

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

B-333848

December 22, 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 'GT' Thompson  
Ranking Member  
Committee on Agriculture  
House of Representatives

Subject: *Department of Agriculture, Rural Business-Cooperative Service: Notice of Funding Opportunity for the Food Supply Chain Guaranteed Loan 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 (USDA), Rural Business-Cooperative Service entitled "Notice of Funding Opportunity for the Food Supply Chain Guaranteed Loan Program" (Docket Number: RBS-21-Business-0036). We received the rule on December 9, 2021. It was published in the *Federal Register* as a notice on December 9, 2021. 86 Fed. Reg. 70086. The effective date is February 7, 2022.

According to USDA, this final rule announces the availability of approximately \$1,000,000,000 in loan guarantees, applicant and application requirements, and servicing requirements under the Food Supply Chain (FSC) Guaranteed Loan Program for fiscal year 2022. USDA stated that loan guarantees will be made to lenders to facilitate financing to qualified borrowers and projects for the start-up or expansion of activities in the middle of the food supply chain, particularly the aggregation, processing, manufacturing, storage, transportation, wholesaling, or distribution of food, to increase capacity and help create a more resilient, diverse, and secure U.S. food supply chain.

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.



Shirley A. Jones  
Managing Associate General Counsel

Enclosure

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

REPORT UNDER 5 U.S.C. § 801(a)(2)(A) ON A MAJOR RULE  
ISSUED BY THE  
DEPARTMENT OF AGRICULTURE,  
RURAL BUSINESS-COOPERATIVE SERVICE  
ENTITLED  
“NOTICE OF FUNDING OPPORTUNITY FOR THE  
FOOD SUPPLY CHAIN GUARANTEED LOAN PROGRAM”  
(RBS-21-BUSINESS-0036)

(i) Cost-benefit analysis

The Department of Agriculture (USDA), Rural Business-Cooperative Service did not discuss the cost and benefits in the final rule. In its submission to us, USDA indicated that it considered 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

USDA did not discuss the RFA in the final rule. In its submission to us, USDA indicated that it considered analysis under the RFA of the final rule 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

USDA did not discuss the Act in the final rule. In its submission to us, USDA indicated that it considered analysis under the Act of the final rule 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.*

USDA did not discuss the requirements of the Act in the final rule.

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

USDA determined the final rule contained information collection requirements (ICRs) subject to the PRA. The ICR is entitled “Food Supply Chain Guaranteed Loan Program” and is associated with Office of Management and Budget Control Number 0570-NEW. The ICR’s estimated total annual burden is 17,241 hours.

Statutory authorization for the rule

USDA promulgated the final rule pursuant to section 1001 of the American Rescue Plan Act, Public Law 117-2.

Executive Order No. 12866 (Regulatory Planning and Review)

USDA did not discuss the Order in the final rule. In its submission to us, USDA indicated that it considered analysis under the Order of the final rule to be not applicable.

Executive Order No. 13132 (Federalism)

USDA did not discuss the Order in the final rule. In its submission to us, USDA indicated that it considered analysis under the Order of the final rule to be not applicable.