



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Telecommunications and**  
**Information Administration**  
Washington, D.C. 20230

Mr. Preston L. Grubbs  
Acting Assistant Administrator  
U.S. Department of Justice  
Drug Enforcement Administration  
Operational Support Division  
Lincoln Place – West  
700 Army Navy Drive, Room 12142  
Arlington, VA 22202

JUN 2 2009

Dear Mr. Grubbs:

Thank you for your letter regarding the broadband initiatives in the American Recovery and Reinvestment Act of 2009 (Recovery Act). In your letter, you share your concerns regarding the inclusion of Communications Assistance for Law Enforcement Act (CALEA) capabilities in broadband projects funded by the Recovery Act. You also ask the Commerce Department's National Telecommunications and Information Administration (NTIA), in its Broadband Technology Opportunities Program (BTOP), to make CALEA compliance a condition of awarding grants, to require grant recipients to report on their CALEA compliance, and to provide funding to the Federal Communications Commission (FCC) for the purpose of enforcing compliance with CALEA.

As you know, Section 6001 of the Recovery Act requires NTIA, in consultation with the FCC, to establish BTOP. The statute sets forth several priorities, including accelerating broadband deployment in both unserved and underserved areas, and ensuring that strategic institutions that are likely to create jobs or provide significant public benefits have broadband connections. We are also coordinating closely with the U.S. Department of Agriculture's Rural Utilities Service (RUS) in developing our related broadband stimulus initiatives.

NTIA expects to release its initial grant guidelines this summer, after which eligible entities will be able to apply for broadband grant funds. NTIA also will host grant workshops to encourage BTOP applications and facilitate the process for entities seeking to apply for grants. NTIA is moving expeditiously to implement this program to ensure that Recovery Act funds are used in the most effective and efficient way possible and are compliant with all applicable laws and regulations.

Thank you again for your thoughtful views on this matter. They are greatly appreciated and will receive serious consideration as NTIA implements this important program. If I may be of any further assistance, please feel free to contact me or Larry Atlas, Senior Advisor to the Assistant Secretary, at 202-482-1840.

Sincerely,

A handwritten signature in blue ink, appearing to read "Anna M. Gomez".

Anna M. Gomez  
Acting Assistant Secretary  
for Communications and Information



U. S. Department of Justice  
Drug Enforcement Administration  
Operational Support Division

APR 21 2009

www.dea.gov

April 15, 2009

APR 21 2009

ACTION OFFICE B. Brown  
COPIES TO JW, S. Morris

Ms. Anna M. Gomez  
Acting Assistant Secretary for  
Communications and Information  
U.S. Department of Commerce/NTIA  
1401 Constitution Avenue, N.W.  
Washington, D.C. 20230

SUSPENSE DATE 4/15/2009  
REMARKS \_\_\_\_\_  
CONTROL# 0384

Dear Ms. Gomez:

The Drug Enforcement Administration's (DEA) continuing ability to conduct electronic surveillance is under increased pressure because of the diversity, number, and rapid deployment pace of emerging communication technologies and packet-based communication networks. Emerging communication technologies, both telephony and data, continue to create barriers to DEA's ability to attack the command, control, and communication structure of drug trafficking and narco-terrorism organizations. One problem in particular is that communication providers are deploying new networks and services without giving adequate thought to their obligation to comply with the Communications Assistance for Law Enforcement Act (CALEA).

With the recent passage of the American Recovery and Reinvestment Act (ARRA), the federal government has taken a major step in ensuring that Broadband Internet Access is available to all Americans. Clearly this step will enhance American lives, businesses, and communities throughout the United States. Unfortunately, there will be a small percentage of individuals who will use these Broadband capabilities in furtherance of or to perpetrate crimes. Without adequate electronic surveillance capabilities, the DEA, and other law enforcement agencies, will be significantly hampered in its ability to thwart criminals that take advantage of federally funded Broadband Internet Access.

The DEA proposes that the National Telecommunications and Information Administration (NTIA) make explicit that being CALEA compliant is a term and condition of any person or entity receiving grants under the Broadband Technology Opportunities Program. In addition, the DEA requests that NTIA use its authority to include a CALEA compliance reporting requirement in accordance with ARRA Section 6001(i)(2). Finally, the DEA requests that NTIA consider using its authority under Title II of ARRA to shift funds to the Federal Communications Commission for the purpose of enforcing CALEA compliance.

The DEA suggests that CALEA terms and conditions could read as follows: "Any person or entity, excluding community colleges and public libraries, receiving a grant from the Broadband Technology Opportunities Program must comply with the requirements of the Communications Assistance for Law Enforcement Act including the ability to authenticate any user of the Broadband service it offers."

I would be happy to meet with or otherwise discuss this proposal with you. Please feel free to contact me at 202-307-4730.

Sincerely,

A handwritten signature in black ink, appearing to read "Preston L. Grubbs". The signature is fluid and cursive, with the first name being the most prominent.

Preston L. Grubbs  
Acting Assistant Administrator  
Operational Support Division