

# Government Accountability Office Database on Regulations

The federal government’s reports and databases on regulations serve different purposes:

- The *Federal Register* details and depicts the aggregate number of proposed and final rules—both those that affect the private sector and those that deal with internal government procedures or programs—and numerous notices and presidential documents.
- The Unified Agenda presents agency regulatory priorities and provides details about the number of rules at various stages in the regulatory pipeline, rules with economically significant effects, and rules affecting small businesses and state and local governments.

The 1996 Congressional Review Act is intended to increase rulemaking accountability. It requires that agencies submit rules to both houses of Congress and to the Government Accountability Office (GAO), and the GAO submit reports to Congress on the major ones—those with annual estimated costs of \$100 million or more.<sup>416</sup>

Owing to such “Reports on Major Rules,” which are prepared and maintained by the GAO in an online database, 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 major rules.<sup>417</sup> However, many final rules are not being properly submitted to the GAO and to Congress as required under the CRA.<sup>418</sup>

Major rules can add burdens, reduce them, delay their implementation, or set rates and standards for major government programs

like Medicaid. Major guidance documents are also subject to the CRA, but are rarely presented to the GAO or to Congress.

The CRA provides Congress a window of 60 legislative days in which to review a received rule and pass a resolution of disapproval should it choose. Despite the issuance of thousands of rules since the CRA’s passage, including dozens of major ones, before 2017 only one had been rejected (a Department of Labor rule on workplace repetitive-motion injuries in 2001). Currently, just 20 have been overturned by CRA procedures.<sup>419</sup>

The GAO database contains 87,014 rules through December 31, 2022. By contrast, as noted, the *Federal Register* and National Archives repository indicate 99,429 rules since the CRA’s passage through 2022. The database contains 1,784 reports on major rules through year-end 2022.<sup>420</sup>

Table 9 depicts the number of final major rule reports issued by the GAO regarding agency rules from 2003 through calendar year 2022.<sup>421</sup> With the caveat that the GAO database may not yet include all relevant rules from 2022, 76 major rules appear in the database for 2022 as of this writing. This number is likely to change because, for example, the tally of 98 recorded for 2021 has now increased in the current search to 129. Both of these counts are significant drops from the 140 seen in 2020,<sup>422</sup> which exceeded the prior high marks of 105 in 2016 and 100 in 2010 since GAO began these CRA-required tabulations.

There are several dozen GAO reports on major rules each year. Reporting on all as-

Table 9. Government Accountability Office Reports on Major Rules as Required by the Congressional Review Act, 2003–2022

	2022	2021	2020	2019	2018	2017	2016	2015	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003
Department of Agriculture	6	6	3	8	5	2	5	6	8	4	2	4	6	12	3	7	8	6	7	4
Department of Commerce	1		2		1	1				2				2	1	2			1	1
Department of Defense		1	2	1		2	2	2	1				4	4	6			1		
Department of Education	3	3	1	6		3	2	1	2	5	4	2	5	6	2	1	2			
Department of Energy	4		4		2	4	8	2	6	3	1	5	4	7	3	3				
Department of Health and Human Services	25	17	11	22	19	16	38	21	27	24	23	24	24	17	24	19	16	22	22	17
Department of Homeland Security	5	5	5	2	2		6	2	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
Department of Justice			1		2		1				1	1	3				1	1	1	1
Department of Labor	3	8	4	2	1	2	8	1	3	3	3	2	6	1	2	3	3	1	1	1
Department of the Interior	3	2		4	5	3	6	6	6	6	7	6	7	7	10	5	6	6	8	7
Department of State		1			1						1		1		1					
Department of Transportation	3	4	3	1	2		6	2	3	3	2	2	5	6	8	3	1	3	5	4
Department of the Treasury	6	11	16	13		2	5	7	7	3	2	1	4		1	1			1	1
Department of Veterans Affairs	1	2	1	3	3	1	1	4	3	1	1	2	2	2		1		1		2
Architectural Barriers Compliance Board						1													1	
Commodity Futures Trading Commission							4		1	4	9	6								
Consumer Financial Protection Bureau	1	4				3	2	2		4	1	1								
Consumer Product Safety Commission												1	1				1			
Emergency Oil and Gas Loan Board																				
Emergency Steel Guarantee Loan Board																				
Environmental Protection Agency	3	3			1	2	7	8	2	3	5	6	8	3	9	2	8	3	7	3
Equal Employment Opportunity Commission												1								

	2022	2021	2020	2019	2018	2017	2016	2015	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003
Federal Acquisition Regulation						1														
Federal Communications Commission	3	6			2			1	1	1					6	2	1	1	4	2
Federal Deposit Insurance Corporation	2					1	2	1	1	1										
Federal Election Commission																				1
Federal Emergency Management Agency																				
Federal Energy Regulatory Commission	1																			
Federal Housing Finance Agency	4	3																		
Federal Reserve System					1	2	1	1	1	1		3	6	6	2				1	
Federal Trade Commission																				1
National Credit Union Administration							1	1												
National Labor Relations Board												1								
Nuclear Regulatory Commission	1				2	1	1	1	1	3	1	1	1	2	1	2	1	1	1	1
Office of Management and Budget																				
Office of Personnel Management					1															1
Pension Benefit Guaranty Corporation	1	1							1											
Securities and Exchange Commission	2	12			5	1	10	6	5	5	3	8	9	7	7	5	3	4	2	5
Small Business Administration		6																	1	
Social Security Administration		1													2			1		
(Unallocated independent agencies)			37	18																
<b>TOTAL</b>	<b>76</b>	<b>98</b>	<b>90</b>	<b>80</b>	<b>55</b>	<b>49</b>	<b>119</b>	<b>77</b>	<b>82</b>	<b>81</b>	<b>68</b>	<b>80</b>	<b>100</b>	<b>84</b>	<b>95</b>	<b>60</b>	<b>56</b>	<b>56</b>	<b>66</b>	<b>50</b>
<b>Controlling TOTALS (using 2022 GAO search)</b>	<b>76</b>	<b>98</b>	<b>140</b>	<b>78</b>	<b>54</b>	<b>71</b>	<b>105</b>	<b>71</b>	<b>87</b>	<b>65</b>	<b>76</b>	<b>78</b>	<b>100</b>	<b>93</b>	<b>84</b>	<b>55</b>	<b>53</b>	<b>68</b>	<b>54</b>	<b>49</b>

Source: Table compiled by author from GAO at <https://www.gao.gov/legal/other-legal-work/congressional-review-act>. (Employing Search fields as follows: Rule Type/Major; Rule priority/Alt; and "Rule Effective Date" rather than "Date Received by GAO" to maximize total.)

Note: Like some counts in the Federal Register database, prior years' rule counts may change in subsequent years.

Table 10. Number of Significant and Major Rules

		Completed Economically Significant*	Major per GAO**	Major Per Unified Agenda***	Significant****
2016	Obama	83	105	96	486
2017	Trump	88	71	102	222
2018	Trump	35	54	43	201
2019	Trump	70	78	84	261
2020	Trump	97	140	133	462
2021	Biden	105	98	124	387
2022	Biden	89	76	103	265

\* From Unified Agenda by (loosely) “fiscal” year; see Figure 20’s completed economically significant rules.

\*\* From GAO database by calendar year.

\*\*\* From Unified Agenda.

\*\*\*\* From Federal Register.gov advanced search of “significant” final rules; these may be found at [www.tenthousandcommandments.com](http://www.tenthousandcommandments.com). These fluctuate in the database periodically.

pects of rulemaking can improve. The GAO counts are presented for context and completeness, despite fluctuations, to be able to usefully compare them with other metrics, such as the major rule and economically significant tallies found in the twice-yearly Unified Agenda, as well as significant rules in the *Federal Register*.

Several categories of large rules have a bewildering nomenclature encompassing such terms as rules, significant rules, major rules, economically significant rules, guidance, and more.<sup>423</sup> For example, an economically significant rule is major, but a major rule is not necessarily economically significant. That means there should be fewer economically significant rules than major ones. Both economically significant and major rules qualify as significant. Table 10 depicts numbers of each category for the past seven years.

Note that some economically significant rule counts from the Unified Agenda periodically appear larger than the GAO’s count of major or significant rules in some instances. The different explanations follow:

- Calendar and fiscal years do not align.
- Rules are not being reported to the GAO but are being noted at OMB.

- Independent agency rules may appear under different categorizations in various databases.
- Budget and transfer rules are reported differently.

Legislation or an executive order to systematize nomenclature could help bring greater clarity, reconcile recordkeeping across various government databases, and subject independent agencies to greater oversight by Congress and the public.

Regarding Table 9’s GAO-based compilation, Obama issued 675 major rules, compared with George W. Bush’s 492, both over eight years. This presentation covers calendar years, so Bush’s eight years contain the final weeks of Clinton’s presidency before Bush’s inauguration, and Obama’s first year includes the Bush administration’s final weeks.

George W. Bush averaged more than 61 major rules annually during his eight years in office. Obama averaged slightly more than 84. Trump issued an average of almost 86 major rules annually, some of which were deregulatory. Biden’s preliminary major rule total is 205, for an average of 103.