



United States General Accounting Office
Washington, DC 20548

Office of the General Counsel

B-286727

November 14, 2000

The Honorable Richard G. Lugar
Chairman
The Honorable Tom Harkin
Ranking Minority Member
Committee on Agriculture, Nutrition, and Forestry
United States Senate

The Honorable Larry Combest
Chairman
The Honorable Charles W. Stenholm
Ranking Minority Member
Committee on Agriculture
House of Representatives

Subject: Department of Agriculture, Commodity Credit Corporation: 2000 Crop
Agricultural Disaster and Market Assistance

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, Commodity Credit Corporation (CCC), entitled "2000 Crop Agricultural Disaster and Market Assistance" (RIN: 0560-AG18). We received the rule on October 30, 2000. It was published in the Federal Register as a final rule on November 2, 2000. 65 Fed. Reg. 65709.

The final rule implements provisions of the Agricultural Risk Protection Act of 2000 (ARPA) related to oilseeds payments, peanut marketing assistance, honey recourse loans, crop and pasture flood compensation, and the expansion of eligibility for loan deficiency payments, for the 2000 crop year only, to include producers whose cropland is not covered by a production flexibility contract.

Enclosed is our assessment of the CCC's compliance with the procedural steps required by section 801(a)(1)(B)(i) through (iv) of title 5 with respect to the rule. Our review indicates that the CCC complied with the applicable requirements.

If you have any questions about this report, please contact James W. Vickers, Assistant General Counsel, at (202) 512-8210. The official responsible for GAO

evaluation work relating to the subject matter of the rule is Larry Dyckman, Director, Natural Resources and Environment. Mr. Dyckman can be reached at (202) 512-3841.

Kathleen E. Wannisky
Managing Associate General Counsel

Enclosure

cc: Mr. Keith Kelly
Administrator, Farm Service Agency
Department of Agriculture

ANALYSIS UNDER 5 U.S.C. § 801(a)(1)(B)(i)-(iv) OF A MAJOR RULE
ISSUED BY THE
DEPARTMENT OF AGRICULTURE,
COMMODITY CREDIT CORPORATION
ENTITLED
"2000 CROP AGRICULTURAL DISASTER AND MARKET ASSISTANCE"
(RIN: 0560-AG18)

(i) Cost-benefit analysis

Outlays under the programs implemented by the final rule will total approximately \$626 million.

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

Since the final rule was not published as a proposed rule, it is not subject to the requirements of the act.

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

The final rule does not contain an intergovernmental or private sector mandate, as defined in title II, of over \$100 million in any one year.

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

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

Section 263 of ARPA permitted the final rule to be issued without regard to the notice and comment procedures contained in 5 U.S.C. 553.

Likewise, section 263 permitted the Farm Service Agency and the Commodity Credit Corporation to utilize the authority in 5 U.S.C. 808 to make the final rule effective when the agencies determined, thereby negating the 60-day delay in the effective date of a major rule required by 5 U.S.C. 801 to permit congressional review of the rulemaking.

Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520

Section 263 of the ARPA provides that the final rule should be issued as soon as practicable and without regard to the Paperwork Reduction Act.

Statutory authorization for the rule

The final rule is issued pursuant to the authority contained in the Agricultural Risk Protection Act of 2000 (Pub. L. 106-224).

Executive Order No. 12866

The final rule was reviewed by the Office of Management and Budget and determined to be an “economically significant” regulatory action under the order.

Executive Order No. 13132 (Federalism)

The final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.