

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) and numerous notices and presidential documents.
- The Unified Agenda depicts 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, 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.¹⁰⁹

The CRA gives Congress a window of 60 legislative days in which to review a major rule and, if desired, to pass a resolution of disapproval rejecting the rule. Despite the issuance of thousands of rules since the CRA's passage, including many dozens of major rules, before 2017 only one had been rejected: the Department of Labor's rule on workplace repetitive-motion injuries in early 2001. Since the start of the 115th Congress in January 2017, the CRA has been used

13 times to overturn regulations.¹¹⁰ According to a recent review, however, some final rules are not being properly submitted to the GAO and to Congress as required under the CRA.¹¹¹

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 2016. There were 115 rules in 2016 based on the GAO's database, compared with 76 and 81 in 2015 and 2014, respectively.¹¹² That conforms with other 2016 measures of rules and *Federal Register* pages. At the time, the 100 rules in 2010 were the highest count since this tabulation began following passage of the CRA; the 50 rules in 2003 were the lowest.

Particularly active cabinet and independent agencies include the Departments of Health and Human Services, Labor, Energy, the Interior, and Homeland Security, along with the Environmental Protection Agency and the Securities and Exchange Commission.

President George W. Bush averaged 63 major rules annually during his eight years in office. President Barack Obama averaged 86, a 36 percent higher average annual output than that of Bush. Obama issued 685 major rules over seven years, compared with Bush's 505 over eight years. (The presentation in this report uses calendar years, so Bush's eight years contain a couple of Bill Clinton's presidential transition weeks at the top before his inauguration, whereas Obama's first year would include Bush's final January weeks.)

A May 2016 Heritage Foundation analysis of the Obama 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. It concluded: “The addition of 43 new major

rules in 2015 increased annual regulatory costs by more than \$22 billion, bringing the total costs of Obama administration rules to an astonishing \$100 billion-plus in just seven years.”¹¹³

Table 9. Government Accountability Office Reports on Major Rules as Required by the Congressional Review Act, 1998–2016

	2016	2015	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001	2000	1999	1998
Department of Agriculture	5	7	8	4	2	4	6	12	3	7	8	6	7	4	7	9		6	5
Department of Commerce				2			4	2	1	2			1			2		5	1
Department of Defense	2	2	1				4	4	6			1			2	3		1	2
Department of Education	2	1	2	5	4	2	5	6	2	1	2			1	1	3		1	
Department of Energy	8	2	6	3	1	5	4	7	3	3							3		
Department of Health and Human Services	38	18	27	24	23	24	24	17	24	19	16	22	22	17	13	15	17	7	18
Department of Homeland Security	5	3	2	2	1	1	3	1	5	4	2	3	2	2					
Department of Housing and Urban Development	2	1				2	1	1	2			1	1			1	2	1	
Department of Justice	1				1	1	3				1	1	1		3	4			1
Department of Labor	8	1	3	3	3	2	6	1	2	3	3	1	1		2	3	5		2
Department of the Interior	6	6	6	6	7	6	7	7	10	5	6	6	8	7	7	8	9	6	7
Department of State					1		1		1										
Department of Transportation	4	3	3	3	2	2	5	6	8	3	1	3	5	4	6	3		4	1
Department of Treasury	5	7	6	3	2	1	4		1	1	1		1	1	1	1			1
Department of Veterans Affairs	1	4	3	1	1	2	2	2		1		1		2	1	3			
Architectural Barriers Compliance Board													1				1		
Commodity Futures Trading Commission	4		1	4	9	6													
Consumer Financial Protection Bureau	2	2		4	1	1													
Consumer Product Safety Commission						1					1								1
Emergency Oil and Gas Loan Board																			1
Emergency Steel Guarantee Loan Board																			1
Environmental Protection Agency	7	8	2	3	5	6	8	3	9	2	8	3	7	3	1	4	20	5	9
Equal Employment Opportunity Commission						1													
Federal Communications Commission		1	1	1					6	2	1	1	4	2	3	3	6	6	16

