

**STATEMENT OF
COMMISSIONER MICHAEL J. COPPS**

Re: *Communications Assistance for Law Enforcement Act and Broadband Access and Services*, Second Report and Order and Memorandum Opinion and Order (ET Docket No. 04-295, RM-10865)

As I have often said, the first obligation of a public servant is the safety of the people. In our case here at the FCC, our controlling statute makes that as explicit as it could possibly be—we are charged to “make available . . . a rapid, efficient, Nation-wide and world-wide wire and radio communication service . . . for the purpose of the national defense” and “for the purpose of promoting safety of life and property.” The implementation and oversight of CALEA is an important part of that duty. By ensuring that law enforcement authorities have access to the resources CALEA authorizes, this Commission supports efforts to protect the public safety and homeland security of the United States and its people. Because we have a responsibility to assist those whose job it is to protect us from harm, I support today’s decision.

Today’s decision addresses a number of outstanding issues regarding CALEA implementation. The item cleans up some of the ambiguities left open from our earlier efforts. Notably, we clarify the role that the experts in industry standard-setting bodies will play by working in concert with law enforcement and other interested parties to craft technical standards for critical terms like “call-identifying information.” This is truly urgent work, and I thank those who are participating in the process and urge them to keep this the top priority item it must be both to get the job done and to avoid the Commission having to intrude itself in the process. We also clarify that trusted third parties are a legitimate way for carriers to manage their CALEA obligations. The record shows TTP availability and capability to perform a number of services to advance CALEA compliance. Trusted third party participation should also mean more cost-effective options for compliance, particularly for smaller carriers.

As all who have followed our CALEA proceedings know, this is ongoing and difficult work. As I have remarked before, the challenge is complicated by the Commission’s theory of substantial replacement that collapsed the statutory dichotomy between information services and telecommunications services in a stretch that invited time-consuming and unneeded legal complications. Finally, as this order notes, there is still clarity to be provided. For example, numerous institutions of higher learning have expressed concern that language in our earlier order could be read as extending CALEA obligations to the private networks of universities, libraries and some others in ways possibly at odds with the statutory text. All those agencies and offices of government involved in CALEA implementation should work together to provide clarity here and to avoid confusion—and potentially significant expenses—for these institutions.

I commend the Chairman for his dedication to law enforcement and his continuing work on public safety and homeland security, and I thank the Bureau for all its hard work in getting this item to us for action today.