



441 G St. N.W.
Washington, DC 20548

B-329246

August 1, 2017

The Honorable Lamar Alexander
Chairman
The Honorable Patty Murray
Ranking Member
Committee on Health, Education, Labor, and Pensions
United States Senate

The Honorable Virginia Foxx
Chairwoman
The Honorable Robert C. "Bobby" Scott
Ranking Member
Committee on Education and the Workforce
House of Representatives

Subject: *Department of Education: Elementary and Secondary Education Act of 1965, as Amended by the Every Student Succeeds Act—Accountability and State Plans*

Pursuant to section 801(a)(2)(A) of title 5, United States Code, this is our report on a major rule promulgated by the Department of Education (Department) entitled "Elementary and Secondary Education Act of 1965, as Amended by the Every Student Succeeds Act—Accountability and State Plans" (RIN: 1810-AB27). We received the rule on July 19, 2017. It was published in the *Federal Register* as "Final regulations; CRA revocation" on July 7, 2017. 82 Fed. Reg. 31,690.

Under the Congressional Review Act (CRA), Congress has passed, and the President has signed, a resolution of disapproval of the accountability and state plans final regulations that were published on November 29, 2016. Because the resolution of disapproval invalidates these regulations, the Department by this action is removing these regulations from the Code of Federal Regulations. This action is effective July 7, 2017.

If you have any questions about this report or wish to contact GAO officials responsible for the evaluation work relating to the subject matter of the rule, please contact Shirley A. Jones, Assistant General Counsel, at (202) 512-8156.

signed

Robert J. Cramer
Managing Associate General Counsel

Enclosure

cc: Hilary Malawer
Assistant General Counsel for
Division of Regulatory Services
Department of Education

REPORT UNDER 5 U.S.C. § 801(a)(2)(A) ON A MAJOR RULE
ISSUED BY THE
DEPARTMENT OF EDUCATION
ENTITLED
“ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965,
AS AMENDED BY THE EVERY STUDENT SUCCEEDS ACT—
ACCOUNTABILITY AND STATE PLANS”
(RIN: 1810-AB27)

(i) Cost-benefit analysis

The Department removed these final regulations from the Code of Federal Regulations; the Department did not include a cost-benefit analysis in this Congressional Review Act (CRA) revocation.

(ii) Agency actions relevant to the Regulatory Flexibility Act (RFA), 5 U.S.C. §§ 603-605, 607, and 609

The Department removed these final regulations from the Code of Federal Regulations; the Department did not include a discussion of RFA in this CRA revocation.

(iii) Agency actions relevant to sections 202-205 of the Unfunded Mandates Reform Act (UMRA) of 1995, 2 U.S.C. §§ 1532-1535

The Department removed these final regulations from the Code of Federal Regulations; the Department did not include a discussion of UMRA in this CRA revocation.

(iv) Other relevant information or requirements under acts and executive orders

Administrative Procedure Act, 5 U.S.C. §§ 551 et seq.

On November 29, 2016, the Department published the accountability and state plans final regulations. 81 Fed. Reg. 86,076. The regulations were effective on March 21, 2107. On March 27, 2017, the President signed into law Congress’ resolution of disapproval of the accountability and state plans final regulations under CRA. CRA states that “[a]ny rule that takes effect and later is made of no force or effect by enactment of a joint resolution under section 802 shall be treated as though such rule had never taken effect.” 5 U.S.C. § 801(f). By this action, the Department is removing the accountability and state plans final regulations from the Code of Federal Regulations.

Paperwork Reduction Act (PRA), 44 U.S.C. §§ 3501-3520

The Department removed these final regulations from the Code of Federal Regulations; the Department did not include a discussion of PRA in this CRA revocation.

Statutory authorization for the rule

On March 27, 2017, President Trump signed into law Congress' resolution of disapproval of the accountability and state plans final regulations under the Congressional Review Act as Public Law 115-13.

Executive Order No. 12,866 (Regulatory Planning and Review)

The Department removed these final regulations from the Code of Federal Regulations; the Department did not include a discussion of this executive order in this CRA revocation.

Executive Order No. 13,132 (Federalism)

The Department removed these final regulations from the Code of Federal Regulations; the Department did not include a discussion of this executive order in this CRA revocation.