

appoint 14 voting members to the Interoperability Board, of which—

(i) 4 members shall be representatives of wireless providers, of which—

(I) 2 members shall be representatives of national wireless providers;

(II) 1 member shall be a representative of regional wireless providers; and

(III) 1 member shall be a representative of rural wireless providers;

(ii) 3 members shall be representatives of equipment manufacturers;

(iii) 4 members shall be representatives of public safety entities, of which—

(I) not less than 1 member shall be a representative of management level employees of public safety entities; and

(II) not less than 1 member shall be a representative of employees of public safety entities;

(iv) 3 members shall be representatives of State and local governments, chosen to reflect geographic and population density differences across the United States; and

(v) all members shall have specific expertise necessary to developing technical requirements under this section, such as technical expertise, public safety communications expertise, and commercial network experience.

(B) Non-voting member

The Assistant Secretary shall appoint 1 non-voting member to the Interoperability Board.

(2) Period of appointment

(A) In general

Except as provided in subparagraph (B), members of the Interoperability Board shall be appointed for the life of the Interoperability Board.

(B) Removal for cause

A member of the Interoperability Board may be removed for cause upon the determination of the Chairman of the Commission.

(3) Vacancies

Any vacancy in the Interoperability Board shall not affect the powers of the Interoperability Board, and shall be filled in the same manner as the original appointment.

(4) Chairperson and Vice Chairperson

The Interoperability Board shall select a Chairperson and Vice Chairperson from among the members of the Interoperability Board.

(5) Quorum

A majority of the members of the Interoperability Board shall constitute a quorum.

(c) Duties of the Interoperability Board

(1) Development of technical requirements

Not later than 90 days after February 22, 2012, the Interoperability Board, in consultation with the NTIA, NIST, and the Office of Emergency Communications of the Department of Homeland Security, shall—

(A) develop recommended minimum technical requirements to ensure a nationwide

level of interoperability for the nationwide public safety broadband network; and

(B) submit to the Commission for review in accordance with paragraph (3) recommended minimum technical requirements described in subparagraph (A).

(2) Consideration

In developing recommended minimum technical requirements under paragraph (1), the Interoperability Board shall base the recommended minimum technical requirements on the commercial standards for Long Term Evolution (LTE) service.

(3) Approval of recommendations

(A) In general

Not later than 30 days after the date on which the Interoperability Board submits recommended minimum technical requirements under paragraph (1)(B), the Commission shall approve the recommendations, with any revisions it deems necessary, and transmit such recommendations to the First Responder Network Authority.

(B) Review

Any actions taken under subparagraph (A) shall not be reviewable as a final agency action.

(d) Travel expenses

The members of the Interoperability Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, while away from their homes or regular places of business in the performance of services for the Interoperability Board.

(e) Exemption from FACA

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Interoperability Board.

(f) Termination of authority

The Interoperability Board shall terminate 15 days after the date on which the Commission transmits the recommendations to the First Responder Network Authority under subsection (c)(3)(A).

(Pub. L. 112-96, title VI, §6203, Feb. 22, 2012, 126 Stat. 207.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (e), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, which is set out in the Appendix to Title 5, Government Organization and Employees.

§ 1424. Establishment of the First Responder Network Authority

(a) Establishment

There is established as an independent authority within the NTIA the “First Responder Network Authority” or “FirstNet”.

(b) Board

(1) In general

The First Responder Network Authority shall be headed by a Board, which shall consist of—

- (A) the Secretary of Homeland Security;
- (B) the Attorney General of the United States;
- (C) the Director of the Office of Management and Budget; and
- (D) 12 individuals appointed by the Secretary of Commerce in accordance with paragraph (2).

(2) Appointments

(A) In general

In making appointments under paragraph (1)(D), the Secretary of Commerce shall—

- (i) appoint not fewer than 3 individuals to represent the collective interests of the States, localities, tribes, and territories;
- (ii) seek to ensure geographic and regional representation of the United States in such appointments;
- (iii) seek to ensure rural and urban representation in such appointments; and
- (iv) appoint not fewer than 3 individuals who have served as public safety professionals.

(B) Required qualifications

(i) In general

Each member appointed under paragraph (1)(D) should meet not less than 1 of the following criteria:

(I) Public safety experience

Knowledge and experience in the use of Federal, State, local, or tribal public safety or emergency response.

(II) Technical expertise

Technical expertise and fluency regarding broadband communications, including public safety communications.

(III) Network expertise

Expertise in building, deploying, and operating commercial telecommunications networks.

(IV) Financial expertise

Expertise in financing and funding telecommunications networks.

(ii) Expertise to be represented

In making appointments under paragraph (1)(D), the Secretary of Commerce shall appoint—

- (I) not fewer than 1 individual who satisfies the requirement under subclause (II) of clause (i);
- (II) not fewer than 1 individual who satisfies the requirement under subclause (III) of clause (i); and
- (III) not fewer than 1 individual who satisfies the requirement under subclause (IV) of clause (i).

(C) Citizenship

No individual other than a citizen of the United States may serve as a member of the Board.

(c) Terms of appointment

(1) Initial appointment deadline

Members of the Board shall be appointed not later than 180 days after February 22, 2012.

(2) Terms

(A) Length

(i) In general

Each member of the Board described in subparagraphs (A) through (C) of subsection (b)(1) shall serve as a member of the Board for the life of the First Responder Network Authority.

(ii) Appointed individuals

The term of office of each individual appointed to be a member of the Board under subsection (b)(1)(D) shall be 3 years. No member described in this clause may serve more than 2 consecutive full 3-year terms.

(B) Expiration of term

Any member whose term has expired may serve until such member's successor has taken office, or until the end of the calendar year in which such member's term has expired, whichever is earlier.

(C) Appointment to fill vacancy

Any member appointed to fill a vacancy occurring prior to the expiration of the term for which that member's predecessor was appointed shall be appointed for the remainder of the predecessor's term.

(D) Staggered terms

With respect to the initial members of the Board appointed under subsection (b)(1)(D)—

- (i) 4 members shall serve for a term of 3 years;
- (ii) 4 members shall serve for a term of 2 years; and
- (iii) 4 members shall serve for a term of 1 year.

(3) Vacancies

A vacancy in the membership of the Board shall not affect the Board's powers, and shall be filled in the same manner as the original member was appointed.

(d) Chair

(1) Selection

The Secretary of Commerce shall select, from among the members of the Board appointed under subsection (b)(1)(D), an individual to serve for a 2-year term as Chair of the Board.

(2) Consecutive terms

An individual may not serve for more than 2 consecutive terms as Chair of the Board.

(e) Meetings

(1) Frequency

The Board shall meet—

- (A) at the call of the Chair; and
- (B) not less frequently than once each quarter.

(2) Transparency

Meetings of the Board, including any committee of the Board, shall be open to the public. The Board may, by majority vote, close any such meeting only for the time necessary to preserve the confidentiality of commercial or financial information that is privileged or

confidential, to discuss personnel matters, or to discuss legal matters affecting the First Responder Network Authority, including pending or potential litigation.

(f) Quorum

Eight members of the Board shall constitute a quorum, including at least 6 of the members appointed under subsection (b)(1)(D).

(g) Compensation

(1) In general

The members of the Board appointed under subsection (b)(1)(D) shall be compensated at the daily rate of basic pay for level IV of the Executive Schedule for each day during which such members are engaged in performing a function of the Board.

(2) Prohibition on compensation

A member of the Board appointed under subparagraphs (A) through (C) of subsection (b)(1) shall serve without additional pay, and shall not otherwise benefit, directly or indirectly, as a result of their service to the First Responder Network Authority, but shall be allowed a per diem allowance for travel expenses, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, while away from the home or regular place of business of the member in the performance of the duties of the First Responder Network Authority.

(Pub. L. 112-96, title VI, § 6204, Feb. 22, 2012, 126 Stat. 208.)

REFERENCES IN TEXT

Level IV of the Executive Schedule, referred to in subsec. (g)(1), is set out under section 5315 of Title 5, Government Organization and Employees.

§ 1425. Advisory committees of the First Responder Network Authority

(a) Advisory committees

The First Responder Network Authority—

(1) shall establish a standing public safety advisory committee to assist the First Responder Network Authority in carrying out its duties and responsibilities under this subchapter; and

(2) may establish additional standing or ad hoc committees, panels, or councils as the First Responder Network Authority determines are necessary.

(b) Selection of agents, consultants, and experts

(1) In general

The First Responder Network Authority shall select parties to serve as its agents, consultants, or experts in a fair, transparent, and objective manner, and such agents may include a program manager to carry out certain of the duties and responsibilities of deploying and operating the nationwide public safety broadband network described in subsections (b) and (c) of section 1426 of this title.

(2) Binding and final

If the selection of an agent, consultant, or expert satisfies the requirements under paragraph (1), the selection of that agent, consultant, or expert shall be final and binding.

(Pub. L. 112-96, title VI, § 6205, Feb. 22, 2012, 126 Stat. 211.)

§ 1426. Powers, duties, and responsibilities of the First Responder Network Authority

(a) General powers

The First Responder Network Authority shall have the authority to do the following:

(1) To exercise, through the actions of its Board, all powers specifically granted by the provisions of this subchapter, and such incidental powers as shall be necessary.

(2) To hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the First Responder Network Authority considers necessary to carry out its responsibilities and duties.

(3) To obtain grants and funds from and make contracts with individuals, private companies, organizations, institutions, and Federal, State, regional, and local agencies.

(4) To accept, hold, administer, and utilize gifts, donations, and bequests of property, both real and personal, for the purposes of aiding or facilitating the work of the First Responder Network Authority.

(5) To spend funds under paragraph (3) in a manner authorized by the Board, but only for purposes that will advance or enhance public safety communications consistent with this chapter.

(6) To take such other actions as the First Responder Network Authority (through the Board) may from time to time determine necessary, appropriate, or advisable to accomplish the purposes of this chapter.

(b) Duty and responsibility to deploy and operate a nationwide public safety broadband network

(1) In general

The First Responder Network Authority shall hold the single public safety wireless license granted under section 1421 of this title and take all actions necessary to ensure the building, deployment, and operation of the nationwide public safety broadband network, in consultation with Federal, State, tribal, and local public safety entities, the Director of NIST, the Commission, and the public safety advisory committee established in section 1425(a) of this title, including by, at a minimum—

(A) ensuring nationwide standards for use and access of the network;

(B) issuing open, transparent, and competitive requests for proposals to private sector entities for the purposes of building, operating, and maintaining the network that use, without materially changing, the minimum technical requirements developed under section 1423 of this title;

(C) encouraging that such requests leverage, to the maximum extent economically desirable, existing commercial wireless infrastructure to speed deployment of the network; and

(D) managing and overseeing the implementation and execution of contracts or agreements with non-Federal entities to build, operate, and maintain the network.