



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

B-334189

April 14, 2022

The Honorable Patty Murray  
Chairwoman  
The Honorable Richard Burr  
Ranking Member  
Committee on Health, Education, Labor, and Pensions  
United States Senate

The Honorable Frank Pallone, Jr.  
Chairman  
The Honorable Cathy McMorris Rodgers  
Republican Leader  
Committee on Energy and Commerce  
House of Representatives

Subject: *Department of Health and Human Services, Centers for Disease Control and Prevention: Amended Order Implementing Presidential Proclamation on Advancing the Safe Resumption of Global Travel During the COVID-19 Pandemic*

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 Health and Human Services, Centers for Disease Control and Prevention (CDC) entitled “Amended Order Implementing Presidential Proclamation on Advancing the Safe Resumption of Global Travel During the COVID-19 Pandemic” (RIN: 0920-ZA38). We received the rule on April 7, 2022. It was published in the *Federal Register* as a notice of agency amended order on April 7, 2022. 87 Fed. Reg. 20405. The effective date is April 14, 2022.

According to CDC, the notice amends an order issued October 20, 2021, to align with revised CDC guidance published on January 4, 2022, related to isolation and quarantine after travel. CDC stated the new order reduces the self-quarantine time after international travel for certain individuals with vaccine exemptions from seven days to five. CDC also stated the notice reduces the self-quarantine time for those diagnosed with COVID-19 or experiencing symptoms of COVID-19 from ten days to five.

The Congressional Review Act (CRA) requires a 60-day delay in the effective date of a major rule from the date of publication in the *Federal Register* or receipt of the rule by Congress, whichever is later. 5 U.S.C. § 801(a)(3)(A). The 60-day delay in effective date can be waived, however, if the agency finds for good cause that delay is impracticable, unnecessary, or contrary to the public interest, and the agency incorporates a statement of the findings and its reasons in the rule issued. 5 U.S.C. §§ 553(b)(3)(B), 808(2). Here, although CDC did not specifically mention the CRA’s 60-day delay in effective date requirement, the agency found good cause to waive notice and comment procedures and incorporated a brief statement of reasons. Specifically, CDC determined it had good cause because, considering the rapid and

unpredictable developments in the public health emergency caused by COVID-19, it would be impracticable and contrary to the public's health, and by extension the public's interest, to delay the issuance and effective date of the notice. CDC stated that in light of the rapid spread of Omicron and its impact on travel, any delay in issuing these amendments would adversely affect travelers and the air travel industry by depriving these persons and entities of the ability to rely on the most up-to-date findings and scientific determinations relating to the ongoing COVID-19 pandemic.

Enclosed is our assessment of CDC's compliance with the procedural steps required by section 801(a)(1)(B)(i) through (iv) of title 5 with respect to the rule. 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 Shari Brewster, Assistant General Counsel, at (202) 512-6398.

A handwritten signature in black ink, reading "Shirley A. Jones". The signature is written in a cursive, flowing style.

Shirley A. Jones  
Managing Associate General Counsel

Enclosure

cc: Vanessa Jones  
Regulations Coordinator  
Department of Health and Human Services

REPORT UNDER 5 U.S.C. § 801(a)(2)(A) ON A MAJOR RULE  
ISSUED BY THE  
DEPARTMENT OF HEALTH AND HUMAN SERVICES,  
CENTERS FOR DISEASE CONTROL AND PREVENTION  
ENTITLED  
“AMENDED ORDER IMPLEMENTING PRESIDENTIAL PROCLAMATION  
ON ADVANCING THE SAFE RESUMPTION OF GLOBAL TRAVEL  
DURING THE COVID-19 PANDEMIC”  
(RIN: 0920-ZA38)

(i) Cost-benefit analysis

The Department of Health and Human Services, Centers for Disease Control and Prevention (CDC) did not discuss the costs and benefits in the notice. In its submission to us, CDC indicated that it considered preparation of an analysis of the costs and benefits of the notice to be not applicable.

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

CDC did not discuss RFA’s requirements in the notice. In its submission to us, CDC indicated that it considered preparation of an RFA analysis of the notice to be not applicable.

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

CDC did not discuss the Act’s requirements in the notice. In its submission to us, CDC indicated that it considered preparation of an Unfunded Mandates Reform Act analysis of the notice to be not applicable.

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

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

CDC waived notice and comment procedures for good cause. CDC determined it had good cause because, considering the rapid and unpredictable developments in the public health emergency caused by COVID-19, it would be impracticable and contrary to the public’s health, and by extension the public’s interest, to delay the issuance and effective date of the notice. CDC stated that in light of the rapid spread of Omicron and its impact on travel, any delay in issuing these amendments would adversely affect travelers and the air travel industry by depriving these persons and entities of the ability to rely on the most up-to-date findings and scientific determinations relating to the ongoing COVID-19 pandemic. CDC also stated that a delay in the effective date of the notice is not required because the notice relieves certain restrictions.

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

CDC determined that this notice contains Information Collection Requirements (ICRs) under the Act. The ICRs are associated with Office of Management and Budget (OMB) Control Number 0920-1318. CDC estimated the burden of this ICR to be two hours per response.

Statutory authorization for the rule

CDC promulgated the notice pursuant to a presidential proclamation issued pursuant to section 301 of title 3, and sections 1182 and 1185 of title 8, United States Code.

Executive Order No. 12866 (Regulatory Planning and Review)

CDC determined the rule to be economically significant and stated the notice has been reviewed by OMB.

Executive Order No. 13132 (Federalism)

CDC did not discuss the Order's requirements in the notice. In its submission to us, CDC indicated that it considered preparation of a federalism analysis of the notice to be not applicable.