

THE CONGRESSIONAL REVIEW ACT: CONGRESS'S SELDOM-USED TOOL FOR REGULATORY REFORM

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The Congressional Review Act (CRA) allows Congress to overturn executive agency regulations, but Congress has seldom used the CRA in the act's nearly 30-year history, despite growth of the *Code of Federal Regulations* by 44 percent to over 190,000 pages during that time.¹ Reining in the administrative state, achieving lasting regulatory reform, and following the Constitution require Congress to do its job as the legislative branch and review agency rules that carry the force of law. The REINS Act would force Congress to play an active role in the regulatory process.

HOW THE CRA WORKS

The CRA was enacted to allow Congress to reassert its proper legislative role vis-à-vis federal agencies and to strengthen congressional oversight of agencies' rules.² The CRA requires agencies to submit all final rules to Congress and the Government Accountability Office (GAO). Congress then has 60 days to pass a joint resolution of disapproval to overturn a rule. Each joint resolution can be used to nullify only one final rule. If Congress passes a joint resolution of disapproval and the president signs it (or if Congress overrides a presidential veto of a joint resolution), then the final rule cannot go into effect or stay in effect.³

CRA FREQUENCY OF USE

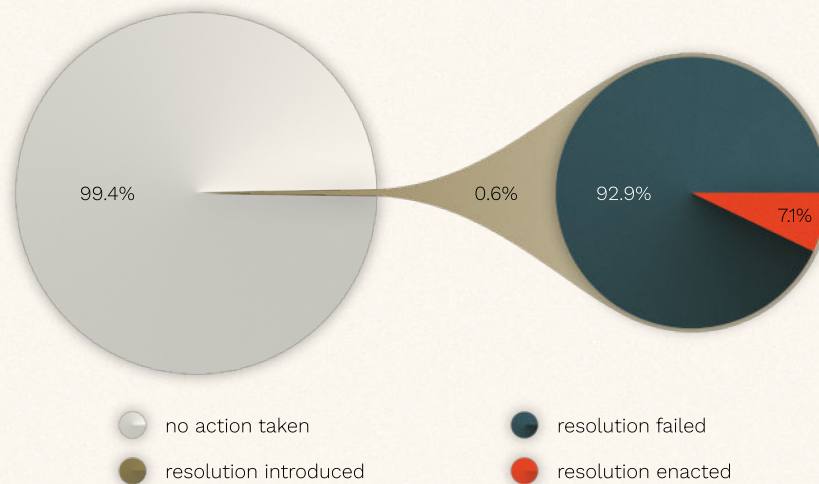
Congress, however, has barely touched the CRA since it was enacted in 1996. From March 29, 1996 (when the CRA became effective), to June 23, 2025, federal agencies have submitted 91,730 final rules to the GAO and Congress.⁴ Only 506 resolutions of disapproval (0.6 percent) have been introduced, and just 36 of those resolutions (7.1 percent) became law and overturned an agency's rule (see figure 1).⁵ Thirty-six rules overturned out of more than 91,000 submitted is 0.04 percent. Before 2017, Congress had overturned only one rule, during the 107th Congress (2001–2002).⁶

IMPROVING CONGRESSIONAL OVERSIGHT

Only Congress has the power to make laws.⁷ Over time, however, Congress has delegated a significant amount of its legislative power to federal agencies in the form of rulemaking. Reclaiming its lawmaking authority under Article I of the US Constitution requires a willingness on Congress's part to do so.

The Regulations from the Executive in Need of Scrutiny (REINS) Act would have Congress take an active rather than passive role in agency oversight. Rather than give Congress the option to disapprove rules, as per the CRA, the REINS Act would require Congress to approve all major rules issued by federal agencies. Major

Figure 1. Rules Submitted to Congress under the CRA, March 1996–June 2025



Source: US Government Accountability Office, “Search Database of Rules,” accessed May 16, 2025, https://www.gao.gov/legal/congressional-review-act/search-database-of-rules?processed=1&type=all&received_start_date=1996-01-01&received_end_date=2025-03-20&priority=all#s-skipLinkTargetForMainSearchResults; George Washington University Regulatory Studies Center, “Congressional Review Act,” accessed May 16, 2025, <https://regulatorystudies.columbian.gwu.edu/congressional-review-act>; American Action Forum, “Congressional Review Act Tracker for the 119th Congress,” accessed June 23, 2025, <https://www.americanactionforum.org/cra-tracker/>.

rules are those projected to have an annual effect on the economy of at least \$100 million, significantly increase costs or prices, or adversely affect competition, employment, investment, productivity, or innovation in the economy. In other words, under the REINS Act, a major rule could take effect only after Congress affirmatively approves it.⁸

NOTES

1. George Washington University Regulatory Studies Center, “Reg Stats,” accessed May 16, 2025, <https://regulatorystudies.columbian.gwu.edu/reg-stats>.
2. Government Accountability Office, “Congressional Review Act,” accessed March 20, 2025, <https://www.gao.gov/legal/congressional-review-act>.
3. Maeve P. Carey and Christopher M. Davis, “The Congressional Review Act (CRA): A Brief Overview” (In Focus no. IF10023, Congressional Research Service, Washington, DC, updated August 29, 2024), 1; 5 U.S.C. § 801.
4. Government Accountability Office, “Search Database of Rules,” accessed May 16, 2025, https://www.gao.gov/legal/congressional-review-act/search-database-of-rules?processed=1&type=all&received_start_date=1996-01-01&received_end_date=2025-03-20&priority=all#s-skipLinkTargetForMainSearchResults.
5. George Washington University Regulatory Studies Center, “Congressional Review Act,” accessed May 16, 2025, <https://regulatorystudies.columbian.gwu.edu/congressional-review-act>; American Action Forum, “Congressional Review Act Tracker for the 119th Congress,” accessed June 23, 2025, <https://www.americanactionforum.org/cra-tracker/>.
6. Carey and Davis, “Congressional Review Act.”
7. US Const. art. I, § 1, cl. 1.
8. “Regulations from the Executive in Need of Scrutiny Act of 2023,” H.R. 277, 118th Cong. (2023); 5 U.S.C. § 804(2).



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