

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

In the matter of)
)
Reorganization of the)
Enforcement Bureau and)
Establishment of the)
Office of Homeland Security)
)
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)

ORDER

Adopted: May 3, 2004

Released: May 6, 2004

By the Managing Director:

1. On July 8, 2003, the Commission adopted an Order establishing the Office of Homeland Security within the Enforcement Bureau, and the Order was released on July 10, 2003.¹

2. Due to an oversight, the Commission did not publish a notice in the Federal Register codifying in the Code of Federal Regulations the rule changes adopted in that Order. Prior to publishing the omitted notice in the Federal Register, the Managing Director adopts this Order to clarify amendatory language in the original Order, and to revise a paragraph designation that has changed since adoption of the original Order.

3. In accordance with section 0.231(b) of the Commission’s rules² the Managing Director has delegated authority to make non-substantive, editorial revisions of the Commission’s rules.

4. The Commission will not send a copy of this Order to the U.S. General Accounting Office pursuant to the Congressional Review Act³ because the Order concerns rules of agency organization, procedure, or practice that do not “substantially affect the rights or obligations of non-agency parties.” In addition, this Order does not contain any new or modified information collections subject to the Paperwork Reduction Act of 1995, Public Law 104-13. It also, therefore, does not contain any new or modified “information collection burden for small business concerns with fewer than 25 employees,” pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198.⁴

¹18 FCC Rcd. 15,078 (2003).

²47 C.F.R. § 0.231(b).

³5 U.S.C. § 801(a)(1)(A).

⁴44 U.S.C. § 3506(c)(4).

5. ACCORDINGLY, IT IS ORDERED that the revisions as noted in the appendix to this Order, are EFFECTIVE upon adoption of this Order.

FEDERAL COMMUNICATIONS COMMISSION

Andrew S. Fishel
Managing Director

APPENDIX

For the reasons stated in the Order, the Federal Communications Commission amends 47 CFR parts 0 and 11 as follows:

Part 0 – Commission Organization

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

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

2. Revise § 0.111(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 and homeland security implications of existing and proposed rules.

* * * * *

3. Revise the undesignated center heading preceding § 0.181 to read as follows:

Homeland Security, Defense, and Emergency Preparedness Functions

Part 11 – Emergency Alert System (EAS)

4. The authority citation for part 11 continues to read as follows:

Authority: 47 U.S.C. 151, 154(i) and (o), 303(r), 544(g), and 606.

5. Revise the introductory paragraph in § 11.21 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 Director, Office of Homeland Security, Enforcement Bureau, prior to implementation to ensure that they are consistent with national plans, FCC regulations, and EAS operation.

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