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HOMELAND SECURITY AND TELECOMMUNICATIONS

Few subjects since the terrorist attacks of September 11, 2001 have generated more interest and controversy than homeland security. Wireless and other telecommunications services are playing a major role in security efforts around the U.S. Corporations and government agencies have redoubled their efforts to ensure that they have reliable telecommunications to cope with terrorist attacks, electricity blackouts, and other homeland security emergencies.

This edition of *Frequency* focuses on three governmental proceedings that will impact how homeland security laws affect various communications industries. First, the Department of Homeland Security has issued wireless interoperability guidelines and set aside \$6 million for communications vendors that submit interoperability solutions for public safety entities. Second, the Federal Communications Commission is considering a petition for rulemaking that could require Voice over Internet Protocol carriers, broadband access providers, and other advanced communications providers to redesign their networks to provide wiretap capabilities. Finally, with many states and localities behind on their required enhanced 911 implementation, Congress is poised to pass a bill providing matching grants to governmental entities that meet certain E-911 deployment requirements.

SAFECOM INTEROPERABILITY REQUIREMENTS RELEASED: \$6 MILLION EARMARKED FOR VENDOR CONTRACTS

The U.S. Department of Homeland Security's (DHS) Science and Technology Directorate recently released a 192-page Statement of Requirements (SoR), designed to guide public safety agencies nationwide toward achieving wireless communications interoperability. The SoR, developed under DHS' SAFECOM program, is intended to define future requirements for efficient communications and information sharing among public safety entities and to encourage the communications industry to align its research and development with public safety needs. To that end, DHS plans to distribute approximately \$6 million as awards to vendors that submit interoperability solutions based on the SoR.

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SoR will establish a framework wherein first responders will have full functional interoperability.

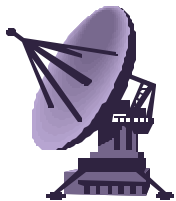
A key focus of the SoR is to establish a framework wherein first responders, including Emergency Medical Services (EMS) personnel, fire fighters, and law enforcement officers, will have full functional interoperability. Accordingly, the SoR promotes the establishment of systems that support many different types of services, including video conferencing, voice and text messaging, real time voice commands, and near real time satellite imaging.

The SoR is the basis of the SAFECOM program office's operations going forward. The SAFECOM office's work will include solicitations for information and solutions from the communications industry, which can use the requirements as a basis for research and development. The SoR can be found at www.safecomprogram.gov.

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LAW ENFORCEMENT URGES FCC TO EXPAND CALEA REQUIREMENTS TO ADVANCED SERVICES

Federal law enforcement authorities have petitioned the FCC to establish rules that would require entities such as voice-over-Internet-protocol (VoIP) and broadband access providers to redesign their networks to facilitate law enforcement surveillance of electronic communications. Under the Communications Assistance for Law Enforcement Act (CALEA), telecommunications carriers – and their equipment, facilities, and services – must have built-in wiretap capabilities. In a recent Expedited Petition for Rulemaking, the Federal Bureau of Investigation, the Department of Justice, and the Drug Enforcement Administration, argued that the FCC should require advanced technologies like VoIP to have CALEA capabilities to help catch criminals and terrorists that use such technologies to evade surveillances.



If the FCC adopts Law Enforcement's suggestions, all Internet access services and equipment would be required to have wiretapping capability.

Law Enforcement's petition could have a potentially sweeping effect on VoIP providers and broadband equipment manufacturers. If the FCC adopts the agencies' suggestions, all Internet access services and corresponding equipment would be required to have wiretapping capability implemented at the time of deployment. No new Internet services could be introduced, or equipment marketed, without a design that meets all expected law enforcement requirements.



Law Enforcement argues that the FCC should establish rules that formally identify which services are covered by CALEA.

CALEA applies only to telecommunications carriers and manufacturers of telecommunications equipment. The law enforcement petitioners insist that the definition of telecommunications carrier under the CALEA statute encompasses many types of carriers that employ packet-mode technology, including entities that provide services currently classified as information services. The petitioners argue that the FCC should establish rules that formally identify which services and entities are covered by CALEA, including VoIP and broadband access providers.

A decision by the FCC as to whether to commence a rule making proceeding is expected in the near future. Timely updates on this proceeding, including comment and reply comment deadlines, will be provided in future editions of *Frequency*.

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CONGRESS SET TO PASS E-911 IMPLEMENTATION LEGISLATION: INCENTIVE GRANTS FOR COMPLIANT STATES AND LOCALITIES

It is widely agreed among U.S. government entities that the implementation of wireless Enhanced 911 (E-911) service is a vital homeland security measure. E-911, which provides first responders with the ability to rapidly direct emergency services to a caller's location, is now considered a necessary tool for homeland security. The FCC's rules require all wireless carriers to implement Phase II of its E-911 plan, which entails the ability to instantly provide caller location information to public safety answering points (PSAPs), by December 31, 2005.



Many of the nation's 6,000 state and local PSAPs will not complete their Phase II implementation by the December 31, 2005 deadline.

While most wireless carriers are currently upgrading their equipment and networks and are expected to meet the 2005 deadline, many of the nation's 6,000 state and local PSAPs will not complete their Phase II implementation by that time. As of October 2003, only 18 percent of PSAPs were Phase II compliant. According to a Government Accounting Office (GAO) report, no more than 24 states are expected to complete Phase II implementation by 2005.

The GAO report states that the key factors hindering wireless E-911 implementation are lack of funding, and the failure of the responsible entities to coordinate their efforts. More than \$8 billion will be needed to fully deploy Phase II, and, most PSAPs do not have the funding resources to purchase the software and equipment needed to sufficiently upgrade their networks. Additionally, many states lack an authoritative E-911 coordinator. The sheer number of E-911 stakeholders – PSAPs, wireless carriers, state and local



Congress is prepared to pass legislation that will provide states with incentives to implement Phase II.

public safety entities, and federal regulatory agencies – has led to difficulties in coordinating activities among the various parties.

Recognizing that many areas of the country will not have wireless E-911 by the 2005 deadline, Congress is prepared to pass legislation that will provide states with incentives to implement Phase II. Pending legislation will provide matching grants to states and localities that have designated an officer or government body as an E-911 coordinator and established a viable Phase II implementation plan. The House Bill, H.R. 2898, passed in November 2003; the Senate Bill, S.1250, is awaiting final passage.

The National Governors Association (NGA) has released a report which outlines state strategies for governors to accelerate Phase II implementation and obtain federal funds in the event the pending legislation is signed into law. These strategies include:

- * Designating a statewide coordinator who has the authority and oversight resources to effectively implement E-911.
- * Establishing a baseline to determine where resources are needed to complete E-911.
- * Identifying opportunities to efficiently fund implementation.
- * Providing education and outreach to the PSAPs to assist them with E-911 implementation.

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