



Insight

# CRA Tracker: Congressional Review Act in Recent Years

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## EXECUTIVE SUMMARY

- The Congressional Review Act (CRA) allows Congress to effectively void rules promulgated by federal agencies.
- Due to the CRA's structure, however, it has been seldom used as to be successful, and it typically must be used when a new president from a different party than the predecessor enters the White House and the new president's party fully controls Congress.
- This tracker follows the status of CRA resolutions: At the end of the 117<sup>th</sup> Congress, 23 resolutions of disapproval had been introduced. Three passed through both houses of Congress and were signed by the president.

## INTRODUCTION

The [Congressional Review Act](#) (CRA) allows Congress to strike down regulations issued by federal agencies. If a resolution of disapproval pertaining to a rule is passed by both chambers of Congress and signed by the president, the rule becomes void and the agency that issued the rule cannot issue a rule in “substantially the same form” in the future.

Due to the CRA's structure, it is seldom successful. Two significant hurdles limit its use. First, presidents are highly unlikely to sign a disapproval resolution of a rule their administration issued. Second, Congress must typically be under the full control of the party opposite the administration that issued the rule. Successful resolutions, as a result of these two hurdles, typically only occur when the White House changes hands to a different party and the incoming president's party controls Congress.

Republicans used the CRA in 2017 to [repeal](#) many Obama Administration rules by taking advantage of the CRA's lookback provision, which allows a new Congress to consider CRA resolutions on rules issued in the last 60 session days of the previous Congress. Resolutions introduced on these rules also fall under the category of rules subject to the CRA's expediting procedures, which allow resolutions to pass on a simple majority rather than the supermajority required to overcome a Senate filibuster.

For the 117th Congress, with Democrats in full control of Congress and the White House, 23 resolutions of disapproval were introduced with three eventually getting signed into law. Five of the 23 were introduced under the lookback provision, the window for which closed in early April 2021 such that no new resolutions could be introduced under that provision.

With divided control in the 118th Congress, and while there is limited prospect for any resolution to ultimately succeed, the CRA process does provide Republicans with the opportunity to demonstrate their disapproval of Biden Administration regulatory actions. The section below documents the rules challenged during the 117th

Congress, as well as a running tally of those with some CRA action in the current Congress.

## CURRENT CONGRESS TOPLINE STATISTICS

- **Number of Rules Addressed: 42**
- **Number of Resolutions Passed by House: 12**
- **Number of Resolutions Passed by Senate: 14**
- **Number of Resolutions Vetoed: 9**
- **Number of Resolutions Passed into Law: 0**

## THE 118<sup>TH</sup> CONGRESS

### RULES SUBJECT TO THE LOOKBACK PROVISION

#### Department of Commerce (Commerce)

[Procedures Covering Suspension of Liquidation, Duties and Estimated Duties in Accord With Presidential Proclamation 10414](#)

*Rule Published:* September 16, 2022

*Resolution of Disapproval introduced:* January 26, 2023 ([House](#)) and February 16, 2023 ([Senate](#)); March 7, 2023 ([Second House Version](#))

*Status:* Passed House ([April 28, 2023](#)); Passed Senate ([May 3, 2023](#)) Vetoed ([May 16, 2023](#))

*What the rule does:* The rule temporarily relieves tariffs on certain solar panel components imported from particular Southeast Asian countries.

#### Employee Benefits Security Administration (EBSA)

[Prudence and Loyalty in Selecting Plan Investments and Exercising Shareholder Rights](#)

*Rule published:* December 1, 2022

*Resolution of Disapproval introduced:* February 7, 2023 ([Senate](#)) ([House](#))

*Status:* Passed House ([February 28, 2023](#)); Passed Senate ([March 1, 2023](#)); Vetoed ([March 20, 2023](#))

*What the rule does:* The rule allows plan fiduciaries to consider climate change and other environmental, social and governance factors when they select retirement investments and exercise shareholder rights, repealing changes made during the Trump Administration.

*Estimated economic impact:* The rule cost an estimated [\\$117.2 million](#), according to EBSA.

*\*Previously introduced in 117th Congress\**

## **Department of Veterans Affairs**

### [Reproductive Health Services](#)

*Rule Published:* September 9, 2022

*Resolution of Disapproval introduced:* February 7, 2023 ([Senate](#)) ([House](#))

*Status:* Introduced

*What the rule does:* The rule removed exclusions to abortion counseling and services for service members and civilians covered under a Department of Veterans Affairs health plan.

*\*Previously introduced in 117th Congress\**

## **Fish and Wildlife Service**

### [Endangered and Threatened Wildlife and Plants; Lesser Prairie-Chicken; Threatened Status With Section 4\(d\) Rule for the Northern Distinct Population Segment and Endangered Status for the Southern Distinct Population Segment](#)

*Rule Published:* November 25, 2022

*Resolution of Disapproval introduced:* February 7, 2023 ([Senate](#)) ([House](#))

*Status:* Passed Senate ([May 3, 2023](#)); Passed House ([July 27, 2023](#)); Vetoed ([September 26, 2023](#))

*What the rule does:* The rule added the lesser prairie chicken in two distinct population segments to the List of Endangered and Threatened Wildlife.

*\*Previously introduced in 117th Congress\**

### [Endangered and Threatened Wildlife and Plants; Endangered Species Status for Northern Long-Eared Bat](#)

*Rule Published:* November 30, 2022

*Resolution of Disapproval introduced:* March 30, 2023 ([Senate](#)) ([House](#))

*Status:* Passed Senate ([May 11, 2023](#)); Passed House ([July 27, 2023](#)); Vetoed ([September 26, 2023](#))

*What the rule does:* The rule would “reclassify the northern long-eared bat (*Myotis septentrionalis*), a bat species found in all or portions of 37 U.S. States, the District of Columbia, and much of Canada, as an endangered species under the Endangered Species Act of 1973, as amended (Act).”

## **Fish and Wildlife Service/Commerce**

### [Endangered and Threatened Wildlife and Plants; Regulations for Listing Endangered and Threatened Species and Designating Critical Habitat](#)

*Rule Published:* June 24, 2022

*Resolution of Disapproval introduced:* March 30, 2023 ([Senate](#)) ([House](#))

*Status:* Passed Senate ([May 11, 2023](#))

*What the rule does:* The rule rescinds a Trump-era rule on the titular subject.

## **Department of Homeland Security (DHS)**

### [Public Charge Ground of Inadmissibility](#)

*Rule published:* September 9, 2022

*Resolution of Disapproval introduced:* March 8, 2023 ([House](#)) ([Senate](#))

*Status:* Passed Senate ([May 17, 2023](#))

*What the rule does:* The rule sets out the conditions under which a noncitizen can be denied certain government benefits if found to be “likely to become primarily dependent on the government for assistance.” The rule makes changes to the program from a controversial Trump Administration rule.

*Estimated economic impact:* The rule cost an estimated [\\$45.1 million](#), according to DHS.

*\*Previously introduced in 117th Congress\**

## **Department of Education (ED)**

### [Federal Student Aid Programs \(Federal Perkins Loan Program, Federal Family Education Loan Program, and William D. Ford Federal Direct Loan Program\)](#)

*Rule published:* October 12, 2022

*Resolution of Disapproval introduced:* March 28, 2023 ([House](#)) ([Senate](#))

*Status:* Passed House ([May 24, 2023](#)); Passed Senate ([June 1, 2023](#)); Vetoed ([June 9, 2023](#))

*What the rule does:* The rule implements President Biden’s student debt cancellation policy through the “waivers and modifications of statutory and regulatory provisions” authority ascribed to ED under the Higher Education Relief Opportunities for Students Act of 2003 (HEROES Act or Act).

## RULES ISSUED DURING THE 118<sup>TH</sup> CONGRESS

### Environmental Protection Agency (EPA)/Army Corps of Engineers (Corps)

#### Revised Definition of “Waters of the United States”

*Rule published:* January 18, 2023

*Resolution of Disapproval introduced:* February 2, 2023 ([Senate](#)) ([House](#))

*Status:* Passed House ([March 9, 2023](#)); Passed Senate ([March 29, 2023](#)); Vetoed ([April 6, 2023](#))

*What the rule does:* “The latest rule essentially restores the pre-2015 definition of WOTUS – but modifies it to incorporate the prevailing opinion in a 2006 Supreme Court case known as *Rapanos*. That opinion established that WOTUS covers any water feature with a ‘significant nexus’ to a navigable water.”

### Environmental Protection Agency (EPA)

#### Control of Air Pollution From New Motor Vehicles: Heavy-Duty Engine and Vehicle Standards

*Rule Published:* January 24, 2023

*Resolution of Disapproval introduced:* February 9, 2023 ([Senate](#)); April 6, 2023 ([House](#))

*Status:* Passed Senate ([April 26, 2023](#)); Passed House ([May 23, 2023](#)); Vetoed ([June 14, 2023](#))

*What the rule does:* The rule establishes stricter emissions standards regarding “criteria pollutants” (such as ozone and particulate matter) for heavy-duty vehicles beginning in “model year” 2027.

*Estimated economic impact:* The rule cost an estimated [\\$39 billion](#), according to EPA.

#### Federal “Good Neighbor Plan” for the 2015 Ozone National Ambient Air Quality Standards

*Rule Published:* June 5, 2023

*Resolution of Disapproval introduced:* June 8, 2023 ([Senate](#))

*Status:* Introduced

*What the rule does:* The rule “finalizes Federal Implementation Plan (FIP) requirements to address 23 states’ obligations to eliminate significant contribution to nonattainment, or interference with maintenance, of the 2015 ozone National Ambient Air Quality Standards (NAAQS) in other states.”

*Estimated economic impact:* The rule cost an estimated [\\$9.4 billion](#), according to EPA.

## Finding That Lead Emissions From Aircraft Engines That Operate on Leaded Fuel Cause or Contribute to Air Pollution That May Reasonably Be Anticipated To Endanger Public Health and Welfare

*Rule Published:* October 20, 2023

*Resolution of Disapproval introduced:* December 6, 2023 ([Senate](#))

*Status:* Introduced

*What the rule does:* The rule “finalizes a finding that emissions of the lead air pollutant from engines in covered aircraft cause or contribute to the lead air pollution that may be reasonably anticipated to endanger public health and welfare.”

## Reconsideration of the National Ambient Air Quality Standards for Particulate Matter

*Rule Published:* March 6, 2024

*Resolution of Disapproval introduced:* March 6, 2024 ([House](#)); March 14, 2024 ([Senate](#))

*Status:* Introduced

*What the rule does:* The rule updates “the national ambient air quality standards (NAAQS) for particulate matter (PM) ... from 12.0 µg/m<sup>3</sup> to 9.0 µg/m<sup>3</sup>.”

*Estimated economic impact:* The rule involves [\\$3.7 billion](#) in compliance costs, according to the agency’s “Regulatory Impact Analysis” contained in the rulemaking docket.

## Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Safer Communities by Chemical Accident Prevention

*Rule Published:* March 11, 2024

*Resolution of Disapproval introduced:* March 29, 2024 ([House](#))

*Status:* Introduced

*What the rule does:* The rule makes “several changes to the accident prevention program requirements, as well as enhancements to the emergency response requirements, and improvements to the public availability of chemical hazard information.”

*Estimated economic impact:* The rule’s changes will involve more than [\\$1.8 billion](#) in total costs over a 10-year period.

## Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review

*Rule Published:* March 8, 2024

*Resolution of Disapproval introduced:* April 11, 2024 ([House](#)) ([Senate](#))

*Status:* Introduced

*What the rule does:* The rule is implementing “multiple actions to reduce air pollution emissions from the Crude Oil and Natural Gas source category.”

*Estimated economic impact:* The rule’s various actions will involve more than [\\$14 billion](#) in total costs over a 15-year period.

## **Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF)**

### [Factoring Criteria for Firearms With Attached “Stabilizing Braces”](#)

*Rule Published:* January 31, 2023

*Resolution of Disapproval introduced:* March 15, 2023 ([Senate](#)); March 17, 2023 ([House](#))

*Status:* Passed House ([June 13, 2023](#))

*What the rule does:* “The primary purpose of the rule is to amend the official categorization of certain firearms that include a “stabilizing brace” to determine whether the firearms in question qualify as handguns or rifles. This taxonomy has important implications for the legal requirements involved in the registration and/or sale and transfer of such arms.”

*Estimated economic impact:* The rule cost an estimated [\\$1.9 billion](#), according to ATF.

## **Consumer Financial Protection Bureau (CFPB)**

### [Small Business Lending under the Equal Credit Opportunity Act \(Regulation B\)](#)

*Rule Published:* March 30, 2023 [Posted by CFPB, not in Federal Register]; [May 31, 2023](#) [Posted to Federal Register]

*Resolution of Disapproval introduced:* April 3, 2023 ([House](#)); May 31, 2023 ([Re-introduced in House with FR citation](#)); June 13, 2023 ([Senate](#))

*Status:* Passed Senate ([October 18, 2023](#)); Passed House ([December 1, 2023](#)); Vetoed ([December 19, 2023](#))

*What the rule does:* The rule establishes the “collection and subsequent publication of more robust and granular data regarding credit applications for small businesses” by affected creditors under Section 1071 of Dodd-Frank in order to further examine certain demographic trends.

## Credit Card Penalty Fees (Regulation Z)

*Rule Published:* March 15, 2024

*Resolution of Disapproval introduced:* March 26, 2024 ([House](#)) [Additional identical House resolution introduced [March 29, 2024](#)]; April 8, 2024 ([Senate](#))

*Status:* Introduced

*What the rule does:* The rule “to address late fees charged by card issuers” and effectively sets the limit on what “Large Card Issuers” (those with “one million or more open credit card accounts”) can charge for late fees at \$8.

## Department of Labor (DOL)

### [Adverse Effect Wage Rate Methodology for the Temporary Employment of H-2A Nonimmigrants in Non-Range Occupations in the United States](#)

*Rule Published:* February 28, 2023

*Resolution of Disapproval introduced:* April 25, 2023 ([House](#)) ([Senate](#))

*Status:* Introduced

*What the rule does:* The rule updates how DOL determines the wage rates for affected workers in order “to meet its statutory obligation to certify that the employment of H-2A foreign workers will not have an adverse effect on the wages of agricultural workers in the United States similarly employed.”

### [Rescission of Implementing Legal Requirements Regarding the Equal Opportunity Clause’s Religious Exemption Rule](#)

*Rule Published:* March 1, 2023

*Resolution of Disapproval introduced:* May 11, 2023 ([House](#)) ([Senate](#))

*Status:* Introduced

*What the rule does:* The rule repeals an Trump Administration rule that expanded the scope of a religious exemption for anti-discrimination rules pertaining to government contractors.

### [Updating the Davis-Bacon and Related Acts Regulations](#)

*Rule Published:* August 23, 2023

*Resolution of Disapproval introduced:* November 15, 2023 ([House](#))



*Status:* Introduced

*What the rule does:* The rule revises the criteria and data DOL utilize in determining the “prevailing wage” under the Davis-Bacon Act and the Davis-Bacon Related Acts.

### Employee or Independent Contractor Classification Under the Fair Labor Standards Act

*Rule Published:* January 10, 2024

*Resolution of Disapproval introduced:* March 6, 2024 ([House](#)) ([Senate](#))

*Status:* Introduced

*What the rule does:* The rule updates the relevant regulatory language for “for determining employee or independent contractor classification under the Fair Labor Standards Act (FLSA or Act).”

*Estimated economic impact:* The rule involves [\\$408 million](#) in compliance costs.

### Department of Transportation (DOT)

#### Waiver of Buy America Requirements for Electric Vehicle Chargers

*Rule Published:* February 21, 2023

*Resolution of Disapproval introduced:* July 26, 2023 ([Senate](#))

*Status:* Passed Senate ([November 8, 2023](#)); Passed House ([January 11, 2024](#)); Vetoed ([January 24, 2024](#))

*What the rule does:* “The Federal Highway Administration (FHWA) is establishing a temporary public interest waiver to waive Buy America requirements for steel, iron, manufactured products, and construction materials in electric vehicle (EV) chargers.”

#### National Performance Management Measures; Assessing Performance of the National Highway System, Greenhouse Gas Emissions Measure

*Rule Published:* December 7, 2023

*Resolution of Disapproval introduced:* February 7, 2023 ([Senate](#)) ([House](#))

*Status:* Passed Senate ([April 10, 2024](#))

*What the rule does:* The rule “requires State departments of transportation (State DOT) and metropolitan planning organizations (MPO) to establish declining carbon dioxide (CO<sub>2</sub>) targets for the GHG measure and report on progress toward the achievement of those targets.”

*Estimated economic impact:* The rule involves [\\$10.8 million](#) in compliance costs.

## **Food and Nutrition Service (FNS)**

### [Application of Bostock v. Clayton County to Program Discrimination Complaint Processing-Policy Update](#)

*Rule Published:* Original memo published May 5, 2022; Government Accountability Office determination that action is a “rule” under the CRA transmitted to Congress [June 7, 2023](#)

*Resolution of Disapproval introduced:* July 27, 2023 ([Senate](#)); September 26, 2023 ([House](#))

*Status:* Defeated in Senate ([October 26, 2023](#))

*What the rule does:* FNS published a policy memorandum “to provide direction to state agencies and program operators regarding processing program complaints that allege discrimination on the basis of gender identity and sexual orientation in programs or activities receiving federal financial assistance from FNS.”

## **Department of Homeland Security (DHS)/Department of Justice (DOJ)**

### [Circumvention of Lawful Pathways](#)

*Rule Published:* May 16, 2023

*Resolution of Disapproval introduced:* July 27, 2023 ([House](#)) ([Senate](#))

*Status:* Introduced

*What the rule does:* The rule sets out a series of policies regarding how migrants can apply for asylum “in anticipation of a potential surge of migration at the southwest border” in light of the lapse in emergency “Title 42” authority claimed by the agencies during the now-expired public health emergency.

*Estimated economic impact:* The rule involves [\\$7.6 million](#) in annual costs associated primarily with administrative burdens from new paperwork.

## **Department of Education (ED)**

### [Improving Income Driven Repayment for the William D. Ford Federal Direct Loan Program and the Federal Family Education Loan \(FFEL\) Program](#)

*Rule Published:* July 10, 2023

*Resolution of Disapproval introduced:* September 5, 2023 ([House](#)) ([Senate](#))

*Status:* Defeated in Senate ([November 15, 2023](#)); Passed House ([December 7, 2023](#))

*What the rule does:* The rule “amends the regulations governing the income contingent repayment (ICR) and

income-based repayment (IBR) plans and renames the categories of repayment plans available in the Department's Direct Loan Program.”

## **Department of Energy (DOE)**

### [Energy Conservation Program: Test Procedure for Consumer Water Heaters and Residential-Duty Commercial Water Heaters](#)

*Rule Published:* June 21, 2023

*Resolution of Disapproval introduced:* September 21, 2023 ([House](#))

*Status:* Introduced

*What the rule does:* The rule updates the testing standards utilized in ascertaining various operational aspects of covered classes of water heaters in order to determine the potential parameters of future DOE energy efficiency standards.

### [Energy Conservation Program: Energy Conservation Standards for Consumer Furnaces](#)

*Rule Published:* December 18, 2023

*Resolution of Disapproval introduced:* February 1, 2024 ([House](#)) ([Senate](#))

*Status:* Introduced

*What the rule does:* The rule “is adopting amended energy conservation standards for consumer furnaces, specifically non-weatherized gas furnaces and mobile home gas furnaces.”

*Estimated economic impact:* The rule involves [\\$4.5 billion](#) in “Consumer Incremental Product Costs.”

## **Department of Justice (DOJ)**

### [Office of the Attorney General; Home Confinement Under the Coronavirus Aid, Relief, and Economic Security \(CARES\) Act](#)

*Rule Published:* April 4, 2023

*Resolution of Disapproval introduced:* October 30, 2023 ([Senate](#)) ([House](#))

*Status:* Introduced

*What the rule does:* The rule grants the Director of the Bureau of Prisons “the authority and discretion to allow prisoners placed in home confinement under the CARES Act to remain in home confinement after the expiration of the covered emergency period.”

## Securities and Exchange Commission (SEC)

### Cybersecurity Risk Management, Strategy, Governance, and Incident Disclosure

*Rule Published:* August 4, 2023

*Resolution of Disapproval introduced:* November 9, 2023 ([Senate](#)) ([House](#))

*Status:* Introduced

*What the rule does:* The rule seeks “to enhance and standardize disclosures regarding cybersecurity risk management, strategy, governance, and incidents by public companies that are subject to the reporting requirements of the Securities Exchange Act of 1934.”

*Estimated economic impact:* The rule imposes [\\$48 million](#) in compliance costs.

### Staff Accounting Bulletin No. 121

*Rule Published:* April 11, 2022 [formally determined to be a “rule” under the CRA on [October 31, 2023](#)]

*Resolution of Disapproval introduced:* February 1, 2024 ([Senate](#)) ([House](#))

*Status:* Introduced

*What the rule does:* The bulletin lays out to relevant entities on how SEC effectively defines various aspects of crypto-assets.

### Private Fund Advisers; Documentation of Registered Investment Adviser Compliance Reviews

*Rule Published:* September 14, 2023

*Resolution of Disapproval introduced:* March 21, 2024 ([House](#))

*Status:* Introduced

*What the rule does:* The rule seeks to “protect investors who directly or indirectly invest in private funds by increasing visibility into certain practices involving compensation schemes, sales practices, and conflicts of interest through disclosure; establishing requirements to address such practices that have the potential to lead to investor harm; and restricting practices that are contrary to the public interest and the protection of investors.”

### The Enhancement and Standardization of Climate-Related Disclosures for Investors

*Rule Published:* March 28, 2024

*Resolution of Disapproval introduced:* April 9, 2024 ([House](#)); April 17, 2024 ([Senate](#))

*Status:* Introduced

*What the rule does:* The rule “will require registrants to provide certain climate-related information in their registration statements and annual reports.”

*Estimated economic impact:* The rule will involve roughly [\\$2.7 billion](#) in total compliance costs.

## **National Labor Relations Board (NLRB)**

### [Standard for Determining Joint Employer Status](#)

*Rule Published:* October 27, 2023

*Resolution of Disapproval introduced:* November 9, 2023 ([Senate](#)) ([House](#))

*Status:* Passed House ([January 12, 2024](#)); Passed Senate ([April 10, 2024](#))

*What the rule does:* The rule “establishes a new standard for determining whether two employers, as defined in the Act, are joint employers of particular employees within the meaning of the [National Labor Relations] Act.”

## **Federal Communications Commission (FCC)**

### [The Infrastructure Investment and Jobs Act: Prevention and Elimination of Digital Discrimination](#)

*Rule Published:* January 22, 2024

*Resolution of Disapproval introduced:* January 30, 2024 ([House](#)); March 14, 2024 ([Senate](#))

*Status:* Introduced

*What the rule does:* The rule seeks to “establish a framework to facilitate equal access to broadband internet access service by preventing digital discrimination of access.”

## **Department of Treasury (Treasury)**

### [Coronavirus State and Local Fiscal Recovery Funds](#)

*Rule Published:* November 20, 2023

*Resolution of Disapproval introduced:* February 1, 2024 ([House](#)) ([Senate](#))

*Status:* Introduced

*What the rule does:* The rule adjusts the definition of the term “obligation” as it pertains to how state and local governments utilize funds they receive from the American Rescue Plan’s State and Local Fiscal Recovery Funds program.

## **Department of Agriculture (USDA)**

### [Importation of Fresh Beef From Paraguay](#)

*Rule Published:* November 14, 2023

*Resolution of Disapproval introduced:* February 20, 2024 ([House](#)); February 26, 2024 ([Senate](#))

*Status:* Passed Senate ([March 21, 2024](#))

*What the rule does:* The rule “will provide for the importation of fresh beef from Paraguay into the United States, while continuing to protect the United States against the introduction of foot-and-mouth disease.”

## **Financial Stability Oversight Council (FSOC)**

### [Guidance on Nonbank Financial Company Determinations](#)

*Rule Published:* November 17, 2023

*Resolution of Disapproval introduced:* March 22, 2024 ([House](#))

*Status:* Introduced

*What the rule does:* The rule “describes the process the Financial Stability Oversight Council intends to undertake in determining whether to subject a nonbank financial company to prudential standards and supervision” under relevant Dodd-Frank provisions.

## **Treasury/Federal Reserve/Federal Deposit Insurance Corporation**

### [Principles for Climate-Related Financial Risk Management for Large Financial Institutions](#)

*Rule Published:* October 30, 2023 [Transmitted to Congress by relevant agencies on [Jan 31](#), [Feb 1](#), and [Feb 7](#), 2024]

*Resolution of Disapproval introduced:* April 5, 2024 (House via [three separate resolutions](#))

*Status:* Introduced

*What the rule does:* The rule is a statement of principles from the relevant agencies for the purposes of establishing “a high-level framework for the safe and sound management of exposures to climate-related financial risks, consistent with the risk management framework described in the agencies’ existing rules and guidance.”

## **DOL/Treasury/HHS**

### [Short-Term, Limited-Duration Insurance and Independent, Noncoordinated Excepted Benefits Coverage](#)

*Rule Published:* April 3, 2024

*Resolution of Disapproval introduced:* April 18, 2024 ([House](#))

*Status:* Introduced

*What the rule does:* The rule amends “the definition of short-term, limited-duration insurance, which is excluded from the definition of individual health insurance coverage under the Public Health Service Act.”

*Estimated economic impact:* The rule involves roughly [\\$555,000](#) in administrative costs.

## **Multiple Agencies**

### [Partnerships With Faith-Based and Neighborhood Organizations](#)

*Rule Published:* March 4, 2024

*Resolution of Disapproval introduced:* April 18, 2024 ([Senate](#))

*Status:* Introduced

*What the rule does:* The rule updates the policies of nine agencies “to clarify protections for beneficiaries and prospective beneficiaries of federally funded social services and the rights and obligations of organizations providing such services.”

## **THE 117<sup>TH</sup> CONGRESS**

### **RULES SUBJECT TO THE LOOKBACK PROVISION**

#### **Environmental Protection Agency (EPA)**

### [Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review](#)

*Rule published:* September 14, 2020

*Resolution of Disapproval introduced:* March 25, 2021 ([Senate](#)) and March 26, 2021 ([House](#))

*Status:* Passed Senate ([April 28](#), 2021); Passed House ([June 25](#), 2021); Signed (June 30, 2021)

*What the rule does:* The rule scaled back and eliminated some of the requirements of an Obama Administration rule on methane emissions stemming from oil and natural gas production. The Trump Administration EPA believed the Obama-era regulations were redundant and that the Clean Air Act requires the agency to find that methane emissions from certain sources are harmful to public health. Opponents of the rule believe the Trump-era changes will result in detrimental increases in methane emissions.

*Estimated economic impact:* The rule saved an estimated [\\$31 million](#), according to EPA.

## **Office of the Comptroller of the Currency (OCC)**

### [National Banks and Federal Savings Associations as Lenders](#)

*Rule published:* October 30, 2020

*Resolution of Disapproval introduced:* March 25, 2021 ([Senate](#)) and March 26, 2021 ([House](#))

*Status:* Passed Senate ([May 11](#), 2021); Passed House ([June 24](#), 2021); Signed (June 30, 2021)

*What the rule does:* The rule defines when banks and savings associations are considered “true lenders” when they work with third parties to facilitate lending. The OCC rule clarifies that true lenders are those named as the lender as of the origination date of the loan. Opponents of the rule argue that it does little to stop third parties from “renting” a bank’s charter to allow the third party to take advantage of certain rights granted to lenders. The OCC says it addressed this criticism in the preamble to the final rule.

## **Securities and Exchange Commission (SEC)**

### [Procedural Requirements and Resubmission Thresholds Under Exchange Act Rule 14a-8](#)

*Rule published:* November 4, 2020

*Resolution of Disapproval introduced:* March 25, 2021 ([Senate](#)) and March 26, 2021 ([House](#))

*Status:* Introduced

*What the rule does:* The rule made changes to SEC regulations governing what shareholder proposals must be published in a company’s shareholder proxy statements. Since the costs to publish the proxy statements are borne entirely by the company, the SEC has traditionally set out guidelines by which a company may deny publishing shareholder proposals. The SEC updated these guidelines in 2020 making them more restrictive to shareholders, in part because technology has improved shareholders’ ability to make and disseminate proposals. Opponents of the rule argue the new restrictions are too one-sided.

*Estimated economic impact:* The rule saved an estimated [\\$10.5 million](#), according to the SEC.

### [The Enhancement and Standardization of Climate-Related Disclosures for Investors](#)



*Proposed rule published:* April 11, 2022

*Resolution of Disapproval introduced:* June 15, 2022 ([House](#))

*Status:* Introduced

*What the rule does:* The proposed rule would require publicly traded companies to provide certain climate-related information in their registration statements and annual reports. The proposed rule would require information about a registrant's climate-related risks that are reasonably likely to have a material impact on its business, results of operations, or financial condition. on

*Estimated economic impact:* The proposed rule would cost an estimated **\$19.1 billion**, according to the SEC.

## **Social Security Administration (SSA)**

### [Hearings Held by Administrative Appeals Judges of the Appeals Council](#)

*Rule published:* November 16, 2020

*Resolution of Disapproval introduced:* April 1, 2021 ([House](#))

*Status:* Introduced

*What the rule does:* The SSA issued the rule to clarify when its administrative appeals judges (AAJs) may hold hearings on individual cases. The SSA argues while it has always had the authority to let AAJs hold hearings, it just has not used it often (instead it typically has administration law judges [ALJs] hold hearings). SSA argues that using AAJs can help it handle situations when caseloads are abnormally high. Opponents contend that the Administrative Procedure Act and recent court precedent only allow for ALJs.

## **RULES ISSUED DURING THE 117<sup>TH</sup> CONGRESS**

### **Equal Employment Opportunity Commission (EEOC)**

#### [Update of Commission's Conciliation Procedures](#)

*Rule published:* January 14, 2021

*Resolution of Disapproval introduced:* March 23, 2021 ([House](#)) ([Senate](#))

*Status:* Passed Senate ([May 19](#), 2021); Passed House ([June 24](#), 2021); Signed (June 30, 2021)

*What the rule does:* The rule updated the procedures for "conciliation," or the pre-litigation settlement of discrimination charges filed under the Civil Rights Act, the Americans with Disabilities Act, the Genetic Identification Nondiscrimination Act, and the Age Discrimination in Employment Act. While the Trump Administration's EEOC said the rule was necessary to improve transparency and make the conciliation process more consistent, those supporting the resolutions of disapproval argue it unfairly tilts the process in the favor of

employers.

## **Department of Health and Human Services (HHS)**

### [Securing Updated and Necessary Statutory Evaluations Timely](#)

*Rule published:* January 19, 2021

*Resolution of Disapproval introduced:* March 29, 2021 ([House](#))

*Status:* Introduced

*What the rule does:* The rule required HHS and its agencies to review most of their regulations within 10 years. If such a review on a regulation does not occur over that time, the regulation would sunset, or expire. The goal of sunseting is to force agencies to review their rules to make sure they are working as intended, that their expected benefits and costs were accurate, and that they are updated as appropriate. Opponents claim the sunseting provision could force the expiration of needed regulations and unduly burden agency time and resources.

*Estimated economic impact:* The rule saved an estimated [\\$104.5 million](#), according to HHS.

### [Medicare and Medicaid Programs; Omnibus COVID-19 Health Care Staff Vaccination](#)

*Rule published:* November 5, 2021

*Resolution of Disapproval introduced:* December 9, 2021 ([House](#))([Senate](#))

*Status:* Passed Senate ([March 2, 2022](#))

*What the rule does:* The rule requires all staff working at facilities that participate in Medicare and Medicaid to be vaccinated by January 4, 2022.

*Estimated economic impact:* The rule cost an estimated [\\$1.4 billion](#), according to HHS.

### [Temporary Halt in Residential Evictions in Communities With Substantial or High Transmission of COVID-19 To Prevent the Further Spread of COVID-19](#)

*Rule published:* August 6, 2021

*Resolution of Disapproval introduced:* August 10, 2021 ([Senate](#))

*Status:* Introduced

*What the rule does:* The order was an attempt to re-issue a moratorium on evictions that had expired in July 2021 following the Supreme Court's determination that Congressional action would be necessary. Unsurprisingly, the Supreme Court struck down this order in August 2021 rendering the CRA resolution moot.

### Requirement for Persons to Wear Masks While on Conveyances and at Transportation Hubs

*Rule Published:* February 3, 2021

*Resolution of Disapproval introduced:* February 10, 2022 ([Senate](#)); February 18, 2022 ([House](#))

*Status:* Introduced

*What the rule does:* The rule requires persons traveling persons to wear masks over the mouth and nose when traveling on any conveyance (e.g., airplanes, trains, subways, buses, taxis, ride-shares, ferries, ships, trolleys, and cable cars) into or within the United States. A person must also wear a mask on any conveyance departing from the United States until the conveyance reaches its foreign destination. Additionally, a person must wear a mask while at any transportation hub within the United States (e.g., airport, bus terminal, marina, train station, seaport or other port, subway station, or any other area that provides transportation within the United States).

### Vaccine and Mask Requirements to Mitigate the Spread of COVID-19 in Head Start Programs

*Rule Published:* November 30, 2021

*Resolution of Disapproval introduced:* February 14, 2022 ([Senate](#)); April 21, 2022 ([House](#))

*Status:* Introduced

*What the rule does:* The rule requires universal masking for all individuals two years of age and older, with some noted exceptions, and all Head Start staff, contractors whose activities involve contact with or providing direct services to children and families, and volunteers working in classrooms or directly with children to be vaccinated for COVID-19 by January 31, 2022.

*Estimated economic impact:* The rule cost an estimated [\\$49.5 million](#), according to HHS.

### Ensuring Access to Equitable, Affordable, Client-Centered, Quality Family Planning Services

*Rule Published:* October 7, 2021

*Resolution of Disapproval introduced:* March 16, 2022 ([House](#))([Senate](#))

*Status:* Introduced

*What the rule does:* The rule removes restrictions on nondirective options counseling and referrals for abortion services and eliminates requirements for strict physical and financial separation between abortion-related activities and project activities under Title X of the Public Health Service Act.

*Estimated Economic Impact:* The rule cost an estimated [\\$1.6 million](#), according to HHS.

[Patient Protection and Affordable Care Act; Updating Payment Parameters, Section 1332 Waiver Implementing Regulations, and Improving Health Insurance Markets for 2022 and Beyond](#)

*Rule Published:* September 27, 2021

*Resolution of Disapproval introduced:* March 23, 2022 ([House](#))([Senate](#))

*Status:* Introduced

*What the rule does:* The rule makes several revisions to Affordable Care Act exchanges for 2022.

*Estimated Economic Impact:* The rule saved an estimated [\\$1.3 billion](#), according to HHS.

## **Occupational Safety and Health Administration (OSHA)**

[COVID-19 Vaccination and Testing; Emergency Temporary Standard](#)

*Rule published:* November 5, 2021

*Resolution of Disapproval introduced:* November 17, 2021 ([House](#)) ([Senate](#))

*Status:* Passed Senate ([December 8, 2021](#))

*What the rule does:* The rule requires employers with 100 or more employees to establish and enforce a policy requiring employees to be vaccinated for COVID-19 or submit to mask-wearing and weekly testing by January 4, 2022.

*Estimated economic impact:* The rule cost an estimated [\\$3 billion](#), according to OSHA.

## **Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF)**

[Definition of “Frame or Receiver” and Identification of Firearms](#)

*Rule published:* April 26, 2022

*Resolution of Disapproval introduced:* April 27, 2022 ([Senate](#)); May 6, 2022 ([House](#))

*Status:* Introduced

*What the rule does:* The rule expands the definition of firearms to include privately made firearms and gun kits. It also requires kits sold commercially that can be readily assembled by a purchaser to have serial numbers. In addition, if a gun retailer buys a firearm without a serial number from a gun owner, the retailer must serialize the gun before reselling it. In addition to the serial number requirements, the rule requires gun kit retailers to conduct background checks. The rule also amends recordkeeping requirements to obligate retailers of all

firearms to keep records for as long as they are licensed to sell, up from the previous minimum of 20 years.

*Estimated economic impact:* The rule cost an estimated [\\$100.4 million](#), according to ATF.

## **Department of Homeland Security (DHS)**

### [Procedures for Credible Fear Screening and Consideration of Asylum, Withholding of Removal, and CAT Protection Claims by Asylum Officers](#)

*Rule published:* March 29, 2022

*Resolution of Disapproval introduced:* April 28, 2022 ([House](#)) ([Senate](#))

*Status:* Introduced

*What the rule does:* The rule amends regulations governing the procedures for determining certain protection claims and available parole procedures for individuals subject to expedited removal and found to have a credible fear of persecution or torture.

### [Public Charge Ground of Inadmissibility](#)

*Rule published:* September 9, 2022

*Resolution of Disapproval introduced:* September 21, 2022 ([House](#)); November 14, 2022 ([Senate](#))

*Status:* Introduced

*What the rule does:* The rule sets out the conditions under which a noncitizen can be denied certain government benefits if found to be “likely to become primarily dependent on the government for assistance.” The rule makes changes to the program from a controversial Trump Administration rule.

*Estimated economic impact:* The rule cost an estimated [\\$45.1 million](#), according to DHS.

## **National Highway Traffic Safety Administration (NHTSA)**

### [Civil Penalties](#)

*Rule published:* April 1, 2022

*Resolution of Disapproval introduced:* April 28, 2022 ([House](#))

*Status:* Introduced

*What the rule does:* The rule repeals a 2021 interim final [rule](#) that reduced civil penalties for violating the corporate average fuel economy standards starting in model year 2022.

## **Council on Environmental Quality (CEQ)**

### [National Environmental Policy Act Implementing Regulations Revisions](#)

*Rule published:* April 20, 2022

*Resolution of Disapproval introduced:* July 13, 2022 ([Senate](#)); July 19, 2022 ([House](#))

*Status:* Passed Senate ([August 4](#), 2022)

*What the rule does:* The rule repeals parts of a 2020 final [rule](#) that aimed to streamline NEPA requirements for federally funded projects.

## **Department of Education**

[Final Priorities, Requirements, Definitions, and Selection Criteria-Expanding Opportunity Through Quality Charter Schools Program \(CSP\)-Grants to State Entities \(State Entity Grants\); Grants to Charter Management Organizations for the Replication and Expansion of High-Quality Charter Schools \(CMO Grants\); and Grants to Charter School Developers for the Opening of New Charter Schools and for the Replication and Expansion of High-Quality Charter Schools \(Developer Grants\)](#)

*Rule published:* July 6, 2022

*Resolution of Disapproval introduced:* September 8, 2022 ([Senate](#)); September 9, 2022 ([House](#))

*Status:* Introduced

*What the rule does:* The rule places additional requirements on charter schools seeking federal funding, including proving a need and community support for the charter school, analyzing the school's enrollment, and disclosing contracts with for-profit entities.

## **Employee Benefits Security Administration (EBSA)**

### [Prudence and Loyalty in Selecting Plan Investments and Exercising Shareholder Rights](#)

*Rule published:* December 1, 2022

*Resolution of Disapproval introduced:* December 1, 2022 ([Senate](#)); December 15, 2022 ([House](#))

*Status:* Introduced

*What the rule does:* The rule allows plan fiduciaries to consider climate change and other environmental, social and governance factors when they select retirement investments and exercise shareholder rights, repealing changes made during the Trump Administration.

*Estimated economic impact:* The rule cost an estimated [\\$117.2 million](#), according to EBSA.

## **Department of Veterans Affairs**

### [Reproductive Health Services](#)

*Rule Published:* September 9, 2022

*Resolution of Disapproval introduced:* December 13, 2022 ([Senate](#))([House](#))

*Status:* Introduced

*What the rule does:* The rule removed exclusions to abortion counseling and services for service members and civilians covered under a Department of Veterans Affairs health plan.

## **Fish and Wildlife Service**

### [Endangered and Threatened Wildlife and Plants; Lesser Prairie-Chicken; Threatened Status With Section 4\(d\) Rule for the Northern Distinct Population Segment and Endangered Status for the Southern Distinct Population Segment](#)

*Rule Published:* November 25, 2022

*Resolution of Disapproval introduced:* December 21, 2022 ([Senate](#))([House](#))

*Status:* Introduced

*What the rule does:* The rule added the lesser prairie chicken in two distinct population segments to the List of Endangered and Threatened Wildlife.