

Calendar No. 349

117TH CONGRESS }
2d Session }

SENATE

{ REPORT
117-98 }

MAPS ACT OF 2021

REPORT

OF THE

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

S. 1941

TO DIRECT THE DIRECTOR OF THE OFFICE OF MANAGEMENT
AND BUDGET TO STANDARDIZE THE USE OF CORE-BASED
STATISTICAL AREA DESIGNATIONS ACROSS FEDERAL
PROGRAMS, TO ALLOW BETWEEN 120 AND 180 DAYS FOR
PUBLIC COMMENT ON ANY PROPOSED CHANGE TO SUCH
DESIGNATIONS, AND TO REPORT ON THE SCIENTIFIC BASIS
AND ESTIMATED IMPACT TO FEDERAL PROGRAMS FOR ANY
PROPOSED CHANGE TO SUCH DESIGNATIONS, AND FOR OTHER
PURPOSES



APRIL 27, 2022.—Ordered to be printed

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

R E P O R T

[To accompany S. 1941]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (S. 1941) to direct the Director of the Office of Management and Budget to standardize the use of core-based statistical area designations across Federal programs, to allow between 120 and 180 days for public comment on any proposed change to such designations, and to report on the scientific basis and estimated impact to Federal programs for any proposed change to such designations, and for other purposes, having considered the same, reports favorably thereon within 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

S. 1941, the Metropolitan Areas Protection and Standardization Act of 2021, or MAPS Act of 2021, requires the Director of OMB to standardize the use of metropolitan area designations across federal programs, and extends the amount of days for public comment on any proposed change to such designations. It also requires a re-

port on the scientific basis and estimated impact to federal programs for any proposed change to such designations.

II. BACKGROUND AND THE NEED FOR LEGISLATION

In response to a recommendation by the Metropolitan and Micropolitan Statistical Area Standards Review Committee in their 2019 report,¹ OMB proposed raising the metropolitan statistical area (MSA) population threshold from 50,000 to 100,000.² This would be the first ever increase in the minimum population standard for metropolitan areas. This proposed change to the threshold could negatively impact federal funding, services, and opportunities to counties across the United States. Based on 2010 census data, 144 MSAs in the United States and Puerto Rico (approximately 251 counties and 19 million people) could lose metropolitan status if this change to the threshold occurred.³

On January 19, 2021, OMB issued a request for public comment on the intended change.⁴ Representatives of local governments across the country expressed concern over potential loss of federal funding based on loss of metropolitan status.⁵ A bipartisan group of senators stated in a letter to OMB that any change to statistical policy that has such potentially disruptive impacts throughout the country deserves careful consideration.⁶ Ultimately, the Metropolitan and Micropolitan Statistical Area Standards Review Committee submitted a revised recommendation to maintain the 50,000 MSA population threshold.⁷

OMB reviews these standards in years preceding their application to new decennial census data.⁸ However, federal programs rely on these standards when allocating funds in the years between each census. There is no catalog of how federal programs rely on metropolitan area standards in the years between each census, and thorough analysis by program staff at every department or agency would be needed to estimate changes in funding as a result of the proposed threshold change.⁹ Therefore, the full impact of OMB's initial proposal is unknown. The Metropolitan Areas Protection and Standardization Act requires the federal government to provide the

¹Metropolitan and Micropolitan Statistical Area Standards Review Committee, *Report and Recommendations for the Metropolitan and Micropolitan Statistical Area Standards Review Committee to the Office of Management and Budget Concerning Changes to the 2010 Standards for Delineating Metropolitan and Micropolitan Statistical Areas* (Aug. 1, 2019).

²Office of Management and Budget, *Recommendations From the Metropolitan and Micropolitan Statistical Area Standards Review Committee to the Office of Management and Budget Concerning Changes to the 2010 Standards for Delineating Metropolitan and Micropolitan Statistical Areas*, 86 Fed. Reg. 5263 (Jan. 19, 2021).

³Brookings Institution, *The new 'rural'? The implications of OMB's proposal to redefine nonmetro America* (Mar. 18, 2021) (www.brookings.edu/research/the-new-rural-the-implications-of-ombs-proposal-to-redefine-nonmetro-america/).

⁴86 Fed. Reg. 5263, *supra* note 2.

⁵*Small cities fret over feds redefining metro areas*, The Hill (Mar. 21, 2021) (thehill.com/homenews/state-watch/544083-small-cities-fret-over-feds-redefining-metro-areas); *see also Bye, Bismarck: 144 cities could lose status as metro areas*, Associated Press (Mar. 6, 2021) (apnews.com/article/wisconsin-bismarck-census-2020-north-dakota-sheboygan-ad77e15f0f8cd13b8e398d2ca8339ca7).

⁶Letter from Senators Klobuchar, Schumer, Cramer, Hoeven, Smith, Murray, Baldwin, King, Van Hollen, Merkley, Warren, Brown, Casey, Durbin, Kaine, Cardin, Wyden, Warner, Warnock, Stabenow, Ossoff, and Manchin to Deputy Administrator Dominic Mancini (Mar. 19, 2021).

⁷The White House, *Office of Management and Budget Announces 2020 Standards for Delineating Core Based Statistical Areas* (July 13, 2021) (www.whitehouse.gov/omb/briefing-room/2021/07/13/office-of-management-and-budget-announces-2020-standards-for-delineating-core-based-statistical-areas/).

⁸Congressional Research Service, *Metropolitan Area Designations by OMB: History, 2010 Standards, and Uses* (R42005) (Updated June 6, 2014).

⁹*Id.* at 7.

needed analysis and transparency before any change to metropolitan area standards can be implemented.

III. LEGISLATIVE HISTORY

Chairman Gary Peters (D–MI) introduced S. 1941, the Metropolitan Areas Protection and Standardization (MAPS) Act of 2021, on May 27, 2021, with Senator Rob Portman (R–OH). The bill was referred to the Committee on Homeland Security and Governmental Affairs. Senator Jerry Moran (R–KS) joined as a cosponsor on July 12, 2021.

The Committee considered S. 1941 at a business meeting on November 3, 2021. During the business meeting, a substitute amendment and an amendment to change the title of the bill were offered by Chairman Peters and adopted by voice vote *en bloc*. The bill, as amended, was ordered reported favorably *en bloc* by voice vote. Senators Peters, Hassan, Sinema, Rosen, Padilla, Ossoff, Portman, Johnson, Lankford, Romney, Scott and Hawley were present.

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 “Metropolitan Areas Protection and Standardization Act of 2021” or the “MAPS Act of 2021”.

Section 2. Findings

This section establishes findings that inform the policy solutions in this bill, especially concerning potential disruption to service delivery based on updates to statistical standards, as well as the need for independence in statistical policymaking.

Section 3. Purpose

This section explains the two purposes of the bill: (1) to provide transparency in how core-based statistical area delineations are used in domestic assistance programs; and (2) to ensure independence of the Office of Management and Budget in establishing and updating core-based statistical area delineations.

Section 4. Definitions

This section defines common terms used throughout this bill.

Section 5. Non-propagation of core-based statistical area delineations

This section adds a new section 6309 to chapter 63 of title 31, United States Code, requiring that any updates to core-based statistical area delineations pursuant to section 3504(e) of title 44 shall not propagate automatically for any non-statistical use by any domestic assistance program. These programs may use any current delineation, or may adopt an updated delineation through notice-and-comment rulemaking.

Section 6. Transparency of non-statistical uses of core-based statistical area delineations

This section amends section 6102(a)(2) of title 31, United States Code, to require the Director of the Office of Management and

Budget to standardize and collect information on the uses of core-based statistical area delineations in federal domestic assistance programs. This section specifies that the information standardized and collected is to be made accessible as an open government data asset, presented in a user-friendly format, made publicly available on relevant government websites, and updated at least once every year.

Section 7. Independence, Integrity, and Accountability of core-based statistical area delineations

This section amends section 3504(e) of title 44, United States Code, to require that any updates to core-based statistical area delineations be accompanied by a public report explaining the scientific basis for the update and the opinions of experts who were consulted for the update. Moreover, this section specifies that any such update shall not be influenced by any non-statistical consideration and shall not propagate automatically for any non-statistical use by any domestic assistance program.

Section 8. Comptroller General report

Section 8 requires the Comptroller General to submit a report to Congress not later than three years after the enactment of the MAPS Act to report on the data quality of the information reported pursuant to section 6. The Comptroller General must identify any programs that are not yet reporting the required information under section 6, and make recommendations based on findings in the report.

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 ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 19, 2022.

Hon. GARY C. 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. 1941, the MAPS 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. 1941, MAPS Act of 2021			
As ordered reported by the Senate Committee on Homeland Security and Governmental Affairs on November 3, 2021			
By Fiscal Year, Millions of Dollars	2022	2022-2026	2022-2031
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	*	2	not estimated
Statutory pay-as-you-go procedures apply?	No	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. 1941 would require the Office of Management and Budget (OMB) to describe how core-based statistical area (CBSA) delineations—geographic specifications established for the country’s largest population centers—are used to determine eligibility for and distribution of federal services and benefits. Under current law, OMB establishes standards for determining CBSA delineations, which are to be used solely for descriptive and statistical purposes. The bill would require OMB to report on the scientific basis for changing any CBSA delineation.

Federal agencies use CBSAs for nonstatistical purposes, such as determining allocations for federal funding. S. 1941 would prohibit agencies from automatically adopting any changes to CBSA delineations for nonstatistical purposes unless those changes were adopted through a public rulemaking process. Finally, the bill would require the Government Accountability Office (GAO) to report on the accuracy and usefulness of published CBSA information.

Using information from OMB, CBO expects that most of the provisions in S. 1941 would build on current federal policies and practices. However, CBO also expects that OMB and GAO would incur costs to gather information on federal agencies’ use of CBSA delineations. Based on the costs of similar activities, CBO estimates that implementing S. 1941 would cost \$2 million over the 2022–2026 period; such spending would be subject to the availability of appropriated funds.

Prohibiting federal agencies from automatically accepting changes to CBSA delineations for nonstatistical purposes could affect agency behavior; however, there is no comprehensive information on the use of those delineations in federal programs. Thus, CBO cannot determine whether that procedural change would result in any future costs or savings.

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 italic, and existing law in which no change is proposed is shown in roman):

UNITED STATES CODE

* * * * *

TITLE 31—MONEY AND FINANCE

* * * * *

Subtitle V—General Assistance Administration

* * * * *

CHAPTER 61—PROGRAM INFORMATION

* * * * *

SEC. 6102. PROGRAM INFORMATION REQUIREMENTS

(a) * * *

- (1) * * *
- (2) * * *

* * * * *

(F) uses, and restrictions on the use, of assistance; **[and]**

(G) uses of core-based statistical area delineations (as chosen from standardized categories of uses determined by the Director), for purposes including prime recipient and subrecipient eligibility for, and distribution of, any Federal service, benefit, or funding; and

[(G)] *(H) duties of recipients under the program.*

* * * * *

CHAPTER 63—USING PROCUREMENT CONTRACTS AND GRANT AND COOPERATIVE AGREEMENTS

- Sec.
- 6301. Purposes.
- 6302. Definitions.
- 6303. Using procurement contracts.
- 6304. Using grant agreements.
- 6305. Using cooperative agreements.
- 6306. Authority to vest title in tangible personal property for research.
- 6307. Interpretative guidelines and exemptions.
- 6308. Use of multiple relationships for different parts of jointly financed projects.
- 6309. Non-propagation of core-based statistical area delineations.

* * * * *

SEC. 6309. NON-PROPAGATION OF CORE-BASED STATISTICAL AREA DELINEATIONS.

Beginning on the date of enactment of the MAPS Act of 2021, and notwithstanding any other provision of law, any change to the standards of core-based statistical area delineations pursuant to section 3504(e) of title 44—

(1) shall not propagate automatically for any non-statistical use by any domestic assistance program, including any such use as required through—

(A) statutory reference to any core-based statistical area delineation; or

(B) administrative or regulatory reference to any core-based statistical area delineation; and

(2) shall propagate for any non-statistical use by any domestic assistance program only—

(A) if a relevant agency determines that such a propagation—

(i) supports the purposes of the program; and

(ii) is in the public interest; and

(B) through affirmative adoption through notice-and-comment rulemaking pursuant to section 553 of title 5.

* * * * *

TITLE 44—PUBLIC PRINTING AND DOCUMENTS

* * * * *

CHAPTER 35—COORDINATION OF FEDERAL INFORMATION POLICY

* * * * *

Subchapter I—Federal Information Policy

* * * * *

SEC. 3504. AUTHORITY AND FUNCTIONS OF DIRECTOR

(a) * * *

* * * * *

(e) * * *

(1) * * *

* * * * *

(9) provide opportunities for training in statistical policy functions to employees of the Federal Government under which—

(A) each trainee shall be selected at the discretion of the Director based on agency requests and shall serve under the chief statistician for at least 6 months and not more than 1 year; and

(B) all costs of the training shall be paid by the agency requesting training[.] and

(10) ensure that any change to the standards of core-based statistical area delineations pursuant to this subsection shall—

(A) be accompanied by a public report that explains—

(i) the scientific basis, criteria, and methodology for such change to existing standards, including clear quantitative thresholds for determining any future statistical re-delineations; and

(ii) the opinions of domestic and international experts in statistics and demographics, including government experts at the Bureau of the Census and other relevant agencies, who were consulted regarding such change to existing standards;

(B) not be influenced by any non-statistical considerations such as impact on program administration or service delivery; and

(C) not propagate automatically for any non-statistical use by any domestic assistance program.

