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March 12, 2003

The Honorable Thad Cochran
Chairman

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

The Honorable Bob Goodlatte
Chairman

The Honorable Charles W. Stenholm
Ranking Minority Member
Committee on Agriculture
House of Representatives

Subject: Department of Agriculture, Commodity Credit Corporation: Conservation Reserve Program--Farmable Wetlands Pilot 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--Farmable Wetlands Pilot Program" (RIN: 0560-AG38). We received the rule on February 25, 2003. It was published in the Federal Register as a final rule on May 2, 2001. 66 Fed. Reg. 22098.

The final rule amends the Conservation Reserve Program (CRP) to implement provisions of Title XI of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act of 2001 (the 2001 Act). That provision provides for enrollment, on a pilot basis, of certain wetlands and buffer acreage into the CRP under the Farmable Wetlands Pilot Program. The eligible states are Iowa, Minnesota, Montana, Nebraska, North Dakota, and South Dakota.

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 the 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: Thomas J. Witzig
Director, Regulatory Review Group
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
"CONSERVATION RESERVE PROGRAM--
FARMABLE WETLANDS PILOT PROGRAM"
(RIN: 0560-AG38)

(i) Cost-benefit analysis

The CCC performed a cost-benefit analysis of the final rule and concludes that the combined outlays for basic annual rental payments, cost-share assistance for establishing practices, and incentive payments over the expected 15-year life of the program could total nearly \$650 million.

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

Since the final rule does not follow the issuance of a notice of proposed rulemaking, the Regulatory Flexibility Act is inapplicable.

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

CCC states that 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 1105 of the 2001 Act provided that the rules necessary to implement the provisions of the statute be issued as soon as practicable and without regard to the notice and comment procedures found at 5 U.S.C. 553.

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

Section 1105 of the 2001 Act provided that the rules necessary to implement the statute should 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 contained in section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831), as amended by section 1102 of the 2001 Act (Public Law 106-387).

Executive Order No. 12866

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