



NEWS

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FCC ADOPTS CALEA TECHNICAL STANDARDS

The Federal Communications Commission (FCC) has adopted technical requirements for wireline, cellular, and broadband Personal Communications Services (PCS) carriers to comply with the assistance capability requirements of the Communications Assistance for Law Enforcement Act of 1994 (CALEA). Specifically, the FCC required that all capabilities of the Telecommunications Industry Association (TIA) interim standard (J-STD-025) and six of nine "punch list" capabilities requested by the Department of Justice (DoJ)/Federal Bureau of Investigation (FBI) be implemented by wireline, cellular, and broadband PCS carriers.

With the exception of packet-mode communications, the FCC required that all capabilities of the interim standard be implemented by the CALEA compliance date of June 30, 2000. The FCC required that a packet-mode communications capability and the six punchlist capabilities be implemented by September 30, 2001.

Specifics of Today's Action:

- **Actions Regarding the Interim Standard (J-STD-025)**

The FCC concluded the following regarding the location information and packet-mode communications capabilities of the interim standard:

Location information: The FCC required that location information be provided to law enforcement agencies (LEAs) under CALEA's assistance capability requirements for "call-identifying information," provided that a LEA has a court order or legal authorization beyond a pen register or trap and trace authorization. The FCC found that location information identifies the "origin" or "destination" of a communication and thus is covered by CALEA. The FCC.

however, did not mandate that carriers be able to provide LEAs with the precise physical location of a caller. Rather, it permitted LEAs with the proper legal authorization to receive from wireline, cellular, and broadband PCS carriers only the location of a cell site at the beginning and termination of a mobile call.

Packet-mode communications: The FCC required that carriers provide LEAs access to packet-mode communications by September 30, 2001. However, the Commission acknowledged that significant privacy issues had been raised with regard to the J-STD-025 treatment of packet-mode communications. Under the J-STD-025, law enforcement could be provided with access to both call identifying information and call content, even where it may be authorized only to receive call identifying information. Accordingly, the FCC invited TIA to study CALEA solutions for packet-mode technology and report to the FCC by September 30, 2000 on steps that can be taken, including particular amendments to the interim standard, that will better address privacy concerns.

- **Actions Regarding the Capabilities Requested by DoJ/FBI**

Of the nine items in the DoJ/FBI punch list, the following capabilities were required by the FCC:

Content of subject-initiated conference calls -- A LEA will be able to access the content of conference calls initiated by the subject under surveillance (including the call content of parties on hold), pursuant to a court order or other legal authorization beyond a pen register order.

Party hold, join, drop on conference calls -- Messages will be sent to a LEA that identify the active parties of a call. Specifically, on a conference call, these messages will indicate whether a party is on hold, has joined, or has been dropped from the conference call.

Subject-initiated dialing and signaling information -- Access to dialing and signaling information available from the subject will inform a LEA of a subject's use of features (e.g., call forwarding, call waiting, call hold, and three-way calling).

In-band and out-of-band signaling (notification message) -- A message will be sent to a LEA whenever a subject's service sends a tone or other network message to the subject or associate (e.g., notification that a line is ringing or busy, call waiting signal).

Timing information -- Information will be sent to a LEA permitting it to correlate call-identifying information with the call content of a communications interception.

Dialed digit extraction --The originating carrier will provide to a LEA on the call data channel any digits dialed by the subject after connecting to another carrier's service, pursuant to a pen register authorization. The FCC found that some such digits fit within CALEA's definition of call-identifying information, and that they are generally reasonably available to carriers.

In requiring the six punch list capabilities, the FCC noted that it determined that five of them constitute call-identifying information that is generally reasonably available to carriers and therefore is required under CALEA. The FCC found that while the cost to carriers of providing some of these five capabilities is significant, it is not so exorbitant as to automatically require the exclusion of any capability from the final industry standard.

The following punch list items were not required by the FCC:

Surveillance status -- Carriers would have been required to send a message to a LEA to verify that a wiretap had been established and was functioning correctly.

Continuity check tone (C-tone) -- Electronic signal would have alerted a LEA if the facility used for delivery of call content interception failed or lost continuity.

Feature status -- A LEA would have been notified when, for the facilities under surveillance, specific subscription-based calling services were added or deleted.

The FCC found that these three capabilities, while potentially useful to LEAs, were not required by the plain language of CALEA. However, carriers are free to provide these capabilities if they wish to do so.

- **Timetable for New Capabilities**

The FCC invited the TIA Subcommittee TR45.2 to revise the interim J-STD-025 to add the six required punch list capabilities. The FCC stated that those capabilities can be most efficiently implemented by permitting the Subcommittee to make the modifications. The FCC noted that LEAs, carriers, and manufacturers are voting members of the Subcommittee, and that the Subcommittee has the experience and resources in place to resolve CALEA capability issues quickly. The FCC required the necessary revisions to be accomplished by March 30, 2000.

Finally, the FCC required that wireline, cellular, and broadband PCS carriers make the packet-mode and required punch list capabilities available to LEAs by September 30, 2001. This will provide carriers with more than two years to implement these capabilities. Because manufacturers have had development of these capabilities under consideration for several years, the FCC found that this amount of time will prove sufficient for the development process to be completed and for carriers to implement these capabilities.

Action by the Commission August 26, 1999 by Third Report and Order (FCC 99-230). Chairman Kennard, Commissioners Ness, Furchtgott-Roth, Powell and Tristani.

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