

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
Communications Assistance for Law) ET Docket No. 04-295
Enforcement Act and Broadband Access)
and Services)
)

**REPLY COMMENTS OF THE UNITED STATES DEPARTMENT OF JUSTICE
ON THE FURTHER NOTICE OF PROPOSED RULEMAKING**

Laura H. Parsky
Deputy Assistant Attorney General
Criminal Division
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Room 2113
Washington, D.C. 20530
(202) 616-3928

Elaine N. Lammert
Deputy General Counsel
Office of the General Counsel
Federal Bureau of Investigation
J. Edgar Hoover Building
935 Pennsylvania Avenue, N.W.
Room 7435
Washington, D.C. 20535
(202) 324-1530

Cynthia R. Ryan
Special Counsel
Office of Chief Counsel
Drug Enforcement Administration
Washington, D.C. 20537
(202) 307-7322

TABLE OF CONTENTS

Summary	ii
I. CALEA’s Applicability to VoIP Service Providers	1
II. Procedures to Implement CALEA’s Exemption Provision.....	5
III. Commission Authority to Adopt Different Compliance Standards	9
IV. Miscellaneous Issues	12
Conclusion	15

SUMMARY

Scope of VoIP Coverage

In comments filed on November 14, 2005, the United States Department of Justice (“DOJ”) suggested that applying CALEA only to “interconnected VoIP” could be sufficient provided that the applicable definition of “interconnected VoIP” is modified or clarified in certain limited ways. Most importantly, CALEA should apply to any VoIP service that enables users to place calls to *or* receive calls from the public switched telephone network, even if the service does not provide both capabilities. Two-way interconnectivity is not the fundamental attribute that one commenter has suggested. Arguments by other commenters that the Commission may not “expand” CALEA’s applicability or may not apply CALEA to entities that are not “common carriers” are mistaken.

Procedures to Implement CALEA’s Exemption Provision

Neither the “by rule” requirement nor the requirement for consultation with the Attorney General would be satisfied by Commission consideration of requests for exemptions made in comments on the *Further Notice*. DOJ remains open to the creation of a streamlined process for consideration of exemption requests, provided that any such process satisfies those statutory requirements. Reference to the annual Wiretap Report in considering exemption requests could be misleading, and arguments about

exemptions being justified by the alleged costs of CALEA compliance should be examined critically.

Commission Authority to Adopt Different Compliance Standards

Some commenters used the *Further Notice's* question about Commission authority to set different compliance requirements as an opportunity to propose less-extensive CALEA requirements for certain classes of providers. Those requests are not properly considered here. Any request for an exemption based upon alternative compliance measures must follow the statutory procedures.

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
Communications Assistance for Law) ET Docket No. 04-295
Enforcement Act and Broadband Access)
and Services)

**REPLY COMMENTS OF THE UNITED STATES DEPARTMENT OF JUSTICE
ON THE FURTHER NOTICE OF PROPOSED RULEMAKING**

The United States Department of Justice (“DOJ”) respectfully submits these reply comments on the *Further Notice of Proposed Rulemaking* (“*Further Notice*”) released on September 23, 2005, in the above-captioned docket.¹

I. CALEA’s Applicability to VoIP Service Providers

While many commenters argued for or against expanding coverage to non-interconnected forms of voice-over-Internet-protocol (“VoIP”) service,² DOJ’s comments focused on pointing out some important modifications and clarifications that

¹ *In the Matter of Communications Assistance for Law Enforcement Act and Broadband Access and Services*, First Report and Order and Further Notice of Proposed Rulemaking, ET Docket No. 04-295, RM-10865, FCC 05-153, 20 FCC Rcd 14,989 (rel. Sept. 23, 2005), *published* 70 Fed. Reg. 59,664 (Oct. 13, 2005) (First Report and Order), 70 Fed. Reg. 59,704 (Oct. 13, 2005) (Further Notice of Proposed Rulemaking). The First Report and Order portion of FCC 05-153 is hereinafter referred to as the “*CALEA Broadband Order*”; the Further Notice of Proposed Rulemaking is hereinafter referred to as the “*Further Notice*.”

² See VeriSign FNPRM Comments at 5-6 (supporting application of CALEA to SIP-based services provided to the public); EPIC FNPRM Comments; CDT/EFF/Pulver FNPRM Comments

should be made to the definition of “interconnected VoIP” as it applies to CALEA in order to meet the statute’s goals.³ Foremost among those is that CALEA should apply to any VoIP service that enables users to place calls to *or* receive calls from the public switched telephone network (“PSTN”), even if the service does not provide both capabilities. As explained in DOJ’s earlier comments, either capability involves the switching or transmission of wire or electronic communications and replaces a function of traditional telephone service that is obviously substantial. Because individuals could be expected to use such services instead of traditional telephone service (even if they do not cancel their traditional telephone services) and could thereby avoid CALEA surveillance capabilities, the public interest supports CALEA coverage of such services under CALEA’s Substantial Replacement Provision (“SRP”). With respect to lawful intercept capabilities, “two-way interconnectivity with the PSTN” is not the “fundamental attribute” that one commenter has suggested.⁴ If it were, payphones that provide outgoing service but do not accept incoming calls might not be considered to be interconnected with the PSTN.

at 2; TIA FNPRM Comments at 2-3; Earthlink FNPRM Comments at 6; ITI FNPRM Comments at 3; Skype FNPRM Comments at 7-12.

³ See DOJ FNPRM Comments at 1-9.

⁴ See Skype FNPRM Comments at 8.

Some parties argued that it is improper for the Commission to “expand” CALEA beyond what Congress defined as “telecommunications carriers.”⁵ Such a characterization of the Commission’s action is inaccurate. The statute explicitly gives the Commission authority to apply the statutory requirements to entities that the Commission finds meet the strict criteria of the SRP. Invocation of the SRP — as the Commission has done in the *CALEA Broadband Order* — is not “expansion” of the statute; rather, it is the *operation* of the statute and is well within the authority of the Commission.

Others mistakenly argued that the Commission cannot apply CALEA to entities that are not traditional common carriers.⁶ Without question, Congress defined certain entities, including traditional common carriers, as telecommunications carriers, to whom the statutory requirements apply even in the absence of any Commission action.⁷ But the statute also explicitly gives the Commission authority to apply the statutory

⁵ See, e.g., EPIC FNPRM Comments at 1-2.

⁶ See Cornell University FNPRM Comments at 2-5; TIA FNPRM Comments at 4. TIA quoted a comment made by DOJ in an earlier filing in this docket out of context. Although DOJ did say that “[a] wire or electronic communication service that replaces local telephone exchange service and is available to a substantial portion of the public would be a ‘substantial’ replacement,” Comments of the United States Department of Justice (Nov. 8, 2004) at 14, *quoted in* TIA Comments at 4 n.11, that principle was offered as one way that a replacement might be fairly considered substantial. DOJ did not state, nor would it be true, that “CALEA’s scope is *limited* to services made generally available to the public on an indiscriminate basis,” TIA Comments at 4 (emphasis added).

⁷ Those entities include any “person or entity engaged in the transmission or switching of wire or electronic communications as a common carrier for hire,” 47 U.S.C. § 1001(8)(A), and any “person or entity engaged in providing commercial mobile service,” *id.* § 1001(8)(B)(i).

requirements to other entities that the Commission finds meet the strict criteria of the SRP, *even if they do not operate as common carriers for hire*.⁸ Any other reading of the SRP would make it superfluous.

Some parties have opposed the application of CALEA to providers of certain forms of VoIP on the grounds that it would require entities that do not have access to communication content to be able to isolate and enable the interception of that content.⁹ An entity that does not engage in the transmission or switching of wire or electronic communications is not a telecommunications carrier under CALEA and would have no capability obligations. On the other hand, an entity that does engage in the transmission or switching of wire or electronic communications may choose to implement a secure solution in the software it offers to its users or by some other means. To the extent that a covered telecommunications carrier's equipment, facilities, or service does not itself carry communications content, it has no obligation under CALEA Section 103(a)(1) with respect to that content.¹⁰ It may, however, be obligated

⁸ *Id.* § 1001(8)(B)(ii) (the Substantial Replacement Provision).

⁹ *See, e.g.,* EPIC FNPRM Comments at 2 (arguing against extending CALEA requirements to "VoIP applications"); Skype FNPRM Comments at 11-12.

¹⁰ This principle does not exclude resellers of services that carry call content, which, as the Commission has recognized, are responsible for complying with Section 103. *See In the Matter of Communications Assistance for Law Enforcement Act*, Second Report and Order, 15 FCC Rcd 7105, 7118 ¶ 24 (1999) ("[W]e conclude that resellers, as telecommunications carriers under the terms of Section 102, are generally subject to CALEA."); *In the Matter of Communications Assistance for Law Enforcement Act*, Second Order on Reconsideration, 16 FCC Rcd 8959, 8971 ¶ 37 (2001) ("[T]o the extent that a reseller resells services or relies on facilities or equipment of any entity that is not a telecommunications carrier for purposes of CALEA and thus is not subject to

to isolate and enable the interception of reasonably available call-identifying information,¹¹ to isolate and enable the interception of the content of communications that it does carry,¹² and to comply with other obligations under the statute or the Commission's rules by virtue of its designation as a telecommunications carrier.¹³

II. Procedures to Implement CALEA's Exemption Provision

The *CALEA Broadband Order* found that no exemptions were warranted based upon the record,¹⁴ but the *Further Notice* sought comment on what procedures, if any, the Commission should adopt to implement CALEA's exemption provision, Section 102(8)(C)(ii).¹⁵ As DOJ's comments explained, no special procedures are necessary for consideration of exemption requests under that provision, provided that the "by rule" requirement and the requirement for consultation with the Attorney General are satisfied.¹⁶ Any exemptions should be narrowly tailored to a well-defined class¹⁷ and

CALEA's assistance capability requirements, we [do] not intend to exempt the reseller from its overall obligation to ensure that its services satisfy all the assistance capability requirements of Section 103." (footnote omitted)).

¹¹ See 47 U.S.C. § 1002(a)(2).

¹² See 47 U.S.C. § 1002(a)(1).

¹³ See, e.g., 47 U.S.C. §§ 229, 1004, 1005; 47 C.F.R. §§ 64.2100-2106 (Commission rules on telecommunications carrier systems security and integrity).

¹⁴ See *CALEA Broadband Order* ¶ 35 n.98.

¹⁵ See *Further Notice* ¶ 49; 47 U.S.C. § 1001(8)(C)(ii) (providing that the term "telecommunications carrier" does not include "any class or category of telecommunications carriers that the Commission exempts by rule after consultation with the Attorney General").

¹⁶ See DOJ FNPRM Comments at 14-20.

should last only as long as the facts and circumstances warrant.¹⁸ Indefinite exemptions should be the exception, rather than the rule.¹⁹

Neither the “by rule” requirement nor the requirement for consultation with the Attorney General would be satisfied by granting an exemption in response to comments on the *Further Notice*. Those requirements should be considered satisfied only if the Commission issues a notice of proposed rulemaking (or a further notice of proposed rulemaking) in response to a particular request for an exemption under Section 102(8)(C)(ii); the Commission should not entertain any such requests raised in comments, especially where the *Further Notice* did not ask for comments on any specific exemption proposals. DOJ therefore does not comment here on any such requests.

Some commenters argued for the creation of a streamlined process for Commission consideration of exemption requests for particular categories of service providers.²⁰ DOJ remains open to the creation of a streamlined process, with a defined comment cycle, for consideration of such requests, provided any such process satisfies the statutory requirements of Section 102(8)(C)(ii), but does not believe that the

¹⁷ See BellSouth FNPRM Comments at 6 (“Gaps or ambiguities in the Commission’s rules or definitions could result in more carriers qualifying for exemption than the Commission (or Attorney General) intended.”).

¹⁸ See DOJ FNPRM Comments at 22.

¹⁹ See *id.* at 21.

²⁰ See, e.g., ACA FNPRM Comments at 3-7 (small cable companies); NTCA/OPATSCO FNPRM Comments *passim* (rural telephone companies); SMITCOMS FNPRM Comments at 6-11 (small carriers’ carriers); ARENs FNPRM Comments at 18 (educational institutions).

Commission should adopt any procedures specific to particular classes of providers. Furthermore, any suggestion that such a procedure should resemble the procedure that the Commission used in the past for extensions under Section 107(c)²¹ should be rejected. That procedure, defined in Commission public notices,²² allowed for the automatic granting of extension requests that met certain criteria in the absence of Commission action denying such a request. Automatic granting of requests to invoke Section 102(8)(C)(ii) would not satisfy the “by rule” and “consultation with the Attorney General” requirements and would be an inappropriate way to grant a statutory exemption, even in cases where the proposed exemption would be temporary.

DOJ would be willing to evaluate well-justified requests by individual small and rural service providers for extensions of time under CALEA Section 109 to comply with the assistance requirements.²³ Section 109, which allows individual carriers, based upon their individual circumstances, to demonstrate that compliance is not reasonably

²¹ 47 U.S.C. § 1006(b) (allowing telecommunications carriers to petition for extension of the October 25, 1998, deadline for compliance with Section 103 with respect to equipment, facilities, or services installed or deployed before October 25, 1998); see *In the Matter of Communications Assistance for Law Enforcement Act and Broadband Access and Services*, Notice of Proposed Rulemaking and Declaratory Ruling, ET Docket No. 04-295, RM-10865, FCC 04-187, 19 FCC Rcd 15,676, 15,725 ¶ 97 (2004) (*Notice*) (explaining that such extensions are not available to cover equipment, facilities, or services installed or deployed after October 25, 1998).

²² See, e.g., *CALEA Section 103 Compliance and Section 107(c) Petitions*, Public Notice, CC Docket No. 97-213, FCC 00-154, 15 FCC Rcd 7482 (2000).

²³ See ACA FNPRM Comments at 7; NTCA & OPASTCO FNPRM Comments at 4; USTelecom FNPRM Comments at 2.

achievable,²⁴ could serve as an adequate alternative to exemption relief under Section 102. Any Section 109 relief should be temporary and, in most cases, should be based upon a carrier's affirmation that it will become compliant through its own reasonable efforts at the expiration of the extension period. For example, this mechanism could allow individual carriers sufficient time to perform the necessary CALEA upgrades within their normal business cycles.

The Information Technology Industry Council suggests that the Commission refer to "the annual wiretap record" in evaluating requests for waivers or extensions.²⁵ Reference to the annual Wiretap Report issued by the Administrative Office of the U.S. Courts could be misleading. That report does not reflect the use of pen registers and trap-and-trace devices, for which CALEA is essential, nor does it include surveillance orders issued under the Foreign Intelligence Surveillance Act. Further, its figures understate the need for surveillance capabilities in a number of ways.²⁶ Finally, the public-safety goal of CALEA would not be met if carriers could wait for a minimum

²⁴ See Opposition of the United States Department of Justice to Request for Stay (Dec. 2, 2005) at 9 (noting that CALEA includes provisions, including Section 109, under which "relief could include additional time in which to implement assistance capabilities").

²⁵ See ITI FNPRM Comments at 9.

²⁶ For example, the report's figures are based on the number of orders issued, not on the number of lines that are subject to surveillance. Nor do they reflect situations where law enforcement chooses not to seek a surveillance order, or chooses to use alternative means to gather evidence, when told by service providers that CALEA capabilities are not available. It would be ironic for a non-compliant carrier to discourage law enforcement from obtaining surveillance orders and then to argue that low numbers in the Wiretap Report suggest that there is no need for CALEA capabilities in its service area.

number of surveillance orders before bringing their networks into compliance. As the Commission has stated, the purpose of the statute is to have those capabilities routinely deployed at the “early development stages” of a new service, not after the service is “widely deployed.”²⁷

Arguments about exemptions being justified by the alleged costs of CALEA compliance should also be examined critically. While VeriSign has filed evidence that solutions may be available at reasonable costs,²⁸ service providers’ arguments have glaringly lacked specifics.²⁹

III. Commission Authority to Adopt Different Compliance Standards

The *Further Notice* sought comment on “the appropriateness of requiring something less than full CALEA compliance for certain classes or categories of providers, as well as the best way to impose different compliance standards.”³⁰ DOJ’s comments explained that the statute contains provisions with inherent flexibility allowing for alternative methods of compliance, including the exemption provision in Section 102(8)(C)(ii) and the availability of “determinations of reasonably achievable”

²⁷ *Notice*, 19 FCC Rcd at 15,701 ¶ 44.

²⁸ VeriSign FNPRM Comments at 7.

²⁹ *See, e.g.*, Higher Education Coalition FNPRM Comments at 9 (“[I]f the Commission requires the immediate replacement of network equipment, the financial burden on the entire higher education community could total billions of dollars.”).

³⁰ *Further Notice* ¶ 49; *see also id.* ¶ 52 (seeking comment on whether it might be preferable to define the requirements of CALEA differently for certain classes of providers).

under Section 109(b).³¹ Although it is true, as argued by some,³² that the requirements that apply to telecommunications carriers are set out in statutory provisions,³³ those provisions allow for some flexibility.³⁴ Furthermore, the Commission's authority to grant exemptions naturally includes the authority to condition such exemptions on compliance with alternative measures.³⁵ Any such exemption based in part upon alternative measures should depend on the specific facts involved and the extent to

³¹ See DOJ FNPRM Comments at 13; 47 U.S.C. §§ 1001(8)(C)(ii), 1008(b).

³² See, e.g., EPIC FNPRM Comments at 14.

³³ See, e.g., 47 U.S.C. §§ 229, 1002, 1003, 1004, 1006.

³⁴ See, e.g., 47 U.S.C. §§ 229(a) (requiring the Commission to adopt "such rules as are necessary" to implement CALEA); 229(b) (requiring the Commission to adopt "rules to implement section 105" of CALEA to require carriers, inter alia, "to establish appropriate policies and procedures for the supervision and control of its officers and employees"); 1002(a)(2) (requiring telecommunications carriers to ensure that their systems are capable of isolating and enabling the government to access call-identifying information "that is reasonably available to the carrier"); 1006(a)(2) (providing safe-harbor status for a telecommunications carrier that complies with publicly available technical requirements or standards adopted by an industry association or standard-setting organization to meet the requirements of Section 103); 1007(a)(2) (providing that a court shall issue an order enforcing CALEA only if it finds that compliance with its requirements "is reasonably achievable through the application of available technology to the equipment, facility, or service at issue or would have been reasonably achievable if timely action had been taken").

³⁵ See, e.g., Higher Education Coalition FNPRM Comments at 11 ("The Commission's authority to exempt any class or category of service providers logically includes the lesser power to establish a partial exemption."); ARENs FNPRM Comments at 21 ("[I]f CALEA permits the Commission to grant a complete exemption to a broad category or class of telecommunications carriers, the lesser power to grant a partial exemption from some of CALEA's requirements necessarily follows.").

which the alternative measures promote the goals of the statute, including the protection of public-safety and national-security interests.³⁶

Other commenters, rather than discussing the Commission's authority to set different compliance requirements, proposed that the Commission adopt less-extensive CALEA requirements for certain classes of service providers.³⁷ The *Further Notice*, however, asked only the more general question. If the Commission sees fit to propose an exemption based in part upon alternative measures, it must follow the statutory procedure to consult with the Attorney General;³⁸ at such time, DOJ will evaluate any such specific proposal.³⁹

Although the specific requests for less-extensive CALEA requirements are not in order here, DOJ notes⁴⁰ that it is willing to work with representatives of certain classes of service providers, such as schools, libraries, and research networks, on solutions that would apply to narrowly tailored and well-defined categories of providers and would clearly identify sufficient alternative means of addressing the needs of law

³⁶ See DOJ FNPRM Comments at 14.

³⁷ See, e.g., ACA FNPRM Comments at 7; USTelecom FNPRM Comments at 5-6.

³⁸ See 47 U.S.C. § 1001(8)(C)(ii).

³⁹ See DOJ Reply Comments (Dec. 21, 2004) at 20 (stating that DOJ would be willing to evaluate exemption proposals based upon a well-defined category of institutions, services, and/or measures taken to protect the public safety and national security concerns of law enforcement); see also DOJ FNPRM Comments at 12.

⁴⁰ This limited discussion of such requests should not be taken as satisfying the "consultation with the Attorney General" provision of Section 102(8)(C)(ii), 47 U.S.C. § 1001(8)(C)(ii). See DOJ FNPRM Comments at 14-20; *supra* at 6.

enforcement.⁴¹ The current proposal in the comments of the Higher Education Coalition⁴² would offer little more than the assistance that may already be lawfully compelled from such entities under other authorities, for example through court-ordered assistance under Title III of the Omnibus Crime Control and Safe Streets Act.⁴³ Furthermore, any proposal that certain providers should be subject to the requirements of Section 105 but not of Section 103⁴⁴ would not be sufficient to ensure the capability to intercept communications and acquire call-identifying information.

IV. Miscellaneous Issues

DOJ takes this opportunity to respond to a few of the issues raised in comments that were not directly responsive to the *Further Notice*.

In response to the comments of SMITCOMS, DOJ notes that a carrier whose equipment, facilities or services are used for the sole purpose of the transport or switching of communications between telecommunications carriers would have no assistance-capability obligations under Section 103 due to the statutory exclusion of

⁴¹ See DOJ Reply Comments (Dec. 21, 2004) at 20.

⁴² See Higher Education Coalition FNPRM Comments at 11-13.

⁴³ Pub. L. No. 90-351, 82 Stat. 212 (1968); 18 U.S.C. §§ 2510-2520.

⁴⁴ See ARENs FNPRM Comments at 21 (stating that the Commission has authority to grant partial exemptions and could, for example, “exempt certain carriers from the Section 103 assistance capability requirements while yet imposing the Section 105 system security and integrity requirements on them”).

interconnecting telecommunications networks.⁴⁵ Assuming a carrier's network met that criteria for purposes of CALEA, this would generally be true regardless of any Commission conclusions in this proceeding under the SRP.

Similarly, services and facilities that support private networks are excluded from the capability requirements of Section 103.⁴⁶ The exclusion extends only to the carrier's network and applies only to the capability requirements of Section 103. It is not an exception from the definition of "telecommunications carrier" — which is defined in Section 102 and which the Commission is empowered to extend under the SRP.⁴⁷ It is a significant requirement that, as the Commission wrote, "providers of the facilities that support the connection of the private network to a public network are subject to CALEA under the SRP."⁴⁸ In many cases, the provider of such facilities may be the university or library itself. As the EDUCAUSE Coalition acknowledged earlier in this proceeding, such entities do not always simply acquire their broadband Internet access

⁴⁵ See 47 U.S.C. § 1002(b)(2)(B) (providing that the capability requirements of paragraph (a) do not apply to "equipment, facilities, or services that support the transport or switching of communications . . . for the sole purpose of interconnecting telecommunications carriers").

⁴⁶ See *id.* (providing that the capability requirements of paragraph (a) do not apply to "equipment, facilities, or services that support the transport or switching of communications for private networks").

⁴⁷ Although the order said that providers of private networks "are not included as 'telecommunications carriers' under the SRP with respect to these networks," *CALEA Broadband Order* ¶ 36 n.100, one that also provides facilities that support the connection of the private network to a public network would be a telecommunications carrier notwithstanding the Commission's exclusion.

⁴⁸ See *id.*

from commercial facilities-based providers.⁴⁹ The analysis of whether given equipment, facilities, or services — whether on a library’s premises, on a university campus, serving multiple campuses, or otherwise — exclusively support “private networks” is likely to be highly fact-specific and would not depend on the identity of the service provider as a library, university, or research network. Furthermore, as DOJ has noted in earlier filings,⁵⁰ a network once considered private should no longer be considered private once it becomes so large and open that it essentially replaces a public network. To the extent, therefore, that commenters in this proceeding requested that the Commission declare that the private-networks exclusion categorically exempts them from CALEA obligations and/or from the Commission’s findings under the SRP, that request should be denied.

⁴⁹ See EDUCAUSE Comments (Nov. 8, 2004) at 2.

⁵⁰ See DOJ Reply Comments (Dec. 21, 2004) at 18.

CONCLUSION

DOJ's comments on the *Further Notice* represent its positions on the limited scope of issues raised therein. The definition of "interconnected VoIP," as it applies to the Commission's findings under the Substantial Replacement Provision, should be clarified and expanded to include services that offer the capability for users to receive calls from or terminate calls to the public switched telephone network. The many requests for exemptions, or for reduced compliance requirements, made in other parties' comments are not in order here, because they do not satisfy the "by rule" and "consultation with the Attorney General" requirements of Section 102(8)(C)(ii).

Dated: December 21, 2005

Respectfully submitted,
THE UNITED STATES DEPARTMENT OF JUSTICE

/s/ Laura H. Parsky

Laura H. Parsky
Deputy Assistant Attorney General
Criminal Division
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Room 2113
Washington, D.C. 20530
(202) 616-3928

and

/s/ Elaine N. Lammert

Elaine N. Lammert
Deputy General Counsel
Office of the General Counsel
Federal Bureau of Investigation
United States Department of Justice
J. Edgar Hoover Building
935 Pennsylvania Avenue, N.W.
Room 7435
Washington, D.C. 20535
(202) 324-1530

and

/s/ Cynthia R. Ryan

Cynthia R. Ryan
Special Counsel
Office of Chief Counsel
Drug Enforcement Administration
United States Department of Justice
Washington, D.C. 20537
(202) 307-7322