

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

B-333702

November 1, 2021

The Honorable Debbie Stabenow
Chairwoman
The Honorable John Boozman
Ranking Member
Committee on Agriculture, Nutrition, and Forestry
United States Senate

The Honorable David Scott
Chairman
The Honorable Glenn Thompson
Ranking Member
Committee on Agriculture
House of Representatives

Subject: *Department of Agriculture, Rural Utilities Service: Rural eConnectivity Program*

Pursuant to section 801(a)(2)(A) of title 5, United States Code, this is our report on a major rule promulgated by the Department of Agriculture, Rural Utilities Service (RUS) entitled "Rural eConnectivity Program" (Docket Number: RUS-21-Telecom-0010). We received the rule on October 20, 2021. It was published in the *Federal Register* as a funding opportunity announcement (FOA) on October 25, 2021. 86 Fed. Reg. 58860. The effective date of this FOA is December 27, 2021.

According to RUS, it is issuing this FOA to announce that it is accepting applications for fiscal year 2022 for the Rural eConnectivity Program. RUS stated that this FOA defines requirements that are determined at the time a funding announcement is published, as outlined in the regulation. RUS also stated that as part of this announcement, it is also informing potential applicants and other interested parties about its intention to seek information on a topic that will help inform future funding announcements.

Enclosed is our assessment of RUS'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 Shari Brewster, Assistant General Counsel, at (202) 512-6398.



Shirley A. Jones
Managing Associate General Counsel

Enclosure

cc: Michele Brooks
Director, Regulations Management Division
Rural Development Innovation Center
Department of Agriculture

ENCLOSURE

REPORT UNDER 5 U.S.C. § 801(a)(2)(A) ON A MAJOR RULE
ISSUED BY THE
DEPARTMENT OF AGRICULTURE,
RURAL UTILITIES SERVICE
ENTITLED
"RURAL eCONNECTIVITY PROGRAM"
(RUS-21-TELECOM-0010)

(i) Cost-benefit analysis

In its submission to us the Department of Agriculture, Rural Utilities Service (RUS) indicated that a cost and benefit analysis is not applicable to this funding opportunity announcement (FOA).

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

In its submission to us RUS indicated that the RFA is not applicable to this FOA.

(iii) Agency actions relevant to sections 202-205 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. §§ 1532–1535

In its submission to us RUS indicated that the Act is not applicable to this FOA.

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

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

RUS stated that it has implemented the Rural eConnectivity Program by issuing FOAs. RUS also stated that the first FOA was published December 14, 2018. 83 Fed. Reg. 64315. RUS stated further that the second FOA was published December 12, 2019, and it included a request for comments. 84 Fed. Reg. 67913. RUS noted that the policies and procedures for the Rural eConnectivity Program was issued in a final rule published in the *Federal Register* on February 26, 2021. 86 Fed. Reg. 11603. In that final rule, RUS stated that it received comments from six respondents. RUS also stated that the respondents included one company, three internet/television associations, one state board, and one individual. In the final rule, RUS stated further that it reviewed and analyzed each response.

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

According to RUS, the information collection requirements associated with the ReConnect Program, as covered in this FOA, have been approved by the Office of Management and Budget (OMB) under OMB Control Number 0572-0152. In addition, RUS stated that this funding announcement does not create any new information collection requirements nor does it change existing information collection requirements.

Statutory authorization for the rule

RUS promulgated this FOA pursuant to sections 901 *et seq.* of title 7, United States Code and Public Law 115–141.

Executive Order No. 12866 (Regulatory Planning and Review)

In its submission to us RUS indicated that the Order is not applicable to this FOA.

Executive Order No. 13132 (Federalism)

In its submission to us RUS indicated that the Order is not applicable to this FOA.