



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 there is limited prospect for any resolution to ultimately succeed, but 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: 81**
- **Number of Resolutions Passed by House: 13**
- **Number of Resolutions Passed by Senate: 16**
- **Number of Resolutions Vetoed: 11**
- **Number of Resolutions Passed into Law: 0**

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

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

#### 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  $\mu\text{g}/\text{m}^3$  to 9.0  $\mu\text{g}/\text{m}^3$ .”

*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.

### [Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles](#)

*Rule Published:* April 18, 2024

*Resolution of Disapproval introduced:* April 26, 2024 ([House](#)); May 1, 2024 ([Senate](#)) [[Additional House resolution](#) on May 1, 2024]

*Status:* Introduced

*What the rule does:* The rule sets “new, more protective emissions standards for criteria pollutants and greenhouse gases (GHG) for light-duty vehicles and Class 2b and 3 (“medium-duty”) vehicles that will phase-in over model years 2027 through 2032.”

*Estimated economic impact:* The rule will involve [\\$870 billion](#) in “Vehicle Technology Costs” over its lifetime.

### [Greenhouse Gas Emissions Standards for Heavy-Duty Vehicles—Phase 3](#)

*Rule Published:* April 22, 2024

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

*Status:* Introduced

*What the rule does:* The rule sets “new greenhouse gas (GHG) emissions standards for model year (MY) 2032 and later heavy-duty highway vehicles that phase in starting as early MY 2027 for certain vehicle categories.”

*Estimated economic impact:* The rule will involve [\\$23.8 billion](#) in vehicle and equipment costs over its lifetime.

### [National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units Review of the Residual Risk and Technology Review](#)

*Rule Published:* May 7, 2024

*Resolution of Disapproval introduced:* May 16, 2024 ([House](#)) ([Senate](#)); July 2, 2024 ([House #2](#))

*Status:* Introduced

*What the rule does:* The rule amends “the national emission standards for hazardous air pollutants (NESHAP) for the Coal- and Oil-Fired Electric Utility Steam Generating Units (EGUs) source category.”

*Estimated economic impact:* The rule will involve [\\$860 million](#) in total compliance costs.

### [Supplemental Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category](#)

*Rule Published:* May 9, 2024

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

*Status:* Introduced

*What the rule does:* The rule will “revise the technology-based effluent limitations guidelines and standards (ELGs) for the steam electric power generating point source category applicable to flue gas desulfurization (FGD) wastewater, bottom ash (BA) transport water and legacy wastewater at existing sources, and combustion residual leachate (CRL) at new and existing sources.”

*Estimated economic impact:* The rule will involve [\\$15.6 billion](#) in total compliance costs.

### [Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals \[CCR\] From Electric Utilities; Legacy CCR Surface Impoundments](#)

*Rule Published:* May 8, 2024

*Resolution of Disapproval introduced:* May 22, 2024 ([House](#)); June 5, 2024 ([Senate](#)); July 2, 2024 ([House #2](#))

*Status:* Introduced

*What the rule does:* The rule “establishes regulatory requirements for legacy CCR surface impoundments,” in light of a 2018 court order vacating a 2015 rule on the matter.

*Estimated economic impact:* The rule will involve [\\$9 billion](#) in total compliance costs.

### [New Source Performance Standards for the Synthetic Organic Chemical Manufacturing Industry and National Emission Standards for Hazardous Air Pollutants for the Synthetic Organic Chemical Manufacturing Industry and Group I & II Polymers and Resins Industry](#)

*Rule Published:* May 16, 2024

*Resolution of Disapproval introduced:* May 28, 2024 ([House](#)); June 20, 2024 ([Senate](#))

*Status:* Introduced

*What the rule does:* The rule “finalizes amendments to the New Source Performance Standards (NSPS) that apply to the Synthetic Organic Chemical Manufacturing Industry (SOCMI) and amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) that apply to the SOCMI (more commonly referred to as the Hazardous Organic NESHAP or HON) and Group I and II Polymers and Resins (P&R I and P&R II, respectively) Industries.”

*Estimated economic impact:* The rule will involve [\\$1.4 billion](#) in total compliance costs.

[New Source Performance Standards for Greenhouse Gas Emissions From New, Modified, and Reconstructed Fossil Fuel-Fired Electric Generating Units; Emission Guidelines for Greenhouse Gas Emissions From Existing Fossil Fuel-Fired Electric Generating Units; and Repeal of the Affordable Clean Energy Rule](#)

*Rule Published:* May 0, 2024

*Resolution of Disapproval introduced:* June 5, 2024 ([House](#)) ([Senate](#)); July 2, 2024 ([House #2](#))

*Status:* Introduced

*What the rule does:* The rule implements a series of actions including: “the repeal of the [Affordable Clean Energy] ACE Rule, [best system of emissions reduction] BSER determinations and emission guidelines for existing fossil fuel-fired steam generating units, and BSER determinations and accompanying standards of performance for GHG emissions from new and reconstructed fossil fuel-fired stationary combustion turbines and modified fossil fuel-fired steam generating units.”

*Estimated economic impact:* The rule will involve [\\$7.5 billion](#) in total compliance costs.

**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.

[Definition of “Engaged in the Business” as a Dealer in Firearms](#)

*Rule Published:* April 19, 2024

*Resolution of Disapproval introduced:* May 15, 2024 ([Senate](#)); May 16, 2024 ([House](#))

*Status:* Introduced

*What the rule does:* The rule implements “provisions of the Bipartisan Safer Communities Act that broaden the definition of when a person is considered “engaged in the business” (“EIB”) as a dealer in firearms other than a gunsmith or pawnbroker.”

*Estimated economic impact:* The rule will involve nearly [\\$171 million](#) in compliance costs.

## **Department of Commerce (Commerce)**

### [Revision of Firearms License Requirements](#)

*Rule Published:* April 30, 2024

*Resolution of Disapproval introduced:* June 5, 2024 ([House](#)) ([Senate](#))

*Status:* Introduced

*What the rule does:* The rule is “amending the Export Administration Regulations (EAR) to enhance the control structure for firearms and related items.”

### [Preventing the Improper Use of CHIPS Act Funding](#)

*Rule Published:* September 25, 2023 [Submitted to Congress on [May 31, 2024](#)]

*Resolution of Disapproval introduced:* July 7, 2024 ([House](#))

*Status:* Introduced

*What the rule does:* The rule seeks “to implement conditions in the [CHIPS] Act that seek to prevent funding provided through the program from being used to directly or indirectly benefit foreign countries of concern.”

## **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.

## Improving Protections for Workers in Temporary Agricultural Employment in the United States

*Rule Published:* April 29, 2024

*Resolution of Disapproval introduced:* May 1, 2024 ([House](#)) ([House #2](#))

*Status:* Introduced

*What the rule does:* The rule amends the “regulations governing the certification of temporary employment of nonimmigrant workers employed in temporary or seasonal agricultural employment and the enforcement of the contractual obligations applicable to employers of these nonimmigrant workers.”

*Estimated economic impact:* The rule will involve roughly [\\$13.7 million](#) in compliance costs.

## Retirement Security Rule: Definition of an Investment Advice Fiduciary

*Rule Published:* April 25, 2024

*Resolution of Disapproval introduced:* May 15, 2024 ([Senate](#)) ([House](#)) [additional House resolutions introduced on [supplemental rulemaking actions](#)]

*Status:* Introduced

*What the rule does:* The rule updates “the definition of a “fiduciary” in the Employee Retirement Income Security Act of 1974 (Title I of ERISA or the Act).” [The supplemental rulemakings address a series of “existing administrative exemptions.” For the purposes of this tracker, however, all actions are bundled into a single “rule” being addressed]

*Estimated economic impact:* The rule will involve [\\$2.5 billion](#) in compliance costs.

### [Worker Walkaround Representative Designation Process](#)

*Rule Published:* April 1, 2024

*Resolution of Disapproval introduced:* May 16, 2024 ([House](#))

*Status:* Introduced

*What the rule does:* The rule amends the “Representatives of Employers and Employees regulation to clarify that the representative(s) authorized by employees may be an employee of the employer or a third party; such third-party employee representative(s) may accompany the [Occupational Safety and Health Administration] OSHA Compliance Safety and Health Officer (CSHO) when, in the judgment of the CSHO, good cause has been shown why they are reasonably necessary to aid in the inspection.”

### [Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales, and Computer Employees](#)

*Rule Published:* April 26, 2024

*Resolution of Disapproval introduced:* June 5, 2024 ([House](#)); June 13, 2024 ([Senate](#))

*Status:* Introduced

*What the rule does:* The rule updates “the regulations issued under the Fair Labor Standards Act implementing the exemptions from minimum wage and overtime pay requirements for executive, administrative, professional, outside sales, and computer employees.”

*Estimated economic impact:* The rule will involve [\\$5.6 billion](#) in compliance costs.

### [Definition of “Employer”-Association Health Plans](#)

*Rule Published:* April 30, 2024

*Resolution of Disapproval introduced:* July 2, 2024 ([House](#))

*Status:* Introduced

*What the rule does:* The rule rescinds a Trump-era rulemaking on the matter of association health plans.

## **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.

### [Train Crew Size Safety Requirements](#)

*Rule Published:* April, 9, 2024

*Resolution of Disapproval introduced:* April 19, 2024 ([House](#))

*Status:* Introduced

*What the rule does:* The rule “requires railroad operations to have a minimum of two crewmembers except for certain identified one-person train crew operations that do not pose significant safety risks to railroad employees, the public, or the environment.”

*Estimated economic impact:* The rule involves [\\$6.6 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.”

### [Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance](#)

*Rule Published:* April 29, 2024

*Resolution of Disapproval introduced:* June 5, 2024 ([House](#)); June 12, 2024 ([Senate](#))

*Status:* Passed House ([July 11, 2024](#))

*What the rule does:* The rule “amends the regulations implementing Title IX of the Education Amendments of 1972 (Title IX). The purpose of these amendments is to better align the Title IX regulatory requirements with Title IX’s nondiscrimination mandate.”

*Estimated economic impact:* The rule involves [\\$18.8 million](#) in compliance costs.

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

*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.”

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

*Rule Published:* May 6, 2024

*Resolution of Disapproval introduced:* July 2, 2024 ([House](#))

*Status:* Introduced

*What the rule does:* The rule “is adopting amended energy conservation standards for consumer water heaters.”

*Estimated economic impact:* The rule involves [\\$22 billion](#) in “Consumer Incremental Product Costs.”

### [Statutory Updates to the Advanced Technology Vehicles Manufacturing Program](#)

*Rule Published:* April 29, 2024

*Resolution of Disapproval introduced:* July 2, 2024 ([House](#))

*Status:* Introduced

*What the rule does:* The rule seeks “to amend the regulations implementing the direct loan provisions for the Advanced Technology Vehicles Manufacturing Incentive Program established by section 136 of the Energy Independence and Security Act of 2007,” with changes directed by the Inflation Reduction Act of 2022.

### [Energy Conservation Program: Energy Conservation Standards for Miscellaneous Refrigeration Products](#)

*Rule Published:* May 7, 2024

*Resolution of Disapproval introduced:* July 2, 2024 ([House](#))

*Status:* Introduced

*What the rule does:* The rule “is adopting amended energy conservation standards for miscellaneous refrigeration products”

*Estimated economic impact:* The rule involves [\\$690 million](#) in “Consumer Incremental Product Costs.”

### [Clean Energy for New Federal Buildings and Major Renovations of Federal Buildings](#)

*Rule Published:* May 1, 2024

*Resolution of Disapproval introduced:* July 2, 2024 ([House](#))

*Status:* Introduced

*What the rule does:* The rule “establishes energy performance standards for the new construction and major renovation of Federal buildings, including commercial buildings, multi-family high-rise residential buildings, and low-rise residential buildings per the Energy Conservation and Production Act (‘ECPA’), as amended by the Energy Independence and Security Act of 2007 (‘EISA’).”

### [Energy Conservation Program: Energy Conservation Standards for Circulator Pumps](#)

*Rule Published:* May 20, 2024

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

*Status:* Introduced

*What the rule does:* The rule establishes that “Deferred Action for Childhood Arrivals (DACA) recipients and certain other noncitizens will be included in the definitions of “lawfully present” that are used to determine eligibility to enroll in a QHP [Qualified Health Plan] through an Exchange, for Advance Payments of the Premium Tax Credit (APTC) and Cost-Sharing Reductions (CSRs), or for a BHP [Basic Health Plan].”

*Estimated economic impact:* The rule involves [\\$1.15 billion](#) in compliance costs.

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

### [Clarifying the Eligibility of Deferred Action for Childhood Arrivals \(DACA\) Recipients and Certain Other Noncitizens for a Qualified Health Plan through an Exchange, Advance Payments of the Premium Tax Credit, Cost-Sharing Reductions, and a Basic Health Program](#)

*Rule Published:* May 8, 2024

*Resolution of Disapproval introduced:* May 8, 2024 ([House](#)) [Additional [House resolution](#) introduced on May 16, 2024]

*Status:* Introduced

*What the rule does:* The rule establishes that “Deferred Action for Childhood Arrivals (DACA) recipients and certain other noncitizens will be included in the definitions of “lawfully present” that are used to determine eligibility to enroll in a QHP [Qualified Health Plan] through an Exchange, for Advance Payments of the Premium Tax Credit (APTC) and Cost-Sharing Reductions (CSRs), or for a BHP [Basic Health Plan].”

*Estimated economic impact:* The rule involves roughly [\\$14.4 million](#) in administrative costs.

### [Medicare and Medicaid Programs: Minimum Staffing Standards for Long-Term Care Facilities and Medicaid Institutional Payment Transparency Reporting](#)

*Rule Published:* May 10, 2024

*Resolution of Disapproval introduced:* May 10, 2024 ([House](#)); June 4, 2024 ([Senate](#))

*Status:* Introduced

*What the rule does:* The rule requires covered facilities to have an Registered Nurse (RN) “on site 24 hours per day and 7 days per week,” and to provide “3.48 total nurse staffing hours per resident day (HPRD) of nursing care, with 0.55 RN HPRD and 2.45 NA [Nurse Aide] HPRD.”

*Estimated economic impact:* The rule’s requirements will involve [\\$43.1 billion](#) in additional costs to affected facilities.

## [Nondiscrimination in Health Programs and Activities](#)

*Rule Published:* May 6, 2024

*Resolution of Disapproval introduced:* May 23, 2024 ([House](#)) ([Senate](#))

*Status:* Introduced

*What the rule does:* The rule “is revising provisions prohibiting discrimination on the basis of sex in regulations issued” across various federal health programs under HHS authority

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

## [Unaccompanied Children Program Foundational Rule](#)

*Rule Published:* April 30, 2024

*Resolution of Disapproval introduced:* June 5, 2024 ([Senate](#)); June 27, 2024 ([House](#))

*Status:* Introduced

*What the rule does:* The rule “adopts and replaces regulations relating to key aspects of the placement, care, and services provided to unaccompanied children referred to the Office of Refugee Resettlement (ORR), pursuant to ORR’s responsibilities for coordinating and implementing the care and placement of unaccompanied children who are in Federal custody by reason of their immigration status.”

*Estimated economic impact:* The rule will involve roughly [\\$102,000](#) in compliance costs.

## **Food and Drug Administration**

### [Medical Devices; Laboratory Developed Tests](#)

*Rule Published:* May 6, 2024



*Resolution of Disapproval introduced:* May 15, 2024 ([Senate](#)); May 16, 2024 ([House](#))

*Status:* Introduced

*What the rule does:* The rule amends relevant regulations “to make explicit that in vitro diagnostic products (IVDs) are devices under the Federal Food, Drug, and Cosmetic Act (FD&C Act) including when the manufacturer of the IVD is a laboratory.

*Estimated economic impact:* The rule’s requirements will involve [\\$13.6 billion](#) in additional costs.

## **Bureau of Land Management**

### [Fluid Mineral Leases and Leasing Process](#)

*Rule Published:* April 23, 2024

*Resolution of Disapproval introduced:* May 14, 2024 ([Senate](#)); May 23, 2024 ([House](#))

*Status:* Introduced

*What the rule does:* The rule “implements provisions of the Inflation Reduction Act (IRA) pertaining to royalty rates, rentals, and minimum bids; updates the bonding requirements for leasing, development, and production; and revises some operating requirements.”

*Estimated Economic Impact:* The rule will involve [\\$263 million](#) in compliance 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:* Failed to Pass Over Veto ([July 11, 2024](#))

*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.

## [Regulation S-P: Privacy of Consumer Financial Information and Safeguarding Customer Information](#)

*Rule Published:* June 3, 2024

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

*Status:* Introduced

*What the rule does:* The rule “is adopting rule amendments that will require brokers and dealers (or “broker-dealers”), investment companies, investment advisers registered with the Commission (“registered investment advisers”), funding portals, and transfer agents registered with the Commission or another appropriate regulatory agency (“ARA”) as defined in the Securities Exchange Act of 1934 (“transfer agents”) to adopt written policies and procedures for incident response programs to address unauthorized access to or use of customer information, including procedures for providing timely notification to individuals affected by an incident involving sensitive customer information with details about the incident and information designed to help affected individuals respond appropriately.”

## **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](#)); Vetoed ([May 3, 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.”

### [Safeguarding and Securing the Open Internet; Restoring Internet Freedom](#)

*Rule Published:* May 22, 2024

*Resolution of Disapproval introduced:* May 23, 2024 ([House](#));

*Status:* Introduced

*What the rule does:* The rule reinstates “the telecommunications service classification of [broadband internet access service] BIAS under Title II of the [Communications] Act.”

### **Fish and Wildlife Service**

### [Endangered and Threatened Wildlife and Plants; Regulations Pertaining to Endangered and Threatened Wildlife and Plants](#)

*Rule Published:* April 5, 2024

*Resolution of Disapproval introduced:* May 15, 2024 ([Senate](#)); May 23, 2024 ([House](#))

*Status:* Introduced

*What the rule does:* The rule reinstates “the general application of the ‘blanket rule’ option for protecting newly listed threatened species pursuant to section 4(d) of the Act, with the continued option to promulgate species-specific section 4(d) rules.”

### [Endangered and Threatened Wildlife and Plants; Establishment of a Nonessential Experimental Population of Grizzly Bear in the North Cascades Ecosystem, Washington State](#)

*Rule Published:* May 3, 2024

*Resolution of Disapproval introduced:* May 16, 2024 ([House](#))

*Status:* Introduced

*What the rule does:* The rule establishes “a nonessential experimental population (NEP) of the grizzly bear (*Ursus arctos horribilis*) within the U.S. portion of the North Cascades Ecosystem (NCE) in the State of Washington ... intended to support reintroduction and recovery of grizzly bears within the NCE and provide the prohibitions and exceptions under the Act necessary and appropriate to conserve the species within a defined NEP area.”

### [Endangered and Threatened Wildlife and Plants; Endangered Species Status for the Dunes Sagebrush Lizard](#)

*Rule Published:* May 20, 2024

*Resolution of Disapproval introduced:* May 31, 2024 ([House](#))

*Status:* Introduced July 11, 2024 ([Senate](#))

*What the rule does:* The rule “extends the protections of the [Endangered Species] Act to” the dunes sagebrush lizard (*Sceloporus arenicolus*).

[Endangered and Threatened Wildlife and Plants; Endangered Species Status With Critical Habitat for Guadalupe Fatmucket, Texas Fatmucket, Guadalupe Orb, Texas Pimpleback, Balcones Spike, and False Spike, and Threatened Species Status With Section 4\(d\) Rule and Critical Habitat for Texas Fawnsfoot](#)

*Rule Published:* June 4, 2024

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

*Status:* Introduced

*What the rule does:* The rule establishes “endangered species status” for the species included in the rule’s title.

## **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:* Failed Senate ([May 15, 2024](#))

*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.

[Clean Vehicle Credits Under Sections 25E and 30D; Transfer of Credits; Critical Minerals and Battery Components; Foreign Entities of Concern](#)

*Rule Published:* May 6, 2024

*Resolution of Disapproval introduced:* May 16, 2024 ([Senate](#)) ([House](#)); July 2, 2024 ([House #2](#))

*Status:* Introduced

*What the rule does:* The rule establishes the guidelines “regarding Federal income tax credits under the Inflation Reduction Act of 2022 (IRA) for the purchase of qualifying new and previously-owned clean vehicles,

including new and previously-owned plug-in electric vehicles powered by an electric battery meeting certain requirements and new qualified fuel cell motor vehicles.”

## **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.”

### [Use of Electronic Identification Eartags as Official Identification in Cattle and Bison](#)

*Rule Published:* May 9, 2024

*Resolution of Disapproval introduced:* June 13, 2024 ([House](#)); June 18, 2024 ([Senate](#))

*Status:* Introduced

*What the rule does:* The rule amends “the animal disease traceability regulations to require that eartags ... be both visually and electronically readable in order to be recognized for use as official eartags for interstate movement of cattle and bison covered under the regulations.”

## **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.

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

### [National Environmental Policy Act Implementing Regulations Revisions Phase 2](#)

*Rule Published:* May 1, 2024

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

*Status:* Introduced

*What the rule does:* The rule revises the “regulations for implementing the procedural provisions of the National Environmental Policy Act (NEPA), including the recent amendments to NEPA in the Fiscal Responsibility Act.”

### **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.”

### **Department of Housing and Urban Development (HUD)/Department of Agriculture**

#### [Final Determination: Adoption of Energy Efficiency Standards for New Construction of HUD- and USDA-Financed Housing](#)

*Rule Published:* April 26, 2024

*Resolution of Disapproval introduced:* June 27, 2024 ([House](#))

*Status:* Introduced

*What the rule does:* The rule updates the energy efficiency for properties under the agencies’ purview based upon recent industry standards.

### **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](#)); May 2, 2024 ([Senate](#)) [additional House resolution on [May 7, 2024](#)]

*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.

## **Fish and Wildlife Service/National Marine Fisheries Service**

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

*Rule Published:* April 5, 2024

*Resolution of Disapproval introduced:* May 15, 2024 ([Senate #1](#), [Senate #2](#) [dual resolutions to address each agency’s role in joint rulemaking]); May 23, 2024 ([House #1](#), [House #2](#))

*Status:* Introduced

*What the rule does:* The rule revises relevant regulations “concerning the procedures and criteria used for listing, reclassifying, and delisting species on the Lists of Endangered and Threatened Wildlife and Plants (Lists) and designating critical habitat.”

### [Endangered and Threatened Wildlife and Plants; Regulations for Interagency Cooperation](#)

*Rule Published:* April 5, 2024

*Resolution of Disapproval introduced:* May 15, 2024 ([Senate #1](#)); May 16, 2024 ([Senate #2](#)); May 23, 2024 ([House #1](#), [House #2](#))



*Status:* Introduced

*What the rule does:* The rule revises relevant regulations to “clarify, interpret, and implement portions of the [Endangered Species] Act concerning the interagency cooperation procedures.”

## **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.”

## **Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA)**

### [Federal Acquisition Regulation: Use of Project Labor Agreements for Federal Construction Projects](#)

*Rule Published:* December 22, 2023

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

*Status:* Introduced

*What the rule does:* The rule requires “the use of project labor agreements (PLAs) for large-scale Federal construction projects, where the total estimated cost to the Government is \$35 million or more, unless an exception applies.”

*Estimated economic impact:* The rule involves compliance costs of approximately [\\$93.5 million](#) for affected contractors.

## **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/National Marine Fisheries Service

### 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).

## **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 Courts 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.

## **Federal Trade Commission**

### [Non-Compete Clause Rule](#)

*Rule Published:* May 7, 2024

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

*Status:* Introduced

*What the rule does:* The rule “provides that it is an unfair method of competition for persons to, among other things, enter into non-compete clauses (“non-competes”) with workers on or after the final rule’s effective date.”

*Estimated economic impact:* The rule involves [\\$7.2 billion](#) in compliance costs.