

First Responder Network Authority's Autonomy:

THE TRUE SUCCESS OF FIRSTNET

EXECUTIVE SUMMARY

The First Responder Network Authority (FirstNet Authority) was created by Congress in 2012 as an independent authority to build, operate, and sustain the Nationwide Public Safety Broadband Network (NPSBN). An autonomous Board—accountable to Congress and the public safety community—was central to FirstNet's early success, including the nationwide deployment of Band 14 spectrum and delivery of the network on time and on budget.

Reauthorization presents a critical opportunity for Congress to enhance clarity, accountability, and momentum. Congress should:

■ **REAFFIRM BOARD AUTHORITY.**

Clearly codify that the FirstNet Authority Board—not NTIA—sets network strategy, approves and executes investments, directs public safety engagement, and evaluates the FirstNet CEO. The Board must function with autonomy within the NTIA.

■ **STRENGTHEN BOARD COMPOSITION.**

Clarify leadership qualifications and reinforce staggered appointment requirements to ensure strong public safety, geographic, rural, and technical representation.

■ **PROTECT AND ACCELERATE REINVESTMENT FOR COVERAGE.**

Mandate that all FirstNet revenues and sustainability fees are reinvested exclusively into the network for coverage, capacity, resiliency, cybersecurity, and innovation, and require that Board-approved reinvestment projects proceed without administrative delay—particularly where coverage expansion is most needed.

■ **FIRSTNET'S ASSETS - SPECTRUM.**

FirstNet's greatest value lies in its congressionally licensed Band 14 spectrum, which enables a public-private partnership that delivers a continuously modern, "as-a-service" nationwide network without the cost and risk of government-owned infrastructure.

FIRST RESPONDER NETWORK AUTHORITY'S AUTONOMY – THE TRUE SUCCESS OF FIRSTNET



Congress created an autonomous Board to protect public safety's network. That autonomy must remain intact. The FirstNet Authority Board must have its authority clearly codified in statute to ensure that the trust placed in it by Congress can be preserved.

To that point, the biggest value of an autonomous FirstNet Authority Board is their transparency, accountability, and the oversight they provide. As public officials in their day-to-day leadership positions, FirstNet Board members understand what it means to be accountable to their community and to the first responders they lead. These executives work in high profile positions that demand transparency and accountability every single day. These are the exact same skill sets that being a FirstNet Board member requires. The statute should mandate that the FirstNet Board, not the National Telecommunications and Information Administration (NTIA), sets network strategy, approves and executes major investments, and directs public safety engagement. This entire process has

many oversight tools such as Office of Inspector General (OIG) audits, FCC review, annual reports to Congress, annual external financial audits, and more importantly engagement with public safety.

Over the past several years, NTIA has stripped the FirstNet Authority Board of their ability to perform this critical oversight and engagement. One example of this is the lack of open board meetings. There has been limited public involvement in FirstNet Board meetings and thus the ability to directly engage with the Board. Another example is that NTIA has controlled and micromanaged the Board's ability to directly respond to OIG reports. Today, NTIA must approve of any response to any oversight body (Congress, FCC, OIG), and that was never the intent envisioned by the original legislation. NTIA has also gone so far as to tell board members they cannot go to Capitol Hill to talk about FirstNet. These are just a few key examples.

As you can see, NTIA is not the solution, it is the primary problem. By its very nature, NTIA and its many federal employees are inherently risk adverse, not wanting to be accountable for fear of blame. In 2012 Congress understood this when it established FirstNet as an autonomous authority. One needs only to review FirstNet's operation in its early years to see how an autonomous board has operated successfully. Examples of this include delivery of a complex procurement resulting in the most successful Public-Private Partnership in US history, no significant negative OIG findings, numerous Board visits to Capitol Hill to keep legislators updated, multiple open board meetings, and numerous public meetings held across the country actively seeking feedback. And, of course, the one key outcome: The successful development and growth of FirstNet—on time and on budget.

What has changed? Greater interference by NTIA.

FIRSTNET LEADERSHIP – FOLLOW THE LAW, IMPROVE THE PROCESS

The FirstNet Authority is an autonomous authority within the NTIA and is headed by a 15-member Board established in the Middle-Class Tax Relief and Job Creation Act of 2012. By statute, three members are permanent Federal officials: the Secretary of Homeland Security, the Attorney General of the United States, and the Director of the Office of Management and Budget. The Board is responsible for overall policy and direction of the FirstNet Authority and its affairs, including oversight of the NPSBN.

In selecting Board Members, NTIA should issue a Federal Register notice each year seeking intent of interest for upcoming vacancies on the Board.

- **NTIA conducts outreach and receives expressions of interest, then screens and evaluates candidates against the statutory criteria and the Board's needs.**
- **NTIA should jointly conduct interviews of potential new board members with the Board Chair and one other current FirstNet board member. A joint recommendation should then be made to the Secretary of Commerce.**
- **NTIA submits recommended candidates to the Secretary of Commerce, who selects and appoints the 12 nonpermanent members based on eligibility, qualifications, and ability to advance FirstNet's goals.**
- **Selected candidates are vetted through the Department of Commerce and must pass an appropriate background check.**

In making the 12 non-Federal appointments, the Secretary of Commerce must ensure broad representation across the country and the public safety community. The statute should require that at least three members represent the collective interests of states, localities, tribes, and territories; that the Board reflects geographic and regional balance, rural and urban perspectives, and that at least five members have served as executives. Each appointed member must be a U.S. citizen and should meet at least one of four required qualifications: experience in public safety or emergency response; technical expertise in broadband communications; expertise in building and operating telecommunications networks; or financial expertise in funding such networks.

The hierarchy structure of the board must be clarified within the statute. There needs to be greater clarification that the Board sets strategic direction and evaluates the FirstNet CEO. Further, Board leadership (Chair and Vice Chair) should be selected from among public safety experts who have served a minimum of three (3) years in a public safety or technical senior leadership position.

Terms for the three designated Federal officials run for the life of the FirstNet Authority, while the 12 appointed members serve three-year terms and may not serve more than two consecutive full three-year terms. To promote continuity and staggered turnover, Congress requires that appointments to fill expiring terms or vacancies are made in the same manner as the original appointments, preserving the staggered structure so that only a portion of the Board turns over in any given year.

The statute should mandate that with the appointment of "Associate Administrator" or similar NTIA appointed position, the position must not have authority to override, delay, or veto Board decisions on operations, investments, or the buildout of the FirstNet network.

FIRSTNET COVERAGE AND REINVESTMENT

COVERAGE

Wireless coverage, particularly in rural areas, has been a priority for first responders since the 9/11 Commission report. Since February 2024, approximately \$8 billion has been announced for reinvestment, including roughly \$2 billion dedicated specifically to coverage expansion. Recently, reinvestments were being held up by NTIA for administrative reasons creating months, and now years of long delays. To solve this, Congress should ensure that approved reinvestment funds are deployed without administrative delay.

When the legislation was enacted in 2012 to establish FirstNet, there was a clear mandate to ensure the deployment of the network, particularly in rural regions, and manage network policies, maintenance, and upgrades.

This directly resulted in the creation of FirstNet, authorized by Congress in 2012 to construct a dedicated broadband network for first responders with mandated coverage in rural areas.

While possessing the latest devices and other advanced network technologies is crucial, the absence of adequate wireless coverage renders these capabilities largely ineffective.

Upon its establishment in 2012, the First Responder Network Authority's initial action was to convene with the first responder community in every state, territory, and commonwealth to comprehensively understand coverage requirements. This information was utilized in the Request for Proposals (RFPs) and was employed by the contractor to construct the NPSBN. Consequently, individual state plans were developed in response to input from each public safety community.

The contractor who was selected through a competitive process successfully completed the initial five-year

nationwide buildout of the FirstNet state plans, including the deployment of Band 14 spectrum across all 56 states and territories, on March 30, 2023.

To continue the expansion of the wireless network, the FirstNet Authority conducts "Coverage Enhancement Workshops" in every state, commonwealth, and territory to obtain feedback from the public safety community about additional coverage needs. The FirstNet Authority Board then prioritizes and authorizes funds from the FirstNet Responder Reinvestment Fund to direct the contractor to build additional coverage sites.

This is known as Reinvestment, a continuous and ongoing process that will continue during the contract period.

REINVESTMENT – STRENGTHEN THE LAW

To preserve the network and continue the expansion of coverage into rural and under/unserved areas, the statute should mandate that all revenues and sustainability fees must be reinvested back into FirstNet for coverage, capacity, resiliency, cybersecurity, and innovation. These funds cannot be diverted for NTIA or other Department of Commerce expenditures/programs.

Congress should require transparent, Board-driven reinvestment plans that prioritize rural, tribal, and under-served areas of the country. These plans should include specific goals and timelines for reducing coverage gaps.

Congress should ensure through statutory language that NTIA shall not, in any way, impede Board-approved reinvestment projects. This will prohibit the NTIA from holding up allocated funding for coverage expansion and rural hardening as is currently taking place.

ASSETS OWNERSHIP – THE TRUE VALUE IS THE SPECTRUM



Many believe that FirstNet's value is in the hardware that makes FirstNet's network operate, but with the rate of technology changes, planned obsolescence, and the frequent need for equipment replacement, this is not the case. The most valuable asset of FirstNet is the congressionally assigned license of the Band 14 spectrum. This is one of the key reasons and drivers for the Public-Private Partnership.

In March 2017, the FirstNet Authority and the contractor agreed to a Public-Private Partnership as FirstNet awarded a 25-year, \$6.5 billion contract to build, maintain and operate the NPSBN, as authorized by Congress.

This partnership, based upon FirstNet's 2016 RFP and Statement of Objectives (SOO), provided the contractor with 20 megahertz (MHz) of broadband spectrum, for use by public safety on a prioritized basis via the NPSBN and non-public safety use when available. The contractor agreed to provide FirstNet access to its infrastructure,

valued at \$180 billion, fund the sustainability fees to maintain, and improve the NPSBN. The SOO approach, in contrast to a traditional requirements-driven model, provided the flexibility for offerors to meet or exceed the high-level objectives, resulting in today's Public-Private Partnership model delivering the successful "As-a-Service" NPSBN.

The Public-Private Partnership with a capable technology/communications company vs the government building and owning it ensures that what is provided to the end users remains updated and never falls behind the technology curve. Compare that to the Federal Aviation Agency (FAA) where industry and expert assessment suggest that completing a full end-to-end air traffic control modernization (replacing legacy systems, radars, comms, facilities, and supporting NextGen requirements) could exceed \$30-\$40 billion total.



CONCLUSION

FirstNet's success is not accidental—it is the result of clear congressional intent, autonomous governance, and sustained engagement with the public safety community. An autonomous FirstNet Authority Board delivered a nationwide public safety broadband network on time and on budget, deployed Band 14 spectrum across all states and territories, and established a durable Public-Private Partnership that continues to evolve with technology and operational needs.

Reauthorization offers Congress a clear opportunity to reaffirm its original vision. By restoring the Board's statutory authority, prohibiting interference in Board-approved decisions, strengthening reinvestment protections, and preserving the autonomy that made FirstNet work, Congress can ensure the network continues to serve first responders effectively and sustainably.