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August 11, 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: Upper C-band (3.98–4.2 GHz); Expanding Flexible Use of the 3.7 to 4.2 GHz Band*

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 “Upper C-band (3.98–4.2 GHz); Expanding Flexible Use of the 3.7 to 4.2 GHz Band” (FCC 26-46).

We received the rule on July 27, 2026. It was published in the *Federal Register* on July 31, 2026. 91 Fed. Reg. 48700. The effective date of the rule is September 29, 2026, except for instruction 7 (§§ 25.138(a) and (b)); instruction 8 (§ 25.147); instruction 17 § (27.14(x)(3)); instruction 26 (§ 27.1412(b), (c), (e), and (g)); instruction 28 (§ 27.1413(a)(3), (c)(1), (c)(9), (e) and (f)); instruction 30 (§ 27.1414(e)); instruction 31 (§ 27.1415); instruction 32 (§ 27.1416); instruction 33 (§ 27.1417); instruction 35 (§ 27.1419); instruction 37 (§ 27.1421); instruction 39 (§ 27.1422(c)); and instruction 41 (§ 27.1424) of the rule that will not become effective until the effective date of related information collections are announced in a document published in the *Federal Register* after FCC receives approval from the Office of Management and Budget.

According to FCC, this rule adopts a *Report and Order*, *Order of Proposed Modification*, and *Order on Reconsideration (Order)* that expands the ecosystem for next generation wireless services in the 3.7–4.2 GHz band by making 160 megahertz of the 3.98–4.2 GHz band available for terrestrial wireless flexible use. FCC stated that this action is pursuant to Congress’ direction in the One Big Beautiful Bill Act to complete a system of competitive bidding by July 4, 2027, for at least 100 megahertz of spectrum in the 3.98–4.2 GHz band. Additionally, FCC stated that the *Order* creates a single 3.7 GHz Service that spans 3.7–4.14 GHz and adopts competitive bidding procedures for an auction.

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 at (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: Cathy Williams
Supervisory, Program Analyst
Federal Communications Commission

REPORT UNDER 5 U.S.C. § 801(a)(2)(A) ON A MAJOR RULE
ISSUED BY THE
FEDERAL COMMUNICATIONS COMMISSION
ENTITLED
“UPPER C-BAND (3.98–4.2 GHZ);
EXPANDING FLEXIBLE USE OF THE 3.7 TO 4.2 GHZ BAND”
(FCC 26-46)

(i) Cost-benefit analysis

In its submission to us, the Federal Communications Commission (FCC) indicated that it included an analysis of the costs and benefits of this rule as part of its *Report and Order*. See *Expanding Flexible Use of the 3.7 to 4.2 GHz Band*, GN Docket Nos. 25-59, 18-122, *Report and Order*, *Order of Proposed Modification*, and *Order on Reconsideration*, FCC 26-46 (2026) (Order). FCC estimated the present value of benefits discounted over ten years would be \$66.2 billion to \$326.2 billion using a 3 percent discount rate and \$40.2 billion to \$191.5 billion using a 7 percent discount rate. *Id.* at Appendix D. FCC estimated the present value of costs discounted over ten years would be \$13.4 to \$14.3 billion using a 3 percent discount rate and \$11.7 to \$12.6 billion using a 7 percent discount rate. *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 substantial numbers of small entities and prepared a Final Regulatory Flexibility Analysis. See 91 Fed. Reg. 48700, 48730 (July 31, 2026).

(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 December 5, 2025, FCC published a proposed rule. 90 Fed. Reg. 56076. FCC summarized and responded to comments in this rule. See 90 Fed. Reg. at 48702–31.

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

FCC stated that this rule contains new or modified information collection requirements under PRA and that it plans to submit such requirements to the Office of Management and Budget for review. 90 Fed. Reg. at 48730.

Statutory authorization for the rule

FCC promulgated this rule pursuant to sections 151, 152, 154(i), 301, 302a(a), 303, 304, 307, 309, 316 and 403 of title 47, United States Code; and section 40002 of Pub. L. No. 119-21, 139 Stat. 72 (July 4, 2025).

Executive Order No. 12866 (Regulatory Planning and Review)

FCC stated that this rule has been determined to be significant under section 3(f)(1) of Executive Order No. 12866 and has been reviewed by the Office of Management and Budget. *See Order*, at 95.

Executive Order No. 13132 (Federalism)

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