

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.