

NATIONAL COMMUNICATIONS SYSTEM (NCS)
Arlington, VA 22204-2198

NCS DIRECTIVE 3-1

TELECOMMUNICATIONS OPERATIONS

Telecommunications Service Priority (TSP) System
for National Security Emergency Preparedness (NS/EP)

1. Purpose. This directive implements policy, explains legal and regulatory basis, assigns responsibilities, and prescribes procedures for the Telecommunications Service Priority (TSP) System for National Security and Emergency Preparedness (NS/EP).

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.

. This directive applies to NS/EP telecommunications services for which initial or revised priority level assignments are requested pursuant to paragraph 12 of this directive.

3. Authority. This directive is issued under the authority of Section 706 of the Communications Act of 1934, as amended (Title 47, United States Code, Section 606); Executive Order No. 12472, "Assignment of National Security and Emergency Preparedness Telecommunications Functions," April 3, 1984, 49 Federal Register 13471 (1984); NCS Directive 1-1, "National Communications System (NCS) Issuance System," November 30, 1987; and Title 47 CFR, Part 64, Appendix A, "Telecommunications Service Priority (TSP) System for National Security Emergency Preparedness (NSEP)."

4. References.

a. Communications Act of 1934, as amended (Title 47, United States Code, Section 151, et seq.).

b. Defense Production Act of 1950, as amended (Title 50, United States Code Appendix, section 2061, et seq.).

- Office of Primary Responsibility: NCS-N3
- Distribution: NCS

c. Disaster Relief Act (Title 42, United States Code, Section 5121, et seq.).

- d. Foreign Intelligence Surveillance Act (Title 50, United States Code, Section 1801, et seq. and Title 18, United States Code, Sections 2511, 2518, and 2519).
 - e. Title 47, CFR, Part 64, Appendix A, "Priority System for the Restoration of Common Carrier Provided Intercity Private Line Services," 47 CFR Part 64, Appendix A (1980).
 - f. Title 47, CFR, Part 64, Appendix A, "Telecommunications Service Priority (TSP) System for National Security Emergency Preparedness (NSEP)."
 - g. Defense Priorities and Allocation System (Title 15, CFR, Part 350).
 - h. Executive Order No. 12472, "Assignment of National Security and Emergency Preparedness Telecommunications Functions," April 3, 1984, 49 Federal Register 13471 (1984).
 - i. NCS Memorandum 1-68, "National Communications System (NCS) Circuit Restoration Priority System," July 18, 1968.
5. Cancellation and/or Supersession. NCS Directive 3-1, "Telecommunications Service Priority (TSP) System for National Security Emergency Preparedness (NSEP)," July 5, 1990 is hereby superseded by, and canceled under the authority of this directive on its effective date.
6. Definitions. See Appendix.
7. Scope of the NS/EP TSP System.
- a. Domestic NS/EP Services. The NS/EP TSP System and procedures established in Title 47, CFR, Part 64 and in this directive authorize priority treatment to the following domestic telecommunications services (including portions of U.S. international telecommunications services provided by U.S. vendors) for which provisioning or restoration priority levels are requested, assigned, and approved in accordance with this directive and any implementing manuals:
 - (1) Common carrier services which are:

- (a) Interstate or foreign telecommunications services.
- (b) Intrastate telecommunications services inseparable from interstate or foreign telecommunications services, and intrastate telecommunications services to which priority levels are assigned pursuant to paragraph 13 of this directive.

NOTE: Initially, the NS/EP TSP System's applicability to public switched services is limited to (a) provisioning of such services [e.g., business, centrex, cellular, foreign exchange, Wide Area Telephone Service (WATS) and other services that the selected vendor is able to provision, and (b) restoration of services that the selected vendor is able to restore.

- (2) Services which are provided by Government and/or non-common carriers and are interconnected to carrier-provided services assigned a priority level pursuant to paragraph 13 of this directive.
- b. Control Services and Orderwires. The NS/EP TSP System and procedures implemented in this directive are not applicable to authorize priority treatment to control services or orderwires owned by a service vendor and needed for provisioning, restoration, or maintenance of other services owned by that vendor. Such control services and orderwires shall have priority of provisioning and restoration over all other telecommunications services (including NS/EP services) and shall be exempt from preemption. However, the NS/EP TSP System and procedures implemented in this directive are applicable to control services or orderwires leased by a service vendor or user from another service vendor.
 - c. Other Services. The NS/EP TSP System may apply, at the discretion of and upon special arrangements by the entities involved, to authorize priority treatment to the following telecommunications services:
 - (1) Government or non-common carrier services that are not connected to common carrier-provided services assigned a priority level pursuant to paragraph 13 of this directive.

(2) Portions of U.S. international services that are provided by foreign correspondents. (Subject to pertinent law, including references 4.a., 4.c., and 4.f., U.S. telecommunications service vendors are encouraged to ensure that relevant operating arrangements are consistent to the maximum extent practicable with the NS/EP TSP System. If such agreements do not exist, U.S. telecommunications service vendors should handle service provisioning and/or restoration in accordance with any system acceptable to their foreign correspondents which allows provisioning and restoration in the manner most comparable to the procedures established in this directive.) In addition, the U.S. Government, acting through the Department of State, may enter into the following types of agreements to ensure that priority provisioning and restoration procedures consistent with those governing domestic services within the NS/EP TSP System are in place: (a) bilateral agreements for reciprocal priority treatment for critical foreign government telecommunications services in the U.S., and (b) multilateral agreements within such international telecommunications organizations as the North Atlantic Treaty Organization's Allied Long Lines Agency or Civil Communications Planning Committee, which have or are conducive to having a provisioning and restoration priority system.

d. Subpriority and Precedence Systems. Service users may implement subpriority and/or precedence systems that are consistent, and do not conflict with, the NS/EP TSP System.

8. Policy. The NS/EP TSP System is the regulatory, administrative, and operational system authorizing and providing for priority treatment (i.e., provisioning and restoration) of NS/EP telecommunications services (see definition in Appendix). As such, it establishes the framework for NS/EP telecommunications service vendors to provision, restore, or otherwise act on a priority basis to ensure effective NS/EP telecommunications services. At all times, priority level assignments will be subject to revision by the Federal Communications Commission (FCC); or, on an interim basis, the

Director, Office of Science and Technology Policy (OSTP); and the Manager, NCS, based upon changing NS/EP needs. No other system of telecommunications service priorities which conflicts with the NS/EP TSP System is authorized.

9. Legal Basis for the NS/EP TSP System. The laws and regulations authorizing the NS/EP TSP System are those cited above in paragraphs 3 and 4.

- a. Communications Act. Sections 1, 4(I), and 201 through 205 of the Communications Act of 1934 (Title 47, United States Code, Sections 151, 154(I), and 201 through 205) grant to the FCC the authority over assignment and approval of priorities for provisioning and restoration of common carrier-provided telecommunications services. Under Section 706 of the Communications Act, this authority may be superseded, and expanded to include privately owned telecommunications services, by the war emergency powers of the President of the United States.
- b. Executive Order No. 12472. In Executive Order No. 12472, the President tasked the NCS to assist the Director, OSTP, in the exercise of the President's war emergency powers. Executive Order No. 12472 also directs the Manager, NCS, to assist the Director, OSTP, in executing those functions by developing plans and procedures for the management, allocation and use (including the establishment of priorities and preferences) of federally-owned or leased telecommunications assets.
- c. Federal Rules. The FCC and Executive Office of the President (EOP) have used their respective authorizations to develop and establish the NS/EP TSP System as the one uniform system of priorities for the provisioning and restoration of NS/EP telecommunications services, both before and after invocation of the Section 706 Presidential war emergency powers. The Federal rules governing the NS/EP TSP System have been promulgated by the FCC and OSTP (on behalf of the EOP) in Title 47 of the CFR. In those rules, the FCC has requested the EOP to administer the NS/EP TSP System before the invocation of Section 706 of the Communications Act, Presidential war emergency powers. In this directive, the EOP assigns to the Manager, NCS, both this administrative authority to

administer the NS/EP TSP System before, and the President's statutory authority to administer the NS/EP TSP System after, the invocation of the Section 706 Presidential war emergency powers.

- d. Defense Production Act. The Defense Production Act of 1950 authorizes the President to require the priority performance of contracts and orders necessary to promote national defense. It also authorizes the President to allocate materials and facilities as necessary to promote national defense. Pursuant to the Defense Production Act, regulations promulgated by the Department of Commerce in the Defense Priorities and Allocations System (DPAS) permit the assignment of "priority ratings" to equipment associated with NS/EP telecommunications services warranting priority treatment, if they support authorized programs under Schedule I of the DPAS.
- e. Contracts. NS/EP telecommunications service users may also employ contractual mechanisms to obtain the priority provisioning or restoration of service, including customer premises equipment and wiring. However, any such contractual arrangements must be consistent with NS/EP TSP System rules and regulations, including any priority order of provisioning and restoration assigned in accordance with the NS/EP TSP System.

10. Responsibilities.

- a. Federal Communications Commission (FCC). As authorized by the Communications Act the FCC will:
 - (1) Provide regulatory oversight of implementation of the NS/EP TSP System.
 - (2) Enforce NS/EP TSP System rules and regulations which are contained in Title 47, CFR, Part 64.
 - (3) Act as final authority for approval, revision, or disapproval of priority actions by the Manager, NCS, and adjudicate disputes regarding either priority actions or denials of requests for priority actions by the Manager, NCS, until superseded by the President's war emergency powers under Section 706 of the

Communications Act.

- (4) Function (on a discretionary basis) as a sponsoring Federal organization. (See paragraph 10.d. below.)

b. Director, Office of Science and Technology Policy. The Director, OSTP, EOP, will:

- (1) During exercise of the President's war emergency powers under Section 706 of the Communications Act, act as the final approval authority for priority actions or denials of requests for priority actions, adjudicating any disputes.
- (2) Provide oversight of Executive branch activities associated with the NS/EP TSP System, including assignment of priority levels for telecommunications service provisioning and restoration across all time periods.
- (3) Function (on a discretionary basis) as a sponsoring Federal organization. (See paragraph 10.d. below.)

c. Manager, NCS. The Manager, NCS, will:

- (1) Implement the NS/EP TSP System under the oversight of the FCC and the Director, OSTP, in consultation with the NCS Committee of Principals.
- (2) Administer the NS/EP TSP System, which includes:
 - (a) Receiving, processing, and evaluating requests for priority actions from service users, or sponsoring Federal Government organizations on behalf of service users (e.g., Departments of State or Defense on behalf of foreign governments, the NCS on behalf of State and local governments, and any Federal organization on behalf of private industry entities). Action on such requests will be completed within 30 days of receipt.
 - (b) Assigning, revising, revalidating, or revoking priority levels as necessary or upon request of

service users concerned, and denying requests for priority actions as necessary, using paragraph 15 of this directive. Under circumstances short of exercise of presidential war emergency powers under Section 706 of the Communications Act and time permitting, coordinate such changes in priority level assignments in advance with requesting and/or affected parties. Action on such requests will be completed within 30 days of receipt.

- (c) Maintaining data on priority level assignments.
- (d) When requested, forward to the FCC and the Director, OSTP, lists of priority actions for review and approval.
- (e) Periodically initiating reconciliation.
- (f) Testing and evaluating the NS/EP TSP System for effectiveness.
- (g) Conducting audits as necessary. Any TSP System user may request the Manager, NCS to conduct an audit. (See the definition of an "audit" in Appendix A.)
- (h) Issuing, subject to review by the FCC, procedures supplemental to and consistent with this directive regarding operation and use of the NS/EP TSP System.
- (i) Serving as a centralized point-of-contact for collecting and disseminating to all interested parties (consistent with requirements for treatment of classified and proprietary material) information concerning use and abuse of the NS/EP TSP System.
- (j) Establishing and assisting a TSP System Oversight Committee to identify and review any problems developing in the system and recommending actions to correct them or prevent recurrence. In addition to representatives of the EOP,

representatives from private industry (including telecommunications service vendors), State and local governments, the FCC, and other organizations may be appointed to the committee.

(k) Reporting at least quarterly to the FCC; the Director, OSTP; and TSP System Oversight Committee, together with any recommendations for action, the operational status of and trends in the NS/EP TSP System, including:

() Numbers of requests processed for the various priority actions, and the priority levels assigned.

() Relative percentages of services assigned to each priority level under each NS/EP category.

() Any apparent serious misassignment or abuse of priority level assignments.

() Any existing or developing problem.

(3) Submitting semiannually to the FCC; the Director, OSTP; and TSP System Oversight Committee a summary report identifying each invocation of NS/EP treatment authorization of a priority provisioning for an NS/EP telecommunications service under paragraph 13.c. of this directive and section 10c of Title 47, CFR, Part 64. These reports will be due by April 30 for the preceding July through December and by October 31 for the preceding January through June time periods.

(4) Function (on a discretionary basis) as a sponsoring Federal organization. (See paragraph 10.d. below.)

d. Sponsoring Federal Organizations. Sponsoring Federal organizations will:

(1) Review and decide whether to sponsor private industry (including telecommunications service vendors) requests for priority actions. Federal organizations will forward sponsored requests with recommendations for

disposition to the Manager, NCS. Recommendations will be based on paragraph 15 of this directive.

(2) Forward notification of priority actions or denials of requests for priority actions to the requesting private industry entities, for disposition.

(3) Cooperate with the Manager, NCS, during reconciliation, revalidation, and audits.

e. Departments of State and Defense. The Departments of State and Defense will, in addition to the responsibilities listed in paragraph 10.h. below:

(1) Review and decide whether to sponsor requests for priority level assignments from foreign governments and forward sponsored requests to the Manager, NCS, with recommendations for disposition. Recommendations will be based on paragraph 15 of this directive and whether or not priority treatment is afforded to U.S. NS/EP telecommunications service requirements in the foreign country concerned.

(2) Forward notification of priority actions or denials of requests for priority actions to the requesting foreign government entities, for disposition.

f. Department of Energy. The Department of Energy will, in addition to the responsibilities listed in paragraph 10.h. below:

(1) Review and decide whether to sponsor public and private interstate power utility company requests for priority actions and forward sponsored requests with recommendations for disposition to the Manager, NCS. Recommendations will be based on paragraph 15 of this directive. This does not preclude public and private power utility companies from obtaining sponsorship elsewhere.

(2) Forward notification of priority actions or denials of requests for priority actions to the requesting public and private power utility companies for disposition.

- g. National Communications System (NCS). The NCS will, in addition to the responsibilities listed in paragraph 10.h. below:
- (1) Review and decide whether to sponsor State and local government requests for priority actions and forward sponsored requests with recommendations for disposition to the Manager, NCS. Recommendations will be based on paragraph 15 of this directive.
 - (2) Forward notification of priority actions or denials of requests for priority actions to the requesting State and local government entities for disposition.
- h. Federal Organizations. Federal organizations will:
- (1) Ensure that NS/EP TSP System users within each organization comply with their obligations under the NS/EP TSP System.
 - (2) Provision and restore Government-provided services (which are interconnected with commercially-provided services assigned a priority level pursuant to paragraph 13 of this directive) in accordance with NS/EP TSP System rules and regulations. [See paragraph 7a(2) of this directive.]
 - (3) Function (on a discretionary basis) as sponsoring Federal organizations for private sector service users (e.g., Government contractors).
 - (4) Cooperate with the Manager, NCS, during reconciliation, revalidation, and audits.
- i. Service Users. Service users, or entities acting on their behalf, will:
- (1) Identify services requiring priority level assignments and request and justify priority level assignments in accordance with this directive and any supplemental NCS issuances.
 - (2) Justify and revalidate all priority level assignments

at least every 2 years.

- (3) For services assigned priority levels, ensure (through contractual means or otherwise) availability of customer premises equipment and wiring necessary for end-to-end service operation by the service due date and continued operation; and, for such services in the Emergency NS/EP category, by the time that vendors are prepared to provide the services. Additionally, designate the organization responsible for the service on an end-to-end basis.
- (4) Be prepared to accept services assigned priority levels by the service due dates or, for services in the Emergency NS/EP category, when they are available.
- (5) Pay vendors any authorized costs associated with services that are assigned priority levels.
- (6) Report to vendors any failed or unusable services that are assigned priority levels.
- (7) Designate a 24-hour point-of-contact for matters concerning each request for priority action and apprise the Manager, NCS.
- (8) Upon termination of services that are assigned priority levels, or circumstances warranting revisions in priority level assignment (e.g., expansion of service), request and justify revocation or revision.
- (9) Cooperate with the Manager, NCS, during reconciliation, revalidation, and audits.

j. Service Vendors. Service vendors will comply with the provisions of Title 47, CFR, Part 64. When those provisions are superseded by the President's war emergency powers under Section 706 of the Communications Act, vendors will continue to comply with Title 47, CFR, Part 64, subject to further direction by the Director, OSTP.

11. Preemption of Existing Services. When necessary to provision or restore NS/EP services, service vendors may preempt services they provide as specified below. "User," as used in this

section, means any user of a telecommunications service, to include both NS/EP and non-NS/EP services. Prior consent by a preempted user is not required.

- a. Preemption is not subject to the consent of the user whose service will be preempted. The sequence in which existing services may be preempted to provision NS/EP services assigned a provisioning priority level or restore NS/EP services assigned a restoration priority level:

- (1) Non-NS/EP services: If suitable spare services are not available, then, based on the considerations in Title 47, CFR, Part 64 and the service vendor's best judgement, non-NS/EP services will be preempted. After ensuring a sufficient number of public switched services will remain available for public use, based on the service vendor's best judgement, such services may be used to satisfy a requirement for provisioning or restoring NS/EP services.
- (2) NS/EP Services: If no suitable spare or non-NS/EP services are available, then existing NS/EP services may be preempted to provision or restore NS/EP services with higher priority level assignments. When this is necessary, NS/EP services will be selected for preemption in the inverse order of priority level assignment.
- (3) Service vendors who are preempting services will ensure their best effort to notify the service user of the preempted service and state the reason for and estimated duration of the preemption.

12. Requests for Priority Actions. All service users are required to submit requests for priority actions through the Manager, NCS, in the format and following the procedures prescribed by the Manager.

13. Assignment, Approval, Use, and Authorization of Priority Levels.

- a. Assignment and Approval of Priority Levels and Priority Actions.

- (1) Priority level assignments or other priority actions will be based upon section 15, TSP System Categories, Criteria, and Priority Levels, of this directive. A priority level assignment or other priority action made by the Manager, NCS, will serve as the recommendation of the Director, OSTP (on behalf of the EOP) to the FCC. If the Director, OSTP, does not approve the priority level assignment or other priority action made by the Manager, NCS, then the Director can direct the Manager, NCS, to revise or revoke the priority level assignment or other priority action.
- (2) Until the President's war emergency powers under Section 706 of the Communications Act are invoked, priority level assignments or other priority actions must be approved by the FCC. (If the FCC does not approve the priority level assignment or other priority action, then it can direct the Manager, NCS, to revise or revoke the priority level assignment or other priority action.) However, the FCC has instructed service vendors to implement any priority level assignments or other priority actions that are pending FCC approval.
- (3) After invocation of the President's war emergency powers, the requirement for FCC approval of priority level assignments or other priority actions may be superseded by other procedures issued by the Director, OSTP.

b. Use of Priority Level Assignments.

- (1) Official requests for priority provisionings for NS/EP services and priority level assignments will be conveyed to service vendors only if the vendors cannot meet needed service dates through the normal provisioning process.

- (2) Any revision or revocation of either provisioning or restoration priority level assignments will also be transmitted to vendors.
- (3) Service vendors shall accept priority levels and/or revisions only after assignment by the Manager, NCS. (NOTE: Service vendors acting as prime contractors for NS/EP services will accept assigned NS/EP priority levels only when they are accompanied by the Manager, NCS designated service identification (i.e., TSP Authorization Code). However, service vendors are authorized to accept priority levels and/or revisions from users and contracting activities before assignment by the Manager, NCS when service vendors, users, and contracting activities are unable to communicate with either the FCC, Director, OSTP, or the Manager, NCS. Processing of Emergency NS/EP service requests will not be delayed for verification purposes.

c. Authorization of Priority Provisioning. To authorize a priority provisioning of an NS/EP telecommunications service, an authorized Federal official either within, or acting on behalf of, the service user's organization must make a written or oral declaration to concerned service vendor(s) and the Manager, NCS, that the priority provisioning is warranted. Authorized invocation officials include the head or director of a Federal agency, the State Governors, commander of a unified/specified military command, chief of a military service, or commander of a major military command; the delegates of any of the foregoing; or any other officials as specified in supplemental procedures issued by the Manager, NCS. The authority to authorize a priority provisioning of an NS/EP service may be delegated only to a general or flag officer of a military service, civilian employee of equivalent grade (e.g., Senior Executive Service member), Federal Coordinating Officer or Federal Emergency Communications Coordinator/Manager, or any other such officials specified in supplemental procedures issued by the EOP. Delegates must be designated as such in writing, and written or oral priority provisioning authorizations must be accomplished, in accordance with supplemental procedures issued by the Manager, NCS.

14. Appeal. Service users or sponsoring Federal organizations may appeal any priority level assignment, denial, revision, revocation, approval, or disapproval to the Manager, NCS, within 30 days of notification to the service user. The appellant must use the form or format required by the Manager, NCS, and must serve the FCC with a copy of its appeal. The Manager, NCS, will act on the appeal within 90 days of receipt. Service users and sponsoring Federal organizations may only then appeal directly to the FCC. Such FCC appeal must be filed within 30 days of notification of the Manager, NCS' decision. Additionally, the Manager, NCS, may appeal any FCC revisions, approvals or disapprovals to the FCC. All appeals to the FCC must be submitted using the form or format required. The party filing its appeal with the FCC must include factual details supporting its claim and must serve a copy on the Manager, NCS, and any other party directly involved. Such party may file a response within 20 days, and replies may be filed within 10 days thereafter. The Commission will not issue public notices of such submissions. The Commission will provide notice of its decision to the parties of record. Any appeals to the Manager, NCS that include a claim of new information that has not been presented before for consideration may be submitted at any time.

15. TSP System Categories, Criteria, and Priority Levels.

a. General. TSP System categories and criteria, and permissible priority level assignments, are defined and explained below.

- (1) There are four categories of Essential NS/EP telecommunications services (i.e., National Security Leadership; National Security Posture and U.S. Population Attack Warning; Public Health, Safety, and Maintenance of Law and Order; and Public Welfare and Maintenance of National Economic Posture). Each category has its own criteria. Criteria are also shown for the Emergency category.
- (2) Priority levels of "1," "2," "3," "4," and "5" may be assigned for provisioning and/or restoration of Essential NS/EP telecommunications services. However, in an emergency situation, NS/EP telecommunications services may be assigned a priority level "E" for

provisioning. A restoration priority level from "1" through "5" may be assigned if an Emergency NS/EP service also qualifies for such a restoration priority level under the Essential category.

- (3) The NS/EP TSP System allows the assignment of priority levels with any NS/EP telecommunications service across three time periods, or stress conditions: Peacetime/Crisis/Mobilization; Attack/War; and Post-Attack/Recovery. Priority levels will normally be assigned only for the first time period. These assigned priority levels will apply through the onset of any attack, but it is expected that they would later be revised by surviving authorized telecommunications resource managers within the EOP based upon specific facts and circumstances arising during the Attack/War and Post-Attack/Recovery time periods.
 - (4) Service users may, for their own internal use, assign subpriorities to their services assigned priority levels. Receipt of and response to any such subpriorities is optional for service vendors.
 - (5) The following paragraphs provide a detailed explanation of the categories, criteria, and priority level assignments, beginning with the Emergency category.
- b. Emergency Category . Telecommunications services in the Emergency category are those new services so critical as to be required to be provisioned at the earliest possible time, without regard to the costs of obtaining them.
- (1) Criteria. To qualify under the Emergency category, the service must meet the criteria of directly supporting or resulting from at least one of the following NS/EP functions:
 - (a) Federal Government activity responding to a Presidentially declared disaster or emergency as defined in the Disaster Relief Act (42 U.S.C. Section 5122).
 - (b) State or local government activity responding to a Presidentially, state, or locally declared disaster

or emergency.

- (c) Response to a state of crisis declared by the National Command Authorities (e.g., exercise of presidential war emergency powers under Section 706 of the Communications Act, *supra*).
- (d) Efforts to protect endangered U.S. personnel or property.
- (e) Response to an enemy or terrorist action, civil disturbance, natural disaster, or any other unpredictable occurrence that has damaged facilities whose uninterrupted operation is critical to NS/EP or the management of other ongoing crises.
- (f) Certification by the head or director of a Federal agency, commander of a unified/specified command, chief of a military service, or commander of a major military command, that the telecommunications service is so critical to protection of life and property or to NS/EP that it must be provided immediately.
- (g) A request from an official authorized pursuant to the Foreign Intelligence Surveillance Act (50 U.S.C. Section 1801 et seq. and 18 U.S.C. Section 2511, 2518, 2519).

(2) Priority Level Assignment.

- (a) Services qualifying under the Emergency category are assigned priority level "E" for provisioning.
- (b) After 30 days, assignments of provisioning priority level "E" for Emergency NS/EP services are automatically revoked unless extended for another 30-day period.
- (c) Emergency NS/EP services may be assigned restoration priority levels under the applicable restoration guidelines. (see paragraph 15.c.).

c. Essential Category . Telecommunications services in the Essential category are those required to be provisioned by due dates specified by service users, or restored promptly, normally without regard to associated overtime or expediting costs. They may be assigned priority levels of "1," "2," "3," "4," or "5" for both provisioning and restoration, depending upon the nature and urgency of the supported function, the impact of a lack of service or service interruption upon the supported function, and, for priority access to public switched services, the user's level of responsibility. Priority level assignments will be valid for no more than 2 years unless revalidated. To be categorized as Essential, a telecommunications service must qualify under one of the four categories described below: National Security Leadership; National Security Posture and U.S. Population Attack Warning; Public Health, Safety, and Maintenance of Law and Order; or Public Welfare and Maintenance of the National Economic Posture. (Note: Under emergency circumstances, Essential NS/EP telecommunications services may be recategorized as Emergency and assigned a priority level "E" for provisioning.)

(1) National Security Leadership. This category will be strictly limited to only those telecommunications services essential to national survival if nuclear attack threatens or occurs, and critical orderwire and control services necessary to ensure the rapid and efficient provisioning or restoration of other NS/EP telecommunications services. Services in this category are those for which a service interruption of even a few minutes would have serious adverse impact upon the supported NS/EP function.

(a) Criteria. To qualify under this category, a service must be at least one of the following:

- () Critical orderwire, or control service, supporting other NS/EP functions.
- () Presidential communications service critical to continuity of Government and national leadership during crisis situations.

- () National Command Authority communications service for military command and control critical to national survival.
 - () Intelligence communications service critical to warning of potentially catastrophic attack.
 - () Communications service supporting the conduct of diplomatic negotiations critical to arresting or limiting hostilities.
- (b) Priority Level Assignment. Services under this category will normally be assigned priority level "1" for provisioning and restoration.
- (2) National Security Posture and U.S. Population Attack Warning. This category covers those minimum additional telecommunications services essential to maintaining an optimum defense, diplomatic, or continuity-of-government posture before, during, and after crisis situations. Such situations are those ranging from national emergencies to international crises, including nuclear attack. Services in this category are those for which a service interruption ranging from a few minutes to one day would have serious adverse impact upon the supported NS/EP function.
- (a) Criteria. To qualify under this category a service must support at least one of the following NS/EP functions:
- () Threat assessment and attack warning.
 - () Conduct of diplomacy.
 - () Collection, processing, and dissemination of intelligence.
 - () Command and control of military forces.
 - () Military mobilization.
 - () Continuity of Federal Government before, during, and after crisis situations.

- () Continuity of State and local government functions supporting the Federal Government during and after national emergencies.
- () Recovery of critical national functions after crisis situations.
- () National space operations.
- (b) Priority Level Assignment. Services under this category will normally be assigned priority levels "2," "3," "4," or "5" for provisioning and restoration.
- (3) Public Health, Safety, and Maintenance of Law and Order. This category covers the minimum number of telecommunications services necessary for giving civil alert to the U.S. population and maintaining law and order and the health and safety of the U.S. population in times of any national, regional, or serious local emergency. These services are those for which a service interruption ranging from a few minutes to one day would have serious adverse impact upon the supported NS/EP functions.
 - (a) Criteria. To qualify under this category, a service must support at least one of the following NS/EP functions:
 - () Population warning (other than attack warning).
 - () Law enforcement
 - () Continuity of critical State and local Government functions (other than support of the Federal government during and after national emergencies).
 - () Hospitals and distribution of medical supplies.
 - () Critical logistic functions and public

utility services.

- () Civil air traffic control.
 - () Military assistance to civil authorities.
 - () Defense and protection of critical industrial facilities.
 - () Critical weather services.
 - () Transportation to accomplish the foregoing NS/EP functions.
- (b) Priority Level Assignment. Services under this category will normally be assigned priority levels "3," "4," or "5" for provisioning and restoration.
- (4) Public Welfare and Maintenance of National Economic Posture. This category covers the minimum number of telecommunications services necessary for maintaining the public welfare and national economic posture during any national or regional emergency. These services are those for which a service interruption ranging from a few minutes to one day would have serious adverse impact upon the supported NS/EP function.
- (a) Criteria. To qualify under this category, a service must support at least one of the following NS/EP functions:
- () Distribution of food and other essential supplies.
 - () Maintenance of national monetary, credit, and financial systems.
 - () Maintenance of price, wage, rent, and salary stabilization, and consumer rationing programs.
 - () Control of production and distribution of strategic materials and energy supplies.
 - () Prevention and control of environmental hazards or damage.

()Transportation to accomplish the foregoing NS/EP functions.

(b) Priority Level Assignment. Services under this category will normally be assigned priority levels "4" or "5" for provisioning and restoration.

d. Limitations. Priority levels will be assigned only to the minimum number of telecommunications services required to support an NS/EP function. Priority levels will not normally be assigned to back-up services on a continuing basis, absent additional justification (e.g., a service user specifies a requirement for physically diverse routing or contracts for additional continuity-of-service features). The EOP may also establish limitations upon the relative numbers of services which may be assigned any restoration priority level. These limitations will not take precedence over laws or executive orders. Such limitations shall not be exceeded absent waiver by the EOP.

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

17. Effective Date. This directive is effective immediately.

18. Expiration. This directive is in effect until superseded or canceled.

Director (signed)
Office of Science and Technology Policy
Date: June 23, 2000

Director (signed)
Office of Management and Budget
Date: August 10, 2000

Appendix A: Definitions

Summary of Changes:

NCSD 3-1, Change 1 replaces the original directive (dated July 5, 1990) in its entirety.

APPENDIX A: DEFINITIONS

For the purposes of this Directive:

Assignment

The designation of priority level(s) for a defined NS/EP telecommunications service for a specified time period.

Audit

A quality assurance review in response to identified problems.

Committee of Principals (COP)

As specified by Executive Order 12472, a committee consisting of representatives from those Federal departments, agencies or entities, designated by the President, which lease or own telecommunications facilities or services of significance to NS/EP, and, to the extent permitted by law, other Executive entities which bear policy, regulatory or enforcement responsibilities of importance to NS/EP telecommunications capabilities.

Government

The Federal Government or any foreign, state, county, municipal, or other local government agency or organization. Specific qualifications will be supplied whenever reference to a particular level of government is intended (e.g., "Federal Government," "State government"). "Foreign government" means any non-U.S. sovereign empire, kingdom, state, or independent political community, including foreign diplomatic and consular establishments and coalitions or associations of governments (e.g., North Atlantic Treaty Organization (NATO), Organization of American States (OAS) and, United Nations (UN); and associations of governments or government agencies or organizations (e.g., Pan American Union, International Postal Union, and International Monetary Fund).

National Communications System (NCS)

The National Communications System (NCS) is a confederation of Federal departments, agencies and entities established by Presidential Memorandum of August 21, 1963 and reaffirmed by Executive Order No. 12472, "Assignment of National Security and Emergency Preparedness Telecommunications Functions," April 3, 1984.

National Security Emergency Preparedness (NS/EP) Telecommunications Services or NS/EP Services

Telecommunications services that are used to maintain a state of readiness or to respond to and manage any event or crisis (local, national, or international) that causes or could cause injury or harm to the population, damage to or loss of property, or degrades or threatens the NS/EP posture of the United States. These services fall into two specific categories, Emergency and Essential, and are assigned priority levels.

Non-NS/EP Services

Non-NS/EP services are those which do not meet criteria in either the Emergency or Essential categories.

Priority Action

The assignment, revision, revocation, or revalidation by the Manager, NCS, in accordance with this directive, or a priority level associated with an NS/EP telecommunications service.

Priority Level

The level that may be assigned to an NS/EP telecommunications service specifying the order in which provisioning or restoration of the service is to occur relative to other NS/EP and/or non-NS/EP telecommunications services. Authorized priority levels are designated (highest to lowest) "E," "1," "2," "3," "4," and "5" for provisioning and "1," "2," "3," "4" and "5" for restoration.

Priority Level Assignment

The priority level(s) designated for the provisioning and/or restoration of a particular NS/EP telecommunications service.

Private NS/EP Telecommunications Services

Those noncommon carrier telecommunications services including private line, virtual private line, and private switched network services.

Provisioning

The act of supplying telecommunications service to a user, including all associated transmission, wiring, and equipment. As used herein, "provisioning" and "initiation" are synonymous and include altering the state of an existing priority service or capability.

Public Switched NS/EP Telecommunications Services

Those NS/EP telecommunications services utilizing public switched networks. Such services may include both interexchange and intraexchange network facilities (e.g., switching systems, interoffice trunks and subscriber loops).

Reconciliation

The comparison of NS/EP service information and the resolution of identified discrepancies.

Restoration

The repair or returning to service of one or more telecommunications services that have experienced a service outage or are unusable for any reason, including a damaged or impaired telecommunications facility. Such repair or returning to service may be done by patching, rerouting, substitution of component parts or pathways, and other means, as determined necessary by a service vendor.

Revalidation

The rejustification by a service user of a priority level assignment. This may result in extension by the Manager, NCS, in accordance with this directive, of the expiration date associated with the priority level assignment.

Revision

A change in priority level assignment for an NS/EP telecommunications service. This includes any extension of an existing priority level assignment to an expanded NS/EP service.

Revocation

The elimination of a priority level assignment when it is no longer valid. All priority level assignments for an NS/EP service are revoked upon service termination.

Service Identification

Information uniquely identifying an NS/EP telecommunications service to the service vendor and/or service user.

Service User

Any individual or organization (including a service vendor) supported by a telecommunications service for which a priority level has been requested or assigned.

Service Vendor

Any person, association, partnership, corporation, organization, or other entity (including common carriers and government organizations) that offers to supply any telecommunications equipment, facilities, or services (including customer premises equipment and wiring) or combination thereof. The term includes resale carriers, prime contractors, subcontractors, and interconnecting carriers.

"Spare" Circuits or Services

Circuits or services not being used or contracted for by any customer.

Telecommunications Services

The transmission, emission, or reception of signals, signs, writing, images, sounds, or intelligence of any nature, by wire, cable, satellite, fiber optics, laser, radio, visual, or other electronic, electric, electromagnetic, or acoustically coupled means, or any combination thereof. The term can include necessary telecommunications facilities.

Telecommunications Service Priority (TSP) System User

Any individual, organization, or activity that interacts with the TSP System.