



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

B-334589

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.

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: Trent Harkrader
Bureau Chief
Wireline Competition Bureau
Federal Communications Commission

REPORT UNDER 5 U.S.C. § 801(a)(2)(A) ON A MAJOR RULE
ISSUED BY THE
FEDERAL COMMUNICATIONS COMMISSION
ENTITLED
“AFFORDABLE CONNECTIVITY PROGRAM”
(FCC 22-64)

(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.

(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, 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.