



February 2022

# PUBLIC-SAFETY BROADBAND NETWORK

## Congressional Action Required to Ensure Network Continuity

# GAO Highlights

Highlights of [GAO-22-104915](#), a report to congressional committees

## Why GAO Did This Study

Communication systems are essential for first responders in emergencies. In 2012, FirstNet was established by statute as an independent authority within the Department of Commerce's National Telecommunications and Information Administration. FirstNet was charged with establishing a nationwide broadband network for use by public-safety entities. In March 2017, FirstNet awarded a \$6.5 billion contract to AT&T to deploy the network, which is currently expected to reach its final operating capability in March 2023.

The statute creating FirstNet included provisions for its authority to terminate in 2027 and for GAO to report on what actions the Congress should consider regarding this sunset. This report examines: (1) FirstNet's statutory requirements and contract responsibilities that Congress should consider before FirstNet's authority sunsets in 2027 and (2) options to oversee and manage the network when FirstNet's authority sunsets and the associated operational implications and potential costs.

GAO reviewed relevant statutes and documents, including FirstNet's contract with AT&T, and reviewed GAO's prior relevant reports. GAO also interviewed FirstNet and other government officials and a nongeneralizable selection of public-safety stakeholders.

## What GAO Recommends

The Congress should consider reauthorizing FirstNet and ensure that key statutory and contract responsibilities are addressed before the 2027 sunset. In doing so, it can consider organizational options.

View [GAO-22-104915](#). For more information, contact Andrew Von Ah at (202) 512-2834 or [vonaha@gao.gov](mailto:vonaha@gao.gov).

February 2022

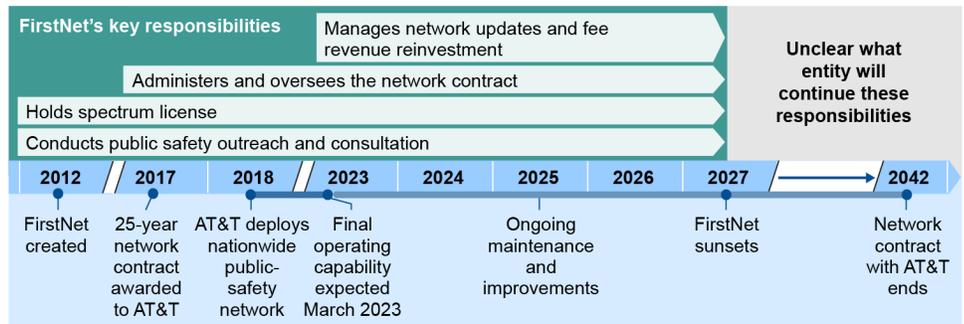
# PUBLIC-SAFETY BROADBAND NETWORK

## Congressional Action Required to Ensure Network Continuity

### What GAO Found

The First Responder Network Authority (FirstNet) is responsible for establishing a nationwide public-safety broadband network. GAO identified four key statutory requirements and contract responsibilities currently performed by FirstNet that the Congress should address before FirstNet would sunset in 2027. For example, FirstNet oversees the network contract awarded to AT&T in 2017 (see figure). The current statute does not identify another federal entity to assume oversight when FirstNet sunsets. Without any legislative action, network operations and improvements would be at risk and could result in the loss of service for public-safety users. Another example is FirstNet's responsibility to collect fees and to reinvest these funds to enhance the network. FirstNet expects to collect and reinvest \$18 billion in fees from AT&T over the 25-year duration of the contract with AT&T. However, the statute does not identify an organization to assume responsibility for fee collection and reinvestment if FirstNet's authority is terminated. Congressional action on key statutory requirements and contract responsibilities is essential for network continuity and enhancement.

**Timeline for Deploying the Nationwide Public-Safety Broadband Network and FirstNet's Key Ongoing Statutory Requirements**



Source: GAO analysis of FirstNet information. | [GAO-22-104915](#)

GAO's 2020 report on FirstNet's deployment of the network reinforces the importance of addressing contract oversight. In that report, GAO determined that FirstNet used various mechanisms to oversee AT&T, many of which aligned with key contract-oversight practices. However, the report also pointed out that FirstNet lacked: (1) a reliable master schedule to review, (2) communication with relevant stakeholders regarding contract oversight, and (3) meaningful information on end users' satisfaction to gauge performance quality. GAO made four recommendations to remedy these weaknesses; FirstNet concurred with the recommendations and to date has implemented two of them. Implementing the remaining two on a reliable schedule and communication with stakeholders would further strengthen oversight.

Two options to address FirstNet's termination of authority in 2027 include reauthorizing FirstNet or transferring FirstNet's responsibilities to one or more other agencies. If the Congress were to decide to reauthorize, then it would also have options in where to put FirstNet: (1) keep it within the National Telecommunications and Information Administration (NTIA), (2) place it within

another federal agency, or (3) establish it as a separate federal organizational entity.

Each of the overall options has different operational implications and potential costs. For example, some public-safety stakeholders told GAO that reauthorizing FirstNet would prevent network disruption; FirstNet officials agreed and further added that this option would not introduce new costs. Further, such a reauthorization would enable retention of existing network expertise and experience in engaging with the public-safety community. By contrast, the option to transfer responsibilities to one or more other agencies may lead to additional contract costs and introduce new risks. For example, stakeholders noted that transitioning oversight to another agency or agencies could be problematic for contract oversight, requiring more coordination and potentially leading to inefficiencies.

Regarding FirstNet's organizational placement if reauthorized by Congress, advantages and disadvantages of each option would vary:

- Keeping FirstNet within the Department of Commerce would result in no new costs for the federal government and align with the NTIA's mission of supporting the broadband network and managing federal spectrum's use. However, FirstNet officials believe that the current placement limits their ability to independently oversee and manage the network.
- Some stakeholders and FirstNet officials did not identify any advantages in placing FirstNet in another federal agency. Disadvantages of doing so include incurring additional transition costs, and potentially having to rebuild trust with public-safety entities.
- According to FirstNet officials, reauthorizing FirstNet as an entity separate from another executive branch agency would enable it to exercise its authorities without undue constraints from a federal agency. However, disadvantages include the need to establish mission-support services (e.g., financial and legal support) and the loss of available oversight mechanisms, such as from the Department of Commerce's Inspector General.

---

# Contents

---

Letter		1
	Background	5
	Congress Should Consider FirstNet’s Key Statutory Requirements and Contract Responsibilities	9
	Options for Overseeing and Managing the Network Have Different Operational Implications and Potential Costs	16
	Conclusions	22
	Matter for Congressional Consideration	23
	Agency Comments	23
Appendix I	Comments from the First Responder Network Authority	24
Appendix II	GAO Contact and Staff Acknowledgments	25
Figures		
	Figure 1: Timeline and Status of the Nationwide Public-Safety Broadband Network’s Deployment (as of May 2021)	8
	Figure 2: Location of First Responder Network Authority’s (FirstNet) Spectrum in Relation to Other Bands in the Radio-Frequency Spectrum	11

---

---

---

## Abbreviations

2012 Act	Middle Class Tax Relief and Job Creation Act of 2012
DHS	Department of Homeland Security
FAR	Federal Acquisition Regulation
FCC	Federal Communications Commission
FirstNet	First Responder Network Authority
GHz	gigahertz
KHz	kilohertz
MHz	megahertz
NTIA	National Telecommunications and Information Administration
PSAC	Public Safety Advisory Committee
the network	public-safety broadband network

This is a work of the U.S. government and is not subject to copyright protection in the United States. The published product may be reproduced and distributed in its entirety without further permission from GAO. However, because this work may contain copyrighted images or other material, permission from the copyright holder may be necessary if you wish to reproduce this material separately.



February 22, 2022

The Honorable Maria Cantwell  
Chair  
The Honorable Roger F. Wicker  
Ranking Member  
Committee on Commerce, Science, and Transportation  
United States Senate

The Honorable Frank Pallone, Jr.  
Chair  
The Honorable Cathy McMorris Rodgers  
Republican Leader  
Committee on Energy and Commerce  
House of Representatives

Communication systems are essential for public-safety officials, especially for first responders to gather information, coordinate efforts, and respond to emergencies. However, challenges associated with the lack of interoperable systems used by public-safety entities have been a long-standing issue.<sup>1</sup> To help address this issue, the Middle Class Tax Relief and Job Creation Act of 2012 (2012 Act) created the First Responder Network Authority (FirstNet) as an independent authority within the Department of Commerce’s National Telecommunications and Information Administration (NTIA).<sup>2</sup> FirstNet’s mission is to take all actions necessary to build, deploy, and operate a nationwide, wireless, interoperable public-safety broadband network (the network).<sup>3</sup>

FirstNet has been working to establish the network for several years and has already fulfilled many of its statutory requirements. In March 2017, FirstNet entered into a public-private arrangement with AT&T, awarding a

---

<sup>1</sup> The National Commission on Terrorist Attacks Upon the United States, *The 9/11 Commission Report: Final Report of the National Commission on Terrorist Attacks Upon the United States* (Washington, D.C.: July 22, 2004).

<sup>2</sup> Middle Class Tax Relief and Job Creation Act of 2012 (2012 Act), Pub. L. No. 112-96, §§ 6201-13, 126 Stat. 156, 206-218 (2012) (codified at 47 U.S.C. §§ 1421-1433).

<sup>3</sup> Throughout this report, unless otherwise specified, when we refer to the network we consider it to include the physical network (operated by AT&T); the network license (held by FirstNet); and certain network support activities such as network investment (currently performed by FirstNet).

---

25-year, \$6.5 billion indefinite-delivery, indefinite-quantity contract for the network's deployment.<sup>4</sup> According to FirstNet, as of November 2021, there were approximately 2.8-million device connections, with about 18,000 public-safety entities that were using the network. According to FirstNet documents, AT&T is scheduled to deploy the network with final operating capabilities in March 2023, and FirstNet has begun planning for upgrading the network to meet future needs of public-safety entities. However, the 2012 Act includes a provision for FirstNet's authority to "sunset" or end 15 years after enactment. While the statute terminates FirstNet's authority, it is unclear how this termination affects the ongoing operation and enhancement of the network and AT&T's contractual responsibilities to operate and enhance the network through 2042, and how the network would operate without federal oversight from FirstNet.<sup>5</sup> The 2012 Act contains a provision for us to report on what action Congress should take regarding the sunset of FirstNet's authority.<sup>6</sup> This report examines:

- FirstNet's statutory requirements and contract responsibilities that Congress should consider before FirstNet's authority sunsets in 2027 and
- options to oversee and manage the network when FirstNet's authority sunsets and the operational implications and potential costs associated with these options.

To determine FirstNet's statutory requirements and contract responsibilities that Congress should consider, we reviewed FirstNet's primary and ongoing authorities, duties, and responsibilities established in the 2012 Act. We focused our review on the key statutory requirements and responsibilities that are relevant to, and would significantly affect, the

---

<sup>4</sup> The contract identifies an indefinite-delivery, indefinite-quantity contract as a type of contract that allows the issuance of requests for quotes or task orders to meet the objectives of the contracts. The requests include all personnel, materials, services, facilities, management, and other resources needed to perform the contract objectives.

<sup>5</sup> In our review of the legislative history related to the 2012 Act, we did not identify the intent of the sunset provision. FirstNet officials told us that they believe this provision was included as a fail-safe measure if FirstNet were unable to get the network up and running. We previously reported that having a nationwide governance entity, such as FirstNet, is a key element for interoperable networks. GAO, *Emergency Communications: Various Challenges Likely to Slow Implementation of a Public Safety Broadband Network*, [GAO-12-343](#) (Washington, D.C.: Feb. 22, 2012).

<sup>6</sup> 2012 Act § 6206(g).

---

continuing operation of the network. We reviewed FirstNet's contract with AT&T and its associated oversight documentation to identify FirstNet's specific contract responsibilities for overseeing AT&T's performance.<sup>7</sup> We examined other FirstNet documentation, such as the *First Responder Network Authority Roadmap*,<sup>8</sup> its investment strategy, and strategic plan, to identify and describe FirstNet's priorities and plan for enhancing and reinvesting in the network. We reviewed the Federal Acquisition Regulation (FAR) to understand FirstNet's contractual requirements and responsibilities.

To identify options to oversee and manage the network when FirstNet's authority sunsets, we reviewed the legislative history related to the 2012 Act and interviewed numerous agency officials and public-safety stakeholders, as further described below. We reviewed reports from the Congressional Research Service to help identify the options as well as our past body of work on organizational reforms to use as a contextual framework for examining the different options for consideration.<sup>9</sup> We also conducted a literature review to identify characteristics of independent federal entities. We relied on FirstNet officials to provide perspectives on operational implications and estimated potential costs for the different options because of their direct knowledge and expertise.

---

<sup>7</sup> We did not validate the status of the network or assess the network's technical capabilities and functionalities.

<sup>8</sup> FirstNet Authority, *First Responder Network Authority Roadmap 2020*.

<sup>9</sup> Congressional Research Service, *The First Responder Network (FirstNet) and Next-Generation Communications for Public Safety: Issues for Congress*, R42543 (Washington, D.C.: Mar. 5, 2014); GAO, *Federal Protective Service's Organizational Placement: Considerations for Transition to the DHS Management Directorate*, [GAO-19-605T](#) (Washington, D.C., Jun 11, 2019); *Federal Protective Service: DHS Should Take Additional Steps to Evaluate Organizational Placement*, [GAO-19-122](#) (Washington, D.C.: Jan. 8, 2019); *Government Reorganization: Key Questions to Assess Agency Reform Efforts*, [GAO-18-427](#) (Washington, D.C.: June 13, 2018); *Streamlining Government: Questions to Consider When Evaluating Proposals to Consolidate Physical Infrastructure and Management Functions*, [GAO-12-542](#) (Washington, D.C.: May 23, 2012); *Federally Created Entities: An Overview of Key Attributes*, [GAO-10-97](#) (Washington, D.C.: Oct. 29, 2009); *Results-Oriented Cultures: Implementation Steps to Assist Mergers and Organizational Transformations*, [GAO-03-669](#) (Washington, D.C.: July 2, 2003); and *Homeland Security: Critical Design and Implementation Issues*, [GAO-02-957T](#) (Washington, D.C.: July 17, 2002).

---

To inform both of our objectives, we interviewed officials from FirstNet, NTIA, the Department of Commerce, and FirstNet Board members.<sup>10</sup> Specifically, we spoke with the Chief Executive Officer and other executive leaders at FirstNet; the Acting Administrator and Chief Counsel at NTIA; the Chief of Staff, Policy Advisor, and General Counsel at the Department of Commerce; and 9 of the 15 Board members, including the Board Chair. We also interviewed selected public-safety stakeholders and received written responses to semi-structured questions from AT&T. For the public-safety stakeholders, we selected representatives from FirstNet’s Public Safety Advisory Committee (PSAC).<sup>11</sup> We interviewed eight PSAC members, who were selected based on their representation of primary public-safety network users across different disciplines, such as fire, emergency management service, 911 dispatch, and law enforcement; this process included members of PSAC’s Tribal Working Group to help ensure we obtained the views of tribal public-safety stakeholders. In selecting PSAC members, we also considered public-safety stakeholders who were frontline first responders and managers in both urban and rural areas. We selected members from the Tribal Working Group based on recommendations from the Chair of the Tribal Working Group, who is also a PSAC member. We analyzed the contents of our interviews with all the stakeholders to summarize their perspectives on FirstNet’s statutory requirements and contract responsibilities and the options for overseeing and managing the network once FirstNet’s authority sunsets.<sup>12</sup> Although the perspectives of these selected stakeholders are not generalizable to all public-safety stakeholders, they provide insights on FirstNet’s roles and responsibilities for deploying the network and options for the continuing oversight of the network once FirstNet’s authority sunsets.

We conducted this performance audit from February 2021 to February 2022 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for

---

<sup>10</sup> The 2012 Act established a Board, consisting of 15-members, to head FirstNet. Section 6204(b)(1).

<sup>11</sup> PSAC assists FirstNet in carrying out its statutory duties and responsibilities. 2012 Act § 6205(a)(1).

<sup>12</sup> Throughout this report, we characterize the results of our interviews with selected PSAC members with the following indefinite quantifiers: “few” refers to two or three public-safety stakeholders, “some” to four or five stakeholders, and “most” to six or more.

---

our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

---

## Background

The 2012 Act provided FirstNet with numerous general powers and duties, and responsibilities to build, deploy, and operate the network.<sup>13</sup> For example, among many duties and responsibilities, FirstNet is required to manage and oversee any network contracts, and assess and collect fees for network reinvestment and to enable FirstNet to be self-funding.<sup>14</sup>

The 2012 Act also established an organizational structure, placing FirstNet within NTIA and creating a 15-member FirstNet Board to serve as a governing body.<sup>15</sup> The Board includes 3 permanent members who are representatives from federal agencies (the Secretary of Homeland Security, the Attorney General, and the Director of the Office of Management and Budget) and 12 individuals appointed by the Secretary of Commerce.<sup>16</sup> The 2012 Act also requires the Secretary of Commerce to contract with an independent auditor to annually examine FirstNet's finances and directs NTIA to annually review and approve any fees set by FirstNet.<sup>17</sup>

Furthermore, the 2012 Act directed FirstNet to establish a standing public safety advisory committee (PSAC) to assist FirstNet in carrying out its

---

<sup>13</sup> 2012 Act § 6206. In fiscal year 2021, FirstNet operated with 258 full-time equivalent employees and an administrative operations budget of about \$83.5 million. Additional details on FirstNet's responsibilities can be found in GAO, *Public-Safety Broadband Network: FirstNet Should Strengthen Internal Controls and Evaluate Lessons Learned*, [GAO-15-407](#) (Washington, D.C.: Apr. 28, 2015). According to FirstNet officials, many of these statutory requirements are fulfilled as they relate to the initial development of the network, but are still considered ongoing requirements for the continuing oversight, maintenance, and improvement of the network.

<sup>14</sup> We did not assess the extent to which FirstNet's current expenses are self-funded through network fees.

<sup>15</sup> 2012 Act § 6204(b)(1).

<sup>16</sup> The appointed members are required to have public-safety experience or technical, network, or financial expertise, and at least three of these appointed individuals must represent the collective interests of the states, localities, tribes, and territories. 2012 Act, § 6204(b)(2). The Secretary of Commerce has delegated the solicitation and vetting of board candidates to NTIA.

<sup>17</sup> 2012 Act §§ 6208(c), 6209(a). In addition, as an independent authority within NTIA and the Department of Commerce, FirstNet is currently subject to oversight and auditing by the Department of Commerce's Office of Inspector General.

---

statutory duties and responsibilities. PSAC is primarily composed of associations that represent different levels of government and public-safety disciplines. It is to provide FirstNet with guidance, subject matter expertise, and advice on the design, deployment, and operation of the network. FirstNet also relies on PSAC to help with outreach and to communicate network progress to its broader membership. In 2017, we reported how FirstNet has leveraged PSAC to address network challenges.<sup>18</sup>

In March 2017, FirstNet entered into a 25-year contract with AT&T in accordance with the 2012 Act's requirement to take all actions necessary to deploy, operate, and maintain the network.<sup>19</sup> AT&T owns and operates the physical components of the network, while FirstNet holds the license to the 20 megahertz (MHz) of spectrum, also known as Band 14, reserved for the network.<sup>20</sup> AT&T plans to invest about \$40 billion to develop the network over the life of the contract using revenue from user subscription fees, among other sources. In return for this investment, AT&T has exclusive access to the Band 14 spectrum capacity. This access allows AT&T to provide network services to public-safety users on a primary basis and to use any excess spectrum capacity on a secondary basis for its non-public-safety, commercial use, provided that public-safety users always have priority and preemption.<sup>21</sup>

---

<sup>18</sup> GAO, *Public-Safety Broadband Network: FirstNet Has Made Progress Establishing the Network, But Should Address Stakeholder Concerns and Workforce Planning*, [GAO-17-569](#) (Washington, D.C.: June 20, 2017).

<sup>19</sup> Per the contract, in operating the network, AT&T provides network services to public-safety users and performs network business functions, such as sales and customer service. FirstNet is prohibited by the statute from providing or marketing commercial telecommunication or information services directly to consumers. 2012 Act § 6212(a).

<sup>20</sup> The radio-frequency spectrum is the part of electromagnetic radiation lying between the frequencies of 3 kilohertz and 300 gigahertz. Radio signals travel through space in the form of waves and each wave is associated with a wavelength or a frequency. These frequencies are grouped into bands, allocated for specific purposes, and assigned to specific users through licenses. FirstNet's 20 MHz of spectrum is located in the 700 MHz spectrum band (758-768 MHz and 788-798 MHz).

<sup>21</sup> 2012 Act § 6208(a)(2)(B). The contract requires that the network have the capability to prioritize a public-safety user's network access and traffic over other users and, when necessary, preempt other users altogether, commonly referred to as "priority and preemption." Most public-safety stakeholders we interviewed noted that feedback from their public-safety members with network coverage has been positive on network services, including for priority and preemption.

---

The contract consists of a six-phase approach to deploying the network's capabilities and coverage, and each phase has rural and non-rural coverage, service, and adoption milestones that AT&T must meet.<sup>22</sup> According to FirstNet, as of May 2021, AT&T had met or exceeded all nationwide coverage and user adoption milestones as required in the contract for the fourth phase of the network build-out, although we previously reported that progress toward meeting state-specific coverage commitments has varied.<sup>23</sup> AT&T has deployed 99.7 percent of the nationwide total planned Band 14 non-rural coverage and 93.7 percent of Band 14 rural coverage, as of March 2021, exceeding the phase four target of 80 percent. According to FirstNet, AT&T also exceeded the phase four nationwide target of 2.1-million device connections as part of the nationwide adoption milestone.<sup>24</sup> See figure 1 for the timeline and status of the network's deployment.

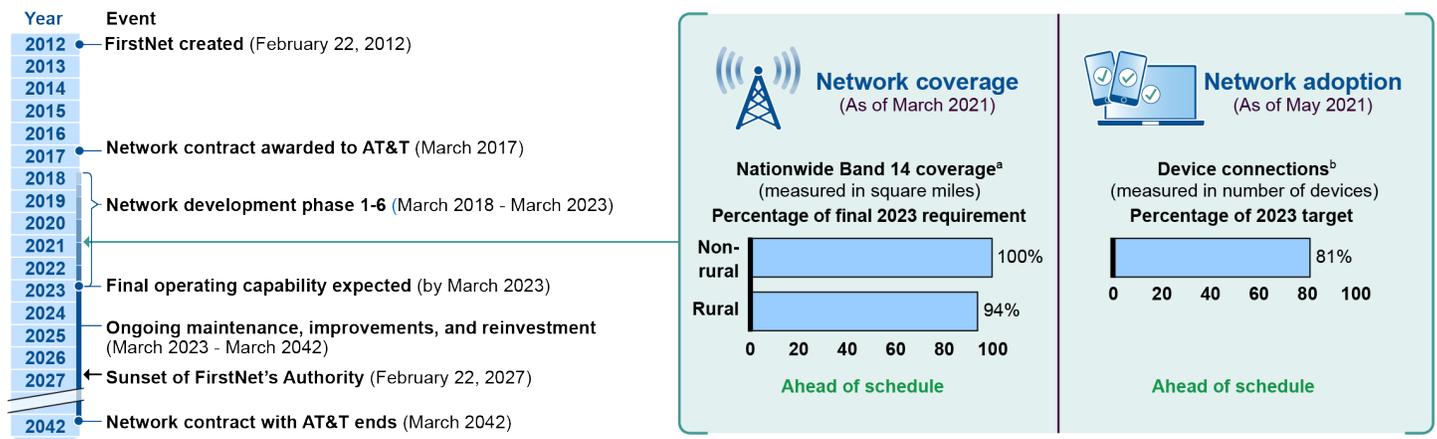
---

<sup>22</sup> See GAO, *Public-Safety Broadband Network: Network Deployment is Progressing, but FirstNet Could Strengthen Its Oversight*, [GAO-20-346](#) (Washington, D.C.: Jan. 27, 2020) for additional details on the contract's initial task orders, the timing of the six operating capability phases, and examples of milestones for each phase. Coverage is defined as the geographic area where a network's base station and a mobile device can reliably communicate with each other above a minimum designed data transmission rate. FirstNet defines rural as per the Rural Electrification Act of 1936, meaning any area that is not a city, town, or incorporated area and that has a population of greater than 20,000 inhabitants or any urbanized area contiguous and adjacent to a city or town and that has a population of greater than 50,000 inhabitants.

<sup>23</sup> Phase four of the contract requires nationwide milestones for deployment to be met by March 30, 2021. During the initial network development stage, AT&T created network deployment plans for each state and territory, including state-level commitments negotiated between the state and AT&T. According to FirstNet officials, some of these state-level commitments were incorporated into the milestones AT&T must meet under the contract phases. For other state-level commitments, such as for services that fall outside of the scope of the contract, the commitments are not incorporated into the contract milestones, but FirstNet tracks them to ensure AT&T completes them as committed under the state plans. According to FirstNet officials, AT&T has 6 years from when the contract was awarded to meet all state-level commitments. [GAO-20-346](#).

<sup>24</sup> FirstNet uses network device connections as a proxy to measure network adoption.

**Figure 1: Timeline and Status of the Nationwide Public-Safety Broadband Network’s Deployment (as of May 2021)**



Source: GAO analysis of FirstNet information. | GAO-22-104915

<sup>a</sup>Band 14 refers to the portion of the radio-frequency spectrum that is licensed to First Responder Network Authority (FirstNet) for public-safety use. Band 14 coverage refers to the geographic area where the network’s base station and a mobile device can reliably communicate with each other using Band 14 frequencies. Percentages have been rounded to the nearest whole number.

<sup>b</sup>The number of devices connected to the network is used as a proxy to measure network adoption.

According to FirstNet officials, FirstNet’s network service currently covers more than 99 percent of the population through Band 14 and AT&T’s commercial long-term evolution spectrum. AT&T officials stated that when the network is in final operational capability, expected in March 2023, in accordance with the network contract, the network will not necessarily provide coverage in unpopulated or sparsely populated areas. However, FirstNet officials told us that they anticipate investments in additional coverage. Per the terms of the contract, AT&T is required to maintain and improve the network through 2042.

As required by the 2012 Act, FirstNet is to engage with public-safety entities to understand their needs and priorities.<sup>25</sup> FirstNet has developed network investment plans based on the needs and priorities of the public-safety community, and through reinvestment, FirstNet will require AT&T to meet those needs as part of the contract. For example, FirstNet

<sup>25</sup> FirstNet recently implemented our recommendation to identify meaningful indicators on end-user satisfaction to gauge the performance and impact of the network for first responders. As a result, FirstNet is in a better position to ensure that it is using information on the satisfaction of public-safety and first responders to inform its activities. [GAO-20-346](#).

---

consulted with public safety, government, industry, and academia to develop the 2020 *First Responder Network Authority Roadmap*, which provides a strategic plan for continuous development of the network and outlines network priorities and potential investments.<sup>26</sup>

In addition to engaging with the public-safety community, FirstNet is responsible for managing and overseeing the contract with AT&T. Specifically, FirstNet's contract management and oversight responsibilities include both program management and contract administration. These responsibilities include (1) the ongoing decision-making and guidance to ensure that network goals are achieved, and (2) contract administration and quality assurance tasks to ensure AT&T's compliance with contract requirements and performance and quality standards. For example, FirstNet performs regular reviews of key metrics, such as network speeds and the quality of customer care. As another quality oversight mechanism, the contract contains disincentive payments beginning in 2023, which FirstNet is to collect if AT&T misses specific contract milestones.<sup>27</sup>

---

## Congress Should Consider FirstNet's Key Statutory Requirements and Contract Responsibilities

Congress should consider four key statutory requirements and contract responsibilities currently performed by FirstNet before FirstNet's authority sunsets to ensure continued network operations and public-safety consultation. These requirements and responsibilities include:

- holding the single spectrum license for the network,
- administering and overseeing the network contract,
- managing network updates and fee revenue reinvestment, and

---

<sup>26</sup> The FirstNet Board approved the first set of network investments in June 2020. These investments are to: (1) begin upgrading network infrastructure to be ready for 5G, and (2) expand the fleet of deployable assets dedicated to the network. The term 5G refers to the fifth generation of mobile wireless technology. "Deployable" cellular assets are transportable equipment (typically in a vehicle) that can provide additional network coverage when needed. Previously, the contract required AT&T to provide 72 deployable assets dedicated to the network; the contract task order added under this investment requires an additional 15 dedicated deployables.

<sup>27</sup> Disincentive payments are fees charged to AT&T if specific contract milestones are not met. Disincentive payments are intended to ensure the network continues to provide a valuable service that public-safety users want to subscribe to, as adoption of the network is voluntary. Some public-safety entities purchased standard commercial broadband services prior to FirstNet being available and a few stakeholders we spoke with continue to use other carriers due to coverage gaps and other reasons.

- 
- conducting public safety outreach and consultation.<sup>28</sup>

If these four key requirements and responsibilities are not addressed before FirstNet's authority sunsets, it could create network uncertainty and potential risk to the communication services currently provided to public-safety users.

## Holding the Single Spectrum License

The 2012 Act granted FirstNet the single license to new and existing spectrum dedicated to public safety so that FirstNet could establish an interoperable network based on a single, nationwide architecture.<sup>29</sup> The statute also provided FirstNet the authority to award contracts and to permit its contractor—in this case AT&T—to use excess spectrum capacity for non-public-safety services. The increased capability and functionality of FirstNet's spectrum, referred to as Band 14, differentiates the network from other commercial broadband networks.<sup>30</sup> However, Band 14 does not have the larger data capacity of higher frequency bands; that capacity would be needed for deploying the next generation of broadband services (i.e., 5G). Figure 2 shows the location of FirstNet's spectrum in relation to the different characteristics of the bands in the radio-frequency spectrum.

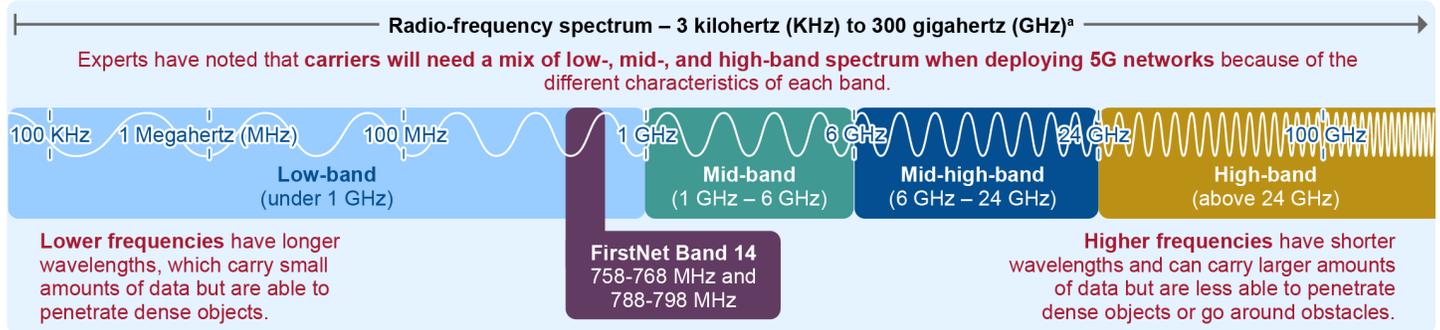
---

<sup>28</sup> 2012 Act §§ 6206, 6208.

<sup>29</sup> 2012 Act §§ 6201, 6206 (b)(1). Specifically, the 2012 Act directed the Federal Communications Commission (FCC) to grant FirstNet a 10-year, renewable license to this spectrum. FirstNet must apply to FCC to renew the initial license, which expires on November 15, 2022. The license renewal process for FirstNet is unique. In general, FCC grants licenses for spectrum use by nonfederal entities, including state and local public-safety entities, while NTIA manages federal spectrum use. Here, FirstNet exists as an independent authority within NTIA.

<sup>30</sup> The Band 14 signal can travel farther and penetrate buildings better than higher frequencies, resulting in wider coverage and more reliable connectivity indoors. For example, certain high-powered user equipment can transmit at stronger signals, which can only occur using the Band 14 spectrum.

**Figure 2: Location of First Responder Network Authority’s (FirstNet) Spectrum in Relation to Other Bands in the Radio-Frequency Spectrum**



Source: GAO analysis of FirstNet documents and past interviews with experts. | GAO-22-104915

<sup>a</sup>Radio-frequencies are measured in units of Hertz, or cycles per second. MHz refers to millions of Hertz and GHz to billions of Hertz. Radio-frequencies are grouped into bands. The radio-frequency spectrum lies between the frequency limits of 3 KHz and 300 GHz. For illustrative purposes, we are only showing a portion of the full radio-frequency spectrum.

**Additional Spectrum May Be Needed in the Future**

FirstNet officials and AT&T stated that additional spectrum may be required in the future to upgrade the network to 5G and maintain parity with other carriers, as 5G data capabilities function better at spectrum frequencies higher than Band 14. According to FirstNet officials, FirstNet currently has negotiated access to AT&T’s 5G-capable licensed commercial spectrum to begin 5G services on the network, but AT&T is not obligated to share that spectrum once the contract ends.

Source: GAO analysis of agency and stakeholder comments. | GAO-22-104915

This spectrum is also central to AT&T’s participation in the network contract and FirstNet’s ability to reinvest in the network to continue to meet public-safety needs. According to FirstNet officials, access to the excess spectrum capacity represents the largest consideration of value in the contract for AT&T. In particular, by allowing AT&T to use the excess spectrum for its commercial networks over the term of the contract, AT&T can recover its investment in the network. FirstNet officials also stated that holding the spectrum license gives FirstNet leverage to ensure that AT&T is meeting public-safety needs and provides the funding framework for network reinvestment.

The 2012 Act does not identify an entity to hold the single public-safety license to the Band 14 spectrum once FirstNet sunsets in 2027 and therefore, it is unclear how access to that spectrum will continue. If Congress does not reauthorize FirstNet in some way or identify a new license holder, FirstNet officials said they would try to transfer the license to another federal agency before FirstNet sunsets to maintain network access to the spectrum. However, it might not be possible to transfer the license since the transfer conflicts with the current statute, which assigns the license to FirstNet.

FirstNet officials told us that if a license holder were not identified, the likely result would be a loss of access to the spectrum and to network services. Without access to the spectrum, it is unclear how FirstNet or another agency can make the spectrum available to AT&T or how AT&T

---

## Administering and Overseeing the Network Contract

could fulfill its contract obligation to provide public-safety communication services over the Band 14 spectrum that the network was built upon.

The 2012 Act directs FirstNet to manage and oversee contracts with non-federal entities to build, operate, and maintain the network, such as the current contract with AT&T.<sup>31</sup> FirstNet officials view management and oversight of the contract as a significant ongoing responsibility and central to FirstNet's other statutory and strategic roles. FirstNet's primary duty, to ensure the deployment and operation of the network, is implemented through the contract with AT&T, and the contract directly incorporates many elements of the statutory framework identified in the 2012 Act. Most public-safety stakeholders we spoke with stated that federal management and oversight of the contract are important for the ongoing and future effectiveness of the network and should continue. However, it is unclear what will happen to the network contract when FirstNet sunsets.

In 2020, we reported on the importance of FirstNet overseeing the network contract with AT&T.<sup>32</sup> We found that while FirstNet used various mechanisms to oversee AT&T's performance, many of which aligned with key contract oversight practices, FirstNet lacked (1) a reliable master schedule to track and review AT&T's performance, (2) communication with relevant stakeholders regarding contract oversight, and (3) meaningful information on end-users' satisfaction to gauge performance quality. We made four recommendations, with which FirstNet concurred, to remedy these weaknesses. FirstNet has implemented two of them to date, although implementing the remaining two on a reliable master schedule and communication with stakeholders would further strengthen oversight.

Under the current statute, FirstNet's authority sunsets in 2027 while the network contract with AT&T, which FirstNet oversees, ends in 2042. The 2012 Act does not identify an entity to continue statutory functions assigned under the Act when FirstNet's authority sunsets. Under the FAR, authority and responsibility for contracts is generally vested with an agency head. Agency heads can mutually agree to assign contracting functions and responsibilities from one agency to another, without direct action by Congress.<sup>33</sup> However, FirstNet officials told us that based on

---

<sup>31</sup> 2012 Act § 6206(b)(1)(D).

<sup>32</sup> [GAO-20-346](#).

<sup>33</sup> FAR § 1.601.

---

their past experience when looking for another agency to help administer and award the contract, it might be difficult to find an agency willing to administer the contract due to its complexity and the level of subject matter expertise required to oversee and manage it. Therefore, Congress may need to mandate an agency to administer the contract, if a willing agency could not be found. Furthermore, the contract directly incorporates several of the authorities provided by the 2012 Act that outline the framework of the network. It is unclear how the contract could be successfully transferred to another agency without Congress also transferring to that agency the necessary statutory authorities, such as the use of the spectrum license, that are incorporated in the contract.

FirstNet officials believe that without an entity to oversee the contract when FirstNet sunsets, the network contract could be terminated and AT&T could no longer perform as the service provider for the network, which could result in the end of network services. In this scenario, FirstNet officials noted the potential for costs to the government. By 2027, AT&T will have likely spent a significant portion of its estimated \$40 billion total investment to meet the contract requirements for the network, but would likely not have recovered much of its investment through user fees and commercial use of the excess spectrum capacity.<sup>34</sup> Any potential outcomes or costs to the government as a result of contract termination are currently unknown.

## Managing Network Updates and Fee Revenue Reinvestment

The 2012 Act requires network updates and specifically authorizes FirstNet to collect fees from any entity using or leasing the network spectrum capacity.<sup>35</sup> The 2012 Act provides that the funds collected from the assessment of fees must be reinvested for the sole purposes of network construction, maintenance, operation, or improvement.<sup>36</sup> This funding and reinvestment fee framework is reflected in the network contract as 25 annual payments from AT&T to FirstNet, totaling \$18 billion over the 25-year term of the contract.<sup>37</sup>

---

<sup>34</sup> Under the contract, AT&T may charge fees to, and retain revenues from, network end users. AT&T may also collect revenue from the use of excess Band 14 spectrum capacity for its other commercial network services.

<sup>35</sup> 2012 Act § 6208.

<sup>36</sup> *Id.*

<sup>37</sup> At the time of our review, FirstNet estimated that \$2.4 billion would be required for operational expenses over this 25-year timeframe, with the remaining \$15.6 billion reinvested in the network.

---

According to FirstNet officials, reinvestment in the network is a primary statutory responsibility, and FirstNet has recently reorganized to focus on developing substantial network investments that they believe will deliver services that meet public-safety priorities. For example, FirstNet officials and investment documents note that completing the required technology upgrades (i.e., 5G and future generations of mobile wireless technologies) might require the majority of the \$18 billion in fee revenues expected over the life of the contract and careful planning around the availability of sufficient funds for each stage of the upgrade.

The 2012 Act does not identify an entity to continue network reinvestments once FirstNet sunsets in 2027. The current statute granted FirstNet the authority to collect and reinvest funds. AT&T is required by contract to make the annual payments; however, the statute does not address what becomes of fee collection and network reinvestment if FirstNet sunsets. According to the payment schedule established in the contract, by 2027 FirstNet will have only collected an estimated \$3 billion of the total \$18 billion in payments, and it is uncertain what will happen to the remaining \$15 billion.<sup>38</sup> If FirstNet sunsets, it is unclear what happens to these resources currently dedicated to network reinvestment and how network updates and improvements required by the statute can continue.

## Conducting Public-Safety Outreach and Consultation

The 2012 Act required FirstNet to create PSAC to assist FirstNet in carrying out its statutory duties and responsibilities.<sup>39</sup> The statute further requires FirstNet to build, deploy, and operate the network in consultation with PSAC and with public-safety entities at all levels.<sup>40</sup> FirstNet chartered the 43 member PSAC in February of 2013, and then PSAC created a tribal working group to provide advice on outreach, education, and inclusive engagement with federally recognized tribes.<sup>41</sup> PSAC provides input and real time feedback on network development and services through regular meetings, interactive webinars, task teams, and the creation of plans and reports. Some PSAC members we spoke with noted the work that the PSAC does to communicate network information to their public-safety membership, and reported providing extensive feedback to

---

<sup>38</sup> Per the contract, the payment amount varies each year, with the highest annual payment amounts in 2027-2032.

<sup>39</sup> 2012 Act § 6205(a).

<sup>40</sup> *Id.* § 6206(b)(1).

<sup>41</sup> At the time of our review, there were 42 active members of PSAC, as the seat representing the International Association of Emergency Managers was vacant.

---

FirstNet during the development of the *First Responder Network Authority Roadmap*.

FirstNet officials and some stakeholders we spoke with agreed that outreach and engagement with public-safety stakeholders were important to the successful development of the network and will continue to be important as the network evolves. FirstNet officials see their engagement as a two-way information exchange to collect feedback on network usage and experiences, and to identify public-safety priorities to inform future network improvements. Some stakeholders identified FirstNet's outreach efforts as a reason that the network has been successful thus far, and others highlighted continued communication between FirstNet and public-safety stakeholders as a priority going forward.<sup>42</sup> While FirstNet engages with public-safety stakeholders in multiple ways, PSAC remains an active source of public-safety expertise.

Without PSAC, the government would lose an established forum to engage and communicate with public-safety stakeholders on network needs and priorities. PSAC's current charter will end in 2027, when FirstNet's authority sunsets, and the 2012 Act does not identify another entity to recharter the committee. Under the current statute, only FirstNet has the authority to charter PSAC, and as noted previously, PSAC's statutory purpose is specifically connected to FirstNet. We have previously reported the importance of communicating appropriate information with stakeholders and ensuring stakeholder satisfaction with the network. Although PSAC is not the only option for public-safety engagement, PSAC does provide valuable network feedback from its public-safety membership and has years of experience providing subject matter expertise to FirstNet.

---

<sup>42</sup> Tribal working group members we spoke with commented that FirstNet's engagement with tribal entities has improved over time. Most reported a positive experience in working with FirstNet in a government-to-government capacity during state plan negotiations with AT&T. However, all noted gaps in coverage, and two of the three noted they or their members were not using FirstNet because coverage was insufficient in their area. They noted that coverage gaps were a result of AT&T's business decisions on where to expand coverage. FirstNet officials stated that the final buildout of the network seeks to expand Band 14 coverage on tribal lands.

---

## Options for Overseeing and Managing the Network Have Different Operational Implications and Potential Costs

We identified two options—with variations on one of the options—to ensure the continued oversight and management of the network and the contract with AT&T when FirstNet’s authority sunsets in 2027. The options would have different operational implications and potential costs, but overall, FirstNet officials and stakeholders emphasized the importance of continued federal oversight and management of the network.

---

### Option to Reauthorize FirstNet

Congress could reauthorize FirstNet to fulfill the key statutory requirements and contract responsibilities that we previously mentioned. This option could prevent any potential operational uncertainties surrounding the oversight and management of the network and contract with AT&T. Reauthorizing FirstNet would not require modifying the network contract, since FirstNet can continue as the signatory on the contract. Some stakeholders we spoke with also noted that FirstNet already has the necessary expertise to manage the network and the contract with AT&T and the experience of engaging with the public-safety community. They also stated that reauthorizing FirstNet would have no additional costs for the federal government.

As part of reauthorization, Congress could also deliberate on FirstNet’s organizational placement to (1) keep FirstNet within NTIA, (2) place FirstNet within another federal agency, or (3) make FirstNet independent of an existing federal agency.

### Keeping FirstNet within NTIA

Maintaining FirstNet within NTIA has some advantages, such as no new costs for the federal government, according to FirstNet officials. They told us that this placement worked well when FirstNet was establishing itself as a new independent authority. They stated that NTIA, for example, initially helped FirstNet obtain mission-support services—such as security, legal, and financial accounting—from the Department of Commerce. In 2015, we reported that FirstNet had leveraged its relationship with NTIA in administrative and legal matters, while exercising independence in decisions that were directly program related, according to FirstNet officials at that time.<sup>43</sup>

---

<sup>43</sup> [GAO-15-407](#).

---

FirstNet officials and Board members, however, believe that FirstNet's current placement within NTIA limits its ability to independently oversee and manage the network as the 2012 Act intended. FirstNet officials noted that they are required to follow NTIA's standard-operating procedures in several areas, some of which, in their view, constrain FirstNet's ability for independent decision-making in operational and planning issues. FirstNet officials and a Board member also commented that NTIA's monitoring can be duplicative of the oversight duties of the FirstNet Board and can interfere with the Board's technical expertise to govern FirstNet. Board members also told us that currently it is unclear whether FirstNet's Chief Executive Officer and staff are accountable to the FirstNet Board or to NTIA; this lack of clarity has led to different interpretations on the independence of FirstNet.

NTIA officials told us that they believe FirstNet's placement within NTIA was a result of congressional interest to have a federal agency oversee FirstNet as an independent entity. NTIA officials noted that there has been no model or precedent of an independent authority placed within an executive agency, and as such, there has been some confusion on this current structure and the roles and responsibilities of FirstNet staff. The Department of Commerce and NTIA officials also noted that FirstNet's mission aligns with NTIA's mission related to supporting broadband networks and managing federal spectrum use.<sup>44</sup> NTIA officials commented that the 2012 Act tasked NTIA with duties that included helping to financially stand up FirstNet by borrowing and reimbursing \$2 billion from the U.S. Treasury and coordinating with FirstNet to administer grants to state and local public-safety entities that need assistance to integrate into the network.<sup>45</sup> NTIA officials also noted that the Department of Commerce delegated its statutory responsibilities to NTIA. According to NTIA officials, while some of NTIA's statutory duties have been completed, it still has ongoing financial oversight duties, including annually approving the user fees that FirstNet assesses and contracting

---

<sup>44</sup> NTIA officials noted that under 47 U.S.C. § 902, NTIA serves as the principal advisor to the President on telecommunications and information policies. Additionally, NTIA has responsibilities related to national spectrum allocations planning, such as the future spectrum requirements for public and private uses, including state and local government public-safety agencies, 47 U.S.C. § 922.

<sup>45</sup> The 2012 Act created a State and Local Implementation Grant Program, administered by NTIA, to provide states with funds to plan for the public-safety network and to consult with FirstNet. NTIA awarded more than \$116 million in this grant program to states and local public-safety entities.

---

for independent audits of FirstNet.<sup>46</sup> NTIA officials also commented that although it is too early to deliberate on the Administration’s position regarding the sunset of FirstNet, they would include FirstNet officials in future discussions regarding the sunset provision and consider FirstNet’s position on its placement.<sup>47</sup>

## Placing FirstNet within Another Federal Agency

Moving FirstNet out of NTIA and placing it within another federal agency could also be considered. We previously found that the organizational placement of an office or agency can affect its performance and ability to meet its mission. Prior to placing FirstNet within another federal agency, consideration should be given to an agency’s mission, goals, and objectives to ensure alignment with FirstNet’s mission.<sup>48</sup> Operational implications, such as the goals and outcomes of placing FirstNet within another federal agency, and potential new costs for the federal government also need to be considered, as we have previously reported.<sup>49</sup>

FirstNet officials told us that if Congress considered moving FirstNet, the least disruptive move would be as an independent entity within the Department of Commerce but outside of NTIA. The officials stated that this move would allow them to coordinate directly with the Secretary of Commerce and the FirstNet Board without additional oversight from NTIA. FirstNet officials also emphasized the need to clearly define the meaning of “independent authority” under this scenario as well and provide explicit authorities to enable FirstNet to perform its duties more nimbly. The officials also noted that FirstNet could continue to use mission-support services, such as security, legal services, and financial accounting that FirstNet obtains through interagency agreements with the Department of Commerce with no additional costs.

---

<sup>46</sup> 2012 Act §§ 6208(c), 6209(a).

<sup>47</sup> NTIA officials stated that they plan to follow the Administration’s process for coordinating with the Office of Management and Budget—as outlined in *Circular No. A-19*—regarding any agency recommendations on proposed or pending legislation, which includes instructions on the timing and preparation of agency legislative programs.

<sup>48</sup> We found that during the Federal Protective Service’s current and previous organizational placements, the agency experienced a number of operational, management, and funding challenges, which had a bearing on the agency’s ability to accomplish its mission. [GAO-19-122](#) and [GAO-19-605T](#).

<sup>49</sup> [GAO-18-427](#).

---

FirstNet officials and some stakeholders told us that they do not see any advantages to being placed within another federal agency other than the Department of Commerce. They stated that FirstNet engages with the private sector to address the competing demands and different needs of all public-safety stakeholders at the local, state, tribal, and federal level. Although some stakeholders we spoke with pointed to the Department of Homeland Security (DHS) as having a similar mission with respect to emergency communications, FirstNet officials, a Board member, and a stakeholder told us that DHS has multiple other missions with competing priorities and conflicts of interest that might not be a good fit for FirstNet. They also stated that FirstNet has built trust with public-safety entities, some of which were initially skeptical based on past experiences with national public-safety efforts, and that trust would need to be rebuilt if FirstNet was moved to another agency.

FirstNet officials told us that if FirstNet were placed in another federal agency, then new costs may potentially be incurred, including transition expenses and staff integration training and implementation costs to acclimatize to another federal agency. They also told us that as a self-funding entity, ongoing operational costs are in its budget, while the cost of integrating into another agency is not.

### Making FirstNet Independent of an Existing Federal Agency

FirstNet officials noted that being independent of an existing federal agency has advantages and disadvantages for FirstNet, including some operational implications and potential new costs. We previously reported that some types of government entities that are not part of an executive branch department, such as government corporations or government-sponsored enterprises that administer government programs, are predominantly of a business nature; produce revenue and are self-sustaining; involve a large number of business-type transactions with the public; and require greater flexibility than the appropriations process ordinarily permits.<sup>50</sup> For example, some government corporations, such as the Tennessee Valley Authority, are not generally dependent upon annual appropriations, similar to FirstNet, which is required to be financially self-sustaining with revenues from network user fees.

---

<sup>50</sup> These are general characteristics of corporate form, non-executive branch government entities, but there are circumstances where Congress has created different forms of these kinds of entities. For example, Congress established the Millennium Challenge Corporation as a wholly owned government corporation in 2004 to provide U.S. assistance through annual appropriations for global development. [GAO-10-97](#).

---

FirstNet officials and a stakeholder believe that an advantage of reauthorizing FirstNet as an entity outside of an executive branch agency would be to enable FirstNet to exercise its authorities without undue constraints from a federal agency. FirstNet officials said that while FirstNet has succeeded within NTIA thus far in fulfilling its statutory mission, FirstNet's success may be more difficult to achieve than Congress likely envisioned going forward. For example, FirstNet officials and Board members told us that they invite NTIA and Commerce officials to Board meetings and share FirstNet documents for coordination and transparency. However, they said in their view, NTIA has begun to be more involved as it relates to future reinvestments policies and decisions; this involvement can affect FirstNet's ability to independently plan for reinvesting in the network, as discussed earlier. NTIA officials, however, stated that they created these policies and procedures to coordinate on issues and ensure that FirstNet's planning efforts are aligned with the executive agency's priorities.

FirstNet officials, Board members, and a stakeholder we spoke with also mentioned some disadvantages for FirstNet's being fully independent. For example, as a fully independent entity, FirstNet would need to either retain the mission-support services (e.g., financial and legal support) that it currently receives from the Department of Commerce, or be in a position to perform those services itself with the necessary authority, according to FirstNet officials. They also noted that as a fully independent entity, they could lose oversight from the Department of Commerce's Office of Inspector General, and that other oversight and accountability mechanisms would need to be considered. We previously found that effective accountability and transparency are key to successfully implementing public sector policies and programs and supporting public entities' objectives in federal agencies that include independent entities.<sup>51</sup> The Consolidated Appropriations Act, 2021 appropriated \$2 million to the Department of Commerce's Office of Inspector General to oversee FirstNet activities.<sup>52</sup> FirstNet officials noted three options to pay for an oversight mechanism: (1) continued appropriations to have the Department of Commerce's Office of Inspector General oversee FirstNet's activities; (2) appropriations to create and operate a new oversight mechanism; or (3) FirstNet could pay for the creation and

---

<sup>51</sup> [GAO-10-97](#).

<sup>52</sup> The Consolidated Appropriations Act, 2021 appropriated \$2 million from the Public-Safety Trust Fund to remain available until expended. Pub. L. No. 116-260, div. B., tit. I, 134 Stat. 1182, 1242-43 (2020).

---

operation of a new oversight mechanism from its budget or pay for Department of Commerce's Office of Inspector General activities through an interagency agreement.

---

### Option to Transfer FirstNet's Responsibilities to One or More Agencies

Another option to ensure the oversight and management of the network is to let FirstNet sunset and transfer statutory and contract responsibilities currently performed by FirstNet to another federal agency or agencies. However, FirstNet officials and many stakeholders told us that this option has several disadvantages and no clear advantages. Specifically:

- **Potential new costs and unneeded risk to the network contract with AT&T.** If FirstNet sunsets and another federal agency (or agencies) take on FirstNet's statutory and contract responsibilities, then the contract with AT&T could be modified and the federal government could incur additional new cost, according to FirstNet officials. They emphasized that the federal agency (or agencies) taking on FirstNet's responsibilities, could make material modifications to the contract that could lead to renegotiations with AT&T, and that the federal government might need to compensate AT&T for any potential contract changes. The officials further noted that the source of funding to pay for any new costs, such as transitioning to another federal agency, is unclear given that the 2012 Act requires FirstNet to invest any revenues into the network, as previously mentioned.<sup>53</sup> AT&T representatives we contacted also emphasized that without reauthorizing FirstNet and letting it sunset, unneeded uncertainties could be interjected on the continuity of the network. A few stakeholders noted that distributing the responsibilities to another agency or multiple agencies could be problematic for contract oversight, requiring more coordination, which may also lead to inefficiencies.
- **Loss of subject matter expertise.** Some subject matter expertise might be lost transferring FirstNet's statutory and contract responsibilities to another federal agency or agencies, according to FirstNet officials. However, it is unknown the extent to which subject matter expertise might be lost. FirstNet currently employs experts in: network contract oversight, compliance, and verification; wireless telecommunications regulations and engineering, including radio access; device, applications, and services; public-safety outreach; local, state, and federal intergovernmental and tribal relations; and investment, among other areas of expertise. Officials commented that FirstNet's subject matter experts are responsible for the day-to-day

---

<sup>53</sup> 2012 Act § 6208(d).

---

oversight of the network and its related activities and that the continued success rests on the shoulders of these experts. We previously reported the importance of determining whether the needed resources and capacity, including the skills and competencies of the workforce, are in place for any proposed reforms.<sup>54</sup> FirstNet officials emphasized that the new federal agency or agencies would need to have the same level of expertise as FirstNet for a seamless transfer of responsibilities.

- **Unclear funding model and source for transitional cost.** Congress may need to establish a funding mechanism for the federal agency or agencies to develop their own version of managing and developing the network. FirstNet officials commented that it is unclear how the current requirements and responsibilities specifically assigned to FirstNet under the 2012 Act (i.e., that FirstNet be self-funding and reinvest fees in the network) would apply to an existing federal agency or agencies. Officials told us that additional costs, such as staff training and integration, may also be incurred by the federal agency or agencies, and that Congress may need to appropriate funds to pay for those costs related to organizational and management changes.

Organizational transformations, such as changing the oversight and management functions of the network, could take many years to fully implement, affect productivity and morale in the short term, and may require up-front investments.<sup>55</sup> Letting FirstNet sunset and transferring the statutory responsibilities to another agency or agencies would certainly result in some costs, as described above—although the magnitude of such costs are unclear— and no clear benefits have been identified.

---

## Conclusions

The 2012 Act provided FirstNet with many powers, duties, and responsibilities to develop a nationwide public-safety broadband network that has the potential to save lives every day. However, without congressional action on FirstNet’s key statutory responsibilities described in this report, it is unclear how the federal government will continue to oversee network operations and the network’s required enhancements when FirstNet’s authority sunsets. Given the interconnectedness of FirstNet’s ongoing key statutory responsibilities, dispersing these responsibilities among multiple federal agencies might complicate oversight, add complexity to continuing network operations, and lead to inefficiencies. As Congress considers the various options for managing

---

<sup>54</sup> [GAO-18-427](#).

<sup>55</sup> [GAO-19-122](#).

---

the network, and their inherent advantages and disadvantages, it will be important to take some legislative actions, at the minimum, to ensure network continuity. Without any legislative action, the continued operation of the network would be jeopardized and could result in significant disruption for first responders who rely on the network for emergency response.

---

## Matter for Congressional Consideration

Congress should consider reauthorizing FirstNet, including different options for its placement, and provide it with authority to:

- hold the single spectrum license for Band 14 for public-safety use;
- administer and oversee the network contract;
- manage network updates and fee revenue reinvestments; and
- maintain a public-safety advisory committee to conduct public-safety outreach and consultation. (Matter for Consideration 1)

---

## Agency Comments

We provided a draft of this report to the Department of Commerce, NTIA, and FirstNet for review and comment. FirstNet provided written comments (through NTIA), which are reprinted in appendix I. The Department of Commerce and FirstNet also provided technical comments, which we incorporated as appropriate.

We are sending copies of this report to the appropriate congressional committees, the Chief Executive Officer of FirstNet, the Secretary of Commerce, and other interested parties. In addition, the report is available at no charge on the GAO website at <https://www.gao.gov>.

If you or your staff have any questions about this report, please contact me at (202) 512-2834 or [vonaha@gao.gov](mailto:vonaha@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made key contributions to this report are listed in appendix II.



Andrew Von Ah  
Director, Physical Infrastructure Issues

# Appendix I: Comments from the First Responder Network Authority



February 4, 2022

Mr. Andrew Von Ah  
Director, Physical Infrastructure  
U.S. Government Accountability Office  
441 G Street, NW  
Washington, DC 20548

Dear Mr. Von Ah:

Thank you for providing the First Responder Network Authority (FirstNet Authority) with the opportunity to provide this letter regarding the Government Accountability Office (GAO) report entitled: *PUBLIC-SAFETY BROADBAND NETWORK; Federal Action Required to Ensure Network Continuity* (GAO-22-104915).

The framework Congress created for the FirstNet program was groundbreaking. A new independent federal authority was provided \$7 billion in federal funding and allocated 20 MHz of spectrum. The task given to the FirstNet Authority was to take those resources, establish the Nationwide Public Safety Broadband Network (NPSBN), and become self-funding by entering into a public-private arrangement with a commercial entity to build, operate, and maintain the NPSBN.

As of today, the initial construction of the NPSBN is nearly complete and is serving public safety users throughout the country. Yet, there is more critical work to do, including FirstNet Authority continued oversight of the 25-year agreement (its period of performance ends in 2042) to build, operate, and maintain the NPSBN and, from fees paid by the NPSBN Contractor, the investment of an additional \$15 billion in further construction, maintenance, operation, and improvement of the NPSBN for first responders and other public safety users. The FirstNet Authority is suited to continue the vital mission that it was tasked with and will continue to meet the needs and expectations of public safety.

Finally, I would like to thank you and your team at the GAO for your work on this report.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Parkinson".

Edward Parkinson  
Chief Executive Officer

---

First Responder Network Authority • 12201 Sunrise Valley Drive, M/S 243 • Reston, VA 20192 • FirstNet.gov

---

# Appendix II: GAO Contact and Staff Acknowledgments

---

## GAO Contact

Andrew Von Ah at (202) 512-2834 or [vonaha@gao.gov](mailto:vonaha@gao.gov)

---

## Staff Acknowledgments

In addition to the contact named above, Sally Moino (Assistant Director); Jennifer Kim (Analyst in Charge); Jennifer Dougherty; Taneeka Hansen; Lois Hanshaw; Josh Ormond; Camilo Flores; Nalylee Padilla; Pamela Snedden; Janet Temko-Blinder; Hai Tran; Sarah Veale; Michelle Weathers; Tatiana Winger; and Elizabeth Wood made key contributions to this report.

---

---

## GAO's Mission

The Government Accountability Office, the audit, evaluation, and investigative arm of Congress, exists to support Congress in meeting its constitutional responsibilities and to help improve the performance and accountability of the federal government for the American people. GAO examines the use of public funds; evaluates federal programs and policies; and provides analyses, recommendations, and other assistance to help Congress make informed oversight, policy, and funding decisions. GAO's commitment to good government is reflected in its core values of accountability, integrity, and reliability.

---

## Obtaining Copies of GAO Reports and Testimony

The fastest and easiest way to obtain copies of GAO documents at no cost is through our website. Each weekday afternoon, GAO posts on its [website](#) newly released reports, testimony, and correspondence. You can also [subscribe](#) to GAO's email updates to receive notification of newly posted products.

---

## Order by Phone

The price of each GAO publication reflects GAO's actual cost of production and distribution and depends on the number of pages in the publication and whether the publication is printed in color or black and white. Pricing and ordering information is posted on GAO's website, <https://www.gao.gov/ordering.htm>.

Place orders by calling (202) 512-6000, toll free (866) 801-7077, or TDD (202) 512-2537.

Orders may be paid for using American Express, Discover Card, MasterCard, Visa, check, or money order. Call for additional information.

---

## Connect with GAO

Connect with GAO on [Facebook](#), [Flickr](#), [Twitter](#), and [YouTube](#).  
Subscribe to our [RSS Feeds](#) or [Email Updates](#). Listen to our [Podcasts](#).  
Visit GAO on the web at <https://www.gao.gov>.

---

## To Report Fraud, Waste, and Abuse in Federal Programs

Contact FraudNet:

Website: <https://www.gao.gov/about/what-gao-does/fraudnet>

Automated answering system: (800) 424-5454 or (202) 512-7700

---

## Congressional Relations

A. Nicole Clowers, Managing Director, [ClowersA@gao.gov](mailto:ClowersA@gao.gov), (202) 512-4400, U.S. Government Accountability Office, 441 G Street NW, Room 7125, Washington, DC 20548

---

## Public Affairs

Chuck Young, Managing Director, [youngc1@gao.gov](mailto:youngc1@gao.gov), (202) 512-4800  
U.S. Government Accountability Office, 441 G Street NW, Room 7149  
Washington, DC 20548

---

## Strategic Planning and External Liaison

Stephen J. Sanford, Managing Director, [spel@gao.gov](mailto:spel@gao.gov), (202) 512-4707  
U.S. Government Accountability Office, 441 G Street NW, Room 7814,  
Washington, DC 20548

