

GAO DATABASE MODERNIZATION
ACT OF 2023

REPORT

OF THE

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

S. 679

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



MAY 11, 2023.—Ordered to be printed

U.S. GOVERNMENT PUBLISHING OFFICE

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

GARY C. PETERS, Michigan, *Chairman*

THOMAS R. CARPER, Delaware	RAND PAUL, Kentucky
MAGGIE HASSAN, New Hampshire	RON JOHNSON, Wisconsin
KYRSTEN SINEMA, Arizona	JAMES LANKFORD, Oklahoma
JACKY ROSEN, Nevada	MITT ROMNEY, Utah
ALEX PADILLA, California	RICK SCOTT, Florida
JON OSSOFF, Georgia	JOSH HAWLEY, Missouri
RICHARD BLUMENTHAL, Connecticut	ROGER MARSHALL, Kansas

DAVID M. WEINBERG, *Staff Director*

ZACHARY I. SCHRAM, *Chief Counsel*

LENA C. CHANG, *Director of Governmental Affairs*

EMILY I. MANNA, *Professional Staff Member*

WILLIAM E. HENDERSON III, *Minority Staff Director*

CHRISTINA N. SALAZAR, *Minority Chief Counsel*

ANDREW J. HOPKINS, *Minority Counsel*

LAURA W. KILBRIDE, *Chief Clerk*

Calendar No. 65

118TH CONGRESS }
1st Session }

SENATE

{ REPORT
{ 118-25

GAO DATABASE MODERNIZATION ACT OF 2023

MAY 11, 2023.—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. 679]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (S. 679) 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 without amendment and recommends that the bill do pass.

CONTENTS

	Page
I. Purpose and Summary	1
II. Background and Need for the Legislation	2
III. Legislative History	2
IV. Section-by-Section Analysis of the Bill, as Reported	3
V. Evaluation of Regulatory Impact	3
VI. Congressional Budget Office Cost Estimate	3
VII. Changes in Existing Law Made by the Bill, as Reported	4

I. PURPOSE AND SUMMARY

S. 679, the *GAO Database Modernization Act of 2023*, would ensure the Government Accountability Office (GAO)'s Congressional Review Act (CRA) database reflects the most up-to-date rules that agencies promulgate.¹ For any rule that agencies already report to GAO under the CRA, the bill requires agencies to provide GAO

¹On July 14, 2021, the Committee approved S. 629, the GAO Database Modernization Act of 2021. That bill is substantially similar to S. 679. Accordingly, this committee report is in many respects similar to the committee report for S. 629. See S. Rep. No. 117-96.

with updated information if the rule is later revoked, suspended, replaced, amended, or for any reason no longer effective.

II. BACKGROUND AND NEED FOR THE LEGISLATION

The *GAO Database Modernization Act* would 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. The bill would increase agency transparency and oversight of the rule-making process by requiring agencies to report to GAO whenever a rule is revoked, suspended, replaced, amended, or otherwise becomes ineffective.

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.² In addition to creating a rule review process, the CRA also aimed to improved oversight and transparency by requiring agencies to submit new rules to Congress, acting as a notification system to ensure Members of Congress are aware of an agency's rulemaking activities.³

Additionally, the CRA requires agencies to submit new rules to the Comptroller General of the United States, the head of GAO.⁴ GAO has created a publicly accessible database tracking all major and non-major rules agencies have submitted.⁵ The public can find agency rules in GAO's database by searching by title, agency, date of enactment, and more. The database also hosts GAO reports on major rules to add supplemental information on the rules' purpose, impact, and compliance.

However, agencies do not currently report updates, suspensions, or alterations of rules to GAO unless any modifications are part of a newly promulgated regulation. S. 679 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. 679, the *GAO Database Modernization Act of 2023*, on March 7, 2023, with original cosponsor Senator Gary Peters (D-MI). The bill was referred to the Committee on Homeland Security and Governmental Affairs.

The Committee considered S. 679 at a business meeting on March 29, 2023. At the business meeting, the bill was ordered reported favorably by roll call vote of 11 yeas to 0 nays, with Senators Peters, Hassan, Rosen, Padilla, Ossoff, Blumenthal, Paul, Lankford, Romney, Scott, and Hawley voting in the affirmative, and with Senators Carper, Sinema, Johnson, and Marshall voting yea by proxy, for the record only.

² Contract with America Advancement Act of 1996, Pub. L. No. 104-121, Subtitle E; Congressional Research Service, *Congressional Review Act: Disapproval of Rules in a Subsequent Session of Congress* (RL34633) (Sept. 3, 2008).

³ Congressional Research Service, *The Congressional Review Act (CRA): Frequently Asked Questions* (R43992) (Jan. 14, 2020).

⁴ 5 U.S. Code § 801.

⁵ Government Accountability Office, *Congressional Review Act Database* (<https://www.gao.gov/legal/other-legal-work/congressional-review-act#database>) (Accessed Mar. 10, 2023).

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 2023.”

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

S. 679, GAO Database Modernization Act of 2023			
As ordered reported by the Senate Committee on Homeland Security and Governmental Affairs on March 29, 2023			
By Fiscal Year, Millions of Dollars	2023	2023-2028	2023-2033
Direct Spending (Outlays)	*	*	*
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	*	*	*
Spending Subject to Appropriation (Outlays)	*	*	not estimated
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Statutory pay-as-you-go procedures apply?	Yes
		Mandate Effects	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

S. 679 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 2023–2028 period; any spending would be subject to the availability of appropriated funds.

Enacting S. 679 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.

PHILLIP L. SWAGEL,
Director, Congressional Budget Office.

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 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, replaced, amended, or otherwise made ineffective.

* * * * *

