



Legislative and Regulatory Landscape

Issue Background

Legislative and regulatory mandates as established by Congress and other Government agencies constitute the framework that governs the conduct of national security and emergency preparedness (NS/EP) telecommunications activities. Consequently, monitoring this evolving landscape in the context of changing network trends is vitally important to ensure the continued success of NS/EP telecommunications capabilities. Since its inception, the President's National Security Telecommunications Advisory Committee (NSTAC) has sought to reduce the legislative and regulatory barriers to cooperation among stakeholders and to enhance NS/EP services.

History of NSTAC Actions

Recognizing the significance of the legislative and regulatory environment to the development and implementation of national security-related telecommunications policy, the NSTAC established the Funding and Regulatory Working Group (FRWG) at its inaugural meeting in December 1982. The Committee tasked the group with examining funding alternatives and regulatory issues associated with desired enhancements to NS/EP telecommunications capabilities on an ad-hoc basis. The FRWG re-addressed questions related to funding mechanisms in 1984 and 1990. Beginning in 1990, the NSTAC expanded its analysis of legislative and regulatory concerns to include enhanced call completion, underground storage tanks, and telecommunications service priority carrier liability issues and amended the name of the FRWG to the Legislative and Regulatory Group (LRG) to reflect the broader scope of analysis. Following the passage of the landmark *Telecommunications Act of 1996* (Telecom Act), the NSTAC tasked the LRG to monitor the implementation of provisions within the Telecom Act to better understand the implications for NS/EP telecommunications capabilities.

The approaching turn of the century as well as increased attention to critical infrastructure protection within both industry and Government, prompted the NSTAC to again expand its investigations to a growing number of NS/EP-related issues. These topics included policy to eliminate vulnerabilities in the Nation's critical infrastructures, legal and regulatory obstacles to information sharing, the success of the *Year 2000 Readiness and Disclosure Act*, anti-trust and liability, and cyber crime. Furthermore, the growing importance of legislative and regulatory analysis across the breadth of the Committee's activities, prompted the NSTAC in 2001 to establish a standing body — the Legislative and Regulatory Task Force — to address all legislative and regulatory issues on a continuous basis. Since that time, the LRTF has played an active role in crafting recommendations to the President suggesting the examination of new laws to ensure the effective exchange of critical infrastructure information between industry and Government and additional measures to prevent the exploitation of sensitive infrastructure information found on public websites.

Recent NSTAC Activities

In its January 2006 report entitled *Federal Support to Telecommunications Infrastructure Providers in National Emergencies Designation as "Emergency Responders (Private Sector)"*, the NSTAC examined existing statutes defining private industry's relationship with the Government in disaster situations. Noting the difficulties the telecommunications industry faced in garnering ample Federal, State, and local support for infrastructure recovery, the NSTAC recommended that the President direct the appropriate Government agencies to designate telecommunications infrastructure providers as Emergency Responders (private sector) to ensure they have prioritized access to disaster sites, fuel, security, and other material support needed to recover damaged infrastructure. The LRTF is currently reviewing legislative and regulatory proposals that would revise the Emergency Alert System and the Telecom Act to include next generation telecommunications technology, such as voice over Internet protocol and broadband services.