

Calendar No. 347

117TH CONGRESS }
2d Session }

SENATE

{ REPORT
117-96 }

GAO DATABASE MODERNIZATION
ACT OF 2021

—
R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

S. 629

TO AMEND CHAPTER 8 OF TITLE 5, UNITED STATES CODE, TO
REQUIRE FEDERAL AGENCIES TO SUBMIT TO THE COMPTROLLER
GENERAL OF THE UNITED STATES A REPORT ON RULES THAT
ARE REVOKED, SUSPENDED, REPLACED, AMENDED, OR
OTHERWISE MADE INEFFECTIVE



APRIL 27, 2022.—Ordered to be printed

—
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GAO DATABASE MODERNIZATION ACT OF 2021

APRIL 27, 2022.—Ordered to be printed

Mr. PETERS, from the Committee on Homeland Security and
Governmental Affairs, submitted the following

R E P O R T

[To accompany S. 629]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (S. 629) to amend chapter 8 of title 5, United States Code, to require Federal agencies to submit to the Comptroller General of the United States a report on rules that are revoked, suspended, replaced, amended, or otherwise made ineffective, having considered the same, reports favorably thereon with an amendment (in the nature of a substitute) and recommends that the bill, as amended, do pass.

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I. PURPOSE AND SUMMARY

The purpose of S. 629, the GAO Database Modernization Act of 2021, is to ensure that the Government Accountability Office (GAO)'s Congressional Review Act (CRA) database reflects the most up-to-date rules that agencies promulgate. For any rule already required by the CRA to be reported to GAO, the bill requires agencies to provide GAO with updated information if the rule is later revoked, suspended, replaced, amended, or for any reason no longer effective.

II. BACKGROUND AND THE NEED FOR LEGISLATION

The GAO Database Modernization Act will amend the CRA to improve GAO’s ability to keep its voluntary public database of all major and non-major rules as current and accurate as possible. In doing so, the bill will increase agency transparency and oversight of the rulemaking process.

Congress passed the CRA in 1996 to establish an expedited process for the Senate to review and possibly disapprove of a Federal agency’s final rules.¹ In addition to creating a rule review process, the CRA also improved oversight and transparency. The CRA requires agencies to submit new rules to Congress, acting as a notification system and ensuring that Members and committee staff are aware of an agency’s rulemaking activities.²

Additionally, the CRA requirement that agencies submit rules to the Comptroller General has allowed GAO to create a publicly-accessible database tracking all major and non-major rules that have been submitted to them.³ GAO has consistently posted a record of receipt of the rules agencies submit to the GAO CRA database website.⁴ Agency rules can be found in GAO’s database by searching by title, agency, date of enactment, etc.⁵ The database also hosts GAO reports on major rules to add supplemental information on the rules’ purpose, impact, and compliance.⁶

Currently, however, agencies do not report updates, suspensions, or alterations of rules to GAO unless any modifications are part of a newly promulgated regulation. S. 629 amends the CRA to require agencies to submit a report to GAO on rules which are revoked, suspended, amended, or otherwise made ineffective.

III. LEGISLATIVE HISTORY

Senator Rick Scott (R–FL) introduced S. 629, the GAO Database Modernization Act of 2021, on March 9, 2021. The bill was referred to the Committee on Homeland Security and Governmental Affairs.

The Committee considered S. 629 at a business meeting on July 14, 2021. During the business meeting, a substitute amendment was offered by Chairman Peters and adopted by voice vote *en bloc*. The legislation, as amended, passed by voice vote *en bloc*.

IV. SECTION-BY-SECTION ANALYSIS OF THE BILL, AS REPORTED

Section 1. Short title

This section establishes the short title of the bill as the “GAO Database Modernization Act of 2021.”

¹Contract with America Advancement Act of 1996, Pub. L. No. 104–121, Subtitle E, 104th Cong. (1996); Curtis W. Copeland & Richard S. Beth, Gov’t and Finance Division, Congressional Research Service, *Congressional Review Act: Disapproval of Rules in a Subsequent Session of Congress* (Sep. 3, 2008) (copy on file with the Committee).

²Congressional Research Service, *The Congressional Review Act (CRA): Frequently Asked Questions* (R43992) (Jan. 14, 2020).

³Government Accountability Office, Bid Protest, Appropriations Law, & Other Legal Work, *Congressional Review Act, 2020* (<https://www.gao.gov/legal/other-legal-work/congressional-review-act#database>).

⁴*Id.*

⁵*Id.*

⁶*Id.*

Section 2. Rules no longer in effect

This section amends the CRA to require that an agency notify the Comptroller General if a rule is made ineffective for any reason, including if the agency updates, revokes, or suspends a rule or part of a rule submitted under the CRA. This notification must include the Federal Register citation, the submission date, and a description of the rule or part of the rule subject to change. This section also sunsets the bill six years after its enactment.

V. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory impact of this bill and determined that the bill will have no regulatory impact within the meaning of the rules. The Committee agrees with the Congressional Budget Office's statement that the bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

VI. CONGRESSIONAL BUDGET OFFICE COST ESTIMATES

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 15, 2021.

Hon. GARY PETERS,
Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 629, the GAO Database Modernization Act of 2021.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford.

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

S. 629, GAO Database Modernization Act of 2021			
As ordered reported by the Senate Committee on Homeland Security and Governmental Affairs on July 14, 2021			
By Fiscal Year, Millions of Dollars	2021	2021-2026	2021-2031
Direct Spending (Outlays)	0	*	*
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	*	*
Spending Subject to Appropriation (Outlays)	0	*	not estimated
Statutory pay-as-you-go procedures apply?	Yes	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2032?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

S. 629 would require federal agencies to report to the Government Accountability Office (GAO) whenever the agency revokes, suspends, replaces, amends, or makes ineffective a rule. Such reports must include a description of the provisions of the rule. The requirement would terminate in six years.

Because the bill would not impose a significant additional administrative burden on federal agencies or GAO, CBO estimates that implementing the legislation would cost less than \$500,000 over the 2022-2026 period; any spending would be subject to the availability of appropriated funds.

Enacting S. 629 could affect direct spending by some agencies that are allowed to use fees, receipts from the sale of goods, and other collections to cover operating costs. CBO estimates that any net changes in direct spending by those agencies would be negligible because most of them can adjust amounts collected to reflect changes in operating costs.

The CBO staff contact for this estimate is Matthew Pickford. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

VII. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows: (existing law proposed to be omitted is enclosed in brackets, new matter is printed in *italics*, and existing law in which no change is proposed is shown in *roman*):

UNITED STATES CODE

* * * * *

**TITLE 5—GOVERNMENT ORGANIZATION
AND EMPLOYEES**

* * * * *

PART I—THE AGENCIES GENERALLY

* * * * *

**CHAPTER 8—CONGRESSIONAL REVIEW OF AGENCY
RULEMAKING**

* * * * *

SEC. 801. CONGRESSIONAL REVIEW

(a) * * *

(1) * * *

(A) * * *

* * * * *

(D) For any rule submitted under subparagraph (A), if the Federal agency promulgating the rule, in whole or in part, revokes, suspends, replaces, amends, or otherwise makes the rule ineffective, or the rule is made ineffective for any other reason, the Federal agency shall submit to the Comptroller General a report containing—

- (i) the title of the rule;*
- (ii) the Federal Register citation for the rule, if any;*
- (iii) the date on which rule was submitted to the Comptroller General; and*
- (iv) a description of the provisions of the rule that are being revoked, suspended, replaces, amended, or otherwise made ineffective.*

* * * * *