

# Government Accountability Office

## Database on Regulations

The various federal reports and databases on regulations serve different purposes:

- The *Federal Register* shows the aggregate number of proposed and final rules (both those that affect the private sector and those that deal with internal government machinery or programs).
- The Unified Agenda shows agency regulatory priorities and provides details about the overall number of rules at various stages in the regulatory pipeline, as well as those with economically significant effects and those affecting small business and state and local governments.

The 1996 Congressional Review Act (CRA) requires agencies to submit reports to Congress on their major rules—those with annual estimated costs of \$100 million or more. Owing to such reports, which are maintained in a database at the Government Accountability Office (GAO), one can more readily observe (a) which of the thousands of final rules that agencies issue each year are major and (b) which agencies are producing the rules.<sup>86</sup>

The CRA gives Congress a window of 60 legislative days in which to review a major rule and, if desired, pass a resolution of disapproval rejecting the rule. Despite the issuance of thousands of rules since the Act's passage, including many dozens of major rules, only one has been rejected: the Department of Labor's rule on workplace repetitive-motion injuries in early 2001. According to a recent review, however, final rules are no longer properly submitted to the GAO and to Congress as required under the CRA.<sup>87</sup>

Table 9, derived from the GAO database of major rules, depicts the number of final major rule reports issued by the GAO regarding agency rules through 2015. There were 76 rules in 2015, according to the GAO's database, and 81 in 2014.<sup>88</sup> The 100 rules in 2010 was the highest count since this tabulation began following passage of the CRA; 50 rules in 2003 was the lowest.

Mirroring what was seen as the most active executive and independent rule-making agencies in Table 6, the Departments of Health and Human Services, the Interior, and the Treasury, along with the Environmental Protection Agency and the Securities and Exchange Commission, have been particularly active.

President George W. Bush averaged 63 major rules annually during his eight years in office; President Obama's seven years so far have averaged 81, or a 29 percent higher average annual output than that of Bush. Obama has already issued 570 major rules over seven years, compared with Bush's 505 over eight years. This parallels the depiction of economically significant rules in Figures 19 and 20. Despite declines in overall rule counts in the Unified Agenda, the Obama administration's output level of higher-impact rules during the decade is notably higher.

A May 2015 Heritage Foundation analysis of the current administration's regulatory record isolated the major rules listed in the GAO database affecting only the private sector and distinguished between those that are deregulatory and those that are regulatory. This report found that 184 major rules adopted during the Obama administration have added almost \$80 billion in annual costs.<sup>89</sup>

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Table 9. Government Accountability Office Reports on Major Rules as Required by the Congressional Review Act, 1999–2015

	2015	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001	2000	1999
Architectural Barriers Compliance Board												1				1	
Bureau of Consumer Financial Protection	2		4	1	1												
Commodity Futures Trading Commission		1	4	9	6												
Consumer Product Safety Commission					1					1							
Department of Agriculture	7	8	4	2	4	6	12	3	7	8	6	7	4	7	9		6
Department of Commerce			2				2	1	2			1			2		5
Department of Defense	2	1				4	4	6			1			2	3		1
Department of Education	1	2	5	4	2	5	6	2	1	2							1
Department of Energy	2	6	3	1	5	4	7	3	3				1	1	3	3	
Department of Health and Human Services	18	27	24	23	24	24	17	24	19	16	22	22	17	13	15	17	7
Department of Homeland Security	3	2	2	1	1	3	1	5	4	2	3	2	2				
Department of Housing and Urban Development	1				2	1	1	2			1	1			1	2	1
Department of Justice				1	1	3				1	1	1		3	4		
Department of Labor	1	3	3	3	2	6	1	2	3	3	1	1		2	3	5	
Department of the Interior	6	6	6	7	6	7	7	10	5	6	6	8	7	7	8	9	6
Department of State				1		1		1									
Department of Transportation	3	3	3	2	2	5	6	8	3	1	3	5	4	6	3		4
Department of Treasury	7	6	3	2	1	4		1	1	1		1	1		1		
Department of Veterans Affairs	4	3	1	1	2	2	2		1		1		2	1	3		
Emergency Oil and Gas Loan Board																	1
Emergency Sreel Guarantee Loan Board																	1
Environmental Protection Agency	8	2	3	5	6	8	3	9	2	8	3	7	3	1	4	20	5
Equal Employment Opportunity Commission					1												
Federal Communications Commission	1	1	1					6	2	1	1	4	2	3	3	6	6
Federal Deposit Insurance Corporation		1	1														

