

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 requires agencies to submit reports to Congress on their economically significant rules—those with annual estimated costs of \$100 million or more. Owing to such reports, which are maintained in a database at the GAO, one can more readily observe (a) which of the thousands of final rules that agencies issue each year are major and (b) which departments and agencies are producing the rules.¹⁷⁰

The CRA gives Congress a window of 60 legislative days in which to review a major rule and pass a resolution of disapproval rejecting the rule. Despite the issuance of thousands of rules since the CRA's passage, including 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 15 times to overturn regulations.¹⁷¹ According to recent reports, however, some final rules are not being properly submitted to the GAO and to Congress as required under the CRA.¹⁷²

Table 10, 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. Rules can add burdens, reduce them, implement delays, or set rates and rules for major governmental programs like Medicaid. There were 48 major rules in 2017, according to the GAO's database (counting the pre-inauguration weeks), compared with 119 in 2016.¹⁷³ The direction of movement conforms to other 2016 measures of rules and *Federal Register* page trends. The 119 rules in 2016 under Barack Obama were the highest count since this tabulation began following passage of the CRA, the 100 rules in 2010 had been the second-highest. The 48 under Donald Trump in 2017 was the lowest, followed by 50 in 2003 under George W. Bush.

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 before his inauguration, whereas Obama's first year would include the Bush administration's final weeks.) Trump's 48 in year one may be compared with these two presidents.

Table 10. Government Accountability Office Reports on Major Rules as Required by the Congressional Review Act, 1998–2017

	2017	2016	2015	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001	2000	1999	1998
Department of Agriculture	2	5	7	8	4	2	4	6	12	3	7	8	6	7	4	7	9		6	5
Department of Commerce	1				2			4	2	1	2			1			2		5	1
Department of Defense	1	2	2	1				4	4	6			1			2	3		1	2
Department of Education	3	2	1	2	5	4	2	5	6	2	1	2							1	
Department of Energy	4	8	2	6	3	1	5	4	7	3	3				1	1	3	3		
Department of Health and Human Services	16	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	1	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	2	8	1	3	3	3	2	6	1	2	3	3	1	1		2	3	5		2
Department of the Interior	3	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	2	5	7	6	3	2	1	4		1	1	1		1	1		1			1
Department of Veterans Affairs	1	1	4	3	1	1	2	2	2		1		1		2	1	3			
Architectural Barriers Compliance Board	1													1				1		
Commodity Futures Trading Commission		4		1	4	9	6													
Consumer Financial Protection Bureau	3	2	2		4	1	1													
Consumer Product Safety Commission							1					1								
Emergency Oil and Gas Loan Board																			1	
Emergency Steel Guarantee Loan Board																			1	
Environmental Protection Agency	2	7	8	2	3	5	6	8	3	9	2	8	3	7	3	1	4	20	5	9
Equal Employment Opportunity Commission							1													

A November 2017 Heritage Foundation analysis of available information on 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 de-

regulatory and those that are regulatory. It concluded: "During the Obama years, the nation's regulatory burden increased by more than \$122 billion annually as a result of 284 new 'major' rules."¹⁷⁴