

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

In the Matter of)
)
Reorganization of the Public Safety and)
Homeland Security Bureau)
)

ORDER

Adopted: February 7, 2011

Released: April 14, 2011

By the Commission: Commissioner McDowell concurring.

1. To promote a more effective organizational structure and to enhance the agency’s capabilities to address critical communications issues for the nation’s first responders, the Commission has concluded that the proper dispatch of its business and the public interest will be served by reorganizing the Public Safety and Homeland Security Bureau (Bureau or PSHSB). This reorganization will convert the Emergency Response and Interoperability Center (ERIC) into a division-level office within the Bureau and will rename the Bureau’s current Policy Division, Communications Systems Analysis Division, and Public Communications Outreach and Operations Division to, respectively, the Policy and Licensing Division, the Cybersecurity and Communications Reliability Division, and the Operations and Emergency Management Division.

2. Pursuant to Section 0.191 of the Commission’s Rules, the Bureau “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.”¹ The Bureau’s functions include: (i) advising and making recommendations to the Commission in matters pertaining to public safety and homeland security communications; and (ii) collaborating with, advising and assisting state, local and tribal governments as well as other governmental agencies and industry groups on emergency management and disaster management issues.

3. On March 16, 2010, the National Broadband Plan (Plan) was delivered to Congress.² As part of its national broadband strategy, the Plan recommended the establishment of an Emergency Response Interoperability Center (ERIC) tasked with ensuring that the 700 MHz public safety broadband wireless network will be fully operable and interoperable on a nationwide basis, both day-to-day as well as during times of emergency.

¹ 47 C.F.R. sec. 0.191.

² *Connecting America: The National Broadband Plan*, available at <http://www.broadband.gov/plan/>.

4. To ensure a baseline of operability and interoperability from the start of the network's development, the Commission adopted an *Order*³ on April 22, 2010, establishing ERIC within the Bureau. The scope of the ERIC's delegated duties is set out in Section 0.192⁴ of the Commission's rules, which specifies that the ERIC "develop, recommend, and administer policy goals, objectives, rules, regulations, programs, and plans for the Commission in matters pertaining to the implementation of national interoperability standards and the development of technical and operational requirements and procedures for the 700 MHz public safety broadband wireless network and other public safety communications systems. These requirements and procedures may involve such issues as interoperability, roaming, priority access, gateway functions and interfaces, interconnectivity of public safety broadband networks, authentication and encryption, and requirements for common public safety broadband applications."⁵

5. Structurally this reorganization will convert ERIC into a division-level office with reporting lines back to a Deputy Bureau Chief within PSHSB. This will alleviate a cumbersome front office structure and provide for a more efficient organization within the Bureau.

6. The other aspect of this reorganization involves the renaming of three divisions. The Policy Division would become the Policy and Licensing Division, the Communications Systems Analysis Division would be renamed the Cybersecurity and Communications Reliability Division, and the Communications Outreach and Operations Division would become the Operations and Emergency Management Division. The new division names will be more descriptive of their actual roles and provide a better interface for the public at large.

7. The Bureau will staff the ERIC through reassignment of staff or approved recruitment efforts. The Associate Managing Director for Human Resources Management has reviewed this reorganization and foresees no adverse impact. Commission management has met applicable requirements under Title VII of the Civil Service Reform Act (5 U.S.C. 7101 et seq.) to provide the employees' exclusive representative reasonable advance notice of the reorganization and an opportunity to initiate negotiations on appropriate matters. Final personnel actions are subject to classification review and civil service rules and regulations.

8. Authority for the adoption of the foregoing reorganization is contained in Sections 4(i), 4(j), 5(b), and 5(c) of the Communications Act of 1934, as amended, 47 U.S.C. §154(i), 154(j), 155(b), and 155(c).

9. 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.

10. The Managing Director requested approval for this reorganization from the House and Senate Committees on Appropriations as required by the annual Appropriations Bill. Approval was received from both committees on April 8, 2011.

³ *Establishment of an Emergency Response Interoperability Center*, 25 FCC Rcd 4386 (2010)

⁴ 47 C.F.R. § 0.192.

⁵ 47 C.F.R. § 0.192(a).

11. ACCORDINGLY, IT IS ORDERED that the Public Safety and Homeland Security Bureau is reorganized to convert the Emergency Response and Interoperability Center into a division-level office within the Bureau and to rename the Bureau's remaining three divisions the Policy and Licensing Division, the Cybersecurity and Communications Reliability Division, and the Operations and Emergency Management Division. This action is TO BE EFFECTIVE upon release of this *Order*.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary