



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

B-334572

August 30, 2022

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: *U.S. Department of Agriculture, Commodity Credit Corporation, Rural  
Business-Cooperative Service: Notice of Funding Opportunity for the Higher  
Blends Infrastructure Incentive Program (HBIIIP) for Fiscal Year 2022*

Pursuant to section 801(a)(2)(A) of title 5, United States Code, this is our report on a major rule promulgated by the U.S. Department of Agriculture (USDA), Commodity Credit Corporation (CCC) and Rural Business-Cooperative Service (RBCS) entitled “Notice of Funding Opportunity for the Higher Blends Infrastructure Incentive Program (HBIIIP) for Fiscal Year 2022” (RBS-22-BUSINESS-0006). We received the rule on August 25, 2022. It was published in the *Federal Register* as a notice on August 23, 2022. 87 Fed. Reg. 51641. In its submission to us, USDA stated the effective date is not before November 21, 2022.

The notice, according to CCC and RBCS, announces the application window and availability of approximately \$100 million in competitive grants to eligible entities for activities designed to expand the sales and use of renewable fuels under the HBIIIP. CCC and RBCS stated that cost-share grants of up to 50 percent of total eligible project costs but not more than \$5 million will be made available to assist transportation fueling and fuel distribution facilities with converting to higher blend friendly status for ethanol and biodiesel by sharing the costs related to the installation, and/or retrofitting, and/or otherwise upgrading of dispenser/pumps, related equipment, and infrastructure.

Enclosed is our assessment of USDA’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.

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

REPORT UNDER 5 U.S.C. § 801(a)(2)(A) ON A MAJOR RULE  
ISSUED BY THE  
U.S. DEPARTMENT OF AGRICULTURE,  
COMMODITY CREDIT CORPORATION,  
RURAL BUSINESS-COOPERATIVE SERVICE  
ENTITLED  
“NOTICE OF FUNDING OPPORTUNITY FOR THE HIGHER BLENDS  
INFRASTRUCTURE INCENTIVE PROGRAM (HBIIP) FOR FISCAL YEAR 2022”  
(RBS-22-BUSINESS-0006)

(i) Cost-benefit analysis

The U.S. Department of Agriculture (USDA), Commodity Credit Corporation (CCC) and Rural Business-Cooperative Service (RBCS), did not discuss the costs and benefits in this notice. In its submission to us, CCC and RBCS indicated that they considered preparation of an analysis of the costs and benefits of this notice to be not applicable.

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

This notice did not discuss the RFA. In its submission to us, CCC and RBCS indicated that they considered analysis under the RFA to be not applicable.

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

This notice did not discuss the Act. In its submission to us, CCC and RBCS indicated that they considered preparation of a written statement under the Act to be not applicable.

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

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

This notice did not discuss the requirements of the Act.

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

CCC and RBCS stated that this notice does not create any new information collection requirements under the PRA. CCC and RBCS also stated that the information collection requirements associated with the Higher Blends Infrastructure Incentive Program, as covered in the notice, have been approved by the Office of Management and Budget under Control Number 0570-0072.

Statutory authorization for the rule

CCC and RBCS stated that this notice was issued pursuant to 62 Stat. 1070, the CCC Charter Act of 1948, and section 714 of title 15, United States Code.

Executive Order No. 12866 (Regulatory Planning and Review)

CCC and RBCS did not discuss the Order in this notice. In its submission to us, CCC and RBCS indicated that it considered analysis under the Order to be not applicable.

Executive Order No. 13132 (Federalism)

CCC and RBCS did not discuss the Order in this notice. In its submission to us, CCC and RBCS indicated that it considered analysis under the Order to be not applicable.