



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

B-338158

March 23, 2026

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 26-1). We received the rule on February 19, 2026. It was published in the *Federal Register* on February 25, 2026. 91 Fed. Reg. 9140. The stated effective date of the rule is April 27, 2026.

According to FCC, this rule allows unlicensed geofenced variable power (GVP) devices to operate in the U-NII-5 (5.925-6.425 GHz) and U-NII-7 (6.525-6.875 GHz) portions of the 6 GHz band (5.925-7.125 GHz) at up to 11 dBm/MHz EIRP power spectral density and 24 dBm EIRP. 91 Fed. Reg. at 9141. FCC stated in the rule that GVP devices must work in tandem with a geofencing system to minimize the likelihood of a significant risk of harmful interference to licensed fixed microwave links and radio astronomy observatories. *Id.*

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). The rule was published in the *Federal Register* on February 25, 2026. 91 Fed. Reg. 9140 (Feb. 25, 2026). This rule was received by the Senate on February 24, 2026. 172 Cong. Rec. S741, S761 (daily ed. Mar. 3, 2026). The rule was received by the House of Representatives on March 2, 2026. 172 Cong. Rec. H2553, H2594 (daily ed. Mar. 18, 2026). The stated effective date of the rule is April 27, 2026. Therefore, the stated effective date of the rule 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 me (202) 512-8156.

A handwritten signature in black ink that reads "Shirley A. Jones". The signature is written in a cursive, flowing style.

Shirley A. Jones  
Managing Associate General Counsel

Enclosure

cc: Andrew C. Hendrickson  
Chief, Office of Engineering and Technology  
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 26-1)

(i) Cost-benefit analysis

The Federal Communications Commission (FCC) prepared an estimate of the costs and benefits of this rule. 91 Fed. Reg. 9140, 9165 (Feb. 25, 2026). According to FCC, the rule will impose no additional costs on the public and that while manufacturers and users may incur costs in setting up the new geofenced variable power (GVP) ecosystem, these costs will be voluntarily incurred and thus will not result in a private cost without a countervailing private benefit. *Id.* Additionally, FCC stated in the rule that it anticipates the rule will yield substantial benefits, including an estimated annual benefit of \$20 million during a five-year period. *Id.* According to FCC, GVP use may yield benefits much higher than \$100 million over a longer time horizon. *Id.*

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

FCC determined that this rule will have a significant economic impact on a substantial number of small entities, and prepared a Final Regulatory Flexibility Analysis. See 91 Fed. Reg. at 9141.

(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.*

In its submission to us, FCC indicated that it published a proposed rule on February 26, 2024, 89 Fed. Reg. 14015, and that it addressed public comments in this rule.

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

FCC determined that this rule contains no new or modified information collection requirements under the Act. 91 Fed. Reg. at 9141.

Statutory authorization for the rule

FCC promulgated this rule pursuant to sections 151, 154, 155, 225, 302a, 303, 304, 307, 336, 409, 544a, 549, and 1754 of title 47, United States Code.

Executive Order No. 12866 (Regulatory Planning and Review)

In its submission to us, FCC stated that the Order is not applicable to this rule.

Executive Order No. 13132 (Federalism)

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