



B-285992

August 15, 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: Extending Wireless
Telecommunications Services to Tribal Lands

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 "Extending Wireless Telecommunications Services to Tribal Lands" (FCC 00-209). We received the rule on July 14, 2000. It was published in the Federal Register as a final rule on August 2, 2000. 65 Fed. Reg. 47349.

The final rule provides incentives for wireless telecommunications carriers to serve individuals living on tribal lands.

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 complied with the applicable requirements.

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 Stanley Czerwinski,

Associate Director, Housing and Community Development Issues. Mr. Czerwinski can be reached at (202) 512-7631.

**Robert P. Murphy
General Counsel**

Enclosure

**cc: Mr. Thomas J. Sugrue
Chief, Wireless Telecommunications Bureau
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
"EXTENDING WIRELESS TELECOMMUNICATIONS SERVICES
TO TRIBAL LANDS"
(RIN: FCC 00-209)

(i) Cost-benefit analysis

The FCC was 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 an Initial and a Final Regulatory Flexibility Analysis in connection with the proposed and final rule, respectively. The final analysis contained in the preamble to the final rule discusses the steps taken to minimize the impact on small entities, including changes in the tribal consent requirement and the deployment of facilities. In the final analysis, FCC also responds to concerns raised by the Small Business Administration about assessments made in the initial analysis by the FCC.

(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 title II of 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 August 18, 1999, the FCC published in the Federal Register (64 Fed. Reg. 49128) a Notice of Proposed Rulemaking. In the preamble to the final rule, the FCC responds to the comments it received.

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

The final rule contains an information collection that is subject to review by the Office of Management and Budget. The additional certifications which an entity must make to receive the bidding credits available, according to the FCC, are

straightforward and should not require technical analyses. The FCC estimates that each response will take 2 hours at an in-house staff cost of \$50 per hour.

Statutory authorization for the rule

The final rule was issued pursuant to the authority contained in sections 1, 4(i), 303(r), and 309(j) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 303(r), 309(j).

Executive Order No. 12866

As the rule is promulgated by an independent regulatory agency, it is not subject to the review requirements of E.O. 12866.