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B-337681

August 1, 2025

The Honorable John Boozman
Chairman
The Honorable Amy Klobuchar
Ranking Member
Committee on Agriculture, Nutrition, and Forestry
United States Senate

The Honorable Glenn Thompson
Chairman
The Honorable Angie Craig
Ranking Member
Committee on Agriculture
House of Representatives

Subject: *U.S. Department of Agriculture, Farm Service Agency: Emergency Livestock Relief Program (ELRP) 2023 and 2024*

Pursuant to section 801(a)(2)(A) of title 5, United States Code, this is our report on a major rule promulgated by the U.S. Department of Agriculture, Farm Service Agency (FSA) entitled “Emergency Livestock Relief Program (ELRP) 2023 and 2024” (RIN: 0560-AI73). We received the rule on July 16, 2025. It was published in the *Federal Register* on May 29, 2025. 90 Fed. Reg. 22614. The effective date of the rule is May 29, 2025.

According to FSA, this rule implements the Emergency Livestock Relief Program 2023 and 2024, which provides payments to eligible livestock producers for losses due to qualifying drought and wildfire occurring in calendar years 2023 and 2024.

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 60-day delay in effective date does not apply, however, if the agency finds for good cause that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest, and the agency incorporates the finding and a brief statement of its reasons in the rule. 5 U.S.C. § 808(2).

FSA did not go through notice and comment under the Administrative Procedure Act (APA) with respect to this rule because the rule governs disaster assistance payments to livestock producers, so it falls within APA’s exemption for matters relating to benefits or contracts, 5 U.S.C. § 553(a)(2). In addition, FSA stated that the rule meets the criteria in 5 U.S.C. § 808(2), which permits an agency to make regulations effective immediately if the agency finds there is good cause to do so. According to FSA, the rule’s beneficiaries have been significantly impacted by disaster events, and assistance is necessary to support livestock producers who have incurred increased grazing and supplemental feed costs in order to avoid

further livestock liquidations. To mitigate further adverse impacts on affected livestock producers for losses suffered in 2023 and 2024, FSA stated that it found notice and public procedure to be contrary to the public interest. Therefore, according to FSA, it was not required to delay the effective date for 60 days. See 90 Fed. Reg. at 22618.

Enclosed is our assessment of FSA'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 Charlie McKiver, Assistant General Counsel, at (202) 512-5992.

A handwritten signature in black ink, reading "Shirley A. Jones". The signature is written in a cursive, flowing style.

Shirley A. Jones
Managing Associate General Counsel

Enclosure

cc: William Beam
Administrator
Farm Service Agency

REPORT UNDER 5 U.S.C. § 801(a)(2)(A) ON A MAJOR RULE
ISSUED BY THE
U.S. DEPARTMENT OF AGRICULTURE,
FARM SERVICE AGENCY
ENTITLED
“EMERGENCY LIVESTOCK RELIEF PROGRAM (ELRP) 2023 AND 2024”
(RIN: 0560-AI73)

(i) Cost-benefit analysis

The U.S. Department of Agriculture, Farm Service Agency (FSA) prepared an analysis of the costs and benefits for this rule. See 90 Fed. Reg. 22614, 22619. According to FSA, the Emergency Livestock Relief Program (ELRP) 2023 and 2024 will use approximately \$1 billion to provide payments to livestock producers for losses due to qualifying drought and wildfires that occurred in calendar years 2023 and 2024. *Id.* at 22619. FSA stated that ELRP 2023 and 2024 payouts are estimated at \$721 million associated with losses in 2023 and \$346 million associated with losses in 2024. *Id.*

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

FSA stated this rule is exempt from the regulatory analysis requirements of the Act because it involves matters relating to benefits. 90 Fed. Reg. at 22618.

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

FSA stated this rule contains no federal mandates for state, local, and tribal governments or the private sector and, therefore, is not subject to the requirements of sections 202 and 205 of the Act. 90 Fed. Reg. at 22619.

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

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

FSA stated that this rule governs disaster assistance payments to livestock producers and therefore falls within the Act’s “benefits exemption.” 90 Fed. Reg. at 22618. According to FSA, the Act provides that the notice and comment and delay in the effective date provisions do not apply when a rule involves specified actions, including matters relating to benefits or contracts. *Id.*

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

In its submission to us, FSA indicated that this rule contains information collection requirements under the Act, and that the Office of Management and Budget (OMB) approved the information collection request under OMB Control Number 0503-0028. See *also* 90 Fed. Reg. at 22619.

Statutory authorization for the rule

FSA promulgated this rule pursuant to sections 4501 and 1531 of title 7, United States Code; section 3801 note of title 16, United States Code; section 2497 of title 19, United States Code; title III of Public Law 109-234; title IX of Public Law 110-28; section 748 of Public Law 111-80; title I of Public Law 115-123; title I of Public Law 116-20; division B, title VII, of Public Law 116-94; title I of Public Law 117-43; division N, title I, of Public Law 117-28; and division B, title I, of Public Law 118-158. See 90 Fed. Reg. at 22620.

Executive Order No. 12866 (Regulatory Planning and Review)

FSA stated that OMB designated this rule as economically significant under the Order and reviewed it. See 90 Fed. Reg. at 22618.

Executive Order No. 13132 (Federalism)

This rule does not discuss the Order. In its submission to us, FSA indicated it did not discuss the Order in the preamble to the rule.