

Originally Processed With FOIA(s):
2005-0336-F

FOIA Number:
2005-0336-F

FOIA MARKER

**This is not a textual record. This is used as an
administrative marker by the George Bush Presidential
Library Staff.**

Record Group/Collection: George H.W. Bush Presidential Records
Collection/Office of Origin: Science and Technology Policy, Office of (OSTP)
Series: O'Neil, John F., Files
Subseries: Telecommunications Files

OA/ID Number: 62105
Folder ID Number: 62105-003

Folder Title:
CFR 47

Stack:

Row:

Section:

Shelf:

Position:

0

0

0

0



NATIONAL COMMUNICATIONS SYSTEM

OFFICE OF THE MANAGER
WASHINGTON, D.C. 20305 - 2010

IN REPLY
REFERTO: AR/H115

4 October 1989

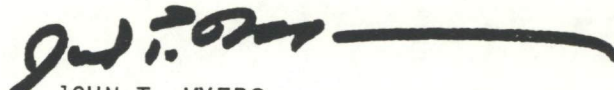
MEMORANDUM FOR ASSISTANT TO THE PRESIDENT FOR NATIONAL SECURITY AFFAIRS
DIRECTOR, SCIENCE AND TECHNOLOGY POLICY

THRU: Director, Information Systems, OASD(C3I) ~~10/11~~

SUBJECT: Publication of 47 CFR 201-216 in the Federal Register

Attached is the final revision of 47 CFR Parts 201-215, and a new Part 216 which contains the current National Communications System (NCS) Directives for your review and approval. These amendments have been approved by the Committee of Principals. These parts of the Code are the joint responsibility of Office of Science and Technology Policy and National Security Council. If these amendments meet with your approval, please sign and return the original. After signature, the Executive Agent for NCS will forward the revisions through Defense Services to the Federal Register for publication.

1 Enclosure a/s


JOHN T. MYERS
Lieutenant General, USA
Manager



OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, D.C. 20301-3040

COMMAND, CONTROL,
COMMUNICATIONS
AND
INTELLIGENCE

12 OCT 1989

MEMORANDUM FOR WASHINGTON HEADQUARTERS SERVICES, FEDERAL
REGISTER LIAISON OFFICER

SUBJECT: Revision to 47 CFR Part 201 et seq., Telecommuni-
cations Service During Crisis and Emergencies

Based on the provisions of Executive Order 12472,
Assignment of National Security and Emergency Preparedness
Telecommunications Functions, dated April 3, 1984, it is
requested that 47 CFR Part 201 et seq., copy attached, be
forwarded to the Office of the Federal Register.

D. Diane Fountaine
D. Diane Fountaine
Director
Information Systems

Attachment

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

NATIONAL SECURITY COUNCIL

47 CFR Parts 201, 202, 212, 214, 215 and 216

NATIONAL COMMUNICATIONS SYSTEM

AGENCIES: Office of Science and Technology Policy and National Security Council

ACTION: Notice of Amendments to Final Rules

SUMMARY: Executive Order 12472, April 3, 1984 (49 FR 13471; 3 CFR, 1984 Comp., p. 193) redefined the functions and organization of the National Communications System, and established the responsibilities of executive offices for both wartime and non-wartime national security and emergency preparedness (NS/EP) telecommunications services. These amendments to 47 CFR Chapter II document the policy changes embodied in the Executive Order, and otherwise revise Parts 201, 202, 212, 214, 215 and add Part 216 consistent with current NS/EP telecommunications procedures.

EFFECTIVE DATE: (Insert date of publication in the FEDERAL REGISTER)

FOR FURTHER INFORMATION CONTACT: Robert Anderson, Office of the Assistant Secretary of Defense (Command, Control, Communications & Intelligence), Pentagon, Washington, DC (202) 697-7626

AMENDMENTS

List of Subjects

47 CFR Parts 201 and 202

Civil defense, Communications common carriers, Defense communications, Emergency powers, National Communications System, Telecommunications

47 CFR Part 212

Civil defense, Communications common carriers, Defense communications, Emergency powers, Science and Technology, Telecommunications

47 CFR Part 214

Civil defense, Defense communications, Emergency powers, Radio, Science and Technology

47 CFR Part 215

Civil defense, Defense communications, Research, National Communications System, Science and Technology, Telecommunications

47 CFR Part 216

Civil defense, Defense communications, National Communications System, Organization and functions (Government agencies), Radio, Telecommunications

Parts 201, 202, 212, 214 and 215 of 47 CFR Chapter II are revised and Part 216 is added to read as set forth below.



D. Allan Bromley

Director

Office of Science and Technology Policy

Date: June 14, 1990

Brent Scowcroft

Assistant to the President for National
Security Affairs

Date:

PART 201 - EXECUTIVE POLICY.

Sec.

201.0 Background

201.1 Authority

201.2 Definitions

201.3 Policy

AUTHORITY: 61 Stat. 496 (50 U.S.C. 401); 64 Stat. 798 (50 U.S.C. app. 2061); 64 Stat. 1245 (50 U.S.C. app. 2251); 90 Stat. 463 (42 U.S.C. 6611); E.O. 12046, March 27, 1978 (43 FR 13349; 3 CFR, 1978 Comp., p. 158); E.O. 12472, April 3, 1984 (49 FR 13471; 3 CFR, 1984 Comp., p. 193); E.O. 12656, November 18, 1988 (53 FR 47491; 3 CFR, 1988 Comp., p. 585).

§201.0 Background

National policy with respect to the conservation, allocation and use of the Nation's telecommunications resources during crises and emergencies is set forth in Executive Order 12472. The following parts of this chapter address specific responsibilities with respect to management of telecommunications resources and related procedures which bear upon provision, restoration and continuity of telecommunications services during crises and emergencies. In doing so, the chapter encompasses both national security and emergency preparedness activities, consistent with Executive Order 12472. This concept of national security and emergency preparedness telecommunications services (as defined in § 201.2(g)) includes crises that do not necessarily entail serious degradation of, or serious threats to, national security. It therefore is a broader concept than the term "national security emergency preparedness activities" in Executive Order 12656, which concerns only national security emergencies, and preparedness activities necessarily related to such emergencies.

§201.1 Authority

(a) Authorities and responsibilities related to and bearing upon national security and emergency preparedness telecommunications matters are set forth in:

(1) Section 706 of the Communications Act of 1934 (48 Stat. 1104, 47 U.S.C. 606), as amended.

(2) The National Security Act of 1947, as amended (61 Stat. 496, 50 U.S.C. 402).

(3) The Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251 et seq.).

(4) The Disaster Relief Act of 1974 (42 U.S.C. 5121 et seq.).

(5) The National Science and Technology Policy, Organization, and Priorities Act of 1976 (90 Stat. 463, 42 U.S.C. 6611).

(6) Executive Order 12046, "Relating to the Transfer of Telecommunications Functions," March 27, 1978, (43 FR 13349; 3 CFR, 1978 Comp., p. 158).

(7) Executive Order 12472, "Assignment of National Security and Emergency Preparedness Telecommunications Functions," April 3, 1984 (49 FR 13471; 3 CFR, 1984 Comp., p. 193).

(b) Authorities to be exercised in the execution and performance of emergency functions are subject to the provisions of the National Emergencies Act of 1976 (90 Stat. 1255, 50 U.S.C. 1601).

§201.2 Definitions.

The following definitions apply herein:

(a) "Communications common carrier", "specialized carrier", or "carrier" means any individual, partnership, association, joint stock company, trust, or corporation subject to Federal or State regulation engaged in providing telecommunications facilities or services, for use by the public, for hire.

(b) "Government" means Federal, State, county, municipal, and other local government authority. Specific qualification will be provided whenever reference to a particular level of government is intended.

(c) "Joint telecommunications Resources Board (JTRB)" means that organization established by the Director, Office of Science and Technology Policy, pursuant to Executive Order 124/2 to assist the Director, OSTP, in exercising the non-wartime emergency telecommunications functions assigned by Executive Order 124/2.

(d) "The National Communications System (NCS)" means that organization established by Executive Order 124/2 consisting of the telecommunications assets of the entities represented on the NCS Committee of Principals and an administrative structure consisting of the Executive Agent, the NCS Committee of Principals and the Manager. The NCS Committee of Principals consists of representatives from those Federal departments, agencies or entities, designated by the President, which lease or own telecommunications facilities or services of significance to national security and emergency preparedness, and, to the extent permitted by law, other Executive entities which bear policy, regulatory or enforcement responsibilities of importance to national

security and emergency preparedness telecommunications capabilities. The NCS is a confederative arrangement in which member Federal agencies participate with their owned and leased telecommunications assets to provide necessary communications services for the Federal Government, under all conditions, including nuclear war.

(e) "National Coordinating Center (NCC)" refers to the joint industry-government telecommunications entity established by the NCS pursuant to Executive Order 12472 to assist in the initiation, coordination, restoration and reconstitution of national security and emergency preparedness telecommunications services or facilities under all conditions of crisis or emergency.

(f) "National priorities" means those essential actions and activities in which the government and the private sector must become engaged in the interests of national survival and recovery.

(g) "National security and emergency preparedness (NS/EP) telecommunications services," or "NS/EP services," means those telecommunication services which are used to maintain a state of readiness or to respond to and manage any event or crisis (local, national, or international) which 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.

(h) "NS/EP treatment" refers to the provisioning of a telecommunications service before others based on the provisioning priority level assigned by the Executive Office of the President.

(i) "National Telecommunications Management Structure (NTMS)" means a survivable and enduring management structure which will support the exercise of the war power functions of the President under Section 706 of the Communications Act of 1934 (47 U.S.C. § 606), as amended.

(j) "Private sector" means those sectors of non-government entities that are users of telecommunications services.

(k) "Telecommunications" means any transmission, emission, or reception of signs, signals, writing, images, graphics, and sounds or intelligence of any nature by wire, radio, optical, or other electromagnetic systems.

(l) "Telecommunications resources" include telecommunications personnel, equipment, material, facilities, systems, and services, public and private, wheresoever located within the jurisdiction of the United States.

(m) "Wartime emergency" means a crisis or event which permits the exercise of the war power functions of the President under Section 706 of the Communications Act of 1934 (47 U.S.C. § 606), as amended.

§201.3 Policy.

(a) The Federal Government is responsible for resources mobilization, including determination of the need for and the extent of mobilization necessary in all crises and emergencies, wartime and non-wartime.

(b) The President has limited non-wartime NS/EP telecommunications functions, and wartime NS/EP functions under the Communications Act of 1934 (as amended), which have been delegated to Federal agencies under Executive Order 12472. Federal, State, and local governments share the responsibility for conservation of the Nation's telecommunications resources.

(1) The achievement of survival and recovery during a crisis or emergency would establish an unavoidable interdependence between and among Federal, State, and local authorities; therefore, there should be no barriers between Federal and State levels of authorities and between State and local levels of authorities which would impede, obstruct, or otherwise hinder effective conservation and equitable allocation of telecommunications resources and services to the needs of the Nation.

(2) The Federal Government will rely upon State governments and their telecommunications management organizations for management or control of intrastate carrier services and continuity of interconnectivity with interstate carriers to assure that national objectives and priorities are properly served. Applicable regulations of the Federal Communications Commission govern the extent of the allocation of responsibility between Federal and State authorities for the management of NS/EP intrastate carrier

services and the interconnectivity of intrastate services for NS/EP telecommunications functions.

(c) A system of telecommunications service priorities will be established which facilitates the provisioning and early restoration of services considered vital to national interests during those events or crises which warrant NS/EP treatment.

(d) The President is authorized during, or in anticipation of, an emergency or major disaster (as defined in the Disaster Relief Act of 1974) to establish temporary telecommunications systems and to make such telecommunications available to State and local government officials and such other persons as deemed appropriate (42 U.S.C. § 5185).

(e) The President also is authorized, during war, when necessary in the interest of national defense and security, to direct or establish priorities for essential communications with any commercial or governmental carrier and to prevent obstruction of telecommunications. The President may also suspend or amend rules and regulations, close stations and facilities, and authorize U.S. government use and control of telecommunications resources with regard to

(1) radio communications (during war, or Presidentially declared threat of war, public peril, disaster or national emergency or a need to preserve the neutrality of the U.S.) and

(2) wire communications (during war or threat of war).

(f) During an attack on the United States by an aggressor nation, and in an immediate postattack period, all decisions regarding the use of telecommunications resources will be directed to the objective of national survival and recovery. In order to achieve this objective, postattack resources will be assigned to activities concerned with the maintenance and saving of lives, immediate military defense and response, and economic activities essential to continued economic survival and recovery.

(g) The Director of the Office of Science and Technology Policy will serve as the central authority to control, coordinate, and direct the activities of the Nation's telecommunications facilities, systems, and services during periods of wartime emergency as determined under § 706 of the Communications Act of 1934 (47 U.S.C. § 606), as amended.

(h) Telecommunications resources of the Federal Government will be employed, as required, to best serve the continuity of government and national interests.

(i) Federal agencies will, in the development of emergency operational plans, minimize, to the extent feasible, dependence upon telecommunications services for continuity of essential operations.

PART 202 - NATIONAL SECURITY AND EMERGENCY PREPAREDNESS PLANNING AND EXECUTION.

Sec.

202.0 Objectives.

202.1 Policies.

202.2 Criteria and guidance.

202.3 Plans preparation and execution.

AUTHORITY: 61 Stat. 496 (50 U.S.C. 401); 64 Stat. 798 (50 U.S.C. app. 2061); 64 Stat. 1245 (50 U.S.C. app. 2251); 90 Stat. 463 (42 U.S.C. 6611); E.O. 12046, March 27, 1978 (43 FR 13349; 3CFR, 1978 Comp., p. 158); E.O. 11021, May 7, 1962 (27 FR 4409; 3 CFR, 1959-1963 Comp., p. 600); E.O. 12472, April 3, 1984 (49 FR 13471; 3 CFR, 1984 Comp., p. 193).

§ 202.0 Objectives.

(a) During, or in anticipation of, a non-wartime emergency or natural disaster, a telecommunications capacity must exist to provide temporary telecommunications service to State and local government officials and other persons deemed appropriate by the President.

(b) In the event of a general war and attack upon the Nation, a national telecommunications capability must exist that will support telecommunications requirements with respect to national security, survival and recovery. The development of survivable telecommunications to support essential functions (including an emergency broadcasting system), and technical compatibility of signaling methods, transmission modes, switching facilities, and terminal devices to permit exchange of communications over the surviving media of all systems, government or commercial, are crucial elements of such a national

capability. In addition, a survivable national telecommunications management structure is necessary to manage initiation, coordination and restoration of telecommunications services. The management structure must include the following:

(1) Legal authority for telecommunications management.

(2) A control mechanism to manage the initiation, coordination and restoration of telecommunications services.

(3) Procedures to ensure timely damage assessment and allocation of residual resources and controlled restoration of services based on national policy/direction.

(4) The capability to execute a telecommunications recovery plan based on national policy/guidance.

(c) Notwithstanding any provision regarding NS/EP Planning and Execution, nothing in this Part shall be deemed to affect the authorities or responsibilities of the Director of the Office of Management and Budget, or any Office or official thereof; or reassign any function assigned any agency under the Federal Property and Administrative Services Act of 1949, as amended, or under any other law, or any function vested by law in the Federal Communications Commission.

§202.1 Policies.

(a) The telecommunications resources of the Nation will be available for government use during crises and emergencies, wartime and non-wartime, and to satisfy the needs of the public welfare and safety.

(b) The National Plan for Telecommunications Support in Non-Wartime Emergencies provides procedures for planning and using National telecommunications assets and resources in support of non-wartime emergencies, including those covered by the Disaster Relief Act of 1974, in Presidentially declared Emergencies and Major Disasters, Extraordinary Situations, and other emergencies.

(c) An NS/EP Telecommunications Service Priority (TSP) System will provide procedures to authorize priority treatment for the provisioning and restoration of NS/EP telecommunications services for wartime and non-wartime emergencies.

(d) In wartime emergencies, facilities management will remain decentralized to the extent feasible to assure continued flexibility of operational response to critical needs, subject to the management direction and overriding authority of those officials delegated to act for and with the consent of the central point of authority within the Federal Government.

(1) Federally owned, leased, and/or operated telecommunications

facilities, systems, and networks will be managed during such an emergency by the agency normally controlling the facility, system, or network except that all operations will be subject to the management direction and authority of the officials delegated overall management responsibility for Federal Government systems.

(2) Facilities other than those of the Federal Government, with the exception of radio stations in the Aviation Services and certain classes of radio stations in the Maritime Services, will be managed by the authorized common carrier or other person owning and operating such facilities subject to Federal Communications Commission (FCC) guidance and direction or in accordance with State or local plans if not subject to FCC jurisdiction.

(3) Radio stations in the Aviation Services and those aboard vessels in the Maritime Service will be subject to the control of the Secretary of Defense during a national emergency.

(e) The Director of the Office of Science and Technology Policy is the single point of authority within the Federal Government for the wartime emergency functions under Section 706 of the Communications Act (47 U.S.C. § 606) with respect to the allocation and use of surviving resources in support of national objectives enunciated by the President. Authority may be redelegated as necessary and when it can be exercised within boundaries established by Presidential authority.

(f) Radio frequency utilization during a wartime emergency will be in accordance with authorizations, assignments, and mobilization plans in existence at the onset of the emergency. Subject to the overriding control of the Director, OSTP, under the President's War Emergency Powers, spectrum management regarding the authorization and assignment of radio frequencies will be made by the National Telecommunications and Information Administration (NTIA) for the Federal Government, and the Director, OSTP, through the FCC, for all other entities subject to the Commission's jurisdiction. Radio stations are subject to closure if considered a threat to national security.

(g) Section 706 of the Communications Act of 1934, as amended, confers authority to the President in the matter of suspension of all rules and regulations pertaining to the use and operation of telecommunications facilities, public or private during wartime emergencies.

§202.2 Criteria and guidance.

NS/EP planning in government and industry with respect to effective conservation and use of surviving telecommunications resources in a disaster, emergency or postattack period must provide for orderly and uninhibited restoration of services by the carriers and authoritative control of services allocation which will assure that priority will be afforded the most critical needs of government and the private sector with respect to these objectives.

(a) The preservation of the integrity of characteristics and

capabilities of the Nation's telecommunications systems and networks during wartime or non-wartime emergencies is of the utmost importance. This can best be accomplished by centralized policy development, planning, and broad direction. Detailed operations management will remain decentralized in order to retain flexibility in the use of individual systems in responding to the needs of national security, survival and recovery. Each Federal agency responsible for telecommunications systems operations, and the carriers, are responsible for planning with respect to emergency operations. Guidance in this matter has been issued from a number of sources and contained in:

(1) Annex C-XI (Telecommunications), Federal Emergency Plan D (Classified).

(2) National Plan for Telecommunications Support in Non-wartime Emergencies.

(3) The National Communications System Management Plan for Annex C-XI (Telecommunications) Federal Emergency Plan D (Classified).

(b) The continuity of essential communications services will be maintained through the use of controls and operational procedures to assure that priority is given to vital services. NS/EP telecommunications services entail policies, procedures and responsibilities as described in Parts 211 and 213 of this chapter.

(c) The Nation's telecommunications systems facilities are vulnerable to physical and radiological damage. Planning factors with respect to the resumption of services in a disaster or postattack period must consider the probable loss of facilities which formerly provided direct and/or alternate intercity services among surviving population centers. Since surviving areas and population centers would serve as the sources of support to crippled areas of the Nation, the resumption of services between and among surviving metropolitan areas will be a high priority with the carriers.

§202.3 Plans preparation and execution.

Federal authority, substantive provisions, and functional responsibilities of the executive office are summarized in the following:

(a) Wartime Emergency Functions.

(1) The National Security Council shall provide general policy direction for the exercise of the war power functions of the President under Section 706 of the Communications Act (47 U.S.C. § 606), as amended, should the President issue implementing instructions in accordance with the National Emergencies Act (50 U.S.C. § 1601).

(2) The Director of the Office of Science and Technology Policy shall direct the exercise of the war power functions of the President under Section 706(a), (c)-(e) of the Communications Act (47 U.S.C. § 606), as amended,

should the President issue implementing instructions in accordance with the National Emergencies Act (50 U.S.C. § 1601).

(b) Non-wartime Emergency Functions.

(1) The National Security Council shall:

(i) Advise and assist the President in coordinating the development of policy, plans, programs and standards within the Federal Government for the identification, allocation and use of the Nation's telecommunications resources by the Federal Government, and by State and local governments, private industry and volunteer organizations, upon request, to the extent practicable and otherwise consistent with the law, during those crises or emergencies in which the exercise of the President's war power functions is not required or permitted by law.

(ii) Provide policy oversight and direction of the activities of the NCS.

(2) The Director of the Office of Science and Technology Policy shall:

(i) Provide information, advice, guidance and assistance, as appropriate, to the President and to those Federal departments and agencies with responsibilities for the provision, management or allocation of telecommunications resources during those crises or emergencies in which the

exercise of the President's war power functions is not required or permitted by law.

(ii) Establish a Joint Telecommunications Resources Board (JTRB) to assist the Director in providing information, advice, guidance and assistance, as appropriate, to the President and to those Federal Departments and agencies with responsibilities for the provision, management, or allocation of telecommunications resources, during those crises or emergencies in which the exercise of the President's war power functions is not required or permitted by law.

(c) Planning and Oversight Responsibilities.

(1) The National Security Council shall advise and assist the President in:

(i) Coordination and development of policy, plans, programs and standards for the mobilization and use of the Nation's commercial, government, and privately owned telecommunications resources to meet national security and emergency preparedness telecommunications requirements.

(ii) Providing policy oversight and direction of the activities of the NCS; and

(iii) Providing policy oversight and guidance for the execution of the

responsibilities assigned to the Federal departments and agencies by Executive Order 12472.

(2) The Director of the Office of Science and Technology Policy (or a designee) shall:

(i) Advise and assist the President in the administration of a system of radio spectrum priorities for those spectrum dependent telecommunications resources of the Federal government which support national security and emergency preparedness telecommunications functions.

(ii) Certify or approve priorities for radio spectrum use by the Federal government, including the resolution of any conflicts in or among priorities under all conditions or crisis or emergency.

(3) The National Security Council, the Director of the Office of Science and Technology Policy and the Director of the Office of Management and Budget shall, in consultation with the Executive Agent for the NCS and the NCS Committee of Principals, determine what constitutes national security and emergency preparedness telecommunications requirements.

(4) The Director of the Office of Management and Budget, in consultation with the National Security Council and the NCS, will prescribe general guidelines and procedures for reviewing the financing of the NCS within the budgetary process and for preparation of budget estimates by participating

agencies. These guidelines and procedures may provide for mechanisms for funding, through the budget review process, NS/EP telecommunications initiatives which benefit multiple Federal departments, agencies, or entities.

(d) Performance of essential government and public services during a national emergency, as defined in Section 706 of the Communications Act (47 U.S.C. 606), as amended, will require a means for communications between government and the private sector, communications essential to operations of elements of the national economy, and communications for national defense and civil defense purposes. The needs of the private sector and those of government should be properly coordinated to ensure that responses to each of these communities of interest, government and private sector, are appropriately balanced. For this reason, with regard to wartime emergency functions, the Director, Office of Science and Technology Policy (OSTP), has delegated the responsibility for the private sector to the Chairman, Federal Communications Commission (FCC), and responsibility for the needs of government to the Executive Agent, National Communications System (NCS). A parity of level of authority of these officials is established. They will coordinate and negotiate telecommunications conflicts with respect to the allocation and use of the Nation's telecommunications resources, reporting to the Director on unresolved issues which are within the domain of their respective responsibilities and authorities.

(e) In order to support the NS/EP telecommunications needs of the Federal government, State and local governments, private industry and

volunteer organizations, under all circumstances, including those of crisis or emergency, the following functions shall be performed:

(1) The Secretary of Commerce, for all conditions of crisis or emergency, shall:

(i) Develop plans and procedures concerning radio spectrum assignments, priorities and allocations for use by Federal departments, agencies and entities; and

(ii) Develop, maintain and publish policy, plans and procedures for the control and assignment of radio frequencies, including the authority to amend, modify or revoke such assignments, in those parts of the electromagnetic spectrum allocated to the Federal Government.

(2) The Director of the Federal Emergency Management Agency shall:

(i) Plan for and provide, operate and maintain telecommunications services and facilities, as part of its National Emergency Management System, adequate to support its assigned emergency management responsibilities.

(ii) Advise and assist State and local governments and volunteer organizations, upon request and to the extent consistent with law, in developing plans and procedures for identifying and satisfying their NS/EP telecommunications requirements.

(iii) Ensure, to the maximum extent practicable, that national security and emergency preparedness telecommunications planning by State and local governments and volunteer organizations is mutually supportive of and consistent with the planning of the Federal Government.

(iv) Develop, upon request and to the extent consistent with law and in consonance with regulations promulgated by and agreements with the Federal Communications Commission, plans and capabilities for, and provide policy and management oversight of, the Emergency Broadcast System, and advise and assist private radio licensees of the Commission in developing emergency communications plans, procedures and capabilities.

(v) Act as sponsor for State and local governments' requests for telecommunications service priority (TSP) in accordance with the Federal Communications Commissions regulations and with procedures in approved NCS issuances.

(3) The Secretary of State, in accordance with assigned responsibilities within the Diplomatic Telecommunications Service, shall plan for and provide, operate and maintain rapid, reliable and secure telecommunications services to those Federal entities represented at United States diplomatic missions and consular offices overseas. This responsibility shall include the provision and operation of domestic telecommunications in support of assigned national security and emergency preparedness responsibilities.

(4) The Secretary of Defense shall:

(i) Plan for and provide, operate and maintain telecommunications services and facilities adequate to support the National Command Authorities and to execute responsibilities assigned by Executive Order 12333, December 4, 1981 (46 FR 59941; 3 CFR, 1981 Comp., p: 200).

(ii) Ensure that the Director of the National Security Agency provides the technical support necessary to develop and maintain plans adequate to provide for the security and protection of national security and emergency preparedness telecommunications.

(iii) Provide protection for interstate or foreign communication as directed by the President when the public interest requires under Section 706(b) of the Communications Act (47 U.S.C. § 606(b)).

(iv) In consultation with the Secretary of Transportation, develop policy, plans and procedures adequate to enable a transfer of control over radio stations in the Aviation Service and aboard vessels in the Maritime Service to the Department of Defense during a national emergency pursuant to § 202.1(b)(3) of these regulations.

(5) The Attorney General shall, as necessary, review for legal sufficiency, including consistency with the antitrust laws, all policies, plans or procedures developed pursuant to these regulations.

(6) The Director, Central Intelligence Agency, shall plan for and provide, operate and maintain telecommunications services adequate to support the Agency's assigned responsibilities, including the dissemination of intelligence within the Federal government.

(7) Except as otherwise assigned pursuant to these regulations, the Administrator of General Services shall ensure that Federally owned or managed domestic communications facilities and services meet the NS/EP requirements of Federal civilian departments, agencies and entities. The Administrator shall perform these responsibilities consistent with policy guidance of the Director of the Office of Management and Budget.

(8) The Secretary of the Interior shall develop and execute emergency plans with respect to the administration of telecommunications activities in the territorial and trusteeship areas under the jurisdiction of the United States and within the responsibility previously assigned to him by appropriate laws and other authority.

(9) The Federal Communications Commission, consistent with its statutory authority, shall:

(i) Review the policies, plans and procedures of all entities licensed or regulated by the Commission that are developed to provide national security and emergency preparedness telecommunications services to ensure that such policies, plans and procedures are consistent with the public interest,

convenience and necessity.

(ii) Perform such functions as required by law with respect to all entities licensed or regulated by the Commission, including (but not limited to) the extension, discontinuance or reduction of common carrier facilities or services; the control of common carrier rates, charges, practices and classifications; the construction, authorization, activation, deactivation or closing of radio stations, services and facilities; the assignment of radio frequencies to Commission licensees; the investigation of violations of pertinent law and regulation; and the initiation of appropriate enforcement actions.

(iii) Develop policy, plans and procedures adequate to execute the responsibilities assigned pursuant to these regulations under all conditions of crisis or emergency.

(iv) Consult as appropriate with authorized officials of the NCS to ensure continued coordination of their respective NCS activities.

(10) The National Communications System (comprised of the Executive Agent for the NCS, the NCS Committee of Principals, and the Manager, NCS) shall assist the President, the Director of the Office of Science and Technology Policy, National Security Council and the Director of the Office of Management and Budget in the exercise of national security and emergency preparedness telecommunications functions and responsibilities and in the coordination of

the planning for and provision of national security and emergency preparedness communications for the Federal government under all circumstances, including crisis or emergency, attack, recovery and reconstitution.

(11) The Executive Agent for the NCS shall:

(i) Ensure that the NCS conducts unified planning and operations, in order to coordinate the development and maintenance of an effective and responsive capability for meeting the domestic and international national security and emergency preparedness needs of the Federal government.

(ii) Ensure that the activities of the NCS are conducted in conjunction with the emergency management activities of the Federal Emergency Management Agency.

(12) The Manager, NCS shall:

(i) Develop for consideration by the NCS Committee of Principals and the Executive Agent:

(A) A recommended evolutionary telecommunications architecture designed to meet current and future Federal government national security and emergency preparedness telecommunications requirements.

(B) Plans and procedures for the management, allocation and use,

including the establishment of priorities or preferences, of Federally owned or leased telecommunications assets under all conditions of crisis or emergency.

(C) Plans, procedures and standards for minimizing or removing technical impediments to the interoperability of government-owned and/or commercially provided telecommunications systems.

(D) Test and exercise programs and procedures for the evaluation of the capability of the Nation's telecommunications resources to meet national security and emergency preparedness telecommunications requirements.

(E) Alternative mechanisms for funding, through the budget review process, NS/EP telecommunications initiatives which benefit multiple Federal departments, agencies or entities. Those mechanisms recommended by the NCS Committee of Principals and the Executive Agent shall be submitted to the Executive Office of the President.

(ii) Implement and administer any approved plans or programs as assigned, including any system of priorities and preferences for the provision of telecommunications service, in consultation with the NCS Committee of Principals and the Federal Communications Commission, to the extent practicable or otherwise required by law or regulation.

(iii) Implement, with the assistance of appropriate Federal agencies, a

decentralized National Telecommunications Management Structure (NTMS) capable of functioning independently in support of appropriate authority within the terms and guidelines delineated in the White House approved Implementation Concept.

(iv) Conduct technical studies or analyses, and examine research and development programs, for the purpose of identifying, for consideration by the NCS Committee of Principals and the Executive Agent, improved approaches which may assist Federal entities in fulfilling national security and emergency preparedness telecommunications objectives.

(v) Develop an NCS Issuance System of official documents to implement, establish, guide, describe or explain organizational responsibilities, authorities, policies and procedures.

(13) The NCS Committee of Principals shall:

(i) Serve as the forum in which each member of the Committee may review, evaluate and present views, information and recommendations concerning ongoing or prospective national security and emergency preparedness telecommunications programs of the NCS and the entities represented on the Committee.

(ii) Serve as the forum in which each member of the Committee shall report on and explain ongoing or prospective telecommunications plans and programs developed or designed to achieve national security and emergency

preparedness telecommunications objectives.

(iii) Provide comments or recommendations, as appropriate, to the National Security Council, the Director of the Office of Science and Technology Policy, the Director of the Office of Management and Budget, the Executive Agent, or the Manager of the NCS, regarding ongoing or prospective activities of the NCS.

(14) All Federal departments and agencies shall:

(i) Prepare policies, plans and procedures concerning telecommunications facilities, services, or equipment under their management or operational control to maximize their capability to respond to the national security and emergency preparedness needs of the Federal Government. Such plans will be prepared, and the operations will be executed, in conjunction with the emergency management activities of the Federal Emergency Management Agency, and in regular consultation with the Executive Agent for the NCS and the NCS Committee of Principals.

(ii) Cooperate with and assist the Executive Agent for the NCS, the NCS Committee of Principals, the Manager of the NCS, and other departments and agencies in the execution of the functions set forth in this regulation, furnishing them such information, support and assistance as may be required.

PART 212 - PROCEDURES FOR OBTAINING INTERNATIONAL TELECOMMUNICATION SERVICE
FOR USE DURING A WARTIME EMERGENCY.

Sec.

212.0 Authority.

212.1 Purpose.

212.2 Scope.

212.3 Responsibilities.

212.4 Other requirements.

AUTHORITY: E.O. 12046, 43 FR 13349, Mar. 29, 1978 (3 CFR, 1978 Comp., p. 158); E.O. 12472, April 3, 1984, (49 FR 13471; 3 CFR, 1984 Comp., p. 193).

§212.0 Authority.

(a) Authority to establish arrangements to ensure that the NS/EP telecommunications needs of all Federal government entities are met in a manner consistent, to the maximum extent practicable, with other telecommunications policies is contained in Executive Order 12472 and Executive Order 12046.

(b) These procedures are applicable to the communications common carriers and non-Federal Government users under the President's authority contained in subsection 706(a)-(d) of the Communications Act of 1934 (47 U.S.C. § 606(a)-(d)), as amended. The authority under subsection 706(a) has been delegated by Executive Order 12472 to the Director of the Office of Science and Technology Policy, contingent upon issuance by the President of implementing instructions in accordance with the National Emergencies Act (50 U.S.C. § 1601). This authority may be exercised only during wartime emergencies.

§212.1 Purpose.

The purpose of this part is to provide specific guidance to Government and private entities who may have requirements for international telecommunication service during wartime emergencies.

§212.2 Scope.

The procedures in this part provide guidance for the submission of emergency requirements for telecommunication channels from the United States to overseas or foreign points. Guidance on this subject was previously contained in Annex 2 of DMO 3000.1 and Mobilization Plan IX-3. Mobilization Plan IX-3 has been canceled.

§212.3 Responsibilities.

(a) Executive departments and agencies of the United States, whether or not components of the National Communications System, (NCS), shall, to the extent permissible by law and consistent with national security, submit their international emergency telecommunications requirements to the Executive Agent, NCS, for coordination and consolidation of mobilization requirements.

(b) The Department of Defense shall coordinate NATO requirements in consonance with approved NATO/U.S. procedures for subsequent processing by the Executive Agent, NCS.

(c) The Department of State shall coordinate and approve foreign government telecommunications requirements and forward them to the Executive Agent, NCS, for further processing.

§212.4 Other requirements.

(a) Government, other than Executive departments and agencies of the United States, having need for emergency international telecommunication service, shall present their requirements through the appropriate sponsor to NCS.

(b) The private sector, including carriers, having need for emergency international telecommunication service, shall present their requirements to the Federal Communications Commission (FCC).

PART 214--PROCEDURES FOR THE USE AND COORDINATION OF THE RADIO SPECTRUM DURING
A WARTIME EMERGENCY

Sec.

214.0 Authority.

214.1 Purpose.

214.1 Scope.

214.3 Assumptions.

214.4 Planned actions.

214.5 Responsibilities.

214.6 Postattack procedures and actions.

AUTHORITY: 84 Stat. 2083 and E.O. 12472, April 3, 1984, (49 FR 13471; 3 CFR, 1984 Comp., p. 193).

§214.0 Authority.

The provisions of this Part 214 are issued pursuant to Reorganization Plan No. 1 of 1977, 42 FR 56101, 91 Stat. 1633, as amended (5 U.S.C. Appendix) and Executive Order 12472. This Part 214 replaces Annex 1 of DMO 3000.1, dated November 8, 1963, 28 FR 12273.

§214.1 Purpose.

The purpose of this part is to provide guidance for the use of the radio spectrum in a period of war, or a threat of war, or a state of public peril or other wartime emergency.

§214.2 Scope.

This part covers procedures for the use of radio frequencies upon proclamation by the President that there exists war, or a threat of war or a state of public peril or other wartime emergency or in order to preserve the neutrality of the United States. These procedures will be applied in the coordination, application for, and assignment of radio frequencies upon order of the Director, OSTP. These procedures are intended to be consistent with the provisions and procedures contained in emergency plans for use of the radio spectrum.

§214.3 Assumptions.

When the provisions of this part become operative, Presidential emergency authority, including Executive Order 12656, 12472, 12046 (3 CFR, 1966-1970 Comp., p. 820), and other emergency plans regarding the allocation and use of national resources will be in effect. During an attack, and in a postattack

period, the Director, OSTP, will have authority to make new or revised assignments of radio frequencies in accordance with authority delegated by the President.

§214.4 Planned actions.

(a) Whenever it is determined necessary to exercise, in whole or in part, the President's emergency authority over telecommunications, the Director, OSTP, will exercise that authority as specified in Executive Order 12472 (49 FR 13471; 3 CFR, 1984 Comp., p. 193).

(b) In this connection, and concurrently with the war or national emergency proclamation by the President, the Director will:

(1) Authorize the continuance of all frequency authorizations issued by the National Telecommunications and Information Administration (NTIA) and the Federal Communications Commission (FCC), except as they may otherwise be modified or revoked by the Director, OSTP, in the national interest;

(2) Redelagate to the Secretary of Defense the authority necessary to control the use of the radio spectrum in areas of active combat, where such control is necessary to the support of U.S. military operations;

(3) Close all non-government radio stations in the international broadcasting service as defined in the FCC rules and regulations, except those

carrying or scheduled to carry U.S. Government-controlled radio broadcasts.

§214.5 Responsibilities.

(a) The Director, OSTP, will issue such policy guidance, rules, regulations, procedures, and directives as may be necessary to assure effective frequency usage during wartime emergency conditions.

(b) The FCC, in coordination with NTIA, shall issue appropriate rules, regulations, orders, and instructions and take such other actions not inconsistent with the actions of the Director, OSTP, and the NTIA Emergency Readiness Plan for Use of the Radio Spectrum as may be necessary to ensure the effective use of those portions of the radio spectrum shared by Government and non-governments users.

(c) The FCC shall assist the Director in the preparation of emergency plans pursuant to Section 3(h)(3) of Executive Order 12472.

(d) Each Federal Government agency concerned shall develop and be prepared to implement its own plans, and shall make necessary preemergency arrangements with non-government entities for the provision of desired facilities or services, all subject to the guidance and control of the Director.

§214.6 Postattack procedures and actions.

(a) The frequency management staff supporting the Director, OSTP, comprised of predesignated personnel from the frequency management staffs of the government user agencies, NTIA and the FCC, will have proceeded to the OSTP relocation site in accordance with alerting orders in force.

(b) Government agencies having need for new radio frequency assignments or for modification of existing assignments involving a change in the frequency usage pattern shall, unless otherwise provided, submit applications therefor to the Director, OSTP, by whatever means of communication are available and appropriate, together with a statement of any preapplication coordination accomplished. The Director, OSTP, will review such applications, accomplish the necessary additional coordination insofar as practicable, consider all pertinent views and comments, and grant or deny, as he shall determine, the assignment of such frequencies. All concerned will be informed promptly of his decisions.

(c) Non-Government entities having need for new radio frequency assignments or for modifications of existing assignments will continue to submit applications therefor to the FCC, or in accordance with FCC instructions. Such applications shall be coordinated with the Director, OSTP, and granted subject to the approval of the Director, OSTP, or his delegate.

(d) All changes of radio frequency usage within U.S. military theaters of operation will be coordinated with the Director, OSTP, where harmful interference is likely to be caused to stations authorized to operate within

the United States and its possessions.

(e) Where submission to the Director, OSTP, is impracticable, the applicant shall:

(1) Consult the NTIA Emergency Readiness Plan for use of the Radio Spectrum and the Government Master File;

(2) Accomplish such coordination as appropriate and possible;

(3) Act in such manner as to have a minimum impact upon established services, accepting the responsibility entailed in taking the temporary action required.

(4) Advise the Director, OSTP, as soon as possible of the action taken, and submit an application for retroactive approval.

PART 215--FEDERAL GOVERNMENT FOCAL POINT FOR ELECTROMAGNETIC PULSE (EMP) INFORMATION

Sec.

215.0 Purpose and authority.

215.1 Background.

215.2 Assignment of responsibilities.

AUTHORITY: 84 Stat. 2083, and E.O. 12472, April 3, 1984 (49 FR 13471 et seq.).

§215.0 Purpose and authority.

The purpose of this part is to designate a focal point within the Federal Government for electromagnetic pulse (EMP) information concerning telecommunications. It is issued pursuant to the authority of Reorganization Plan No. 1 of 1977, 42 FR 56101, 91 Stat. 1633, as amended (5 U.S.C. Appendix), Executive Order 12472, (49 FR 13471; 3 CFR, 1984 Comp., p. 193), "Assignment of National Security and Emergency Preparedness Telecommunications, April 3, 1984 and Executive Order 12046, 43 FR 13349, "Relating to the Transfer of Telecommunications Functions," May 27, 1978, as amended by Executive Order 12472.

§215.1 Background.

(a) The nuclear electromagnetic pulse (EMP) is part of the complex environment produced by nuclear explosions. It consists of transient voltages and currents which can cause malfunctioning and serious damage to electrical and electronic equipment.

(b) The Defense Nuclear Agency (DNA) is the overall technical coordinator for the Army, Navy, Air Force, and DOE laboratories on matters concerning nuclear weapons, nuclear weapons effects, and nuclear weapons testing. It acts as the focal point between the service laboratories and

other agencies. The National Communications System (NCS), with the Defense Communications Agency (DCA), maintains a data base for telecommunications. DCA also provides the primary capability for the NCS to conduct telecommunications survivability studies for civil and military departments and agencies.

(c) In order to disseminate among affected Federal agencies information concerning the telecommunications effects of EMP and available protective measures, and in order to avoid duplication of research efforts, it is desirable to designate a focal point within the Federal Government for telecommunications EMP matters.

§215.2 Assignment of responsibilities.

The Executive Agent, NCS, shall be the focal point within the Federal Government for all EMP technical data and studies concerning telecommunications. It shall provide such data and the results of such studies to all appropriate agencies requesting them. It shall coordinate and approve EMP telecommunications tests and studies, and shall keep the National Security Council informed regarding such tests and studies being conducted and planned.

Part 216 -- NATIONAL COMMUNICATIONS SYSTEM ISSUANCE SYSTEM

Sec.

216.1 NCS Directives.

216.2 Publication of Directives.

Appendix to Part 216 -- NCS Directives.

Authority: E.O. 12472, April 3, 1984 (49 FR 13471; 3 CFR, 1984 Comp., p. 193).

§ 216.1 NCS Directives.

In accordance with § 202.3(c)(12)(v), the Manager, NCS, has developed a system of official documents of a referential nature. The documents include NCS Directives, which establish and implement organizational responsibilities, authorities, policies and procedures of a continuing nature. The Directives are issued by the Executive Office of the President after approval and/or consideration by the NCS Committee of Principals, the Executive Agent for the NCS and the Assistant to the President for National Security Affairs.

§ 216.2 Publication of Directives

(a) We believe, for public awareness and internal administrative purposes, that publication of the current directives is worthwhile. The appendix to this part includes all current NCS Directives.

(b) The Directives are arranged numerically. The first of the hyphenated letters indicates the subject category: "1" for "Organization, Membership and Administration;" "2" for "Plans, Programs and Fiscal Management;" "3" for "Telecommunications Operations;" and "4" for "Technology and Standards." The second number indicates the sequence of issuance.

(c) In some instances, the appendixes to the directives consist of documents readily accessible elsewhere in the public domain. In the interests of brevity, these documents are referenced rather than reprinted in full.

Appendix to Part 216 -- NCS Directives

[NCS DIRECTIVE 1-1]

November 30, 1987

ORGANIZATION, MEMBERSHIP AND ADMINISTRATION

National Communications System (NCS) Issuance System

1. Purpose. This directive establishes the National Communications System (NCS) Issuance System, describes the documents comprising the NCS Issuance System, and assigns responsibilities and delegates authority for implementing and managing that System.

2. Applicability. This directive is binding upon the Executive Agent, NCS; Manager, NCS; NCS Committee of Principals and member organizations; and other affected Executive entities.

3. Authority. Pursuant to the Constitution of the United States and other laws cited in Executive Order No. 12472, "Assignment of National Security and Emergency Preparedness Telecommunications Functions," April 3, 1984; 49 Federal Register 13471 (1984--see Appendix A to this directive), the President has established the NCS, which is subject to rules issued pursuant to the NCS Issuance System. This directive is issued under the authority of Executive Order No. 12472.

4. Reference. Executive Order No. 12472.

5. Cancellation. NCS Memorandum 1-63, "National Communications System Publications," December 10, 1963, is hereby cancelled.

6. Definitions

a. Binding. Imposing one or more obligations, responsibilities, or duties upon affected parties, subject to any overriding Federal statutes, executive orders, or other Federal law.

b. Issue. To put into effect, publish, and distribute an NCS issuance after final approval by proper authority.

c. NCS Issuances. Documents (i.e., NCS directives, circulars, manuals, handbooks, and notices; and Office of the Manager, NCS (OMNCS) office orders), generally of referential value and broad distribution, that implement, establish, guide, describe, or explain organizational responsibilities, authorities, policies, and procedures. Appendix B provides abbreviated descriptions of types of issuances.

d. NCS Directive. An issuance used to establish and implement organizational responsibilities, authorities, policies, and procedures of a continuing nature. Directives are issued by the Director, Office of Science and Technology Policy and/or Director, Office of Management and Budget, after consideration of the proposed text by the NCS Committee of Principals, Executive Agent, NCS, and Assistant to the President for National Security Affairs. Directives are binding upon the Executive Agent, NCS; Manager, NCS; NCS Committee of Principals and member organizations; and other affected Executive entities. Directives remain in effect until superseded or cancelled.

e. NCS Circular. An issuance used for dissemination of subject matter either pending incorporation into an NCS directive or requiring one-time action. Circulars are issued by the Director, Office of Science and Technology Policy and/or Director, Office of Management and Budget, after consideration of the proposed text by the NCS Committee of Principals, Executive Agent, NCS, and Assistant to the President for National Security Affairs. Circulars are binding upon the Executive Agent, NCS; Manager, NCS;

NCS Committee of Principals and member organizations; and other affected Executive entities. Circulars will expire after (1) incorporation into a directive, (2) one year from the date of issuance, or (3) a specified time period, whichever occurs first.

f. NCS Manual. An issuance used to provide detailed description, explanation, or procedural or technical guidance concerning matters addressed in NCS directives or circulars. Manuals are issued by the Manager, NCS, subject to the provisions of paragraphs 9d and e of this directive. Manuals are binding upon the Executive Agent, NCS; Manager, NCS; NCS Committee of Principals and member organizations; and other affected Executive entities. Manuals remain in effect until superseded or cancelled.

g. NCS Handbook. An issuance used to provide detailed description, explanation, or procedural or technical guidance concerning matters addressed in NCS directives, circulars, or manuals. Handbooks are issued by the Manager, NCS, normally without consideration by the NCS Committee of Principals or Executive Agent. Handbooks are not binding upon the Executive Agent, NCS; Manager, NCS; NCS Committee of Principals or member organizations; or other affected Executive entities. Handbooks remain in effect until superseded or cancelled.

h. NCS Notice. An issuance used for immediate dissemination of subject matter, usually informational, and either pending incorporation into an NCS handbook or of transitional interest. Notices are issued by the Manager, NCS,

or authorized designees, normally without consideration by the NCS Committee of Principals or Executive Agent. Notices are not binding upon the Executive Agent, NCS; Manager, NCS; NCS Committee of Principals or member organizations; or other affected executive entities. Notices will expire after (1) incorporation into a handbook, (2) one year from the date of dissemination, or (3) a specified time period, whichever occurs first.

i. OMNCS Office Order. An issuance used to implement and provide procedural guidance supplementary to NCS and other directives, manuals, or authority and outline managerial requirements. Office orders are limited to and binding upon the internal operation, administration, and personnel of the OMNCS. They are issued by the Manager, NCS, who may delegate further this authority, and they remain in effect until superseded or cancelled.

7. Policy. The NCS Issuance System governs the issuance of rules and guidance concerning the internal organization, policies, procedures, practices, management, and/or personnel of NCS. Such rules and guidance will be issued in the form of NCS issuances or changes thereto. Proposed changes to an NCS issuance will be processed in the same manner as the issuance to which they pertain.

8. Responsibilities.

a. NCS member organizations:

(1) May propose subjects for and develop new issuances, and propose changes in existing issuances.

(2) May review and provide comments regarding proposed NCS directives, circulars, and manuals, as desired or authorized by paragraph 9e below.

(3) May consider and comment upon NCS handbooks and notices.

b. The NCS Committee of Principals and Executive Agent:

(1) May propose subjects for and develop new issuances, and propose changes in existing issuances.

(2) Will review and provide comments as needed to the Executive Office of the President regarding proposed NCS directives and circulars.

(3) Will consider and approve, and may comment upon, NCS manuals, as specified in paragraph 9 below.

(4) May consider and comment upon NCS handbooks and notices.

c. The Manager, NCS:

(1) Will maintain and administer the NCS Issuance System.

(2) May propose subjects for and develop new issuances, and propose changes in existing issuances.

(3) Will consider, issue, and comment upon, as needed, NCS manuals (as specified in paragraph 9 below), handbooks, notices, and OMNCS office orders.

(4) Will forward NCS issuances and any comments thereon to the NCS Committee of Principals; Executive Agent, NCS; and/or Executive Office of the President, as required.

9. Delegations of Authority.

a. The NCS Committee of Principals and Executive Agent are hereby delegated the authority to approve NCS manuals, subject to the conditions specified below in paragraphs 9d and e.

b. The Manager, NCS, is hereby delegated the authority to issue NCS manuals, handbooks, and notices.

c. The Manager, NCS, is hereby delegated the authority to approve and issue OMNCS office orders. The Manager may further delegate this authority.

d. NCS manuals will be issued 30 calendar days following notification to the NCS Committee of Principals of approval by the Committee of Principals and Executive Agent, but only (1) if authorized by an NCS directive or circular, and (2) subject to the condition specified in paragraph 9e below.

e. Upon either approval or disapproval of an NCS manual by the Committee of Principals and/or Executive Agent, the NCS Executive Agent, Manager, Committee of Principals, and member organizations may, within 30 calendar days after notification to the Committee of Principals of such action, submit a written request for review of the manual to the Director, Office of Science and Technology Policy; Director, Office of Management and Budget; or Assistant to the President for National Security Affairs. Any such request will include reasons. Copies of the request shall be provided concurrently to the NCS Committee of Principals, Executive Agent, and Manager, as necessary. For a period of 30 calendar days thereafter, any NCS entity may submit comments to the Director, Office of Science and Technology Policy; Director, Office of Management and Budget; or Assistant to the President for National Security Affairs. Any manual under such review may not be issued until resolution of the matter in question by (1) direction from the Director, Office of Science and Technology Policy, and/or Director, Office of Management and Budget, after consideration by the Assistant to the President for National Security Affairs; or (2) withdrawal of each request for review.

10. Authorizing Provisions. NCS manuals implementing this directive are authorized.

11. Effective Date. This directive is effective immediately.

12. Expiration. This directive will remain in effect until superseded or cancelled.

2 Appendices

Director

A. Executive Order
No. 12472

Office of Science and Technology Policy
Date: November 30, 1987

Director

Office of Management and Budget
Date: November 17, 1987

Assistant to the President
for National Security Affairs
Date: September 18, 1987

NOTE: Appendix A to NCS Directive T-1, Executive Order No. 12472 of April 3, 1984, is not published in full in the Appendix to Part 216. The text of Executive Order 12472 appears in 49 FR 13471, April 3, 1984, and in 3 CFR, 1984 Comp., p. 193.

[NCS DIRECTIVE 1-2]

November 30, 1987

ORGANIZATION, MEMBERSHIP, AND ADMINISTRATION

National Communications System (NCS) Membership

1. Purpose. This directive identifies the membership of the National Communications System (NCS) as designated by the President and assigns associated responsibilities.
2. Applicability. This directive is binding upon the Executive Agent, NCS; Manager, NCS; NCS Committee of Principals and member organizations; and other affected Executive entities.
3. Authority. This directive is issued under the authority of Executive Order No. 12472, "Assignment of National Security and Emergency Preparedness Telecommunications Functions," April 3, 1984; 49 Federal Register 13471 (1984), and NCS Directive 1-1, "National Communications System (NCS) Issuance System," November 30, 1987.

4. References.

a. Executive Order No. 12472, "Assignment of National Security and Emergency Preparedness Telecommunications Functions," April 3, 1984, 49 Federal Register 13471 (1984). (The text of this Executive Order is included as Appendix A to NCS Directive 1-1, "National Communications System (NCS) Issuance System," November 30, 1987.)

b. NCS Directive 1-1, "National Communications System (NCS) Issuance System," November 30, 1987.

c. White House Memoranda, subject "The National Communications System," dated July 13, 1984 (Appendices A and B).

d. White House Memoranda, subject "Application of the Department of Health and Human Services (HHS) for Membership in the National Communications System (NCS)," dated May 7, 1987 (Appendix C).

e. NCS Manual 1-2-1, "Bylaws of the National Communications System (NCS) Committee of Principals," November 30, 1987.

5. Cancellation. NCS Memorandum 2-63, "Approval of Initial NCS Tasks 1 and 2," December 13, 1963; and NCS Memorandum 2-64, "Additional Networks Approval for Inclusion in the National Communications System," December 11, 1964, are hereby cancelled.

6. Definitions.

a. Full Member. A representative on the NCS Committee of Principals of an organization entitled to unqualified participation, subject to Committee bylaws (reference 4e) and prevailing legal authority. Organizations represented by full members will be bound by rules and other legal authority governing the NCS.

b. Liaison member. A representative on the NCS Committee of Principals of an organization invited by the President to participate, without the right to vote on matters before the Committee.

7. Policy. Active participation in NCS activities by organizations represented on the Committee of Principals is critical to effective national security emergency preparedness telecommunications. Accordingly, each organization represented by a full member should detail at least one full-time employee to serve either on the staff of the Manager, NCS, or as a resident representative to the NCS' National Coordinating Center. Exceptions to this policy may be authorized on a case-by-case basis by the Assistant to the President for National Security Affairs.

8. Designated Full Members. The President has designated the following Federal entities to participate in the NCS and be represented by full members on the Committee of Principals: Department of State; Department of the

Treasury; Department of Defense; Department of Justice; Department of the Interior; Department of Agriculture; Department of Commerce; Department of Health and Human Services; Department of Transportation; Department of Energy; Central Intelligence Agency; Office of the Joint Chiefs of Staff; General Services Administration; United States Information Agency; National Aeronautics and Space Administration; Veterans Administration; Federal Emergency Management Agency; National Security Agency; and National Telecommunications and Information Administration.

9. Invited Participants. The President has invited the Federal Communications Commission, Nuclear Regulatory Commission, U.S. Postal Service, and Federal Reserve System to participate in the NCS and be represented on the Committee of Principals by either liaison or full members. Invited participants choosing to be represented by full members will be bound by NCS issuances promulgated pursuant to reference 4b.

10. Responsibilities.

a. Each organization represented by a full member on the NCS Committee of Principals:

(1) Will accredit the full member as the organization's authorized representative in matters before the Committee, including matters involving policy, budget, and resources.

(2) Will participate in all activities of the Committee.

(3) Should execute a Memorandum of Agreement with the Executive Agent or Manager, NCS, to provide personnel and staff support to the Office of the Manager, NCS, in accordance with Section 3 (i) (3) of Executive Order No. 12472 and policy established in this directive.

b. Each organization represented by a liaison member on the Committee of Principals:

(1) May participate as desired in Committee activities.

(2) Should execute a Memorandum of Agreement with the Executive Agent or Manager, NCS, describing the nature and extent of participation in the NCS.

c. The Executive Agent or Manager, NCS, will prepare and execute Memoranda of Agreement as described in paragraphs 10a and b above.

11. Authorizing Provision. NCS manuals implementing this directive are authorized.

12. Effective Date. This directive is effective immediately.

13. Expiration. This directive is in effect until superseded or cancelled.

3 Appendices

A. White House Memo to Executive
Agencies (Reference 4c)

Director

Office of Science and Technology Policy

B. White House Memo to Independent
Agencies (Reference 4c)

Date: November 30, 1987

C. White House Memo to HHS
(Reference 4d)

Director

Office of Management and Budget

Date: November 17, 1987

Assistant to the President

for National Security Affairs

Date: September 18, 1987

APPENDIX A: WHITE HOUSE MEMORANDUM TO EXECUTIVE AGENCIES

The White House

Washington

July 13, 1984

MEMORANDUM FOR

THE SECRETARY OF STATE

THE SECRETARY OF THE TREASURY

THE SECRETARY OF DEFENSE

THE ATTORNEY GENERAL

THE SECRETARY OF THE INTERIOR

THE SECRETARY OF AGRICULTURE
THE SECRETARY OF COMMERCE
THE SECRETARY OF TRANSPORTATION
THE SECRETARY OF ENERGY
THE DIRECTOR OF CENTRAL INTELLIGENCE
THE CHAIRMAN, JOINT CHIEFS OF STAFF
THE ADMINISTRATOR, GENERAL SERVICES ADMINISTRATION
THE DIRECTOR, UNITED STATES INFORMATION AGENCY
THE ADMINISTRATOR, NATIONAL AERONAUTICS AND SPACE
ADMINISTRATION
THE ADMINISTRATOR OF VETERAN AFFAIRS
THE DIRECTOR, FEDERAL EMERGENCY MANAGEMENT AGENCY
THE DIRECTOR, NATIONAL SECURITY AGENCY
THE ADMINISTRATOR, NATIONAL TELECOMMUNICATIONS AND
INFORMATION ADMINISTRATION

SUBJECT: The National Communications System

On April 3, 1984 the President signed Executive Order No. 12472, "Assignment of National Security and Emergency Preparedness Telecommunications Functions." That Order established that the National Communications System (NCS) would assist the President, the National Security Council, the Office of Science and Technology Policy, and the Office of Management and Budget in the discharge of their national security and emergency preparedness (NSEP) telecommunications functions.

-59-

-60-

Preparedness Board, pursuant to National Security Decision Directive Number 47, "Emergency Mobilization Preparedness."

-61-

Pursuant to Section 1(a) of that Order, the President has designated eighteen Federal entities as participants in the NCS. Recognizing that the responsibilities of your agency relate to and rely upon NSEP telecommunications capabilities, you are invited to participate in the NCS on either a "full membership" or liaison basis. "Full membership" will entitle you to full participation on the NCS Committee of Principals (e.g., a vote on all matters before the Committee), but will normally require the provision of full-time personnel support to the Office of the Manager, NCS, or the National Coordinating Center.

Your decision regarding participation in the NCS should be conveyed to the Manager of the NCS as soon as possible. I encourage your maximum permissible participation in the NCS. For your information, I have also enclosed a copy of my memorandum designating the eighteen Federal entities as participants in the NCS.

J. M. Poindexter

Deputy Assistant to the President
for National Security Affairs

APPENDIX C: WHITE HOUSE MEMORANDA TO EXECUTIVE AGENT,
NATIONAL COMMUNICATIONS SYSTEM, AND DEPARTMENT OF HEALTH AND HUMAN SERVICES

THE WHITE HOUSE

WASHINGTON

May 7, 1987

MEMORANDUM FOR THE HONORABLE OTIS R. BOWEN

The Secretary of Health and Human Services

SUBJECT: Application of the Department of Health and
Human Services (HHS) for Membership in the
National Communications System (NCS)

The request by your Assistant Secretary for Management and Budget to the Manager, NCS for membership in the NCS is fully supported and welcomed. Executive Order (EO) 12472, "Assignment of National Security Emergency Preparedness Telecommunications Functions," established the NCS to assist the President, the National Security Council, the Office of Science and Technology Policy, and the Office of Management and Budget in the discharge of their National Security and Emergency Preparedness (NSEP) telecommunications functions.

The HHS participation in NCS activities will be important as the Administration continues to address national security and emergency preparedness requirements. Accordingly, it is requested that a Memorandum of

Agreement be executed with the Executive Agent or the Manager, NCS, to implement Section 3(i)(3) of EO 12472. Pursuant to Section 1(a) of the Executive Order, request HHS designate a senior-level representative to serve on the interagency group - NCS Committee of Principals.

In addition to EO 12472, National Security Decision Directive (NSDD)-97 outlines our national security telecommunications policy and NSDD-201 provides NSEP Telecommunications Funding Policy guidance for approved national level NSEP telecommunication programs. The NCS is a critical element of our overall national security emergency preparedness and deterrence posture and your Department's participation in this important interagency activity will further enhance our national security.

FOR THE PRESIDENT:

Frank C. Carlucci

THE WHITE HOUSE

WASHINGTON

May 7, 1987

MEMORANDUM FOR EXECUTIVE AGENT, NATIONAL COMMUNICATIONS SYSTEM

SUBJECT: Application of the Department of Health and
 Human Services (HHS) for Membership in the
 National Communications System (NCS)

Your recommendation to accept the HHS request for membership in the NCS is fully supported. The HHS has been separately requested to become a full member in the NCS pursuant to the provisions of EO 12472. The HHS membership should be reflected in the forthcoming NCS Directive 2-1, "NCS Membership"

FOR THE PRESIDENT:

Frank C. Carlucci

September 30, 1988

PLANS, PROGRAMS, AND FISCAL MANAGEMENT

National Security Emergency Preparedness (NSEP) Telecommunications
Planning Process

1. Purpose. This directive establishes the interagency process by which unified planning is conducted within the National Communications System (NCS) to ensure the coordinated development of a responsive and survivable national telecommunications infrastructure to meet the NSEP telecommunications needs of the Federal government.
2. Applicability. This directive is binding upon the Executive Agent, NCS; Manager, NCS; NCS Committee of Principals and Member Organizations; and other affected Executive entities.
3. Authority. This directive is issued under the provisions of Executive Order (E.O.) No. 12472, "Assignment of National Security and Emergency Preparedness Telecommunications," April 3, 1984, 49 Federal Register 13471 (1984) and NCS Directive (NCSD) No. 1-1, "National Communications System (NCS) Issuance System," November 30, 1987.

4. References.

a. E.O. 12472, "Assignment of National Security and Emergency Preparedness Telecommunications Functions," April 3, 1984, 49 Federal Register 13471 (1984).

b. NCS Directive 2-2, "National Level NSEP Telecommunications Program (NLP) Funding," November 30, 1987.

c. "National Security Emergency Preparedness (NSEP) Telecommunications Planning Process," March 27, 1986, NCS 326/8.

d. White House Memorandum, "National Communications System (NSEP) Telecommunications Planning Process," October 11, 1986, (Appendix)

5. Cancellation. NCS Memorandum No. 2-69, "Interim Procedures for Application of Planning - Programming - Budgeting System (PPBS) Features in the NCS Planning Process," October 31, 1969, is hereby cancelled.

6. Definitions.

a. The National Level NSEP Telecommunications Program (NLP). Those NSEP telecommunications programs benefiting multiple departments and agencies that are to be undertaken within the NCS structure, and the accompanying provisions for their shared funding and implementation.

b. Capability Objectives. That key Planning Process element which defines the set of capabilities needed to meet the NSEP telecommunication requirements of the Federal Government.

c. Deficiencies and Priorities. That key Planning Process element which identifies shortcomings or shortfalls in existing capabilities that inhibit or preclude the satisfaction of Federal NSEP telecommunications requirements.

d. Candidate Initiatives. That key Planning Process element which describes actions selected to mitigate identified deficiencies and achieve the overall enhancement of NSEP telecommunications capabilities.

e. Evolutionary NSEP Telecommunications Architecture. That Planning Process element which describes the overall structure of telecommunications capabilities and resources to support Federal government NSEP requirements and the framework for the design, evaluation, and integration of NSEP telecommunications initiatives.

7. Policy. The mission of the NCS is to assist the President, the National Security Council (NCS), the Director of the Office of Science and Technology Policy (OSTP), and the Director of the Office of Management and Budget (OMB) in the exercise of the telecommunications functions and responsibilities assigned to them by E.O. 12472, and to coordinate the planning for and provision of NSEP telecommunications for the Federal government under all circumstances, including crisis or emergency, attack, recovery, and reconstitution.

a. To support the performance of this mission, a unified planning process for NSEP telecommunications will be implemented to:

(1) Establish, on an evolutionary basis, a NSEP telecommunications planning mechanism that facilitates the integration of Federal government, commercial/private sector, and State/local government activities and capabilities;

(2) Define the capabilities required to support NSEP telecommunications needs;

(3) Identify a set of feasible near- and long-term national level NSEP telecommunications initiatives for the achievement of those capabilities; and

(4) Develop, and provide for the effective implementation of, approved national level NSEP telecommunications programs.

b. These planning functions will be carried out within the framework of an overall process involving the design and maintenance of an evolutionary NSEP telecommunications architecture, and the annual development, documentation, review, and approval of capability objectives, deficiencies and priorities, candidate initiatives, and a National Level Program.

8. Responsibilities.

a. Executive Office of the President (EOP).

(1) Within the EOP, the NSC, in conjunction with OSTP and OMB, will:

(a) Provide overall policy and program direction for NSEP telecommunications planning;

(b) Provide, after appropriate consultation with the Director of Central Intelligence and the Attorney General, a definition of the threat for planning purposes;

(c) Review and validate Capability Objectives;

(d) Review and provide program planning guidance to the NCS regarding Deficiencies and Priorities and Candidate Initiatives; and

(e) Provide direction for the implementation of the National Level Program.

(2) In addition, the OSTP will also:

(a) Provide recommendations regarding, and the results of tests, exercises, and evaluations;

(b) Provide recommendations relating to the enhancement of plans and procedures for the management of Federal telecommunications resources in crises or emergencies.

(3) As provided for in E.O. 12472, OMB, "... will, in conjunction with the National Security Council, provide general guidelines and procedures for reviewing the financing of the NCS within the budgetary process and for preparation of budget estimates by participating organizations. These guidelines and procedures may provide for mechanisms for funding, through the budget review process, NSEP telecommunications initiatives which benefit multiple departments and agencies.

(4) The NSC, OSTP, OMB and the Executive Agent, NCS, will:

(a) Review and approve or modify the proposed National Level Program developed by the NCS.

b. The Executive Agent, NCS, will:

(1) Provide direction for the conduct of NSEP telecommunications planning activities and serve as the principal interface between the NCS and the EOP;

(2) Review the Capability Objectives, Deficiencies and Priorities, Candidate Initiatives, and the proposed National Level Program and forward them, with NCS COP and Executive Agent recommendations, for the consideration of the EOP;

(3) Transmit NSEP Telecommunications planning guidance and direction received from the EOP to the Manager, NCS; and

(4) Oversee the overall planning activities of the NCS.

c. Individual NCS member organizations* will:

(1) Identify their essential emergency functions (EEFs) and NSEP telecommunications needs and requirements;

(2) Describe initiatives being implemented within their organizations to improve NSEP telecommunications capabilities;

(3) Provide any information** regarding their telecommunications operating systems, networks, facilities, plans, and procedures that is required for effective NSEP telecommunications planning; and

*Certain NCS member organizations are also assigned special telecommunications planning responsibilities within the Federal Government, e.g., spectrum planning, telecommunications security and protection, and diplomatic and intelligence communications planning. These organizations will work with the Manager, NCS, to assure that their special areas of responsibility are reflected in the National Level Program to the maximum extent practicable. For example, FEMA will ensure that State/local NSEP telecommunications concerns, activities, and capabilities are considered, to the maximum extent practicable, within the Planning Process.

**Such information from NCS members organizations will be provided to the extent permitted by law and regulation, and with due regard for the need to protect classified or otherwise sensitive national security or intelligence information.

(4) Recommend and provide budget estimates for candidate national level NSEP telecommunications initiatives.

d. The NCS Committee of Principals (COP) will:

(1) Review, consider, and provide recommendations regarding NSEP Telecommunications Requirements, Capability Objectives, Deficiencies and Priorities, Candidate Initiatives, and the proposed National Level Program to the Executive Agent and the EOP;

(2) Assist in the coordination of NSEP telecommunications planning activities with other related planning activities and processes; and

(3) Serve as forum for the evaluation of the National Level Program and assessment of the effectiveness of the NSEP Telecommunications Planning Process.

e. The Manager, NCS, will:

(1) Ensure the annual development and documentation for NSEP Telecommunications Planning Process elements based upon NSEP telecommunications requirements and threat and policy guidance provided by the EOP;

(2) Develop, for consideration by the NCS COP, the Capability Objectives, Deficiencies and Priorities, and Candidate Initiatives and forward them for the consideration of the Executive Agent and the EOP;

(3) Provide annually a proposed National Level Program for the consideration of the NCS COP and the Executive Agent;

(4) Design and maintain the evolutionary NSEP Telecommunications Architecture;

(5) Coordinate planning activities within the NCS structure and provide staff support and technical assistance for the overall planning effort; and

(6) Obtain the NSEP telecommunications recommendations of the U.S. telecommunications industry through the National Security Telecommunications Advisory Committee (NSTAC).

9. Procedures.

a. Key NSEP Telecommunications Planning Process elements will be developed and considered on an annual basis as follows:

(1) Capability Objectives will be presented for NCS COP consideration by the Manager, NCS; forwarded with NCS COP recommendations to the Executive Agent, NCS; and transmitted with NCS COP and Executive Agent recommendations to the NSC, OSTP, and OMB for validation.

(2) Deficiencies and Priorities will be presented to the NCS COP by the Manager, NCS; forwarded with NCS COP recommendations to the Executive Agent, NCS; and transmitted with NCS COP and Executive Agent recommendations to the NSC, OSTP, and OMB for information and reference.

(3) Candidate Initiatives will be presented to the NCS COP by the Manager, NCS; forwarded with NCS COP recommendations to the Executive Agent, NCS, OSTP, and OMB for information and reference.

(4) A proposed National Level Program will be presented for NCS COP consideration in March by the Manager, NCS; forwarded with NCS COP recommendations to the Executive Agent, NCS; and transmitted with NCS and Executive Agent recommendations to the NSC, OSTP, and OMB for review in May.

b. Preparation of the final National Level Program completes the annual planning cycle. However, it does not complete the budgetary cycle, which continues until budget requests are submitted to OMB for inclusion in the President's Budget. It is anticipated that, following consideration and approval of the National Level Program by the EOP, approved recommendations will be provided to OMB and the NCS member organizations for use in preparation of the President's Budget.

c. As necessary, the EOP will also provide specific program funding and budgetary guidance to the NCS member organizations for the development of NSEP telecommunications budget requests.

10. Authorizing Provision. NCS manuals implementing this directive are authorized.

11. Effective Date. This directive is effective immediately.

12. Expiration. This directive will remain in effect until superseded or cancelled.

Appendix:

White House Memorandum,
October 1, 1986

Director

Office of Science and Technology Policy

Date: January 27, 1989

Director

Office of Management and Budget

Date: January 19, 1989

Assistant to the President

for National Security Affairs

Date: 19 January 1989

APPENDIX: WHITE HOUSE MEMORANDUM

THE WHITE HOUSE

WASHINGTON

October 11, 1986

MEMORANDUM FOR THE HONORABLE CASPAR W. WEINBERGER

Executive Agent, NCS

SUBJECT: National Communications System NSEP
Telecommunications Planning Process

The National Security Emergency Preparedness (NSEP) Telecommunications Planning Process has been reviewed by the NSDD-97 Steering Group. It is approved for use by the National Communications System (NCS) in developing the FY 89 and subsequent National Level Programs, subject to the revisions noted in the enclosure. Those revisions will ensure that the Planning Process is consistent with the Office of Management and Budget responsibilities specified in Executive Order 12472, NSDD-097, and NSDD-201.

The Planning Process should now be embodied on a priority basis in the necessary issuances (e.g., NCS Directive and/or Manual) under the forthcoming NCS Issuance System.

The NCS Committee of Principals and the Office of the Manager, NCS, are commended for their diligent efforts to complete the Planning Process. Transition to its full implementation should proceed as rapidly as feasible.

John M. Poindexter

Chairman

NSDD-97 Steering Group

[NCS DIRECTIVE 2-2]

November 30, 1987

PLANS, PROGRAMS, AND FISCAL MANAGEMENT

National Level NSEP Telecommunications Program (NLP) Funding

1. Purpose. This directive establishes policies and procedures and assigns responsibilities for the shared funding of approved national level national security emergency preparedness (NSEP) telecommunications programs and for the preparation and execution of National Level NSEP Telecommunications Program (NLP) Funding Memoranda of Agreement and funding agreements between NCS member organizations and the Manager, NCS.
2. Applicability. This directive is binding upon the Executive Agent, NCS; NCS Committee of Principals; Manager, NCS; those NCS member organizations required to share costs of approved NLP programs; and other affected Executive entities.
3. Authority. This directive is issued under the authority of Executive Order No. 12472, "Assignment of National Security and Emergency Preparedness Telecommunications Functions," April 3, 1984, 49 Federal Register 13471 (1984), Section 2(e), and NCS Directive 1-1, "National Communications System (NCS) Issuance System," November 30, 1987.

4. Policy. The President has directed that implementation and recurring costs for national level NSEP telecommunications programs shall be shared on a pro rata basis. Each NCS organization's share of such costs shall be determined by its share of NSEP telecommunications requirements. The Department of Defense shall fund all development costs associated with approved national level NSEP telecommunications programs. Agreements shall be executed to govern NLP funding. Compliance with this policy is subject to the authorization and appropriation of funds by the Congress.

5. References.

a. Executive Order No. 12472, "Assignment of National Security and Emergency Preparedness Telecommunications Functions," April 3, 1984, 49 Federal Register 13471 (1984).

b. National Security Decision Directive (NSDD) 201, "National Security Emergency Preparedness Telecommunications (NSEP) Funding," December 17, 1985 (Appendix A).

c. NCS Directive 2-1, "National Security Emergency Preparedness (NSEP) Telecommunications Planning Process," (presently in process).

6. Definitions.

a. Shared Funding. The pro rata distribution among NCS member organizations of the implementation and recurring costs of approved national level NSEP telecommunications programs on the basis of each organization's NSEP telecommunications requirements.

b. NSEP Telecommunications Requirements. Initially, those telecommunications requirements identified by NCS member organizations as part of the NSEP Telecommunications Requirements Analysis directed by the Executive Office of the President. Alternative methods for determining requirements may be used, subject to approval as prescribed in Executive Order No. 12472, Section 2(c) (4).

c. The National Level NSEP Telecommunications Program (NLP). That document developed as part of the NSEP Telecommunications Planning Process that identifies national level NSEP telecommunications programs and accompanying provisions for their shared funding and implementation.

d. National Level NSEP Telecommunications Programs. Those programs that benefit multiple Federal departments, agencies, or entities and:

(1) Directly enhance national telecommunications infrastructure and service capabilities within the framework outlined in Executive Order No. 12472, and

(2) Are undertaken within the administrative structure of the NCS, i. e., by the Manager, NCS, NCS Committee of Principals (COP), and Executive Agent, NCS, via the NSEP Telecommunications Planning Process, and

(3) Involved acquisition and operations/maintenance costs of sufficient magnitude to warrant shared funding.

e. Development Costs. Those costs (e.g., research, pre-production engineering, proof of concept studies and demonstrations, and specification development) incurred prior to contract award leading to an operational capability.

f. Implementation Costs. Those costs (e.g., acquisition/procurement, production engineering, installation, and nonrecurring lease) incurred after contract award leading to an operational capability and prior to operational capability being achieved.

g. Recurring Costs. Those costs (e.g., recurring lease, maintenance, operational testing, and termination liability) incurred in support of the continuing operations and maintenance associated with national level programs.

h. NLP Funding Memorandum of Agreement (MOA). A memorandum of agreement developed between an NCS member organization and the Manager, NCS, to implement the provisions of this directive.

i. Funding Agreements. Funding documents, e.g., Interagency Funding Agreements and Vouchers, executed between the Manager, NCS, and NCS member organizations to provide for the payment of NLP funds to the Manager, NCS.

7. Responsibilities.

a. The Office of Management and Budget will provide guidance annually to NCS member organizations regarding the incorporation of funding for approved national level NSEP telecommunications programs in the President's Budget.

b. The Department of Defense will provide funding for the development costs associated with approved national level NSEP telecommunications programs.

c. The Manager, NCS, will:

(1) Negotiate and execute NLP Funding Memoranda of Agreement and Interagency Funding Agreements with those NCS member organizations required to share the costs of approved national level NSEP telecommunications programs, and

(2) Oversee the program and financial management of approved national level NSEP telecommunications programs, reporting quarterly on program status and the expenditure of funds to the NCS Committee of Principals.

d. Each NCS member organization required to share the costs of the NLP will:

(1) Incorporate its respective funding share of approved national level NSEP telecommunications programs in its annual budget submission;

(2) Execute with the Manager, NCS, an NLP Funding Memorandum of Agreement after review by the organization's NCS Principal; and

(3) Execute with the Manager, NCS those funding agreements required for payment of funds for approved national level NSEP telecommunications programs to the Manager, NCS.

8. Procedures.

a. NLP Funding Guidance. The NLP funding guidance required by paragraph 7a(1) of this directive will be provided to the NCS entities annually by August 1.

b. NLP Funding Agreements. The shared funding of approved national level NSEP telecommunications programs will be accomplished through the execution, between NCS member organizations and the Manager, NCS of the following:

(1) An NLP Funding Memorandum of Agreement that, as outlined in the model MOA at Appendix B, provides for incorporation of the NLP funding share in an NCS member organization's budget submission; preparation and execution

of an Interagency Funding Agreement; and reporting of the NLP status. Those NCS organizations required to share the costs of the NLP as of the effective date of this directive shall execute such Memoranda by September 30, 1987.

(2) An Interagency Funding Agreement that outlines the scope of work to be undertaken as part of the NLP, the associated period of performance, the estimated maximum costs, and procedures for submission of vouchers for transfers between appropriated funds. This agreement, which does not constitute an obligation of funds, shall be executed by August 31 each year to provide for the payment of NLP funds for the following fiscal year.

(3) Vouchers for Transfers Between Appropriations And/Or Funds (Standard Form 1080) forwarded by the Manager, NCS, to the NCS member organizations prior to the start of the fiscal year in which NLP funds are to be expended. Organizations will effect the payment of funds upon receipt of appropriated funds (or Continuing Resolution(s)), subject to OMB apportionment of those funds.

c. NLP Funding Shortfalls. If an NCS member organization is not authorized and appropriated the amount of funds necessary to pay its share of approved national level NSEP telecommunications programs, the Manager, NCS, should also be notified as soon as possible.

9. Authorizing Provisions. NCS manuals implementing this directive are authorized.

10. Effective Date. This directive is effective immediately.

11. Expiration Date. This directive will remain in effect until superseded or cancelled.

2 Appendicies

A. NSDD 201, December 17, 1985

B. Model NLP MOA

Director,

Office of Management and

Budget

Date: November 17, 1987

APPENDIX A: NATIONAL SECURITY DECISION DIRECTIVE 201

THE WHITE HOUSE
WASHINGTON
December 17 1985

MEMORANDUM FOR THE SECRETARY OF STATE

THE SECRETARY OF THE TREASURY

THE SECRETARY OF DEFENSE

THE ATTORNEY GENERAL

THE SECRETARY OF THE INTERIOR

THE SECRETARY OF AGRICULTURE

THE SECRETARY OF COMMERCE

THE SECRETARY OF TRANSPORTATION

THE SECRETARY OF ENERGY

THE DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET

THE DIRECTOR OF CENTRAL INTELLIGENCE

CHAIRMAN, JOINT CHIEFS OF STAFF

CHAIRMAN, NUCLEAR REGULATORY COMMISSION

DIRECTOR, OFFICE OF SCIENCE AND TECHNOLOGY

ADMINISTRATOR, GENERAL SERVICES ADMINISTRATION

DIRECTOR, UNITED STATES INFORMATION AGENCY

ADMINISTRATOR, NATIONAL AERONAUTICS AND SPACE

ADMINISTRATION

ADMINISTRATOR OF VETERANS AFFAIRS

DIRECTOR, FEDERAL EMERGENCY MANAGEMENT AGENCY

DIRECTOR, NATIONAL SECURITY AGENCY

ADMINISTRATOR, NATIONAL TELECOMMUNICATIONS AND

INFORMATION ADMINISTRATION

CHAIRMAN FEDERAL COMMUNICATIONS COMMISSION

CHAIRMAN, FEDERAL RESERVE SYSTEM

POSTMASTER GENERAL, U.S. POSTAL SERVICE

SUBJECT: National Security Emergency Preparedness (NSEP)
Telecommunications Funding

The President has approved and signed the attached NSDD-201 on National Security Emergency Preparedness (NSEP) Telecommunications Funding.

Attachment

NSDD-201

Donald R. Fostier

Deputy Assistant to the

the President for

National Security Affairs

NATIONAL SECURITY EMERGENCY PREPAREDNESS (NSEP)
TELECOMMUNICATIONS FUNDING

Policy

Implementation and recurring costs for national level NSEP telecommunications programs (i.e., those which benefit multiple Federal departments, agencies, or entities) shall be shared on a pro rata basis determined by each organization's share of NSEP telecommunications requirements. The Executive Agent, National Communications System (NCS) shall fund all development costs for national level NSEP telecommunications programs.

Policy Principles

All NCS member organizations have NSEP telecommunications requirements and shall participate in the ongoing NSEP Telecommunications Requirements Analysis being conducted by the NCS to identify and document their respective needs.

All NCS member organizations shall participate in national level telecommunications programs, to the extent consistent with their mission responsibilities, to satisfy their NSEP telecommunication requirements.

In accordance with the provisions of E.O. 12472, Assignment of NSEP Telecommunications Functions, and NSDD-97, National Security Telecommunications Policy, the Manager, NCS, on an annual basis, shall develop

proposals for a national level NSEP telecommunications program, including required funding levels. The proposed program and funding plan will be submitted for consideration by the NCS Committee of Principals and the Executive Agent and forwarded to the NSDD-97 Steering Group.

Implementation

For FY 87, DoD will continue to fund national level NSEP telecommunications programs. For FY 88 and beyond, other NCS members will share implementation and recurring costs with DoD. The method of determining each organization's share of such costs, in turn, will initially be based on the results of the ongoing NSEP Telecommunications Requirements Analysis within the NCS.

On an annual basis, the Manager, NCS, shall ensure that a proposed national level NSEP telecommunications program, including required funding levels based on each organization's share of NSEP telecommunications requirements, is submitted for consideration by the NCS Committee of Principals and the Executive Agent. The recommendations of each regarding those initiatives that should be implemented will then be provided to the NSDD-97 Steering Group by June 1 annually to include the required funding levels for the next fiscal years. The Steering Group will review these recommendations and provide approved recommendations to OMB and the agencies for use in preparation of the President's budget.

The Manager, NCS, in coordination with OMB, the Executive Agent, and the NCS Committee of Principals shall develop the necessary planning and funding procedures to implement the provisions of this NSDD.

Ronald Reagan

APPENDIX B: MODEL NATIONAL LEVEL NSEP TELECOMMUNICATIONS PROGRAM (NLP)
FUNDING MEMORANDUM OF AGREEMENT (MOA)

1. PURPOSE: This Memorandum of Agreement (MOA) defines the relationship between and responsibilities of the (name of NCS member organization) and the Office of the Manager, NCS (OMNCS), with respect to the financial management of national level national security emergency preparedness (NSEP) telecommunications programs approved by the Executive Office of the President (EOP) in the National Level NSEP Telecommunications Program (NLP).
2. SCOPE: This MOA is limited to the implementation and recurring costs of approved national level NSEP telecommunications programs, including termination liability costs, if applicable. Development costs will be funded by the Department of Defense.
3. BACKGROUND: In April 1984, Executive Order No. 12472, "Assignment of National Security and Emergency Preparedness Telecommunications Functions," established a framework for the funding of NSEP telecommunications initiatives by the NCS, providing for:
 - a. The prescription, by the Office of Management and Budget (OMB) in consultation with the National Security Council (NSC) and the NCS, of general guidelines and procedures for reviewing the financing of the NCS within the budgetary process, and for the preparation of budget estimates by participating agencies.

b. The determination, by the NSC, the Office of Science and Technology Policy (OSTP), and OMB in consultation with the Executive Agent, NCS, and the NCS Committee of Principals (COP), of what constitutes NSEP telecommunications requirements, and

c. The determination, by Federal departments and agencies, of their NSEP telecommunications requirements and the provision, after consultation with the Office of Management and Budget (OMB), of resources to support their respective requirements for NSEP telecommunications.

To implement the provisions of Executive Order No. 12472, the President directed in National Security Decision Directive (NSDD) 201, that "implementation and recurring costs for national level NSEP telecommunications programs (i.e., those which benefit multiple Federal departments, agencies or entities) shall be shared on a pro rata basis determined by each organization's share of NSEP telecommunications requirements." The Director, OMB, subsequently instructed the NCS member organizations to work with the Manager, NCS, to develop the necessary agreements for the payment of member funds to the Office of the Manager, NCS (OMNCS).

4.0 RESPONSIBILITIES

4.1 The Office of the Manager, NCS, shall:

a. Serve as the Office of Primary Responsibility for the financial and program management of approved national level NSEP telecommunications programs.

b. Upon approval of national level NSEP telecommunications programs and receipt of funding guidance from the EOP, prepare an Interagency Funding Agreement necessary to effect the payment of (name of NCS member organization) funds to the Manager, NCS. This agreement shall be executed by August 31 each year.

c. Prepare and provide vouchers for transfers between appropriations and /or funds (Standard Form 1080) for (name of NCS member organization)

d. Provide technical, programmatic, and financial management support for individual national level NSEP telecommunications programs, including the maintenance of financial records and accounting system and the update of program plans.

e. Report quarterly to the NCS COP on the programmatic and financial status of approved national level NSEP telecommunications programs.

f. Advise the (name of NCS member organization) of any significant programmatic or financial adjustments/modifications.

4.2 The (name of NCS member organization) will:

a. Incorporate its respective funding share of approved national level NSEP telecommunications programs in its annual budget submission.

b. Execute with the Manager, NCS, by August 31 each year the Interagency Funding Agreement required for the transfer, payment and/or reimbursement of funds for the NLP.

c. Upon receipt of appropriations (or Continuing Resolution(s)) for each applicable fiscal year and subject to OMB apportionment of those funds, effect the payment of funds to the Manager, NCS, in accordance with Standard Form 1080.

5.0 IMPLEMENTATION: This MOA is effective upon the date of the latest signature. This MOA is subject to periodic review and update as circumstances warrant and will terminate upon the mutual agreement of the parties. Compliance with this MOA is subject to the authorization and appropriation of funds by the Congress.

(Signature)

(Name of Manager, NCS)

(Title of Manager, NCS)

DATE:

(Signature)

(Name of Authorized Official)

(Title of Authorized Official)

(Name of NCS Organization)

DATE:

September 30, 1988

TELECOMMUNICATIONS OPERATIONS

Shared Resources (SHARES) High Frequency (HF) Radio Program

1. Purpose. This directive establishes National Communications System (NCS) policies pertaining to operation and use of the Shared Resources (SHARES) High Frequency (HF) Radio Program.
2. Applicability. This directive is binding upon NCS and other Executive entities who voluntarily elect to participate in the SHARES HF Radio Program.
3. Authority. This directive is issued under the authority of Executive Order No. 12472, "Assignment of National Security and Emergency Preparedness Telecommunications Functions," April 3, 1984, 49 Federal Register 13471 (1984); and NCS Directive 1-1, "National Communications System (NCS) Issuance System," November 30, 1987.
4. References.
 - a. Executive Order (E.O.) No. 12472, "Assignment of National Security and Emergency Preparedness Telecommunications Functions," April 3, 1984, 49 Federal Register 13471 (1984).

b. National Telecommunications & Information Administration (NTIA), "Manual of Regulations and Procedures for Federal Radio Frequency Management," May, 1986 Edition as revised May, 1987 or current edition/revision.

5. General.

a. E.O. No. 12472 established national policy guidance in support of National Security Emergency Preparedness (NSEP) objectives. Executive Order No. 12472 mandates that action be taken to "... ensure that a national telecommunications infrastructure is developed ...". Consistent with the Executive Order, functionally similar government telecommunications networks should be designed to interchange traffic in support of national leadership requirements.

b. The SHARES HF Radio Program will provide a backup capability to exchange critical information among Federal entities to support NSEP. Federally controlled HF radio resources will be shared to establish a robust NSEP HF radio communications infrastructure. The program involves a collection of existing Federally controlled HF radio stations that inter-operate to transmit NSEP messages when normal means of communication are not available.

6. Policy.

a. Any participating Federal entity will accept, to the extent that acceptance does not interfere with the mission responsibilities of the entity, emergency messages of other Federal entities, or other components of the same entity, for transmission by HF radio to the addressee or to another participant for relay to the addressee.

b. A SHARES message is an emergency message to be sent via the SHARES network. It consists of information that must be communicated to a Federal entity and is of critical importance to the Federal Government, the entity's mission, and/or involves the preservation of life and the protection of property.

c. Transmission of SHARES messages will be guided by the policy of the agency accepting the message. Advice that a "SHARES Message" is to be transmitted will serve to notify operating personnel that a critical NSEP message requirement exists, and implicitly, that normal communication paths are not available.

7. Responsibilities.

a. NCS entities participating in the SHARES HF Radio Program will, to the maximum extent possible:

(1) Identify HF stations under their control for participation in the SHARES Program.

(2) Maintain the operational readiness of their SHARES HF stations.

(3) Provide updated information as necessary for inclusion in a SHARES HF Radio Program Directory. Use of Federal frequencies for SHARES traffic shall be in accordance with National Telecommunications and Information Administration (NTIA) "Manual of Regulations and Procedures for Federal Radio Frequency Management."

(4) Ensure participation of available stations in scheduled exercises.

(5) Provide representation, as required, at meetings, briefings, conferences, and other official SHARES HF Radio Program activities.

b. The Manager, NCS, will administer the SHARES HF Radio Program and perform the management functions defined below:

(1) Publish and periodically update, as NCS issuances, a User Manual, giving detailed procedures for using SHARES HE Radio Program capabilities, and HF Directory of participating Federally controlled HF radio stations.

(2) Develop, schedule, and administer periodic exercises of the SHARES HF Radio Program capabilities.

(3) Perform other functions, as necessary, to improve SHARES capabilities.

8. Authorizing Provision. NCS manuals implementing this directive are authorized.

9. Effective Date. This directive is effective immediately.

10. Expiration. This directive is in effect until superseded or cancelled.

Director

Office of Science and Technology Policy

Date: January 27, 1989

Director

Office of Management and Budget

Date: January 19, 1989

Assistant to the President

for National Security Affairs

Date: January 6, 1989