the real property or the
6 use of the real property that was planned at the
7 time of the request.

8 “(c) INFORMATION REQUIRED IN REQUEST FOR AC-
9 CESS TO AND USE OF FEDERAL PROPERTY.—A request
10 by a provider of personal wireless services under sub-
11 section (b) shall contain the following information:

12 “(1) The name, address and telephone number
13 of the provider and the provider’s authorized or legal
14 representative for the request.

15 “(2) Site-specific identification of the real prop-
16 erty to which access is requested, such as a specific
17 building name and address or site latitude and lon-
18 gitude.

19 “(3) The type and size of antenna installation
20 and support required for the provider’s proposed
21 wireless site, including access to the site, utility re-
22 quirements, acreage of land, or foot-pound capacity
23 for rooftops, and any special site modification re-
24 quirements.

1 “(4) A summary of antenna specifications, in-
2 cluding frequencies.

3 “(5) The term of the requirement for use of the
4 real property.

5 “(6) The terms of removal of the equipment
6 and structures or property restoration.

7 “(7) A description of any project or larger an-
8 tenna program to which the site relates.

9 “(8) A description of methods of achieving com-
10 pliance with any applicable environmental or historic
11 preservation statutes.

12 “(d) JUDICIAL REVIEW.—A provider of personal
13 wireless services adversely affected by a final action or fail-
14 ure to act by a department, agency, officer, or instrumen-
15 tality concerning a request under subsection (b) (including
16 any decision relating to a fair, reasonable, and nondiscrim-
17 inatory basis for access and use or what constitutes a rea-
18 sonable fee) may obtain judicial review of the action or
19 failure to act in accordance with the provisions of chapter
20 7 of title 5 of the United States Code, except that the
21 burden shall be on the department, agency, officer, or in-
22 strumentality to sustain its action.

23 “(e) REGULATORY COMPLIANCE.—A request under
24 subsection (b) and the access to and use of real property
25 pursuant to subsection (b) shall be subject to environ-

1 mental processing only under subpart I of part 1 of title
2 47 of the Code of Federal Regulations.”.

3 **SEC. 8. CONSULTATION.**

4 (a) Not later than 90 days after the date of enact-
5 ment of this Act, the Administrator of the National High-
6 way Traffic Safety Administration and the Federal Com-
7 munications Commission, acting jointly, shall establish a
8 Wireless Emergency Services Advisory Group to advise the
9 Administrator and the Commission on implementation of
10 this Act and achievement of the purpose of this Act and
11 to make the reports to Congress required by subsection
12 (d).

13 (b) The Group to which subsection (a) refers shall
14 include representatives of appropriate Federal agencies,
15 States, political subdivisions of States, the telecommuni-
16 cations industry (specifically including the cellular and
17 other wireless telecommunications elements of the indus-
18 try), emergency medical service providers and emergency
19 dispatch providers, public safety, fire service and law en-
20 forcement officials, hospital emergency and trauma care
21 personnel (including emergency physicians, trauma sur-
22 geons, and nurses), and the public.

23 (c) The Group to which subsection (a) refers shall
24 not be deemed to be an advisory committee as defined in

1 Section 3 of the Federal Advisory Committee Act (5
2 U.S.C. App. 3).

3 (d) The Group to which subsection (a) refers shall
4 report to the Senate and the House of Representatives,
5 not later than one year after the date of enactment of this
6 Act, and annually thereafter, presenting its views on mat-
7 ters relating to implementation of this Act and achieve-
8 ment of the purpose of this Act.

9 **SEC. 9. PARITY OF PROTECTION FOR PROVISION OR USE**
10 **OF WIRELESS 9-1-1 SERVICE.**

11 (a) PROVIDER PARITY.—A wireless carrier, and its
12 officers, directors, employees, vendors, and agents, shall
13 have immunity or other protection from liability of a scope
14 and extent that is not less than the scope and extent of
15 immunity or other protection from liability that a local ex-
16 change company, and its officers, directors, employees,
17 vendors, or agents, have under applicable law, including
18 in connection with an act or omission involving—

19 (1) development, design, installation, operation,
20 maintenance, performance, or provision of tele-
21 communications service (including wireless 9-1-1
22 service);

23 (2) transmission errors, failures, network out-
24 ages, or other technical difficulties that may arise in
25 the course of handling emergency calls or providing

1 emergency services (including wireless 9-1-1 serv-
2 ice); or

3 (3) release to a PSAP, emergency medical serv-
4 ice provider or emergency dispatch provider, public
5 safety, fire service or law enforcement official, or
6 hospital emergency or trauma care facility of sub-
7 scriber information related to emergency calls or
8 emergency services involving use of wireless services.

9 (b) USER PARITY.—A person using wireless 9-1-1
10 service shall have immunity or other protection from liabil-
11 ity of a scope and extent that is not less than the scope
12 and extent of immunity or other protection from liability
13 under applicable law in similar circumstances of a person
14 using 9-1-1 service that is not wireless.

15 (c) BASIS FOR ENACTMENT.—This section is enacted
16 as an exercise of the enforcement power of the Congress
17 under section 5 of the fourteenth amendment and the
18 power of the Congress to regulate commerce with foreign
19 nations, among the several States, and with Indian tribes.

20 **SEC. 10. DEFINITIONS.**

21 As used in this Act:

22 (1) The term “instrumentality of the United
23 States” includes any independent establishment of
24 the United States.

1 (2) The term “personal wireless services” has
2 the meaning specified for that term in section
3 332(e)(7)(C) of the Communications Act of 1934
4 (47 U.S.C. 332(e)(7)(C)).

5 (3) The term “public safety answering point”
6 or “PSAP” means a facility that has been des-
7 ignated to receive 9–1–1 calls and route them to
8 emergency service personnel.

9 (4) The term “State” means any of the several
10 States, the District of Columbia, or any territory or
11 possession of the United States.

12 (5) The term “wireless carrier” means a pro-
13 vider of commercial mobile services or any other
14 radio communications service that the Federal Com-
15 munications Commission requires to provide wireless
16 9–1–1 service.

17 (6) The term “enhanced wireless 9–1–1 serv-
18 ice” means any enhanced 9–1–1 service so des-
19 ignated by the Federal Communications Commission
20 in the proceeding entitled “Revision of the Commis-
21 sion’s Rules to Ensure Compatibility with Enhanced
22 9–1–1 Emergency Calling Systems” (CC Docket No.
23 94–102; RM–8143), or any successor proceeding.

1 (7) The term “wireless 9–1–1 service” means
2 any 9–1–1 service provided by a wireless carrier, in-
3 cluding enhanced wireless 9–1–1 service.

4 (8) The term “nongovernmental entity” means
5 a person as defined in Section 3 of the Communica-
6 tions Act of 1934 (47 U.S.C. 153) that is not a de-
7 partment, agency, instrumentality or officer of the
8 United States, a State, or a political subdivision of
9 a State.

10 **SEC. 11. AUTHORIZATIONS OF APPROPRIATIONS AND DIS-**
11 **POSITION OF FEES.**

12 (a) AUTHORIZATION OF APPROPRIATIONS FOR AD-
13 MINISTRATION OF THE ACT.—There are authorized to be
14 appropriated in any fiscal year to the National Highway
15 Traffic Safety Administration such sums as may be nec-
16 essary to carry out the duties under this Act (other than
17 the duties for which subsections (b) and (c) authorize ap-
18 propriations) of the Administrator of the National High-
19 way Traffic Safety Administration, and such sums may
20 be derived by transfer from the WICAPS Fund to the ex-
21 tent provided in appropriations Acts.

22 (b) AUTHORIZATION OF APPROPRIATIONS FROM THE
23 WICAPS FUND FOR MAKING GRANTS.—(1) There are
24 authorized to be appropriated in any fiscal year from the

1 WICAPS Fund, for the purpose of making grants under
2 section 5, such sums as the WICAPS fund may contain.

3 (2) In any fiscal year, not more than $\frac{1}{3}$ of the funds
4 appropriated pursuant to an authorization of appropria-
5 tions in this subsection may be obligated for grants pursu-
6 ant to section 5(b).

7 (c) AUTHORIZATION OF APPROPRIATIONS FROM THE
8 WICAPS FUND FOR MAKING RESEARCH AND DEVELOP-
9 MENT INVESTMENTS.—

10 (1) Subject to paragraph (2), there is author-
11 ized to be appropriated in any fiscal year from the
12 WICAPS Fund, for the purpose of making invest-
13 ments under section 6, an amount equal to 25 per-
14 cent of the amount appropriated for that fiscal year
15 pursuant to the authorization of appropriations in
16 subsection (b)(1).

17 (2) No funds are authorized to be appropriated
18 in any fiscal year that, if appropriated, would cause
19 the total of funds appropriated for purposes of mak-
20 ing investments under section 6 to exceed
21 \$60,000,000.

22 (d) AUTHORIZATION OF APPROPRIATIONS TO THE
23 WICAPS FUND.—There are authorized to be appro-
24 priated to the WICAPS Fund in any fiscal year such sums
25 as may be necessary to carry out this Act.

1 (e) FISCAL YEAR AVAILABILITY.—Funds made avail-
2 able pursuant to an authorization of appropriations con-
3 tained in this Act shall be available without fiscal year
4 limitation to the extent provided in appropriations Acts.

5 (f) DISPOSITION OF FEES.—

6 (1) Subject to paragraph (4), a department,
7 agency, officer or instrumentality of the United
8 States receiving funds which are the reasonable fees
9 to which section 715(b) of the Communications Act
10 of 1934 (as added by section 7) refers—

11 (A) may, without regard to section 3302 of
12 title 31 of the United States Code and consist-
13 ent with such instructions as the Director of
14 the Office of Management and Budget may
15 issue, credit to the appropriations accounts
16 identified in paragraph (2) not to exceed the
17 amount set forth in paragraph (3); and

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

23 (2) The appropriations accounts to which para-
24 graph (1)(A) refers are the appropriations accounts
25 the appropriated funds of which the department,

1 agency, officer, or instrumentality would use at the
2 time the crediting occurs to process requests for ac-
3 cess to and use of real property for siting of facili-
4 ties used in providing personal wireless services.

5 (3) The amount to which paragraph (1)(A) re-
6 fers is the amount the department, agency, officer,
7 or instrumentality has obligated after the date of en-
8 actment of this Act to process requests for access to
9 and use of real property for siting of facilities used
10 in providing personal wireless services.

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

16 **SEC. 12. SEVERABILITY.**

17 If any provision of this Act or the application thereof
18 to any person or circumstances is held invalid, the validity
19 of the remainder of the Act and of the application of such
20 provision to other persons and circumstances shall not be
21 affected thereby.

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