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B-298246

May 8, 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: Grassland 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 "Grassland Reserve Program" (RIN: 0578-AA38). We received the rule on April 27, 2006. It was published in the Federal Register as a final rule on March 6, 2006. 71 Fed. Reg. 11139.

The final rule implements the Grassland Reserve Program (GRP). The program assists landowners and others in restoring and conserving eligible grassland and certain other lands through rental agreements and easements.

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 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: Gayle E. Norman  
Legislative Affairs Branch Chief,  
NRCS  
Department of Agriculture

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  
"GRASSLAND RESERVE PROGRAM"  
(RIN: 0578-AA38)

(i) Cost-benefit analysis

The Farm Security and Rural Investment Act of 2002 (2002 Act) authorized funding of \$254 million, but the Omnibus Appropriations Acts of 2003 and 2004 used \$30 million of authorized GRP funds to provide technical assistance to the Wetland Reserve and Conservation Reserve Programs, leaving \$224 million for the GRP.

(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 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.

The final rule follows the issuance of an interim final rule on May 21, 2004 (69 Fed. Reg. 29173). In response to the request for comments, CCC received 39 comments, which are discussed in the preamble to the final rule.

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

Section 2702 of the 2002 Act requires that the final rule be promulgated without regard to the Paperwork Reduction Act.

Statutory authorization for the rule

The final rule is promulgated under the authority found at 16 U.S.C. 3838n-3838q.

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)

CCC has reviewed the final rule and found that it does not have federalism implications under the order.