



ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

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Congressional Review Act Basics

What is the Congressional Review Act?

The CRA, [5 U.S.C. §§ 801–808](#), provides an expedited process for Congress to overturn federal agency rules. It requires agencies to submit covered “rules” to both houses of Congress and the Government Accountability Office (GAO) before they can take effect. Congress then has a statutorily fixed window during which it may use special, fast-track procedures to enact joint resolutions overturning the rule and barring the agency from issuing substantially the same rule in the future absent congressional authorization.

What is a “rule”?

A “rule” for CRA purposes is an agency statement of general applicability and future effect that implements, interprets, or prescribes law or policy. Rules relating to agency management or personnel and rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties are not rules for CRA purposes.

What does an agency submit when it issues a rule?

Agencies must submit a report, called an 801(a) report, that includes the rule, a short general statement of the rule, and a proposed effective date for the rule. Congress currently requires agencies to deliver paper copies of 801(a) reports.

When can a rule take effect?

A “major rule” may take effect no earlier than 60 calendar days after the latter of Congress’s receipt of the 801(a) report or publication of the rule in the *Federal Register*. Non-major rules may take effect no earlier than 30 calendar days after receipt of the 801(a) report or publication of the rule in the *Federal Register*.

What special procedures does the CRA establish to expedite congressional consideration of joint resolutions?

The CRA establishes several special, fast-track procedures to expedite, for a limited time, consideration of covered joint resolutions ([5 U.S.C. § 802](#)).

Joint Resolution Requirements

To benefit from the CRA’s fast-track procedures, a joint resolution must:

- (1) Be introduced within 60 session-days of the latter of Congress’s receipt of the 801(a) report or publication of the rule in the *Federal Register* (excluding periods in which either chamber is in recess for more than three days);
- (2) Be acted on by the Senate before the 60-session-day period expires; and
- (3) Include the sentence: “That Congress disapproves the rule submitted by the ___ relating to ___, and such rule shall have no force or effect.”

Procedures Available in the Senate

The CRA expedites consideration of covered joint resolutions in three ways:

- (1) **Committee Discharge Petitions.** If the committee to which a joint resolution is referred fails to report it within 20 days of receipt of the 801(a) report (or publication of the rule in the *Federal Register*, if applicable), the CRA allows the committee to be discharged from further consideration of the resolution through submission of a discharge petition signed by 30 members of the Senate.
- (2) **Privileged Motion to Proceed (MTP).** Once an eligible joint resolution has been reported or discharged from committee, any Senator may offer a privileged, non-debatable motion to call up and consider the joint resolution on the floor.
- (3) **Limited Debate and Filibuster Immunity.** Once the Senate agrees to the MTP, the underlying joint resolution of disapproval is subject to no more than 10 hours of debate. As a result, cloture need not be invoked to cut off debate, which allows CRA joint resolutions to be passed by simple majority.

Procedures Available in the House

The CRA does not include House-specific procedures for committee or floor consideration of covered joint resolutions. Instead, such resolutions are typically considered on the floor under the terms of a closed special rule reported by the House Rules Committee and adopted by the House (e.g., [H. Res. 166](#), 118th Cong.).

Procedures Available in the Senate and House

An additional fast-track procedure, applicable in the House and Senate, provides that an [engrossed](#) joint resolution received from the other chamber is held at the desk, bypassing referral to and consideration by the committee of jurisdiction.

Additional Resources

[Congressional Review Act](#), ACUS Admin. Procedure Sourcebook
ACUS [Rec. 2021-8](#), *Technical Reform of the Congressional Review Act*
Jesse M. Cross, [Technical Reform of the Congressional Review Act](#) (2021)
Maeve P. Carey & Christopher M. Davis, [The Congressional Review Act \(CRA\): Frequently Asked Questions](#) (2021)
Valerie C. Brannon & Maeve P. Carey, [The Congressional Review Act: Determining Which “Rules” Must Be Submitted to Congress](#) (2019)