Insight

Congressional Review Act: A Status Report

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EXECUTIVE SUMMARY

- Thus far in 2025, the 119th Congress and President Trump have either fully or very nearly passed a set of Congressional Review Act (CRA) resolutions of disapproval that repeal six Biden-era rulemakings with an estimated $1.4 billion in total estimated costs.
- Despite expectations of increased CRA usage, these totals lag behind the 14 CRA resolutions passed in the early months of the first Trump term that wiped out a series of Obama Administration regulations with a total cost of $3.7 billion.
- The window for Congress and the White House to use the CRA for fast-track regulation rollback – and potentially catch up with those previous-term totals – is closing, however, with the deadline for filibuster-proof votes in the Senate likely coming due on or around May 12.

INTRODUCTION

The Congressional Review Act (CRA) provides for simple "joint resolutions of disapproval" that enable Congress to directly repeal administrative rules. The unique power of the CRA, however, lies in two key attributes: 1) its "expedited consideration" provision, which allows the Senate to bypass the usual 60-vote threshold needed to break a filibuster and 2) its "look-back window" provision that allows a new president and Congress to repeal rules finalized during the waning months of the preceding administration. As demonstrated in the historic stretch of CRA action in 2017 during the first Trump term and 115th Congress, the CRA can be a powerful tool for policymakers. There was some expectation that this current

"trifecta" (unified control of the legislative and executive branches by one party) would be even more aggressive than that of 2017 but – at least thus far – it has not kept up with the level of CRA activity seen eight years ago. If Congress and the White House plan to exceed those previous totals, they will need to pick up the pace soon with only a month left to effectively pass such resolutions.

CRA DEVELOPMENTS IN 2025

Loyal followers of the American Action Forum's (AAF) current CRA Tracker likely already know that, thus far into this Congress, there have been resolutions of disapproval introduced against 43 Biden Administration rulemakings. Each chamber has voted through a handful of these apiece and – as of April 8, at least – President Trump has signed two such resolutions into law: H.J Res 35, which repeals the Environmental Protection Agency's "methane fee" rule, and S.J. Res 11, which repeals a Department of Interior rule on "Protection of Marine Archaeological Resources."

As of this publication, there are two more resolutions that have passed through both chambers of Congress and await the president's likely signature any day now. Furthermore, there are two resolutions pending before the House this week that have already passed the Senate. Altogether, that makes six CRA resolutions of disapproval that either have already passed into law or – barring some unforeseen political complication – will become law in relatively short order. Combined, these rules had roughly $1.4 billion in total costs, as recorded in AAF's RegRodeo project.

COMPARISON TO 2017 DEVELOPMENTS

Coming into this new Congress and administration, there were expectations that – given all the actors involved having more experience with the CRA process – the use of the current CRA look-back window could rival or even surpass its use and success in 2017 during the start of the first Trump term. Through the opening months of that year, the 115th Congress and President Trump passed 14 CRA resolutions of disapproval into law, repealing a series of Obama Administration rules that had a grand total of $3.7 billion in estimated costs. While the current Congress and administration still have time (see below) to match or exceed such marks, it is worth noting how far the pace has lagged compared to 2017.

An examination of congressional data on the joint resolutions passed during the 115th Congress reveals that, as of this point in 2017, there were already 11 CRA resolutions signed into law. That is roughly twice the total of the signed and almost-signed resolutions from this year, as discussed earlier. This is likely due in no small part to the 2017 cohort

getting an earlier start in terms of passage into law. The first CRA resolution passed during that term – H.J. Res 41 – became law on February 14, 2017. The first resolutions to receive that presidential sign-off during this current term basically took a month longer.

POTENTIAL END OF 2025 WINDOW

Considering the relatively slower pace so far in 2025, it is worth contemplating how much more time the 119th Congress has left in which to potentially pass CRA resolutions that address Biden-era rules. Under the CRA, "the renewed periods for CRA review begin on the 15th day of session in the Senate and the 15th legislative day in the House." The more relevant timeframe here is on the Senate side since that chamber only has 60 "session days" to consider CRA resolutions under the expedited, filibuster-proof process.

The 15th session day, and thus the start of this Senate's look-back window, fell on January 24 this year. From that date through April 8, the Senate has been in session for 42 days,[1] leaving the upper chamber with 18 more session days in which to utilize the CRA's filibuster side-step. Using the planned calendar – that, of course, is subject to change – to look ahead, the 18th "day" after April 8 would be May 16.

That end-date will likely come somewhat sooner, however, due to *pro forma* sessions. The Senate currently has a two-week recess planned from April 14 through April 25. Much like the one-week break the chamber took in late March though, there will likely be a series of *pro forma* sessions convened, ostensibly to prevent the possibility of recess appointments. Assuming each of these upcoming recess weeks will have two *pro forma* "days" apiece (a la the March break), this will pull the look-back endpoint four session days earlier. Based upon the projected calendar, that would make May 12 the deadline for expedited consideration. As such, this Senate has roughly one month left to pass CRA resolutions on Biden-era rules via a simple majority.

CONCLUSION

After largely lying fallow for most of its existence, the CRA has become much more of a high-profile political and policymaking flashpoint in recent years. Much of this renewed interest came because of its notable utilization under the 2017 Republican "trifecta." With that experience in hand, one would have expected the 119th Congress and the returning Trump Administration to really hit the ground running on the CRA front. Thus far, however, this Congress and administration have clearly lagged behind their forebearers on the matter. With roughly one month left to repeal Biden-era rules with only a bare majority in the Senate, the clock is ticking to surpass the 2017 totals.

[1] A BREAKDOWN FROM THE CONGRESSIONAL CALENDAR: 5 SESSION DAYS JANUARY AFTER 1/24 + 16 IN FEBRUARY + 16 IN MARCH + 5 IN APRIL AS OF 4/8