

'Rule' Determinations by the Government Accountability Office for Congressional Review Act Consideration

October 17, 2025

The Congressional Review Act (CRA) created a legislative mechanism to strike down final rules issued by federal agencies. Congress can overturn actions by administrative agencies only if they are first considered a "rule" under the CRA.

Agencies engage in numerous actions, and under the CRA they are required to submit to Congress only those actions that are considered "rules." If an agency does not consider its action a rule, it does not need to be submitted to Congress. However, if a member of Congress wants an agency action to be considered a rule under the CRA, a lawmaker can ask the Government Accountability Office (GAO) to determine whether the action should be considered a rule.

While the response times vary widely, it takes the GAO an average of 199 days to determine CRA eligibility, or about six and a half months. The GAO's timeline for responses is notable. GAO has taken anywhere between a few weeks to over a year and a half to issue CRA determinations. While a majority of its determinations have resulted in submission to Congress, only a few of those resolutions have gained any traction. Just over 45% of all requests for GAO determinations have been made during the Biden Administration.

If the GAO finds that an agency's action meets CRA's broad definition of a rule, its report may be published in the Congressional Record, which commences the period of congressional review and green lights the CRA's fast-track procedures for disapproval.

The chart below documents the requests and GAO responses for "rule" determinations. It includes the names of the congressional requesters, the GAO's opinion, and the amount of time that it took to respond to each request for a rule determination – dating back to the first GAO opinion issued in response to a "rule" determination request in 1996.

| Agency Action Under Consideration | GAO Citation | GAO Opinion | Opinion Date | Requested By | Date | Days Between Request and Opinion | CRA Res. Passed By |
|---|-----------------|-----------------|-----------------|---|------------------|--|-----------------------------|
| U.S. Department of the Interior, Bureau of Land Management— Applicability of the Congressional Review Act to Buffalo Field Office Record of Decision and Approved Resource Management Plan Amendment | B-337503 | RULE; SUBMIT | September | Senators John Barrasso and Cynthia Lummis | May 13, 2025 | 128 | N/A |
| U.S. Department of the Interior—Applicability of the Congressional Review Act to Decision Letter on the Acquisition of Land for the Koi Nation in Sonoma County, California and its Eligibility for Gaming | B-337380 | NOT A RULE | • | Representative Mike Thompson | April 4, 2025 | 160 | N/A |

| U.S. Department of Health and Human Services—Applicability of the Congressional Review Act to Policy on Adhering to the Text of the Administrative Procedure Act | B-337397 | RULE; SUBMIT | August 27, 2025 | Senator Ron Wyden, Representative Richard E. Neal, and Representative Frank Pallone, Jr. | April 11, 2025 | 138 | N/A |
|--|----------|-----------------|--------------------|---|----------------------|-----|-----|
| U.S. Department of the Interior, Bureau of Land Management— Applicability of the Congressional Review Act to 2024 Coastal Plain Oil and Gas Leasing Program Record of Decision | B-337330 | RULE; SUBMIT | August 25, 2025 | Senator Lisa Murkowski, Senator Dan Sullivan, and Representative Nick Begich | March 20, 2025 | 158 | N/A |
| U.S. Department of State, Bureau of Educational and Cultural Affairs—Applicability of Congressional Review Act to Guidance Directive 2024-04 | B-337392 | NOT A RULE | August 12, 2025 | Senator Marsha Blackburn | March 26, 2025 | 139 | N/A |
| U.S. Environmental Protection Agency—Applicability of the Congressional Review Act to Findings of Failure To Attain and Reclassification of Areas in Illinois, Indiana, Michigan, Ohio, and Wisconsin as Serious for the 2015 Ozone National Ambient Air Quality Standards | B-337370 | NOT A RULE | July 24, 2025 | Representatives Bryan Steil, Glenn Grothman, Bill Huizenga, John R. Moolenaar, Scott Fitzgerald, Robert E. Latta, Tom Tiffany, Derrick Van Orden, Tony Wied, and Rudy Yakym III | | 108 | N/A |
| U.S. Department of the Interior, Bureau of Land Management— Applicability of the Congressional Review Act to Central Yukon Record of Decision and Approved Resource Management Plan | B-337200 | RULE; SUBMIT | June 25, 2025 | Senator Lisa Murkowski, Senator Dan Sullivan, and Representative Nick Begich | February 28, 2025 | 117 | N/A |
| U.S. Department of the Interior, Bureau of Land Management— Applicability of the Congressional Review Act to Miles City Field Office Record of Decision and Approved Resource Management Plan Amendment | B-337163 | RULE; SUBMIT | June 25, 2025 | Senator Steve Daines, Senator Tim Sheehy, Representative Troy Downing, Representative Ryan K. Zinke | February 14, 2025 | 131 | N/A |

| U.S. Department of the Interior, U.S. Fish and Wildlife Service— Applicability of the Congressional Review Act to Record of Decision for Barred Owl Management Strategy | B-337059 | RULE; SUBMIT | March 28, 2025 | Senator Cory Booker | January 21, 2025 | 66 | N/A |
|--|----------|---------------------------------------|--------------------|--|-----------------------|-----|----------|
| Observations Regarding the Environmental Protection Agency's Submission of Notices of Decision on Clean Air Act Preemption Waivers as Rules Under the Congressional Review Act | B-337179 | NOT A RULE | March 6, 2025 | Senators Whitehouse, Padilla, Schiff | February 21, 2025 | 13 | Congress |
| Federal Housing Finance Agency—Applicability of the Congressional Review Act to FHFA Bi-Merge Requirement and Determination on Two New Credit Score Models | B-336260 | NOT A RULE | | Senators Michael Rounds and Bill Hagerty | April 16, 2024 | 168 | N/A |
| Office of Management and Budget—Applicability of the Congressional Review Act to Controller Alert CA-23-6, Enhancing Transparency Through Use of the Investing in America Emblem on Signs | B-336512 | RULE; SUBMIT | August 29, 2024 | Senator Ted Cruz | June 20, 2024 | 70 | N/A |
| Board of Governors of the Federal Reserve System—Applicability of the Congressional Review Act to Supervision and Regulation Letter 23-8 | B-336217 | RULE; EXEMPT FROM SUBMISSION | August 6, 2024 | Representative French Hill | December 12, 2023 | 238 | N/A |
| U.S. Department of the Interior, Bureau of Ocean Energy Management—Applicability of the Congressional Review Act to Notice to Lessees and Operators of Federal Oil and Gas, and Sulphur Leases in the Gulf of Mexico Outer Continental Shelf <u>B-336217</u> | B-335629 | RULE; SUBMIT | July 8, 2024 | Senator Bill Cassidy | September 25, 2023 | 287 | N/A |
| Office of the United States Trade Representative—Applicability of the Congressional Review Act to Agreement Between the Government of the United States of America and the Government of Japan on Strengthening Critical Minerals Supply Chains | B-335714 | NOT A RULE | May 23, 2024 | Senator Crapo | October 13, 2023 | 223 | N/A |
| Federal Energy Regulatory Commission—Applicability of the Congressional Review Act to an Order Modifying and Approving Surrender of the Lower Klamath Project License | B-335030 | NOT A RULE | May 8, 2024 | Representatives LaMalfa and Bentz | February 6, 2023 | 457 | N/A |
| U.S. Department of Commerce Applicability of Congressional Review Act to Notice of Funding Opportunity CHIPS Incentives Program Commercial Fabrication Facilities | B-335175 | RULE; SUBMIT | May 6, 2024 | Senator Tillis | March 20, 2023 | 413 | N/A |
| Office of Management and Budget and U.S. Department of Labor—Applicability of the Congressional Review Act to a Joint Memorandum Titled, Strengthening Support for Federal Contract Labor Practices | B-335142 | RULE; EXEMPT FROM SUBMISSION | May 1, 2024 | Senator Cassidy and Representative Foxx | March 16, 2023 | 412 | N/A |
| U.S. Sentencing Commission—Applicability of the Congressional Review Act to Amendments to Sentencing Guidelines | B-335515 | NOT A RULE | May 1, 2024 | Senator Cruz | August 29, 2023 | 246 | N/A |
| Federal Housing Finance Agency—Applicability of the Congressional Review Act to FHFA Updates to the Enterprises' Single-Family Pricing Framework, FHFA Targeted Increases to Enterprise Pricing Framework, and FHFA Targeted Pricing Changes to Enterprise Pricing Framework | B-335424 | NOT A RULE | March 7, 2024 | Senators Tillis, Crapo, Risch, Moran, Hoeven, Rubio, Johnson, Cassidy, | May 1, 2023 | 311 | N/A |

| | | | | Lankford, Daines, Rounds, Cramer, | | | |
|---|-----------------|---------------------------------------|----------------------|---|----------------------|-----|-----|
| | | | | Romney, Lummis, Marshall, Budd, Schmitt, and Britt | | | |
| U.S. Department of the Interior—Applicability of the Congressional Review Act to Cancellation of Oil Leases in the Artic National Wildlife Refuge | <u>B-335781</u> | NOT A RULE | | Congressional Requestors | November 16, 2023 | 103 | N/A |
| U.S. Department of Education—Applicability of the Congressional Review Act to Agency Statement titled "Fact Sheet: President Biden Announces New Actions to Provide Debt Relief and Support for Student Loan Borrowers" | B-335516 | RULE; EXEMPT FROM SUBMISSION | | Congressional Requestors | August 7, 2023 | 170 | N/A |
| Environmental Protection Agency Notice of Decision on Clean Air Act Waiver of Preemption | B-334309 | NOT A RULE | November 30, 2023 | Senator Capito | May 11, 2022 | 568 | N/A |
| U.S. Department of Health and Human Services, Centers for Disease Control and Prevention Advisory Committee on Immunization Practices Recommended Immunization Schedule for Children and Adolescents Aged 18 Years or Younger | B-335316 | NOT A RULE | November 29, 2023 | Senator Tom Cotton | May 16, 2023 | 197 | N/A |
| Securities and Exchange Commission Staff Accounting Bulletin No. 121 | B-334540 | RULE; SUBMIT | | Senator Cynthia M. Lummis | August 2, 2022 | 455 | N/A |
| U.S. Department of Transportation Notice of Funding Opportunity for the Department of Transportation's FY 2023-2024 Multimodal Project Discretionary Grant Opportunity | B-335488 | RULE; SUBMIT | October 18, 2023 | Senator Ted Cruz | July 27, 2023 | 83 | N/A |
| U.S. Department of Defense Certain Healthcare Memoranda | B-335115 | RULE; EXEMPT FROM SUBMISSION | September 26, 2023 | Senator Tuberville | March 9, 2023 | 201 | N/A |
| U.S. Food and Drug Administration Risk Evaluation and Mitigation Strategy (REMS) Single Shared System for Mifepristone 200 mg | B-334995 | NOT A RULE | July 6, 2023 | Congressional Requestors | March 8, 2023 | 120 | N/A |
| Department of Homeland Security Memoranda Terminating the Migrant Protection Protocols | B-334045 | RULE; EXEMPT FROM SUBMISSION | July 5, 2023 | Senator Hagerty | February 16, 2022 | 504 | N/A |
| U.S. Department of Agriculture, Food and Nutrition Service Food and Nutrition Service Policy Memorandum CRD 01-2022, Application of Bostock v. Clayton County to Program Discrimination Complaint Processing—Policy Update | B-334411 | RULE; SUBMIT | June 5, | Senators Roger Marshall, Marsha Blackburn, John Barrasso, Tom | June 16, 2022 | 354 | N/A |

| | | | | Cotton, and James Lankford | | | |
|---|-------------------|---------------------------------------|----------------------|--|----------------------|-----|---------------|
| U.S. Department of Agriculture Documents Implementing Four Financial Assistance Programs | B-334146 | RULE; SUBMIT | | Senator Roger Marshall | March 22, 2022 | 440 | N/A |
| Office of Personnel Management Guidance on Enforcing Coronavirus Disease 2019 Vaccination Requirement for Federal Employees-Executive Order 14043 | B-334237 | RULE; EXEMPT FROM SUBMISSION | | Senator Ted Cruz | April 13, 2022 | 358 | N/A |
| Federal Highway Administration—Request for Reconsideration—Policy on Using Bipartisan Infrastructure Law Resources to Build a Better America | <u>B-334032.2</u> | RULE; SUBMIT | | Senator Thomas R. Carper | February 8, 2023 | 56 | N/A |
| Department of Education's Student Loan Debt Relief Website and Accompanying Federal Register Publication | B-334644 | RULE; SUBMIT | , | Chairwoman Virginia Foxx, Senators Bill Cassidy and John Cornyn; Representatives Bob Good and Mariannette Miller-Meeks | September 23, 2022 | 175 | Congress |
| Office of Personnel Management Memorandum on Achieving a \$15 Per Hour Minimum Pay Rate for Federal Employees | B-334221 | RULE; EXEMPT FROM SUBMISSION | February | Senator Lee | April 8, 2022 | | N/A |
| Environmental Protection Agency June 2022 Denial of Petitions for Small Refinery Exemptions Under the Renewable Fuel Standard Program | B-334400 | NOT A RULE | | Senators Hagerty, Moore Capito, and | June 9, 2022 | 245 | N/A |
| Court Services and Offender Supervision Agency, Pretrial Services Agency—Privacy Act of 1974; Systems of Records Notice | B-334005 | NOT A RULE | | Congressional Requestors | February 3, 2022 | 349 | N/A |
| Federal Highway Administration Policy on Using Bipartisan Infrastructure Law Resources to Build a Better America | B-334032 | RULE; SUBMIT | | Senator Shelley Moore Capito | February 10, 2022 | 308 | N/A |
| United States Department of Agriculture's 2021 Updates to the Thrifty Food Plan | B-333732 | RULE; SUBMIT | July 28, 2022 | Senator Tillis | October 27, 2021 | 274 | N/A |
| Safer Federal Workforce Task Force, OMB COVID-19 Workplace Safety Guidance for Federal Contractors and Subcontractors | B-333725 | NOT A RULE | | Senators Sullivan, Scott, Wicker, Lee, Braun, and Daines | October 19, 2021 | 149 | N/A |
| Centers for Disease Control and Prevention Requirement for Persons to Wear Masks While on Conveyances and at Transportation Hubs | B-333501 | RULE; SUBMIT | December 14, 2021 | Senator Rand Paul | August 9, 2021 | 127 | <u>Senate</u> |

| Department of Housing and Urban Development guidance entitled "Assessing a Person's Request to Have an Animal as a Reasonable Accommodation Under the Fair Housing Act" | B-331171 | RULE; SUBMIT | | Representative Steve King | April 26, 2019 | 601 | N/A |
|---|-----------------|---|----------------------|---|----------------------|-----|-----|
| Federal Communications Commission order entitled "LightSquared Technical Working Group Report, et al." | B-332233 | NOT A RULE | | Senators James Inhofe and Jack Reed | May 22, 2020 | 83 | N/A |
| Board of Governors of the Federal Reserve System Supervision and Regulation Letter 15-8 | <u>B-331560</u> | RULE; SUBMIT | April 16, 2020 | Senator Thom Tillis | October 24, 2019 | 175 | N/A |
| Board of Governors of the Federal Reserve System Supervision and Regulation Letters 12-17, 14-8, 15-7 | B-330843 | Letters 12-17 and 14-8: RULE; SUBMIT Letter 15-7: NOT A RULE | October 22, 2019 | Senators Thom Tillis, Mike Crapo, David Perdue, Michael Rounds, Kevin Cramer | February 22, 2019 | 242 | N/A |
| Board of Governors of the Federal Reserve System Supervision and Regulation Letter 11-7 | B-331324 | RULE; SUBMIT | - | Senator Thom | April 26, 2019 | | N/A |
| Departments of Health and Human Services and Treasury guidance entitled "State Relief and Empowerment Waivers" | B-330811 | RULE; SUBMIT | July 15, 2019 | Senator Ron Wyden, Representative Frank Pallone Jr. | February 6, 2019 | 159 | N/A |
| Department of Commerce memorandum regarding a citizenship question on the 2020 Census | B-330288 | NOT A RULE | February 7, 2019 | Senator Brian Schatz | N/A | N/A | N/A |
| Department of Justice memorandum to federal prosecutors along the southwest border of the United States | B-330190 | RULE; EXEMPT FROM SUBMISSION | December 19, 2018 | Senator Edward Markey | June 19, 2018 | 183 | N/A |
| Social Security Administration Hearings, Appeals, and Litigation Law Manual ("HALLEX") | B-329926 | RULE; EXEMPT FROM SUBMISSION | | Representative Jason Smith | February 16, 2018 | 206 | N/A |
| Internal Revenue Service statement on health care reporting requirements | B-329916 | RULE; EXEMPT FROM SUBMISSION | | Representative Mark Meadows | February 16, 2018 | 90 | N/A |
| U.S. Agency for International Development fact sheet on global health assistance and revisions to standard provisions for U.S. nongovernmental organizations | B-329206 | NOT A RULE | | Senators Jeanne Shaheen, Benjamin Cardin, Richard Blumenthal, Patty Murray; | May 27, 2017 | 339 | N/A |

| Consumer Financial Protection Bureau bulletin on Indirect Auto | | RULE; | | Representatives Nita M. Lowey, Diana DeGette, Eliot L. Engel, Barbara Lee Senator Pat | | | |
|---|-----------------|--|----------------------|--|----------------------|-----|---|
| Lending and Compliance with the Equal Credit Opportunity Act | B-329129 | SUBMIT | 5, 2017 | Toomey | N/A | N/A | <u>President</u> |
| Bureau of Land Management Eastern Interior Resource Management Plan | <u>B-329065</u> | RULE; SUBMIT | | Senator Lisa Murkowski | N/A | N/A | N/A |
| U.S. Forest Service 2016 Amendment to the Tongass Land and Resource Management Plan | <u>B-238859</u> | RULE; SUBMIT | | Senator Lisa Murkowski | N/A | N/A | N/A |
| Office of the Comptroller of the Currency, Federal Reserve Board, and Federal Deposit Insurance Corporation Interagency Guidance on Leveraged Lending | <u>B-329272</u> | RULE; SUBMIT | October 19, 2017 | Senator Pat Toomey | N/A | N/A | N/A |
| Environmental Protection Agency proposed rule on Standards of Performance for Greenhouse Gas Emissions from New Stationary Sources: Electric Utility Generating Units | <u>B-325553</u> | PROPOSED RULE IS NOT A RULE; FINAL RULE MUST BE SUBMITTED | | Senator Mitch McConnell | N/A | N/A | Congress *Final rule was submitted to Congress and CRA resolution was later vetoed under CRA* |
| Department of Health and Human Services Information Memorandum concerning the Temporary Assistance to Needy Families Program | B-323772 | RULE; SUBMIT | | Senator Orrin Hatch, Representative Dave Camp | July 12, 2012 | 54 | <u>House</u> |
| Centers for Medicare and Medicaid Services Letter on the State Children's Health Insurance Program | B-316048 | RULE; SUBMIT | | Senators John D. Rockefeller IV and Olympia Snowe | February 13, 2008 | 64 | N/A |
| Department of Veterans Affairs memorandum terminating Vendee Loan Program | B-292045 | NOT A RULE | | Representative Lane Evans | February 7, 2003 | 101 | N/A |
| Department of Veterans Affairs (VA) memorandum regarding the VA's marketing activities to enroll new veterans in the VA health care system | B-291906 | NOT A RULE | February 28, 2003 | Representative Ted Strickland | January 2, 2003 | 57 | N/A |
| Department of the Interior Record of Decision "Trinity River Mainstem Fishery Restoration" | <u>B-287557</u> | RULE; SUBMIT | | Representative Doug Ose | March 19, 2001 | 56 | N/A |

| Farm Credit Administration national charter initiative | B-286338 | RULE; SUBMIT | | Representative James Leach | September 21, 2000 | 26 | N/A |
|---|-----------------|-----------------|-----------------------|--|-----------------------|-----|-----|
| Environmental Protection Agency "Interim Guidance for Investigating Title VI Administrative Complaints Challenging Permits" | B-281575 | RULE; SUBMIT | | Representative David McIntosh | September 1, 1998 | 141 | N/A |
| American Heritage River Initiative, created by Executive Order 13061 | B-278224 | NOT A RULE | November 10, 1997 | Senator Conrad Burns | September 17, 1997 | 54 | N/A |
| LLS Forcet Service Tangage National Forcet Land and Resource | | DI II E | | Senators Ted Stevens and Frank Murkowski, | luno F | | |
| U.S. Forest Service Tongass National Forest Land and Resource Management Plan | B-275178 | RULE; SUBMIT | | Representative Don Young | June 5, 1997 | 28 | N/A |
| Department of Agriculture memorandum concerning the Emergency Salvage Timber Sale Program | <u>B-274505</u> | RULE; SUBMIT | September 16, 1996 | Senator Larry Craig | August 27, 1996 | | N/A |