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Requirements, Specifications, and
Design: Improving Efficacy of
Lawmaking through Requirements
Management

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AGENDA:

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- ▶ Introduction
 - ▶ Legislature Through Negotiation
 - Equal Protection
 - Marriage Equality
 - Free Speech, Copyright, and the Internet
 - For-Profit Education
 - ▶ Requirements-Driven Legislature

POP QUIZ:



IS A TOMATO A VEGETABLE OR A FRUIT?



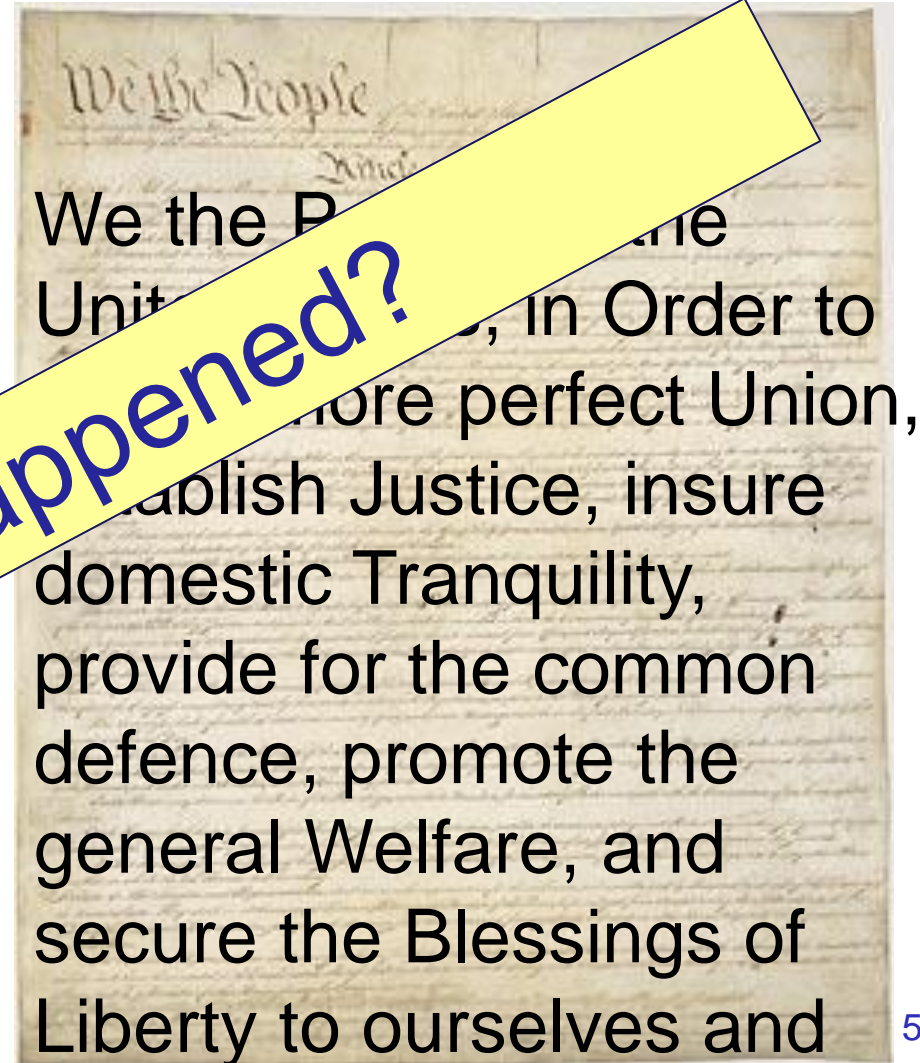
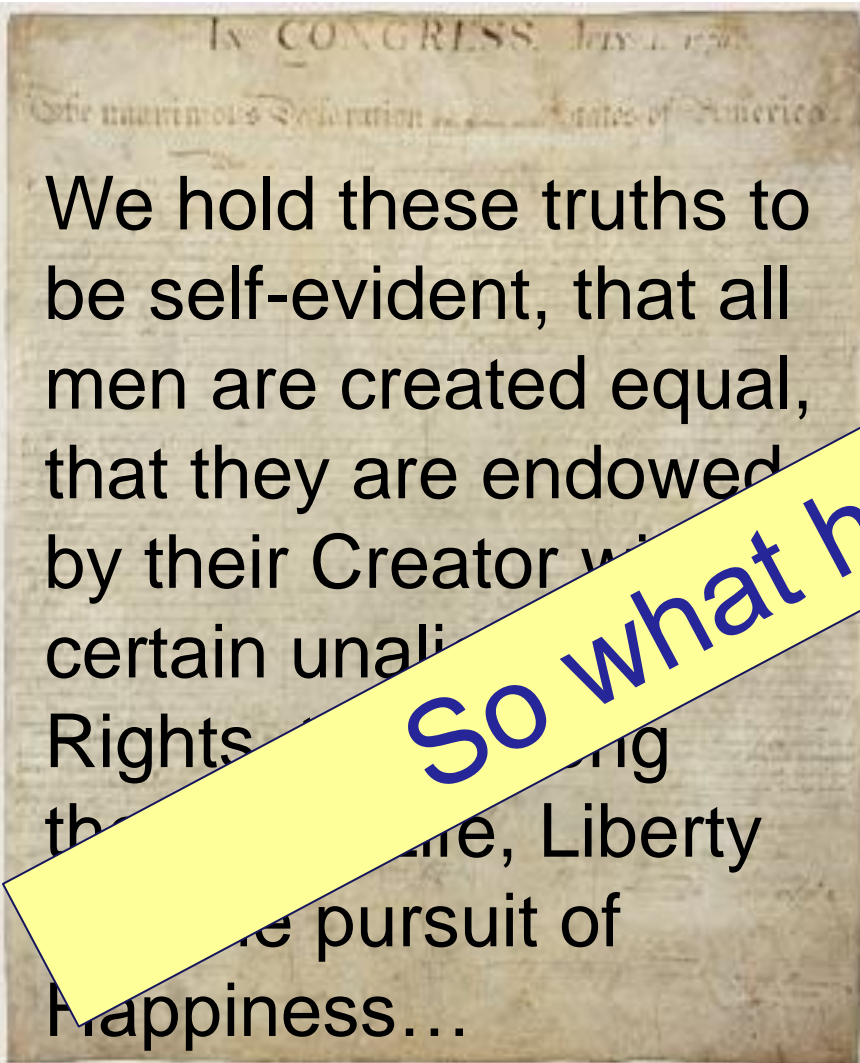
ANSWER: BOTH

- ▶ Botanically, a tomato is a fruit
 - Produced from the ovary of a flowering plant
 - Contains seeds
- ▶ Legally, a tomato is a vegetable
 - Nix v. Hedden, 1873
 - Tomato classified as a vegetable and subject to vegetable import tariffs
 - U.S. Supreme Court based decision on USAGE in salads and main dishes

Law is complex, and doesn't always make sense!

LEGISLATURE THROUGH NEGOTIATION

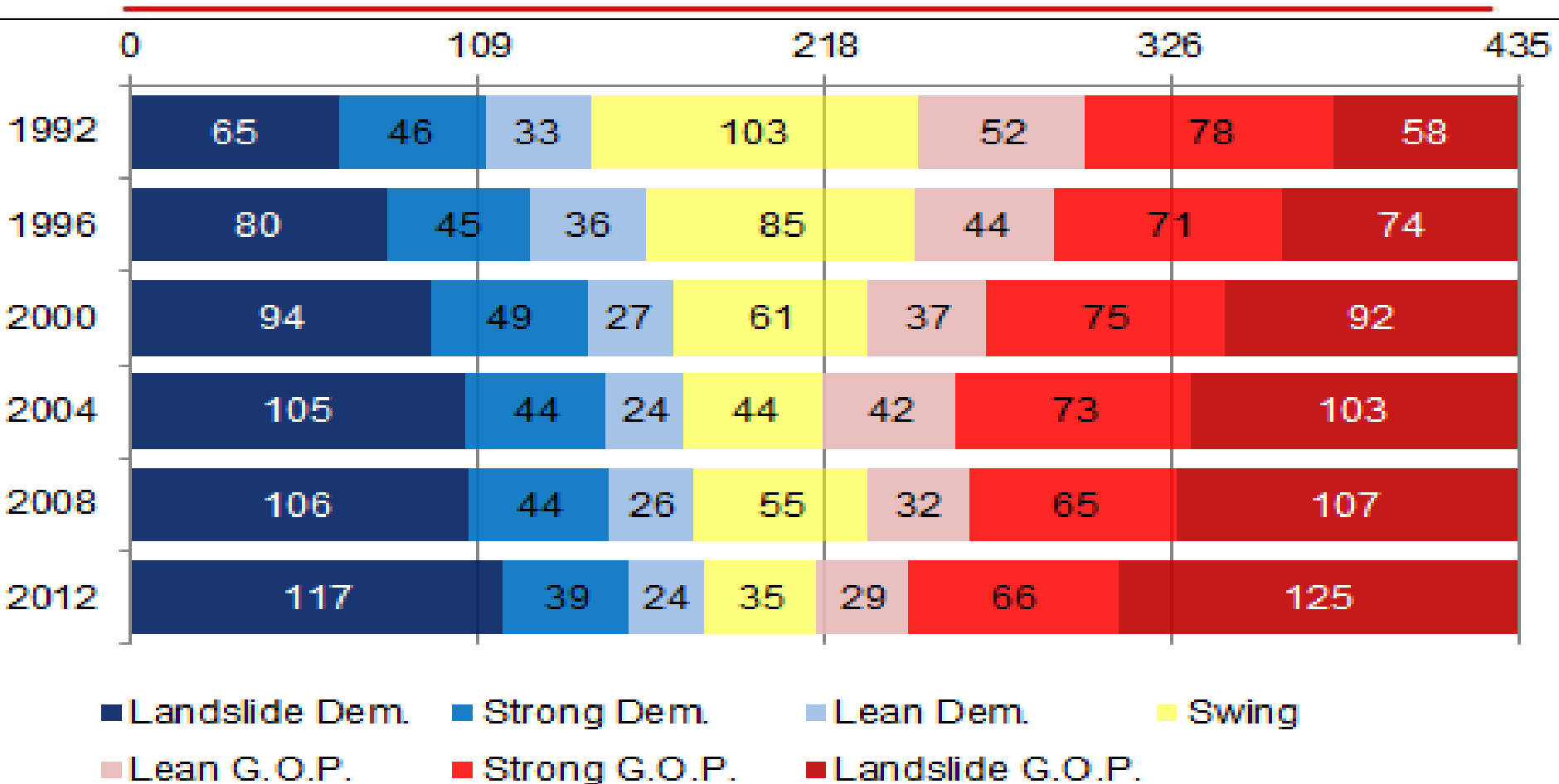
The founders of this nation were clear



So what happened?

- ▶ Legislature through negotiation watered down the principles
 - Constituency / need for re-election
 - Lobbyists

LEGISLATURE THROUGH NEGOTIATION



Legislators are more concerned with re-election than results

LEGISLATIVE FAILURE: EQUAL RIGHTS

- ▶ All men are created equal ...
- ▶ Except slaves
 - Article IV: Slavery maintained as legal in U.S.
 - Article I, Section 8: Slaves counted as 3/5 of a person for purposes of Congressional Representation
 - 13th – 15th Amendments passed after Civil War to abolish slavery and make people of color equal under the law
- ▶ And women
 - Women receive right to vote in 1920
 - Pay inequality: Women receive ~77% of men's salaries for same work

LEGISLATIVE FAILURE: MARRIAGE EQUALITY



We the People

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws

- 14th Amendment to the U.S. Constitution, 1870

LEGISLATIVE FAILURE: MARRIAGE EQUALITY

- ▶ Loving v. Virginia: No state shall make it illegal for inter-racial couples to marry
 - U.S. Supreme Court, 1967

- ▶ Legal marriage is a significant legal issue
 - 197 tax provisions for married couples
 - Social Security benefits
 - Medical Decisions
 - Adoption
 - Inheritance
 - Immigration Status
 - Military Dependent / Veteran Benefits

LEGISLATIVE FAILURE: MARRIAGE EQUALITY



The Federal Defense of Marriage Act (1996) identifies marriage as a union between man and woman

A majority of Americans support a national law making same sex marriage legal (Saad, 2013)

As of today...
38 of 50 States now allow same sex marriage
Combination of laws passed and state court decisions



LEGISLATIVE FAILURE: FREE SPEECH, PRIVACY & THE INTERNET



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We the People

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech

- 1st Amendment to the U.S. Constitution, 1791

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated

- 4th Amendment to the U.S. Constitution, 1791



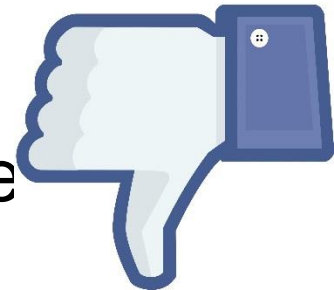
▶ U.S. Copyright Law

- Passed in 1976
- **40 Amendments** since original passage
- Mostly dealing with digital content and Internet Service Providers
- *RIAA v. Napster*



▶ Social media Passwords

- Only 6 states prohibit employers from demanding employees/candidates provide social media UID/PW



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- ▶ Smart Phones: *Riley v. California*
 - 2009: David Riley arrested for driving on suspended license
 - 24 June 2014: Supreme Court rules that police need a warrant to search smart phones
 - ▶ iPhone and Android OS is now encrypted by default
 - Apple and Google will not have ability to decrypt without user intervention
 - Protection of privacy or shelter for criminals?

LEGISLATIVE FAILURE: FOR-PROFIT EDUCATION



ITT Technical Institute



For-profit schools receive >\$1 Billion in taxpayer dollars each year

LEGISLATIVE FAILURE: FOR-PROFIT EDUCATION



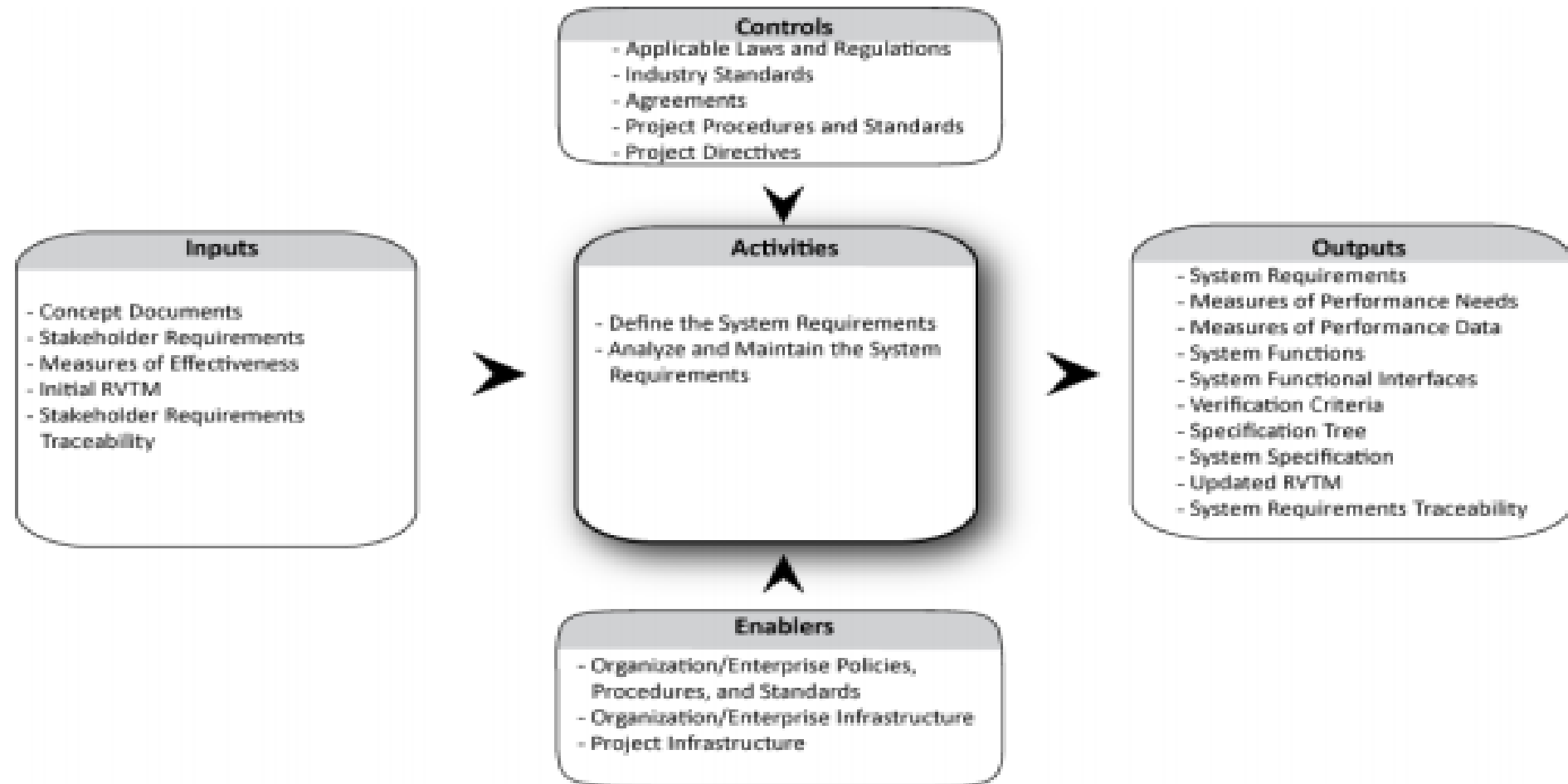
- ▶ For-Profit Education is a BILLION DOLLAR business
- ▶ Why is this a legislative issue?
 - >90% of G.I. Bill funds to the top-ten schools receiving G.I. Bill funds are for-profit universities
- ▶ For-profit colleges and universities are SIMPLY INEFFECTIVE in providing education
 - 50% more expensive than public universities
 - Students are **HALF** as likely to graduate
 - Nearly 50% of all Federal Student Loan defaults are from students of for-profit colleges and universities

For-profit schools are a drain on taxpayers and FAIL to provide desired results

- ▶ Apply Systems Engineering Best Practices or Requirements Management to define desired **OUTCOMES** of law
 - Don't focus on specific technology
 - Engage stakeholder community

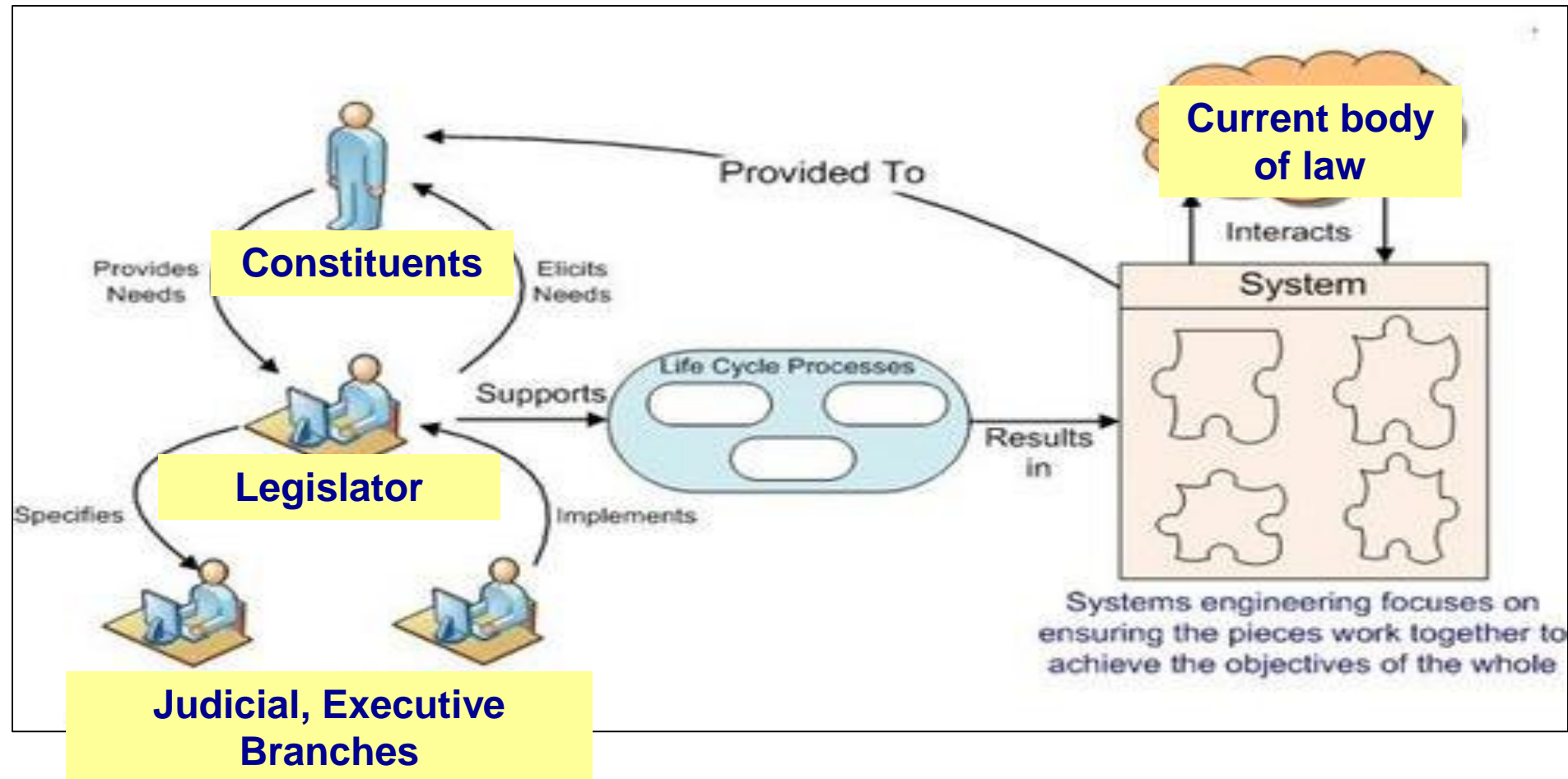
- ▶ Requirements (for laws) should be:
 - Necessary
 - Implementation independent
 - Clear and Concise
 - Complete
 - Consistent
 - Achievable
 - Traceable
 - Verifiable

SOLUTION: REQUIREMENTS-DRIVEN LEGISLATURE



Define desired outcome as a set of traceable requirements

SOLUTION: REQUIREMENTS-DRIVEN LEGISLATURE



Stakeholder Engagement is the key

► Following a Legislative Requirements Analysis process improves the lawmaking process:

- Improves bipartisan collaboration
- Reduces likelihood of Unconstitutional Laws
- Allows for Extensibility
- Aligns with technology advances
- Reduced influence by lobbyists

SOLUTION: REQUIREMENTS-DRIVEN LEGISLATURE



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- ▶ Following a Legislative Requirements Analysis process allows legislators to focus on the **OUTCOMES** rather than the specifics
- ▶ Allow legislators to pass laws that meet **requirements**:

“... provide for the common defence [sic], promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity.”

QUESTIONS?



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