



B-286233

September 21, 2000

The Honorable John McCain  
Chairman  
The Honorable Ernest F. Hollings  
Ranking Minority Member  
Committee on Commerce, Science, and Transportation  
United States Senate

The Honorable Thomas J. Bliley, Jr.  
Chairman  
The Honorable John D. Dingell  
Ranking Minority Member  
Committee on Commerce  
House of Representatives

Subject: Federal Communications Commission: Competitive Bidding Procedures

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 "Competitive Bidding Procedures" (WT Docket No. 97-82; FCC 00-274). We received the rule on September 6, 2000. It was published in the Federal Register as a final rule on August 29, 2000. 65 Fed. Reg. 52323.

The final rule amends the FCC's general competitive bidding rules for all auctionable services.

Enclosed is our assessment of the 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. Our review indicates that the FCC, with the exception of the following discussion of the effective date, complied with the applicable requirements.

The final rule has an announced effective date of October 30, 2000. The Congressional Review Act requires a major rule to have a 60-day delay in its effective date following publication in the Federal Register or receipt of the rule by Congress, whichever is later. 5 U.S.C. 801(a)(3)(A). The Congress did not receive the rule until September 6, 2000, which means the final rule will not have the required 60-day delay in the effective date.

If you have any questions about this report, please contact James W. Vickers, Assistant General Counsel, at (202) 512-8210. The official responsible for GAO evaluation work relating to the subject matter of the rule is Stan Czerwinski, Associate Director, Housing and Community Development Issues. Mr. Czerwinski can be reached at (202) 512-7631.

Anthony H. Gamboa  
Acting General Counsel

Enclosure

cc: Ms. Diane Cornell  
Associate Chief  
Wireless Telecommunications  
Federal Communications Commission

ANALYSIS UNDER 5 U.S.C. § 801(a)(1)(B)(i)-(iv) OF A MAJOR RULE  
ISSUED BY THE  
FEDERAL COMMUNICATIONS COMMISSION  
ENTITLED  
"COMPETITIVE BIDDING PROCEDURES"  
(WT DOCKET NO. 97-82; FCC 00-274)

(i) Cost-benefit analysis

The FCC is not required to prepare and did not prepare a cost-benefit analysis of the final rule.

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

The FCC prepared both an Initial Regulatory Flexibility Analysis and a Final Regulatory Flexibility Analysis in connection with the proposed rulemaking and the final rule, respectively.

The analyses comply with the Act and provide the required information concerning the reason and legal basis for the rule, a description of the number of small entities affected by the rule, and the steps taken to minimize the burdens on small entities.

(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, the FCC is not subject to the Unfunded Mandates Reform Act of 1995.

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

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

The final rule was issued using the notice and comment procedures contained at 5 U.S.C. 553. On March 21, 1997, a Notice of Proposed Rulemaking was published in the Federal Register. 62 Fed. Reg. 13570. On January 7, 1998, a Further Notice of Proposed Rulemaking was published at 63 Fed. Reg. 770. In the preamble to the final rule, the FCC discusses the comments it received in response to the Notices.

Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520

The final rule contains a modification to an existing information collection, which has already been approved by the Office of Management and Budget. The FCC requests comments on the modification as required by the Paperwork Reduction Act.

**Statutory authorization for the rule**

**The final rule is issued pursuant to the authority contained in sections 4(i), 5(b), 5(c)(1), 303(r), and 309(j) of the Communications Act of 1934, as amended.**

**Executive Order No. 12866**

**As an independent regulatory agency, the FCC is not subject to the review requirements of the order.**