



441 G St. N.W.
Washington, DC 20548

B-337239

March 25, 2025

The Honorable Ted Cruz
Chairman
The Honorable Maria Cantwell
Ranking Member
Committee on Commerce, Science, and Transportation
United States Senate

The Honorable Brett Guthrie
Chairman
The Honorable Frank Pallone, Jr.
Ranking Member
Committee on Energy and Commerce
House of Representatives

Subject: *Federal Communications Commission: Unlicensed Use of the 6 GHz Band; Expanding Flexible Use in Mid-Band Spectrum Between 3.7 and 24 GHz*

Pursuant to section 801(a)(2)(A) of title 5, United States Code, this is our report on a major rule promulgated by the Federal Communications Commission (FCC) entitled “Unlicensed Use of the 6 GHz Band; Expanding Flexible Use in Mid-Band Spectrum Between 3.7 and 24 GHz” (FCC 24-125). We received the rule on March 10, 2025. It was published in the *Federal Register* on March 6, 2025. 90 Fed. Reg. 11373. The stated effective date of the rule is May 5, 2025.

According to FCC, this rule expands unlicensed very low power (VLP) device operation to the entire 6 gigahertz (GHz) band (5.925–7.125 megahertz (MHz)). FCC stated that VLP devices will operate with the same power levels and other technical and operational requirements that apply to VLP devices in the U-NII-5 (5.925–6.425 MHz) and U-NII-7 (6.525–6.875 MHz) portions of the 6 GHz band. FCC also stated that these technical and operational requirements are designed to prevent the licensed services that operate in the 6 GHz band from experiencing harmful interference.

The Congressional Review Act (CRA) requires a 60-day delay in the effective date of a major rule from the date of publication in the *Federal Register* or receipt of the rule by Congress, whichever is later. 5 U.S.C. § 801(a)(3)(A). This rule was published in the *Federal Register* on March 6, 2025. 90 Fed. Reg. 11373. FCC provided documentation showing the House of Representatives and the Senate received the rule on March 7, 2025. Email from FCC to GAO, *Subject: CRA Submission for FCC 24-125 (Major Item) & Delivery Confirmation* (Mar. 10, 2025). The stated effective date of the rule is May 5, 2025. Therefore, the stated effective date is less than 60 days from the date of receipt by Congress.

Enclosed is our assessment of FCC's compliance with the procedural steps required by section 801(a)(1)(B)(i) through (iv) of title 5 with respect to the rule. If you have any questions about this report or wish to contact GAO officials responsible for the evaluation work relating to the subject matter of the rule, please contact Charlie McKiver, Assistant General Counsel, at (202) 512-5992.

A handwritten signature in black ink that reads "Shirley A. Jones". The signature is written in a cursive style with a large initial 'S' and a long, sweeping tail on the 'J'.

Shirley A. Jones
Managing Associate General Counsel

Enclosure

cc: Michael Ha
Policy and Rules Division Chief
Federal Communications Commission

REPORT UNDER 5 U.S.C. § 801(a)(2)(A) ON A MAJOR RULE
ISSUED BY THE
FEDERAL COMMUNICATIONS COMMISSION
ENTITLED
“UNLICENSED USE OF THE 6 GHZ BAND;
EXPANDING FLEXIBLE USE IN MID-BAND SPECTRUM BETWEEN 3.7 AND 24 GHZ”
(FCC 24-125)

(i) Cost-benefit analysis

The Federal Communications Commission (FCC) discussed the costs and benefits of this rule. See 90 Fed. Reg. 11373, 11387–11388 (Mar. 6, 2025). FCC stated that because any changes to the design of very low power (VLP) devices will be voluntary for device manufacturers, the rule does not have net cost implications for the existing unlicensed devices ecosystem. *Id.* at 11388. FCC also stated that by enabling VLP devices to operate in the U-NII-6 and U-NII-8 portions of the 6 gigahertz band, significant economic benefits will be bestowed on the American public. *Id.*

(ii) Agency actions relevant to the Regulatory Flexibility Act (RFA), 5 U.S.C. §§ 603–605, 607, and 609

FCC prepared a Final Regulatory Flexibility Analysis (FRFA), which is included in Appendix B of the *Third Report and Order*. 90 Fed. Reg. 11373. The analysis included (1) a statement of the need for, and objectives of, the *Third Report and Order*; (2) a summary of significant issues raised by public comments in response to the Initial Regulatory Flexibility Analysis; (3) response to comments by the Chief Counsel for Advocacy of the Small Business Administration; (4) a description and estimate of the number of small entities to which the rules will apply; (5) a description of projected reporting, recordkeeping, and other compliance requirements for small entities; (6) steps taken to minimize the significant economic impact on small entities and significant alternatives considered; and (7) a statement that FCC will provide a report to Congress that includes the FRFA.

(iii) Agency actions relevant to sections 202–205 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. §§ 1532–1535

As an independent regulatory agency, FCC is not subject to the Act.

(iv) Other relevant information or requirements under acts and executive orders

Administrative Procedure Act, 5 U.S.C. §§ 551 *et seq.*

On February 26, 2024, FCC published a proposed rule. 89 Fed. Reg. 14015. FCC summarized and responded to comments in this rule. See 90 Fed. Reg. at 11375–11387.

Paperwork Reduction Act (PRA), 44 U.S.C. §§ 3501–3520

FCC determined this rule does not contain an information collection subject to PRA. 90 Fed. Reg. at 11373.

Statutory authorization for the rule

FCC promulgated this rule pursuant to sections 154, 302a, 303, 304, 307, 336, 544a, and 549 of title 47, United States Code. See 90 Fed. Reg. at 11388.

Executive Order No. 12866 (Regulatory Planning and Review)

As an independent regulatory agency, FCC is not subject to the Order.

Executive Order No. 13132 (Federalism)

As an independent regulatory agency, FCC is not subject to the Order.