



Office of the General Counsel

B-282434

April 16, 1999

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: Livestock Assistance 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, Commodity Credit Corporation (CCC), entitled "Livestock Assistance Program" (RIN: 0560-AF59). We received the rule on April 2, 1999. It was published in the Federal Register as a final rule on March 19, 1999. 64 Fed. Reg. 13497.

The final rule provides new terms and conditions for the Livestock Assistance Program (LAP) authorized in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act of 1999 (1999 Act). In counties that have suffered a 40 percent or greater loss of normal grazing as a result of a natural disaster, the LAP will provide emergency feed assistance for losses suffered by livestock producers in calendar year 1998.

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 Vickers, Assistant General Counsel, at (202) 512-8210. The official responsible for GAO evaluation work relating to the Department of Agriculture, Commodity Credit Corporation, is Larry Dyckman, Director, Food and Agriculture Issues. Mr. Dyckman can be reached at (202) 512-5138.

Sincerely yours,

Robert P. Murphy
General Counsel

Enclosure

cc: Mr. Keith Kelly
Executive Vice President
Commodity Credit Corporation
Department of Agriculture

ANALYSIS UNDER 5 U.S.C. § 801(a)(1)(B)(i)-(iv) OF A MAJOR RULE
ISSUED BY
DEPARTMENT OF AGRICULTURE,
COMMODITY CREDIT CORPORATION
ENTITLED
"LIVESTOCK ASSISTANCE PROGRAM"
(RIN: 0560-AF59)

(i) Cost-benefit analysis

There is no indication in the report from the CCC that a cost-benefit analysis was performed. The 1999 Act limits expenditures of the program to \$200 million.

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

Since the final rule was issued without the issuance of a notice of proposed rulemaking, the provisions of the Regulatory Flexibility Act are not applicable.

(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 contains no federal mandates under the provisions of title II of the Act for state, local, or tribal governments or the private sector.

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

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

Section 1133 of the 1999 Act (Pub. L. 105-277) provides that the final rule shall be issued as soon as practicable and without regard to the notice and comment provisions of 5 U.S.C. § 553.

In addition, section 1133 also provides that the CCC shall issue the final rule at such time as it determines necessary, notwithstanding the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA). Therefore, the final rule is effective upon publication notwithstanding the requirements of SBREFA that the effective date of a major rule be delayed for 60 days to permit congressional review. 5 U.S.C. § 801(a)(3).

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

Section 1133 of the 1999 Act provides that the final rule be issued without regard to the provisions of the Paperwork Reduction Act. Therefore, the forms and collection of information do not require prior Office of Management and Budget approval.

Statutory authorization for the rule

The final rule is issued pursuant to the authority contained in Section 1103 of Public Law 105-277, 112 Stat. 2681 and 15 U.S.C. §§ 714b and 714c.

Executive Order No. 12866

The final rule has been determined to be an "economically significant" regulatory action and has been reviewed and approved by the Office of Management and Budget as complying with the requirements of the Order.