



441 G St. N.W.  
Washington, DC 20548

B-334033

March 27, 2025

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: *Department of Agriculture, Federal Crop Insurance Corporation: Pandemic Cover Crop 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, Federal Crop Insurance Corporation (FCIC) entitled “Pandemic Cover Crop Program” (RIN: 0563-AC77). We received the rule on February 11, 2022. It was published in the *Federal Register* on February 11, 2022. 87 Fed. Reg. 7927. The stated effective date of the rule is April 12, 2022.<sup>1</sup>

According to FCIC, the rule announces the Pandemic Cover Crop Program (PCCP) to provide support for agricultural producers impacted by the COVID-19 pandemic for the 2022 crop year. FCIC stated it is dedicating funding to reach a broader set of producers than in previous COVID-19 assistance programs, with a specific focus on strengthening outreach to underserved producers and communities and small and medium agricultural operations. FCIC noted that the rule establishes PCCP for 2022.

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). This rule was published in the *Federal Register* on February 11, 2022. 87 Fed. Reg. 7927. The House of Representatives received the rule on April 9, 2024. 170 Cong. Rec. S2872 (daily ed. Apr. 18, 2024). The Senate received the rule on April 11, 2024. 170 Cong. Rec. H2314 (daily ed. Apr. 11, 2024). The stated effective date of

---

<sup>1</sup> This report is delayed because the agency did not notify us when the rule was received by the House and the Senate. The House received the rule on April 9, 2024, and the *Congressional Record* reported this on April 11, 2024. 170 Cong. Rec. S2872 (daily ed. Apr. 18, 2024). The Senate received the rule on April 11, 2024, and the *Congressional Record* reported this on April 18, 2024. 170 Cong. Rec. H2314 (daily ed. Apr. 11, 2024). After becoming aware that the rule was received by Congress, we are issuing this report.

the rule is April 12, 2022. Therefore, the stated effective date is less than 60 days from the date of receipt by Congress.

Enclosed is our assessment of FCIC'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 Charlie McKiver, Assistant General Counsel, at (202) 512-5992.

A handwritten signature in black ink that reads "Shirley A. Jones". The signature is written in a cursive style with a large initial 'S' and a long, sweeping underline.

Shirley A. Jones  
Managing Associate General Counsel

Enclosure

cc: Shannon Persetic  
Management Analyst  
Regulatory Analysis & PRA Requirements Branch  
Department of Agriculture

REPORT UNDER 5 U.S.C. § 801(a)(2)(A) ON A MAJOR RULE  
ISSUED BY THE  
DEPARTMENT OF AGRICULTURE,  
FEDERAL CROP INSURANCE CORPORATION  
ENTITLED  
“PANDEMIC COVER CROP PROGRAM”  
(RIN: 0563-AC77)

(i) Cost-benefit analysis

The Department of Agriculture, Federal Crop Insurance Corporation (FCIC) provided a summary of its cost-benefit analysis of this rule. FCIC stated that the 2022 Pandemic Cover Crop Program (PCCP) provides premium support of up to five dollars per acre to eligible producers who plant and report to the Farm Service Agency a qualifying cover crop on acreage insured under a federal crop insurance policy after June 15 of the 2021 crop year or during the 2022 crop year. FCIC noted that approximately 12.2 million acres have received a premium reduction for the 2021 PCCP. FCIC determined that eligible acreage has expanded for the 2022 PCCP and is projected at 23 million acres. Finally, FCIC stated the associated cost is estimated at \$116.2 million for the crop year 2022 PCCP.

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

FCIC determined that this rule is exempt from the regulatory analysis requirements of the Regulatory Flexibility Act. In its submission to us, FCIC indicated that it certifies that the rule would 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

FCIC determined this rule contains no federal mandates, as defined in title II of the Unfunded Mandates Reform Act, for state, local and tribal governments, or the private sector.

(iv) Other relevant information or requirements under acts and executive orders

Administrative Procedure Act, 5 U.S.C. §§ 551 *et seq.*

FCIC stated this rule is exempt from notice and comment procedures of the Act. Specifically, FCIC stated that the rule involves a benefit and, as such, the notice and comment procedures of the Act do not apply.

Paperwork Reduction Act (PRA), 44 U.S.C. §§ 3501–3520

FCIC determined this rule does not change the information collection approved by the Office of Management and Budget (OMB) under OMB Control Numbers 0563-0053 and 0563-0084.

Statutory authorization for the rule

FCIC promulgated this rule pursuant to section 1506 of title 7, United States Code; and Public Law 116-260.

Executive Order No. 12866 (Regulatory Planning and Review)

OMB determined this rule is economically significant under the Order.

Executive Order No. 13132 (Federalism)

FCIC did not mention the Order in this rule.