

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

B-333013

February 22, 2021

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.  
Chairman  
The Honorable Cathy McMorris Rodgers  
Ranking Member  
Committee on Energy and Commerce  
House of Representatives

Subject: *Federal Communications Commission: Unlicensed Use of the 6 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 (Commission) entitled “Unlicensed Use of the 6 GHz Band” (FCC 20-51).<sup>1</sup> We received the rule on May 22, 2020. It was published in the *Federal Register* as a final rule on May 26, 2020. 85 Fed. Reg. 31390. The effective date of the rule is July 27, 2020.

According to the Commission, the final rule authorizes unlicensed standard-power access points in the U-NII-5 and U-NII-7 bands through use of an automated frequency coordination system. The Commission further stated the final rule opens the entire 6 GHz band for unlicensed indoor low power access points. By authorizing use of the entire 6 GHz band for this type of use, the Commission stated the final rule would provide opportunities for unlicensed operations to use up to 320-megahertz channels to expand capacity and performance capabilities.

Enclosed is our assessment of the Commission’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

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<sup>1</sup> The due date for this major rule report was June 12, 2020. Due to a processing error on our part, we are delayed in our issuance of this report.

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 Shari Brewster, Assistant General Counsel, at (202) 512-6398.

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: Ronald T. Repasi  
Acting 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”  
(FCC 20-51)

(i) Cost-benefit analysis

In its submission to us, the Federal Communications Commission (Commission) indicated it considered the preparation of an analysis of the costs and benefits of the final rule to be not applicable.

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

The Commission prepared a Final Regulatory Analysis. The analysis contained: (1) a statement of the need for, and objectives of the proposed rule; (2) a summary of the summary of significant issues raised by public comments in response to the Supplemental Initial Regulatory Flexibility Analysis; (3) a description and estimate of the number of small entities to which rules will apply; (4) a description of projected reporting, recordkeeping, and other compliance requirements for small entities; and (5) a summary of steps taken to minimize the significant economic impact on small entities and significant alternatives considered.

(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 Commission is not subject to the requirements of 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 17, 2018, the Commission published a proposed rule. 83 Fed. Reg. 64506. The Commission received comments on the proposed rule and addressed them in the final rule.

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

The Commission determined the final rule does not contain new or modified information collection requirements subject to the Act.

Statutory authorization for the rule

The Commission promulgated the final rule pursuant to sections 154, 155, 302a, 303, 304, 307, 336, 544a, and 549 of title 47, United States Code.

Executive Order No. 12866 (Regulatory Planning and Review)

As an independent regulatory agency, the Commission is not subject to the requirements of the Order.

Executive Order No. 13132 (Federalism)

As an independent regulatory agency, the Commission is not subject to the requirements of the Order.