

U.S. Department of Agriculture

Fall 2020 Statement of Regulatory Priorities

The U.S. Department of Agriculture's (USDA) fall 2020 Regulatory Agenda and Plan identifies and removes regulatory barriers to facilitate American farm production, innovation, job creation, and rural economic prosperity. USDA will also use program flexibilities as needed to respond to unforeseen events and national emergencies that impact the American farm economy, schools, individual households, and our National Forests. USDA will use these flexibilities as a chance to explore additional regulatory streamlining, information technology improvements, and paperwork burden reduction initiatives to the extent feasible. The priorities set forth herein will guide the Department, its employees, and external partners. During the next year, USDA also intends to update its environmental review process National Environmental Policy Act (NEPA) procedures to streamline, modernize, and improve interagency coordination; this update will align with recent Council of Environment Quality (CEQ) updates to dated, decades-old NEPA regulations. The fall 2020 Regulatory Agenda builds on and amplifies USDA's deregulatory achievements of the last few years.

Executive Order 13771 - Reducing Regulation and Controlling Regulatory Costs

Executive Order 13771 directs agencies to eliminate two existing regulations for every new regulation while limiting the total costs associated with an agency's regulations. Executive Order 13771 requires annual deregulatory cost savings to offset completely any additional regulatory burdens, too. The Department's 2020 Fall Regulatory Agenda reflects the Department's commitment to regulatory reform and continues USDA's rigorous implementation of Executive Order 13771. USDA's regulatory priorities lower regulatory burdens on the American people – and thereby ensure the faithful application of Executive Order 13771. Furthermore, these regulatory priorities contribute to the Department's mission and its long-term goals. Highlights of how the Department's regulatory reform efforts contribute to the Department's strategic goals include:

The Department delivers programs efficiently, effectively, with integrity, and a focus on customer service: USDA will continue reducing regulatory and administrative burdens that restrict agencies'

abilities to reach stakeholders. Improved customer service creates a more effective and accessible organization for all stakeholders.

Since the beginning of this Administration, USDA's has focused on customer service for its participants, program integrity to safeguard the American taxpayer dollars, and moving people into self-sufficiency. USDA's Food and Nutrition Service's (FNS) forthcoming regulations continue to focus on integrity and ensure that FNS's programs are administered effectively and efficiently. This includes several outstanding interim final rules that will be finalized. For example, the:

- Supplemental Nutrition Assistance Program (SNAP) Requirement for Interstate Data Matching: This will ensure that SNAP participants receive the benefits they need, while preventing one household from receiving benefits in multiple states. For more information about this rule, see RIN 0584-AE75.
- SNAP: Employment and Training Program Monitoring, Oversight, and Reporting Measures: This requires reporting measures for States' Employment & Training programs to ensure the program is data-driven and designed to serve its participants effectively. For more information about this rule, see RIN 0584-AE33.

Facilitate Rural Prosperity and Economic Development: USDA will leverage funds, stimulate private Public partnerships, and engage in collaboration to build rural infrastructure including broadband, Community facilities, safe and affordable housing, health services and facilities, and provide capacity Building to help underserved communities become thriving communities.

- Community Facilities Direct Loan and Grant Program: The Rural Housing Service intends to consolidate and update three regulations governing Community Facilities Loans and Grants programs into a new regulation, 7 CFR 3570, subpart A. The RHS intends to consolidate the administration of the Community Facilities Direct Loan and Grant programs as well as incorporate the Tribal College and Economic Impact Initiative Grant programs. THE RHS also intends to incorporate the Tribal College and Economic Impact Initiative program and incorporate current lending practices, priorities, and statutes. By consolidation, RHS wants to provide the public and the Agency with one concise regulation for processing Community Facilities Loans and Grants,

which may result in a more consistent, effective, and efficient application process and customer experience. For more information on this rule, see RIN 0575-AC91.

- Single Family Housing Guaranteed Rural Housing Programs - Delegated Approval Authority and Strengthening Management Oversight: The Rural Housing Service proposes to delegate loan approval authority to preferred lenders, i.e., those whose loans have performed well and demonstrated strong underwriting capability, to benefit the program and its stakeholders. Preferred lenders would be responsible for certifying that both the applicant and property meet all program eligibility and underwriting requirements – and thereby qualify for the guarantee, without the prior review by agency staff as takes place today. This change may speed up approval processing times, benefiting applicants, preferred lenders, and the Agency. The change to delegated authority would alter the risk management dynamics of the program, and with the proposed rule the agency should be able to ensure its risk profile for the program does not increase. For more information on this rule, see RIN 0575-AD08.

The Department is maximizing the ability of American agricultural producers to feed and clothe

the world: A strong and stable agricultural sector is essential to the well-being of the overall U.S.

economy. America’s farmers and ranchers ensure a safe and reliable food and fuel supply and support job growth and economic development. To maintain a strong agricultural economy, USDA will continue supporting farmers who start and maintain profitable farm and ranch businesses, as well as offer support to producers affected by natural disasters and other national emergencies. The Department will continue to create new markets and support a competitive agricultural system by reducing barriers that inhibit agricultural opportunities and economic growth.

- Domestic Hemp Production Program: The 2018 Farm Bill authorized, for the first time, a framework for the potential production and marketing of hemp as an agricultural commodity; hemp was previously regulated as a Federal controlled substance. USDA issued an Interim Final Rule on October 31, 2019 establishing a Domestic Hemp Production Program and intends to promulgate a final rule in early 2021. The program operates under State or Tribe initiated plans approved by USDA in coordination with the Department of Justice. USDA is committed to issuing the final rule

expeditiously after reviewing public comments and obtaining additional information during the initial implementation. For more information about this rule, see RIN 0581-AD82.

The Department will ensure productive and sustainable use of our National Forest System Lands:

USDA manages approximately 193 million acres of national forest and grass land – much of it in remote rural areas. Land management activities promote multi-purpose and sustainable use of these lands that can improve rural economies and help enable rural economic growth.

- Alaska Roadless Area Management: Based on the State of Alaska’s petition and input from Alaska Native Tribes, cooperating agencies, and the public, USDA intends to finalize a regulation that would exempt the Tongass National Forest from the provisions of the 2001 Roadless Area Conservation Rule (66 FR 3244), which prohibits timber harvest and road construction/reconstruction with limited exceptions within designated inventoried roadless areas. For more information about this rule, see RIN 0596-AD37.
- National Environmental Policy Act Procedures Reform: The Forest Service intends to revise its NEPA regulations based on stakeholder input received from a June 13, 2019, proposal as well as recent CEQ NEPA amendments to modernize, streamline, and improve Federal-wide environmental review processes and coordination. The revisions would update NEPA requirements while incorporating additional categorical exclusions to apply to forest restoration and timber harvest activities, administrative facility and infrastructure construction, road construction and reconstruction, road decommissioning, and special use authorizations. For more information about this rule, see RIN 0596-AD31.