

## **Congressional Review Act: 2024 - 2025 Unpacked**

The Congressional Review Act (CRA) allows Congress by simple majority vote in both chambers – with limited debate, no possibility of a filibuster, and the president's signature – to overturn recently issued regulations. The agency that issued the rule is then prohibited from issuing a new one that is "substantially the same," but the scope of this prohibition is unclear.

Importantly, the CRA includes a carryover period allowing a new Congress to strike down rules issued in the final months of the previous administration. Historically, the carryover period has become relevant only when an anti-regulatory administration and congress replaces more pro-regulatory ones, as occurred following the 2024 election.

### **2025 Carryover Period Recap**

A total of 16 rules were repealed through the CRA. Of these:

- Seven targeted Environmental Protection Agency rules. These included:
  - Three California waivers to strengthen air pollution standards under the Clean Air Rule applying to cars, heavy-duty vehicles and trucks, and low nitrogen oxides regulations. These three resolutions of disapproval did not comply with the CRA's statutory requirements, requiring a vote to overrule the Senate Parliamentarian;
  - A requirement that corporations pay for methane pollution;
  - A rule implementing air pollution emissions standards for rubber tire manufacturing;
  - A requirement for the disclosure of air pollution sources of persistent and bioaccumulative hazards; and
  - A prohibition on the manufacturing, import, processing, use, and distribution in commerce of trichloroethylene (TCE), a chemical known to cause cancer and other severe illnesses.
- Three targeted the Department of Energy actions. These included:
  - Energy conservation standards for walk-in coolers and freezers;
  - Energy conservation standards for consumer gas-fired water heaters; and
  - Certification and labeling requirements as well as enforcement provisions for certain consumer products and commercial equipment.
- Two targeted Consumer Financial Protection Bureau rules. These included:
  - A cap on overdraft fees for large banks; and
  - Digital payment app regulations.
- Other rescinded rules included:

- An Internal Revenue Service rule regulating crypto brokers;
- A Comptroller of the Currency rule updating procedures for the review of bank mergers;
- A National Park Service rule that modified regulations concerning the Glen Canyon Recreation area including the limitation of use of all-terrain vehicles in certain areas; and
- One repealed a Bureau of Ocean Energy Management rule protecting marine archaeological resources and undersea historical sites from drilling.

A total of 79 CRA resolutions of disapproval were filed in the House and Senate, four of which passed in only one chamber. These included:

- 20 targeting Environmental Protection Agency actions;
- 8 targeting Department of Energy actions;
- 7 targeting Consumer Financial Protection Bureau actions;
- 4 targeting Internal Revenue Service actions; and
- 4 targeting Department of Homeland Security actions.

## **Historical Background**

Following the CRA's enactment in 1996, it was used only once by President Bush in 2001 to repeal a rule the Occupational Safety and Health Administration issued late in the Clinton administration to protect workers against ergonomics injuries.

President Obama did not sign any CRA resolutions of disapproval.

Aggressive use of the CRA increased significantly with the first Trump administration in 2017. Sixteen rules were repealed using the CRA. These included measures that would have discouraged corruption by oil and gas companies operating in foreign countries, protected streams from mountaintop removal mining waste, and prevented certain individuals with mental illness from buying guns.

President Biden was the first Democratic president to sign CRA resolutions. The CRA was used three times during his administration to repeal rules issued during the Trump administration. These repeals were for the Office of the Comptroller of the Currency's true lender rule, the Environmental Protection Agency's methane rule, and the Equal Employment Opportunity Commission's conciliation procedures.

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