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United States Government Accountability Office
Washington, DC 20548

B-298392

July 10, 2006

The Honorable Saxby Chambliss
Chairman
The Honorable Tom Harkin
Ranking Minority Member
Committee on Agriculture, Nutrition, and Forestry
United States Senate

The Honorable Bob Goodlatte
Chairman
The Honorable Collin C. Peterson
Ranking Minority Member
Committee on Agriculture
House of Representatives

Subject: *Department of Agriculture, Commodity Credit Corporation: Conservation Reserve Program--Emergency Forestry Conservation Reserve 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 "Conservation Reserve Program--Emergency Forestry Conservation Reserve Program" (RIN: 0560-AH44). While our Office has not yet received the rule, it was received by the Senate on June 8, 2006, and the House received the rule on June 13, 2006. It was published in the Federal Register as a final rule on June 2, 2006. 71 Fed. Reg. 31915.

The final rule amends the Conservation Reserve Program (CRP) regulations to implement the provisions of Public Law 109-148 (the 2006 Act) that provide for enrollment in the CRP of private non-industrial forest land that experienced a loss of 35 percent or more of merchantable timber in the States suffering forestry damage directly related to hurricanes Katrina, Ophelia, Rita, Dennis, and Wilma.

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, with the exception of filing the rule with our Office, 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 Robert Robinson, Managing Director, Natural Resources and Environment. Mr. Robinson can be reached at (202) 512-3841.

signed

Kathleen E. Wannisky
Managing Associate General Counsel

Enclosure

cc: Tom Witzig
Director, Regulatory Review Group
Department of Agriculture

ENCLOSURE

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
"CONSERVATION RESERVE PROGRAM--EMERGENCY FORESTRY
CONSERVATION RESERVE PROGRAM"
(RIN: 0560-AH44)

(i) Cost-benefit analysis

There has been appropriated for the CRP Emergency Forestry Conservation Reserve Program \$404,100,000, which the FSA expects to fully utilize in administering the final rule.

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

Since the final rule was not preceded by a Notice of Proposed Rulemaking, the requirements of the Regulatory Flexibility Act do not apply.

(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 either an intergovernmental or private sector mandate, as defined in title II, of more than \$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 107(a) of Division B of the 2006 Act requires that the final rule be promulgated without regard to the notice and comment procedures contained in 5 U.S.C. 553.

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

Section 107(a) of the 2006 Act requires that the final rule be issued without regard to the requirements of the Paperwork Reduction Act.

Statutory authorization for the rule

The final rule is promulgated under the authority found in 15 U.S.C. 714b and 714c and 16 U.S.C. 3801-3847.

Executive Order No. 12866

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

Executive Order No. 13132 (Federalism)

The final rule does not have federalism implications under the order.