



GAO

Accountability * Integrity * Reliability

United States General Accounting Office
Washington, DC 20548

B-286878

December 4, 2000

The Honorable Richard G. Lugar
Chairman
The Honorable Tom Harkin
Ranking Minority Member
Committee on Agriculture, Nutrition, and Forestry
United States Senate

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

Subject: Department of Agriculture, Food and Nutrition Service: Food Stamp Program: Noncitizen Eligibility, and Certification Provisions of Pub. L. 104-193, as Amended by Public Laws 104-208, 105-33 and 105-185

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, Food and Nutrition Service (FNS), entitled "Food Stamp Program: Noncitizen Eligibility, and Certification Provisions of Pub. L. 104-193, as Amended by Public Laws 104-208, 105-33 and 105-185" (RIN: 0584-AC40). We received the rule on November 14, 2000. It was published in the Federal Register as a final rule on November 21, 2000. 65 Fed. Reg. 70134.

The final rule amends the Food Stamp Program's regulations to implement several provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Some of these provisions have been further amended by the Omnibus Consolidated Appropriations Act of 1996; the Balanced Budget Act of 1997; and the Agricultural Research, Extension, and Education Reform Act of 1998.

Enclosed is our assessment of the FNS' 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 FNS 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 Cindy Fagnoni, Managing Director, Education, Workforce, and Income Security. Ms. Fagnoni can be reached at (202) 512-7215.

Kathleen E. Wannisky
Managing Associate General Counsel

Enclosure

cc: The Honorable Shirley R. Watkins
Under Secretary
Food, Nutrition, and Consumer Services
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,
FOOD AND NUTRITION SERVICE
ENTITLED
"FOOD STAMP PROGRAM: NONCITIZEN ELIGIBILITY,
AND CERTIFICATION PROVISIONS OF PUB. L. 104-193,
AS AMENDED BY PUBLIC LAWS 104-208, 105-33 AND 105-185"
(RIN: 0584-AC40)

(i) Cost-benefit analysis

As part of its regulatory impact analysis, the Food and Nutrition Service estimated the budget impact of the final rule using assumptions from the 2001 Budget Agency Mid-session estimate. The total Food Stamp Program budget impact of the rule in fiscal year 2000 is estimated to be \$617 million and the 5-year budget impact for fiscal year 2000 through fiscal year 2004 is estimated to be \$1.932 billion.

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

The Under Secretary for Food, Nutrition, and Consumer Services has certified that the final rule will not have a significant economic impact on a substantial number of small entities.

(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 over \$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 was issued using the notice and comment procedures contained at 5 U.S.C. 553. On February 29, 2000, FNS published a Notice of Proposed Rulemaking in the Federal Register. 65 Fed. Reg. 10856. In the preamble to the final rule, FNS responds to the comments it received.

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

The final rule contains some information collections that have already been approved by the Office of Management and Budget (OMB). Other collections have

either been modified or are new requirements. FNS has submitted the required information to OMB for approval of the new or modified requirements and has requested comments on those requirements. The new or modified collections do not have to be complied with until OMB has approved the collections.

Statutory authorization for the rule

The final rule is promulgated pursuant to the authority contained in 7 U.S.C. 2011-2036.

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)

FNS considered the impact of the final rule on state agencies under the order and consulted with state officials and considered their comments in drafting the final rule. The final rule has a preemptive effect on any state law that conflicts with its provisions or that would otherwise impede its full implementation.