

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of )  
 )  
Establishment of the Public Safety and Homeland )  
Security Bureau )  
 )  
And Other Organizational Changes )

ORDER

Adopted: March 17, 2006

Released: September 25, 2006

By the Commission: Chairman Martin and Commissioners Copps, Adelstein, and Tate issuing separate statements.

1. To promote a more efficient, effective and responsive organizational structure and to better promote and address public safety, homeland security, national security, emergency management and preparedness, disaster management, and related issues, the Commission has concluded that the proper dispatch of its business and the public interest will be served by creating a Public Safety and Homeland Security Bureau. In this Order, we amend the Commission’s Rules to reflect the new structure, describe the new Bureau’s functions and delegated authority, and make other conforming changes.

2. Authority for the adoption of the foregoing revisions is contained in Sections 1, 4(i), 4(j), 5(b), 5(c), 201(b) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §151, 154(i), 154(j), 155(b), 155(c), 201(b) and 303 (r).

3. The amendments adopted herein pertain to agency organization, procedure and practice. Consequently, the notice and comment provisions of the Administrative Procedure Act contained in 5 U.S.C. § 553(b) are inapplicable.

4. ACCORDINGLY, IT IS ORDERED that Parts 0, 4, 11, 64, and 90 of the Commission Rules, set forth in Title 47 of the Code of Federal Regulations, ARE AMENDED as set forth in the Appendix attached to this Order, TO BE EFFECTIVE upon release of this Order.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch  
Secretary

## APPENDIX

Parts 0, 4, 11, 64, and 90 of Title 47 of the Code of Federal Regulations are amended as follows:

## PART 0 – COMMISSION ORGANIZATION

1. The authority citation for Part 0 continues to read as follows:

AUTHORITY: Secs. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155, 225, unless otherwise noted.

2. Section 0.5 is amended by revising paragraph (a) to read as follows:

**§ 0.5 General description of Commission organization and operations.**

(a) *Principal staff units.* The Commission is assisted in the performance of its responsibilities by its staff, which is divided into the following principal units:

\* \* \* \* \*

- (17) Public Safety and Homeland Security Bureau.

\* \* \* \* \*

3. Section 0.11 is amended by removing paragraph (a)(11).

4. Section 0.31 is amended by revising paragraph (d) to read as follows:

(d) To advise the Commission concerning engineering matters, including (in consultation with the Public Safety and Homeland Security Bureau where appropriate) privacy and security of communications, involved in making or implementing policy or in resolving specific cases.

5. Section 0.51 is amended by adding paragraph 0.51(s) to read as follows:

(s) To coordinate with the Public Safety and Homeland Security Bureau on all matters affecting public safety, homeland security, national security, emergency management, disaster management, and related issues.

6. Section 0.61 is amended by adding the paragraph 0.61(l) to read as follows:

(l) To coordinate with the Public Safety and Homeland Security Bureau on all matters affecting public safety, homeland security, national security, emergency management, disaster management, and related issues.

7. Section 0.91 is amended by adding the paragraph 0.91(o) to read as follows:

(o) Coordinate with the Public Safety and Homeland Security Bureau on all matters affecting public safety, homeland security, national security, emergency management, disaster management, and related issues.

8. Section 0.111 is amended by removing paragraphs (c), (f) and (h) and by redesignating paragraphs (a)(22), (d), (e), (g), and (i)-(l) as (c)-(i) and by revising paragraph (a)(22) to read as follows:

**§ 0.111 Functions of the Bureau**

\* \* \* \* \*

(a)(22) Advise the Commission or responsible Bureau or Office regarding the enforcement implications of existing and proposed rules.

\* \* \* \* \*

(c) In coordination with the International Bureau, participate in international conferences dealing with monitoring and measurement; serve as the point of contact for the U.S. Government in matters of international monitoring, fixed and mobile direction-finding and interference resolution; and oversee coordination of non-routine communications and materials between the Commission and international or regional public organizations or foreign administrations.

(d) In conjunction with the Office of Engineering and Technology, work with technical standards bodies.

(e) Oversee the Commission's privatized ship radio safety inspection program.

(f) Provide field support for, and field representation of, the Bureau, other Bureaus and Offices and the Commission. Coordinate with other Bureaus and Offices as appropriate.

(g) Handle congressional and other correspondence relating to or requesting specific enforcement actions, specific complaints or other specific matters within the responsibility of the Bureau, to the extent not otherwise handled by the Consumer Information Bureau, the Office of General Counsel (impermissible ex parte presentations) or another Bureau or Office.

(h) Have authority to issue non-hearing related subpoenas for the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, schedules of charges, contracts, agreements, and any other records deemed relevant to the investigation of matters within the responsibility of the Bureau. Before issuing a subpoena, the Enforcement Bureau shall obtain the approval of the Office of General Counsel.

(i) Perform such other functions as may be assigned or referred to it by the Commission.

9. Section 0.131 is amended by adding the paragraph 0.131(q) to read as follows:

(q) Coordinates with the Public Safety and Homeland Security Bureau on all matters affecting public safety, homeland security, national security, emergency management, disaster management, and related issues.

10. Section 0.181(b) is amended to read as follows:

(b) To represent the Commission in public safety, homeland security, national security, emergency preparedness, disaster management, defense and related matters requiring conferences or communications with other governmental officers, departments, or agencies.

11. Section 0.181 is amended by revising subparagraph (f) to read as follows:

(f) To take such measures as will assure continuity of the Commission's functions under any

foreseeable circumstances with a minimum of interruption. In the event of an emergency, the Defense Commissioner, in consultation with the Chief, Public Safety and Homeland Security Bureau, will decide whether to activate the Commission's Continuity of Operations (COOP) plan and/or initiate the Commission's emergency response procedures.

12. Section 0.181 is amended by adding subparagraph (j) to read as follows:

- (j) The Commission may designate an Alternate Defense Commissioner who is authorized to perform the functions of the Defense Commissioner if he or she is not available.

13. Section 0.182 is deleted in its entirety.

14. Section 0.185 is amended by revising the introductory paragraph, revising paragraphs (a), (b), (d), and (e) to read as follows:

**§ 0.185 Responsibilities of the bureaus and staff offices.**

The head of each of the bureaus and staff offices, in rendering assistance to the Chief, Public Safety and Homeland Security Bureau in the performance of that person's duties with respect to homeland security, national security, emergency management and preparedness, disaster management, defense, and related activities will have the following duties and responsibilities:

- (a) To keep the Chief, Public Safety and Homeland Security Bureau informed of the investigation, progress, and completion of programs, plans, or activities with respect to homeland security, national security and emergency preparedness, and defense in which they are engaged or have been requested to engage.
- (b) To render assistance and advice to the Chief, Public Safety and Homeland Security Bureau, on matters which relate to the functions of their respective bureaus or staff offices.
- (c) To render such assistance and advice to other agencies as may be consistent with the functions of their respective Bureaus and Offices and the Commission's policy with respect thereto.
- (d) To perform such other duties related to the Commission's homeland security, national security, emergency management and preparedness, disaster management, defense, and related activities as may be assigned to them by the Commission.
- (e) To serve as Public Safety/Homeland Security Liaison to the Public Safety and Homeland Security Bureau or designate a Deputy Chief of the Bureau or Office as such liaison.

15. Part 0, Subpart A is amended by adding section 0.191 as follows:

**PUBLIC SAFETY AND HOMELAND SECURITY BUREAU**

**§ 0.191 Functions of the Bureau**

The Public Safety and Homeland Security Bureau advises and makes recommendations to the Commission, or acts for the Commission under delegated authority, in all matters pertaining to public safety, homeland security, national security, emergency management and preparedness, disaster management, and ancillary operations. The Bureau has responsibility for coordinating public safety, homeland security, national security, emergency management and preparedness, disaster management, and related activities within the Commission. The Bureau also performs the following functions.

- (a) Develops, recommends, and administers policy goals, objectives, rules, regulations, programs and plans for the Commission to promote effective and reliable communications for public safety, homeland security, national security, emergency management and preparedness, disaster management and related activities, including public safety communications (including 911, enhanced 911, and other emergency number issues), priority emergency communications, alert and warning systems (including the Emergency Alert System), continuity of government operations, implementation of Homeland Security Presidential Directives and Orders, disaster management coordination and outreach, communications infrastructure protection, reliability, operability and interoperability of networks and communications systems, the Communications Assistance for Law Enforcement Act (CALEA), and network security. Recommends policies and procedures for public safety, homeland security, national security, emergency management and preparedness, and recommends national emergency plans and preparedness programs covering Commission functions during national emergency conditions. Conducts outreach and coordination activities with, among others, state and local governmental agencies, hospitals and other emergency health care providers, and public safety organizations. Recommends national emergency plans, policies, and preparedness programs covering the provision of service by communications service providers, including telecommunications service providers, information service providers, common carriers, non-common carriers, broadcasting and cable facilities, satellite and wireless radio services, radio frequency assignment, electro-magnetic radiation, investigation and enforcement.
- (b) Under the general direction of the Defense Commissioner, coordinates the public safety, homeland security, national security, emergency management and preparedness, disaster management, and related activities of the Commission, including national security and emergency preparedness and defense mobilization, Continuity of Government (COG) planning, alert and warning systems (including the Emergency Alert System), and other functions as may be delegated during a national emergency or activation of the President's war emergency powers as specified in section 706 of the Communications Act. Provides support to the Defense Commissioner, including with respect to his or her participation in the Joint Telecommunications Resources Board, and the National Security Telecommunications Advisory Committee and other public safety and homeland security organizations and committees. Represents the Defense Commissioner with other Government agencies and organizations, the communications industry, and Commission licensees on public safety, homeland security, national security, emergency management and preparedness, disaster management, and related issues. Keeps the Defense Commissioner informed as to significant developments in the fields of public safety, homeland security, national security, emergency management, and disaster management activities, and related areas.
- (c) Develops and administers rules, regulations, and policies for priority emergency communications, including the Telecommunications Service Priority System. Supports the Chief of the Wireline Competition, International and Wireless Telecommunications Bureaus on matters involving assignment of Telecommunications Service Priority System priorities and in administration of that system.
- (d) The Chief, Public Safety and Homeland Security Bureau, or that person's designee, acts as FCC Alternate Homeland Security and Defense Coordinator and principal to the National Communications System, and the Chief, Public Safety and Homeland Security Bureau, or that person's designee, shall serve as the Commission's representative on National Communications Systems Committees.
- (e) Conducts rulemaking proceedings and acts on requests for interpretation or waiver of rules.

- (f) Advises and makes recommendations to the Commission, or acts for the Commission under delegated authority, in all matters pertaining to the licensing and regulation of public safety, homeland security, national security, emergency management and preparedness, and disaster management wireless telecommunications, including ancillary operations related to the provision or use of such services. These activities include: policy development and coordination; conducting rulemaking and adjudicatory proceedings, including complaint proceedings for matters not within the responsibility of the Enforcement Bureau; acting on waivers of rules; acting on applications for service and facility authorizations; compliance and enforcement activities for matters not within the responsibility of the Enforcement Bureau; determining resource impacts of existing, planned or recommended Commission activities concerning wireless telecommunications, and developing and recommending resource deployment priorities. In addition, advises and assists public safety entities on wireless telecommunications issues and matters related thereto. Administers all authority previously delegated to the Wireless Telecommunications Bureau (including those delegations expressly provided to the Public Safety and Critical Wireless Infrastructure Division of the Wireless Telecommunications Bureau) in Improving Public Safety Communications in the 800 MHz Band, WT Docket 02-55.
- (g) Conducts studies of public safety, homeland security, national security, emergency management and preparedness, disaster management, and related issues. Develops and administers recordkeeping and reporting requirements for communications companies pertaining to these issues. Administers any Commission information collection requirements pertaining to public safety, homeland security, national security, emergency management and preparedness, disaster management, and related issues.
- (h) Interacts with the public, local, state, and other governmental agencies and industry groups (including advisory committees and public safety organizations and associations) on public safety, homeland security, national security, emergency management, disaster management and related issues. As requested, represents the Commission at meetings and conferences. Serves as the point of contact for the U.S. Government in matters of international monitoring, fixed and mobile direction-finding and interference resolution; and oversees coordination of non-routine communications and materials between the Commission and international or regional public organizations or foreign administrations.
- (i) Maintains and operates the Commission's public safety, homeland security, national security, emergency management and preparedness, and disaster management facilities and operations, including the Communications Center, the establishment of any Emergency Operations Center (EOC), and any liaison activities with other federal, state, or local government organizations.
- (j) Reviews and coordinates orders, programs and actions initiated by other Bureaus and Offices in matters affecting public safety, homeland security, national security, emergency management and preparedness, disaster management and related issues to ensure consistency with overall Commission policy. Provide advice to the Commission and other Bureaus and offices regarding the public safety, homeland security, national security, emergency management, and disaster management implications of existing and proposed rules.
- (k) Develops and recommends responses to legislative, regulatory or judicial inquiries and proposals concerning or affecting public safety, homeland security, national security, emergency management, disaster management and related issues. Responses to judicial inquiries should be developed with and recommended to the Office of General Counsel.

- (l) Develops and maintains the Commission's plans and procedures, including the oversight, preparation, and training of Commission personnel, for Continuity of Operations (COOP), Continuity of Government functions, and Commission activities and responses to national emergencies and other similar situations.
  - (m) Acts on emergency requests for Special Temporary Authority during non-business hours when the other Offices and Bureaus of the Commission are closed. Such actions shall be coordinated with, if possible, and promptly reported to the responsible Bureau or Office.
  - (n) Maintains liaison with other Bureaus and Offices concerning matters affecting public safety, homeland security, national security, emergency management and preparedness, disaster management and related issues.
  - (o) Is authorized to declare that a temporary state of communications emergency exists pursuant to § 97.401(b) of this chapter and to act on behalf of the Commission with respect to the operation of amateur stations during such temporary state of communications emergency.
  - (p) Perform such other functions and duties as may be assigned or referred to it by the Commission or the Defense Commissioner.
16. Section 0.284 is revised by removing subparagraphs (a)(3) and (a)(7), and redesignating subparagraphs (a)(4)-(a)(6) to read as follows:
- (a) In discharging the authority conferred by § 0.283 of this part, the Chief, Media Bureau, shall establish working relationships with other bureaus and staff offices to assure the effective coordination of actions taken in the following areas of joint responsibility:
    - (1) Complaints arising under section 315 of the Communications Act--Office of General Counsel.
    - (2) Requests for waiver of tower painting and lighting specifications--Wireless Telecommunications Bureau.
    - (3) Requests for use of frequencies or bands of frequencies shared with private sector nonbroadcast or government services--Office of Engineering and Technology and appropriate operating bureau.
    - (4) Requests involving coordination with other agencies of government--Office of General Counsel, Office of Engineering and Technology and appropriate operating bureau.
    - (5) Proposals involving possible harmful impact on radio astronomy or radio research installations--Office of Engineering and Technology.
    - (6)-(7) [Reserved]

\* \* \* \* \*

17. Section 0.311 is amended by removing subparagraph (c).

18. Section 0.314 is amended by revising paragraph (c) to read as follows:

(c) To act on and make determinations on behalf of the Commission regarding requests for assignments and reassignments of priorities under the Telecommunications Service Priority System, Part 64 of the rules, when circumstances require immediate action and the common carrier seeking to provide service states that it cannot contact the National Communications System or the Commission office normally responsible for such assignments. To the extent possible, all such actions and determinations shall be made in coordination with the Public Safety and Homeland Security Bureau.

19. Section 0.332 is amended by revising subparagraph (c) to read as follows:

\* \* \* \* \*

(c) Matters involving public safety, homeland security, national security, emergency management and preparedness, and disaster management communications – the Public Safety and Homeland Security Bureau.

\* \* \* \* \*

20. Section 0.387 is amended to read as follows:

**§ 0.387 Other national security and emergency preparedness delegations; cross reference.**

For authority of the Chief of the Public Safety and Homeland Security Bureau to declare a temporary communications emergency, see § 0.191(o).

21. Part 0 is amended by adding section 0.392 as follows:

**PUBLIC SAFETY AND HOMELAND SECURITY BUREAU**

**§ 0.392 Authority delegated.**

The Chief, Public Safety and Homeland Security Bureau, is hereby delegated authority to perform all functions of the Bureau, described in § 0.191, subject to the following exceptions and limitations in subsections (a) through (e).

(a) The Chief, Public Safety and Homeland Security Bureau shall not have authority to act on any applications or requests that present novel questions of fact, law or policy that cannot be resolved under outstanding precedents and guidelines.

(b) The Public Safety and Homeland Security Bureau shall not have authority to act upon any applications for review of actions taken by the Chief, Public Safety and Homeland Security Bureau, pursuant to any delegated authority.

(c) The Public Safety and Homeland Security Bureau shall not have authority to act upon any formal or informal radio application or section 214 application for common carrier services which is in hearing status.

(d) The Public Safety and Homeland Security Bureau shall not have authority to impose, reduce, or cancel forfeitures pursuant to section 203 or section 503(b) of the Communications Act of 1934, as amended, in amounts of more than \$80,000 for common carrier providers and \$20,000 for non-common carrier providers.



(e) The Chief, Public Safety and Homeland Security Bureau shall not have authority to issue notices of proposed rulemaking, notices of inquiry, or reports or orders arising from either of the foregoing.

(f) The Chief, Public Safety and Homeland Security Bureau or her/his designee has the authority to rule on emergency requests for Special Temporary Authority during non-business hours. Action on emergency requests for Special Temporary Authority during non-business hours shall be promptly reported to the responsible Bureau or Office.

(g) The Chief, Public Safety and Homeland Security Bureau is authorized to declare that a temporary state of communications emergency exists pursuant to § 97.401(b) of this chapter and to act on behalf of the Commission with respect to the operation of amateur stations during such temporary state of communications emergency.

(h) The Chief, Public Safety and Homeland Security Bureau or her/his designee is authorized to issue non-hearing related subpoenas for the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, schedules of charges, contracts, agreements, and any other records deemed relevant to the investigation of matters within the jurisdiction of the Public Safety and Homeland Security Bureau. Before issuing a subpoena, the Bureau shall obtain the approval of the Office of General Counsel.

#### **PART 4 -- DISRUPTIONS TO COMMUNICATIONS**

22. Section 4.11 is amended by deleting the text “Attention: Edmond J. Thomas, Chief, Office of Engineering & Technology 236 Massachusetts Ave., NE., Suite 110, Washington, DC 20002” and replacing it with “Attention: Chief, Public Safety & Homeland Security Bureau, FCC.”

#### **PART 11 -- EMERGENCY ALERT SYSTEM (EAS)**

23. The first paragraph of section 11.21 is amended, by replacing the phrase “Director, Office of Homeland Security, Enforcement Bureau” with “Chief, Public Safety and Homeland Security Bureau,” to read as follows:

##### **§ 11.21 State and Local Area Plans and FCC Mapbook.**

EAS plans contain guidelines which must be followed by broadcast and cable personnel, emergency officials and National Weather Service (NWS) personnel to activate the EAS. The plans include the EAS header codes and messages that will be transmitted by key EAS sources (NP, LP, SP and SR). State and local plans contain unique methods of EAS message distribution such as the use of RBDS. The plans must be reviewed and approved by the Chief, Public Safety and Homeland Security Bureau, prior to implementation to ensure that they are consistent with national plans, FCC regulations, and EAS operation.

24. Section 11.43 is amended, by replacing the phrase “Director, Office of Homeland Security, Enforcement Bureau,” with “Chief, Public Safety and Homeland Security Bureau”, to read as follows:

**§ 11.43 National level participation.**

Entities that wish to voluntarily participate in the national level EAS may submit a written request to the Chief, Public Safety and Homeland Security Bureau.

25. Section 11.47(b) is amended, by replacing the phrase “Director, Office of Homeland Security, Enforcement Bureau,” with “Chief, Public Safety and Homeland Security Bureau”, to read as follows:

**§ 11.47 Optional use of other communications methods and systems.**

\* \* \* \* \*

(b) Other technologies and public service providers, such as DBS, low earth orbiting satellites, etc., that wish to participate in the EAS may contact the FCC’s Chief, Public Safety and Homeland Security Bureau, or their State Emergency Communications Committee for information and guidance.

\* \* \* \* \*

**PART 64 -- MISCELLANEOUS RULES RELATING TO COMMON CARRIERS**

26. APPENDIX A, 6 (m) is amended by replacing the phrase “Chief, Wireline Competition Bureau” with “Chief, Public Safety and Homeland Security Bureau.”

**PART 90 -- PRIVATE LAND MOBILE RADIO SERVICES**

27. Section 90.674 is amended by replacing the phrase “Wireless Telecommunications Bureau” in subsection (c)(vii)(3)(v) with “Public Safety and Homeland Security Bureau.”
28. Section 90.676 is amended by replacing the phrase “Chief of the Public Safety and Critical Infrastructure Division” in subsection (a) and “Public Safety and Critical Infrastructure Division” in subsection (b) with “Public Safety and Homeland Security Bureau.”
29. Section 90.677 is amended by replacing the phrase “Chief of the Public Safety and Critical Infrastructure Division of the Wireless Telecommunications Bureau” in subsection (a) and (b), and “Chief of the Public Safety and Critical Infrastructure Division” in subsection (d) with “Public Safety and Homeland Security Bureau.”

**STATEMENT OF  
CHAIRMAN KEVIN J. MARTIN**

Re: *Establishment of the Public Safety and Homeland Security Bureau and Other Organizational Changes*

I am proud to support today's vote to establish a Public Safety and Homeland Security Bureau at the Commission.

The events on September 11<sup>th</sup>, 2001 and last year's Hurricane season underscored our dependence on our national telecommunications infrastructure. During times of emergency, it is critical that the needs of the public safety community are met.

Today the Commission takes the significant step of consolidating its public safety, national security, and disaster management policy making, planning, and outreach activities into a single Bureau – the Public Safety and Homeland Security Bureau. This Bureau will provide a single central hub for the development of policies and rules to promote reliable communications for public safety, national security, and disaster management. The Bureau will be tasked to expend all of its talent and resources to make sure that the Commission does its part to support reliable emergency communications and address the needs of first responders, law enforcement, and emergency response personnel.

One of the Commission's strategic goals is to ensure that public safety, health, defense, and emergency personnel, as well as all consumers in need, have reliable communications during emergencies and crises. The Commission must work to strengthen and ensure the nation's critical communications infrastructure's continued reliability, interoperability, redundancy, and rapid restoration.

The Commission has a record of acting to ensure public safety priorities are met. For example, last May, the Commission took action to extend emergency access requirements to new technologies. Anyone who dials 911 has a reasonable expectation that he or she will be connected to an emergency operator; this expectation exists whether that person is dialing 911 from a traditional wireline phone, a wireless phone, or a VoIP phone.

The new Public Safety and Homeland Security Bureau will enhance the Commission's ability to continue ensuring public safety priorities are met and that consumers have access to reliable communications during emergencies and crises. The new Bureau's coordinated efforts with the public safety community, other governmental agencies, and industry should also promote reliability, interoperability, redundancy, and rapid restorability of the nation's critical communications infrastructure. I look forward to working with the staff of the new Bureau and my colleagues on the Commission as together we work to achieve our public safety and homeland security goals.

**STATEMENT OF  
COMMISSIONER MICHAEL J. COPPS**

Re: *Establishment of the Public Safety and Homeland Security Bureau and Other Organizational Changes*

My hope is that when we look back on this proposed reorganization years down the road, it will be seen as the first step in putting the FCC out front, where it long should have been, in providing communications security for all Americans in this dangerous age. It's been almost five years since the tragedy of 9/11 and we know this: America is not as ready it could be for the next attack should that awful day come—and many experts believe it will indeed come. For me, and I suspect all my colleagues and many others in this room, the passage of time has not dulled the searing images of that day, nor our sense of revulsion at the sheer barbarity of the attack and the senseless loss of more than 3000 lives. But neither does the passage of time bring comfort that we have made sufficient progress in building the kind of comprehensive communications response system America needs.

Much the same point was driven home by the chaos that ensued in the wake of Hurricane Katrina. As wind and water engulfed New Orleans, public safety officials from across the country selflessly made their way to the Gulf Coast to offer their help and assistance. Too often their efforts were hamstrung by lack of reliable, secure and interoperable communications systems. Often they couldn't even contact one another. Before long, hurricane season will be upon us again. Whether it's the wrath of terrorists or the wrath of nature, time is not our friend.

I have said many times that with homeland security, business as usual is not acceptable. That includes the business of this Commission. The very first sentence of the Communications Act gives us all the charge we need. It tells us that an important part of our job is to make "available . . . a rapid, efficient, Nation-wide and world-wide telecommunications service . . . for the purpose of the national defense, for the purpose of promoting safety of life and property through the use of wire and radio communication." What more did we need? This seventy-two-year-old statutory provision couldn't be more timely. Reorganizing the FCC to address this charge is not only supported by the statute; it makes eminent good sense. We have the nation's foremost experts on communications technology working right here. Combining their know-how with adequate resources and priority focus—if properly executed—can only yield good results. So I am pleased that the Chairman is moving ahead and taking this important step. I have long thought a separate, highly visible and well-organized Bureau was the right way to go.

The new Bureau will have a heavy and somber charge. It will be responsible for communications public safety, homeland security, national security, emergency management and disaster management and preparedness. What we must do goes far beyond reshuffling and remodeling existing resources. It goes to a new sense of urgency and action. It goes to real-world results. So we will measure the Bureau's success not by what we begin today, but by the concrete steps we implement to encourage reliable, redundant and interoperable emergency communications systems. The challenge is enormous. But unless we are at the forefront of ensuring communications interoperability for our first responders, we will be doomed to repeat the tragedies of the past. We will measure the Bureau's success by the cooperation we build between industry, public safety and all concerned stakeholders. And we will measure its success by deploying our Commission assets to assist others in the efforts they are making.

This latter point is perhaps less obvious, but it is to me critically important. The new Bureau could make a significant contribution to the extent that it acts as a facilitator and expediter to help public safety organizations and first responders coordinate with both government and industry. Let me give just one example. We need to ensure that our hospitals and medical care providers are integral parts of a nation-wide emergency communications system. This is an absolute necessity when you consider the havoc that another hurricane or a bio-terror attack can wreak. Yet the expertise and resources necessary

to achieve this vary widely among our medical facilities. Some have made great progress. Others have made little. Why should every hospital across this broad land have to start at square one, devising its own plan, developing its options, figuring out how to implement a program, as if no one else has been down this road before? How much better it would be if they could call someone—say the FCC—and talk to experts who could tell them what has been tried and works and what has been tried and doesn't work, and give them a hand along the way. Think of the time and expense—and maybe even lives—we could save by facilitating this kind of preparation.

We will be able to claim success, too, if this Bureau works with all jurisdictions to make the full deployment of E911 services a reality in every corner of this country. This is a crisis that we need to find creative ways to address.

The FCC should be front and center when it comes to safeguarding this nation's communications security. To the extent we aren't, we fail our charge. I am not now, and never have been, in favor of waiting for others to do our job. And it strikes me today, looking back at his commendable leadership in the aftermath of last year's hurricane season, that Chairman Martin isn't, either. I know he and my other colleagues are deeply committed to the road we head down today. This reorganization, once put in place, provides a framework for action. It is an important first step. We should have taken it four and a half years ago. But now the task is to move forward because there is such an incredible amount of work to do, and because we are talking about challenges to our very safety and survival.

So I welcome this Order. I am pleased to support it. And I want to thank all the people at this agency who have already worked long and hard in the name of public safety and homeland security. I hope our actions today will give them the tools and visibility they need to maximize their efforts on behalf of the American people.

**STATEMENT OF  
COMMISSIONER JONATHAN S. ADELSTEIN**

*Re: Establishment of the Public Safety and Homeland Security Bureau and Other Organizational Changes*

I am very pleased to support the creation of the Public Safety and Homeland Security Bureau. As recent events have shown, the role of communications is so important during emergencies, whether citizens are trying to find out what is happening with their families or emergency personnel are responding to an urgent situation. It is critical that the Commission provide the best leadership possible to ensure that communications are fully operational during these most serious events. Indeed, this is one of our core directives under the Communications Act of 1934.

We all have been moved by the devastation caused by Hurricanes Katrina, Rita, and Wilma. Our nation's communications systems were truly put to the test, with unfortunately very mixed results. Enormous coordination was needed and performed under often chaotic circumstances, and we saw how communications workers give so much of themselves to restore the networks on which we all rely. The Commission also received high marks for ensuring that it was as responsive as possible in the wake of these tragedies. Our staff worked extremely quickly and over long hours to respond in countless ways to help restore service. The Commission truly plays such an important role during these times of crisis.

I have been a strong supporter of the response efforts of the Chairman and his staff during these events last year, and of his commitment to reorganize and refocus the Commission so that we can even better address public safety, homeland security, and disaster preparedness issues going forward. This is an issue that my colleague, Commissioner Copps, also has long championed, so I am pleased to implement this proposal with my fellow colleagues today.

Just as we have called on industry to assess what went wrong and what went right with their emergency response plans, the Commission must do the same. Of course, we have a Blue Ribbon Panel helping us evaluate the lessons of last year. By creating a Bureau uniquely focused on these critical issues, I am hopeful that we can also better assess what worked well and what went wrong, but just as importantly, to figure out how we can improve our preparedness and response in the future. For example, we must continue to address important issues affecting the dissemination of multilingual emergency information and to explore how best to integrate new technologies into our current Emergency Alert System.

Of course, we must keep our eye on the Bureau's mission – we must avoid letting the distraction of reorganization affect our disaster preparedness. We cannot afford to let our guard down for just one minute. We want to improve our internal systems and procedures to achieve an even higher standard of emergency preparedness, and not get bogged down in the administrative challenges of restructuring. Knowing the professional commitment of our staff, I am more than optimistic that our agency will not fall prey to the bureaucratic distractions that have plagued the ability of other agencies to respond in a timely and effective manner.

Even as we elevate our public safety and emergency response functions, we must be mindful of our other core Commission functions. One area where this will be particularly important is with respect to the decision to separate out the licensing of spectrum for public safety services from other wireless services and move these licensing functions to the new Bureau. Spectrum bands designated for land mobile radio services typically cover business, industrial, public safety, and sometimes even commercial services. Indeed spectrum can sometimes be shared between these different services through our inter-category sharing rules. And applications for all wireless services – private, commercial, and public safety – are handled through the Wireless Telecommunications Bureau's Universal Licensing System.

So we must make sure that, in separating out public safety licensing, we do not inadvertently undercut our ability to effectuate spectrum policy, whether unique to public safety or on a more industry-wide basis. As we tackle important public safety licensing issues in the future, like the ongoing restructuring of the 800 MHz band, it is critical that we continue to work across Bureaus to ensure that these important spectrum initiatives are handled in a comprehensive and thoughtful manner.

**STATEMENT OF  
COMMISSIONER DEBORAH TAYLOR TATE**

*Re:* Establishment of the Public Safety and Homeland Security Bureau

We could never have imagined the horrible tragedies that our country and thousands of individuals have faced over the past few years from the terrorist attacks on 9/11 to the more recent catastrophic natural disasters along the Gulf Coast. Last week, hearing personal accounts in Mississippi at the second meeting of the FCC Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks made such an impact on me. While certainly we cannot ensure these events will never occur; we must be more and better prepared to deal with the aftermath. In addition, not only must we be prepared for the events that have already occurred, but also the possibility of a pandemic or other health-related attacks. The one clear message we heard was the need for better communications. Therefore, I am pleased to support our pledge to improve our own efforts to streamline communications and functions here at the Federal Communications Commission.

On September 29, 2005, Chairman Martin appeared before the House Commerce and Energy Committee's Subcommittee on Telecommunications and the Internet to announce his intention for the Commission to take three important steps: 1) to make more than \$200 million of relief available; 2) to establish an independent expert panel charged with reviewing the impact of Hurricane Katrina on the communications infrastructure in the affected areas and making recommendations to improve disaster preparedness, network reliability, and communication among first responders; and 3) to create a new FCC bureau to better coordinate the agency's planning and response efforts to disaster.

Today, we "make good" on the third and final promise of those plans, and perhaps the most wide-reaching initiative -- to create a new FCC bureau to implement this coordination. The creation of this new bureau will ensure that the FCC, which, in my opinion, went above and beyond the call of duty in the aftermath of Hurricane Katrina, is better prepared not only to respond to future disasters, but also to undertake, in a more coordinated fashion, assessment and planning initiatives to prevent loss of life and destruction of property no matter the disaster.

There is still much work to be done. As I visited with "Hands", a nonprofit organization that is still distributing much needed clothing, food, household appliances, and other necessities to the Gulf Coast, I was struck by how very much work there still is to be done -- work to restore not only services, but to rebuild homes and businesses, and to restore hope.

As we learned from these horrifying events, ours is a national community in a global economy. The security of our country depends on the strength of our commitment to protect all Americans. Our action today makes clear our commitment and underscores the concept that the dissemination of vital information and interoperable communications at every level are our first line of defense against threatening elements, whether natural or foreign.