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B-338077

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: Emergency Livestock Relief 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 “Emergency Livestock Relief Programs” (RIN: 0560-A172). We received the rule on February 3, 2026. It was published in the *Federal Register* on September 15, 2025. 90 Fed. Reg. 44299. The effective date of the rule is September 15, 2025.

According to FSA, this rule implements the Emergency Livestock Relief Program 2023 and 2024 Flood and Wildfire program, which provides payments to eligible livestock producers for losses as a result of increased supplemental feed costs due to a qualifying flood or wildfire 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 found good cause to waive notice and comment procedures and incorporated a brief statement of reasons. *Id.* According to FSA, the rule’s beneficiaries are livestock producers who incurred losses because of increased supplemental feed costs due to qualifying floods and wildfires, and assistance is necessary to help sustain normal business operations. To mitigate further harm to the producers, FSA 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. 44305.

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 cursive script that reads "Shirley A. Jones".

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 PROGRAMS”
(RIN: 0560-A172)

(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. 44299, 44305 (Sept. 15, 2025). FSA estimated costs of the Emergency Livestock Relief Program 2023 and 2024 Flood and Wildfire program totaling \$2.45 billion before payment, factoring \$1.01 billion for 2023 floods, \$1.08 billion for 2024 floods, \$17 million for 2023 wildfires, and \$120 million for 2024 wildfires. *Id.* at 44305. FSA stated that it increased the sum of those numbers by 10 percent to account for livestock in counties without formal disaster designations that may have experienced a qualifying disaster event and to account for all other eligible animals. *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. 44304.

(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. 44306.

(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 agricultural producers and therefore falls within the Act’s benefits exemption. 5 U.S.C. § 553(a)(2); 90 Fed. Reg. 44304. 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. 90 Fed. Reg. 44304.

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. 44306.

Statutory authorization for the rule

FSA promulgated this rule pursuant to sections 4501 and 1531 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)

FSA stated that OMB designated this rule as economically significant under the Order and reviewed it. 90 Fed. Reg. 44305.

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.