

(A) consists of national and regional data centers, and other elements and functions that may be distributed geographically, all of which shall be based on commercial standards; and

(B) provides the connectivity between—

- (i) the radio access network; and
- (ii) the public Internet or the public switched network, or both; and

(2) a radio access network that—

(A) consists of all cell site equipment, antennas, and backhaul equipment, based on commercial standards, that are required to enable wireless communications with devices using the public safety broadband spectrum; and

(B) shall be developed, constructed, managed, maintained, and operated taking into account the plans developed in the State, local, and tribal planning and implementation grant program under section 1442(a) of this title.

(Pub. L. 112-96, title VI, § 6202, Feb. 22, 2012, 126 Stat. 206.)

### § 1423. Public safety Interoperability Board

#### (a) Establishment

There is established within the Commission an advisory board to be known as the “Technical Advisory Board for First Responder Interoperability”.

#### (b) Membership

##### (1) In general

##### (A) Voting members

Not later than 30 days after February 22, 2012, the Chairman of the Commission shall 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;