October 5, 2022

The Honorable Maria Cantwell  
Chairwoman  
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  
Republican Leader  
Committee on Energy and Commerce  
House of Representatives

Subject: Federal Communications Commission: Affordable Connectivity 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 Federal Communications Commission entitled “Affordable Connectivity Program” (FCC 22-64). We received the rule on August 18, 2022. It was published in the Federal Register as a final rule on September 6, 2022. 87 Fed. Reg. 54311. The effective date is November 7, 2022.

According to FCC, the final rule establishes the Affordable Connectivity Outreach Grant Program, which will provide eligible partners grant funds to conduct outreach in support of the Affordable Connectivity Program. The Affordable Connectivity Program was given $14.2 billion in the Infrastructure and Jobs Act. Pub. L. No. 117-58, div. J, title IV, 135 Stat. 429, 1382 (Nov. 15, 2021).

The Congressional Review Act (CRA) requires a 60-day delay in the effective date of a major rule from the date of publication in the Federal Register or receipt of the rule by Congress, whichever is later. 5 U.S.C. § 801(a)(3)(A). The final rule was published in the Federal Register on September 6, 2022. 87 Fed. Reg. 54311. The Senate received the final rule on August 23, 2022. 168 Cong. Rec. S4569 (daily ed. Sept. 13, 2022). However, the House of Representatives received the final rule on September 9, 2022. 168 Cong. Rec. H8377 (daily ed. Oct. 4, 2022). The final rule has a stated effective date of November 7, 2022. Therefore the final rule does not have the required 60-day delay in its effective date.

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

Shirley A. Jones
Managing Associate General Counsel

Enclosure

cc: Trent Harkrader
    Bureau Chief
    Wireline Competition Bureau
    Federal Communications Commission
(i) Cost-benefit analysis

In its submission to us, the Federal Communications Commission (FCC) indicated that it considered 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

FCC determined the final rule will not have a significant economic impact on eligible small entities that voluntarily opt to apply for outreach grants or participate in the Outreach Grant Program as sub-recipients.


As an independent regulatory agency, FCC 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 February 14, 2022, FCC published a proposed rule. 87 Fed. Reg. 8385. FCC received comments on the proposed rule and addressed them in the final rule.

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

FCC determined the final rule did not contain any information collection requirements subject to PRA.

Statutory authorization for the rule

FCC promulgated the final rule pursuant to sections 151, 154, 155, 201, 205, 214, 219, 220, 225, 229, 254, 303, 403, 409, 1004, 1302, 1601–1609, and 1752 of title 47, United States Code.

Executive Order No. 12866 (Regulatory Planning and Review)

As an independent regulatory agency, FCC is not subject to the requirements of the Order.
Executive Order No. 13132 (Federalism)

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