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February 18, 2026

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: Agricultural Disaster Indemnity Programs*

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 “Agricultural Disaster Indemnity Programs” (RIN: 0560-AI81). We received the rule on February 3, 2026. It was published in the *Federal Register* on November 18, 2025. 90 Fed. Reg. 51956. The effective date of the rule is November 18, 2025.

According to FSA, this rule provides assistance for eligible quality losses under Stage 1 of the Supplemental Disaster Relief Program (SDRP) and to implement Stage 2 of the SDRP, the On-Farm Stored Commodity Loss Program, and the Milk Loss Program, all of which provide assistance using funding authorized by the American Relief Act, 2025. 90 Fed. Reg. 51956. The rule specifies the administrative provisions, eligibility requirements, and payment calculations for these programs. *Id.* The rule also announces deadlines and adds quality loss assistance provisions for SDRP Stage 1 and extends the deadlines for the Emergency Livestock Relief Program (ELRP) 2023 and 2024 and ELRP 2023 and 2024 Flood and Wildfire. *Id.*

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 stated in the rule that it found good cause to waive notice and comment procedures and incorporated a brief statement of reasons. *Id.*; 90 Fed. Reg. 51967. According to FSA, the

beneficiaries of this rule are agricultural producers who have been significantly impacted by disaster events, which resulted in losses due to the impact of disaster events in calendar years 2023 and 2024, and this assistance is necessary to help those producers sustain their normal business operations. 90 Fed. Reg. 51967. To mitigate further harm to those producers for losses due to qualifying events that were beyond their control, FSA found that notice and public procedure were contrary to the public interest. *Id.* Therefore, according to FSA, it was not required to delay the effective date of the rule for 60 days. *Id.*

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 me at (202) 512-8156.

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: 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
“AGRICULTURAL DISASTER INDEMNITY PROGRAMS”
(RIN: 0560-AI81)

(i) Cost-benefit analysis

The U.S. Department of Agriculture, Farm Service Agency (FSA) prepared an analysis of the costs and benefits of this rule. 90 Fed. Reg. 51956, 51967 (Nov. 18, 2025). FSA estimated that total outlays as a result of the rule total \$2.71 billion. *Id.* According to FSA, Supplemental Disaster Relief Program Stage 2 payments are estimated at \$2.7 billion after factoring to stay within allocated funding limits; On-Farm Stored Commodity Loss Program payments are capped at \$5 million, the limitation imposed due to funding constraints; and outlays for the Milk Loss Program are capped at \$1.65 million due to budget constraints. *Id.*

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

According to FSA, this rule is exempt from the regulatory analysis requirements of the Act because it involves matters relating to benefits. 90 Fed. Reg. 51967.

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

According to FSA, this rule contains no federal mandates, as defined in Title II of UMRA, for state, local, and tribal governments or the private sector, and therefore it is not subject to the requirements of sections 202 and 205 of the Act. 90 Fed. Reg. 51968.

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

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

FSA stated that APA provides that the notice and comment and 30-day delay requirements of the Act do not apply when the rule involves specified actions, including matters relating to benefits or contracts. 5 U.S.C. § 553(a)(2); 90 Fed. Reg. 51966. According to FSA, because this rule governs disaster assistance payments to agricultural producers, it therefore falls within the benefits exemption. 90 Fed. Reg. at 51966–51967.

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

FSA determined that this rule contains information collection requirements under the Act. 90 Fed. Reg. 51968.

Statutory authorization for the rule

FSA promulgated this rule pursuant to sections 1531 and 4501 of title 7, section 3801 note of title 16, and section 2497 of title 19, United States Code; title III of Pub. L. No. 109-234, 120 Stat. 474; title IX of Pub. L. No. 110-28, 121 Stat. 211; section 748 of Pub. L. No. 111-80, 123 Stat. 2131; title I of Pub. L. No. 115-123, 132 Stat. 65; title I of Pub. L. No. 116-20, 133 Stat. 871; division B, title VII of Pub. L. No. 116-94, 133 Stat. 2658; title I of Pub. L. No. 117-43, 135 Stat. 356; division N, title I of Pub. L. No. 117-328, 136 Stat. 4459; and division B, title I of Pub. L. No. 118-158, 138 Stat. 1722.

Executive Order No. 12866 (Regulatory Planning and Review)

According to FSA, this rule is significant under the Order and was submitted to the Office of Management and Budget for review. 90 Fed. Reg. 51967.

Executive Order No. 13132 (Federalism)

FSA did not assess compliance with the Order in this rule. In its submission to us, FSA indicated that it did not discuss the Order in the preamble to the rule.