



## NATIONAL SECURITY TELECOMMUNICATIONS ADVISORY COMMITTEE

March 1, 2006

The President  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, DC 20500

Dear Mr. President:

Your National Security Telecommunications Advisory Committee (NSTAC) continues to evaluate the lessons learned from Hurricane Katrina. We are writing to bring to your attention the first of several NSTAC recommendations that would strengthen the ability of telecommunications providers to respond even more effectively to future hurricanes and other natural or manmade events.

National security and emergency preparedness (NS/EP) communications are those telecommunication services used to maintain a state of readiness or to respond to and manage any event or crisis (local, national, or international) that causes or could cause injury or harm to the population, damage to or loss of property, or degrades or threatens the NS/EP posture of the United States. The provision of NS/EP communications to support the incident management structure defined in the National Response Plan (NRP) requires that the supporting communications infrastructure is quickly returned to working order after an incident. However, the restoration of service necessary to deliver NS/EP services is contingent upon the ability of telecommunications infrastructure providers to quickly access and repair damaged facilities.

Unfortunately, initial legal and policy interpretations in the aftermath of Katrina significantly delayed the restoration of the basic communications infrastructure. Specifically, the major policy challenges resulted from (1) the lack of recognition of telecommunications infrastructure providers as emergency response providers in the *Homeland Security Act of 2002* and the NRP, and (2) inconsistent interpretations of the *Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act)*. Strict interpretations of the law and these policy documents determined that telecommunications infrastructure providers were not emergency responders and were not entitled to assistance under the Stafford Act, which precluded key providers from receiving Government assistance in accessing restricted areas and obtaining fuel, water, power, billeting, and workforce and asset security.

To ensure the expeditious restoration of critical telecommunications infrastructure after a natural disaster or terrorist attack, your NSTAC recommends that you take action to designate telecommunications infrastructure providers as "Emergency Responders (Private Sector)." The National Weather Service forecasts that the 2006 hurricane season, beginning on June 1, 2006, will be as destructive as the 2005 season. Implementing these recommendations before the hurricane season or a potential terrorist attack will enable Federal agencies to render non-monetary assistance to telecommunications infrastructure providers to facilitate recovery of the very communications central to incident management efforts.

Accordingly, the NSTAC recommends that, no later than June 1, 2006, you establish and codify the term Emergency Responder (Private Sector) to include telecommunications infrastructure providers and ensure non-monetary assistance, including accessing restricted areas and obtaining fuel, water, power, billeting, and workforce and asset security, to them by—

- Directing the Department of Homeland Security to modify the NRP and its Emergency Support Functions to designate telecommunications infrastructure providers as Emergency Responders (Private Sector) and to establish protocols and procedures for the way in which Federal, State, local, and tribal Governments should work with telecommunications infrastructure providers before, during, and after a national disaster,
- Issuing appropriate Presidential guidance to define Emergency Responders (Private Sector) under the Stafford Act and other authorities as appropriate to align with the broadened definition of national defense in the 2003 amendments to the *Defense Production Act (DPA) of 1950*. Specifically, the guidance should make clear that key response personnel of critical telecommunications infrastructure owners and operators should be defined as Emergency Responders (Private Sector) and should receive non-monetary Federal assistance under the Stafford Act, and
- Directing the Secretary of Homeland Security to work with Congress to align the Stafford Act and other appropriate legislative authorities with the DPA by codifying the designation of private sector telecommunications infrastructure providers as Emergency Responders (Private Sector) and by codifying the official interpretation that for-profit telecommunications infrastructure providers should receive non-monetary Federal assistance.

The adoption of these recommendations will help expedite the recovery and restoration of essential NS/EP communications after a natural disaster or terrorist attack. The attached report sets forth the findings and conclusions of our evaluation. Thank you for the opportunity to advise you on this vital matter and the NSTAC would be pleased to work with you to carry out these recommendations.

Sincerely,



F. Duane Ackerman  
Chairman

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