



CRA Lookback Analysis
Rules Subject to Review by the 119th Congress



Background

The Congressional Review Act (CRA) is a law passed in 1996 that allows Congress to review and potentially disapprove of federal regulations issued by government agencies. Under the CRA, after an agency finalizes a rule, it must submit the rule to both houses of Congress and the Government Accountability Office (GAO) for review.

The incoming 119th Congress has the ability to overturn a rule issued at the end of the 118th Congress with a simple majority during a 60-day "lookback window." If Congress passes a resolution within this period and the President signs it, the rule is voided and cannot be reissued in substantially the same form without further Congressional approval.

The subsequent slides contain sector-specific rules deemed “Economically Significant” and potentially subject to review by the 119th Congress, retroactive to the earliest possible lookback date of May 22nd, 2024. Notably, CRS estimates the final lookback date to fall on or around August 1st, 2024, to be finalized after official adjournment of the 118th Congress.

All included rules published prior to the estimated date of August 1st are shaded and may not ultimately fall in the required timeline for review.

**** We will be updating this as new “economically significant” rules are released between now and when the 118th Congress adjourns.***

Energy and Environment

Date	Agency	Subagency	Rule
6/6/24	Department of Commerce	National Oceanic and Atmospheric Administration	Lake Ontario National Marine Sanctuary; Final Regulations
6/6/24	General Services Administration		General Services Administration Acquisition Regulation; Reduction of Single-Use Plastic Packaging
7/3/24	U.S. Department of the Interior	National Park Service	Alaska; Hunting and Trapping in National Preserves
7/11/24	Department of Homeland Security	Federal Emergency Management Agency	Updates to Floodplain Management and Protection of Wetlands Regulations To Implement the Federal Flood Risk Management Standard
7/16/24	Environmental Protection Agency		National Emission Standards for Hazardous Air Pollutants: Lime Manufacturing Plants Technology Review
8/12/24	Department of Energy		Energy Conservation Program: Energy Conservation Standards for Consumer Conventional Cooking Products
8/26/24	U.S. Department of the Interior	U.S. Fish and Wildlife Service	Migratory Bird Hunting; Final 2024-25 Frameworks for Migratory Bird Hunting Regulations
8/30/24	U.S. Department of the Interior	U.S. Fish and Wildlife Service	Migratory Bird Hunting; 2024-25 Seasons for Certain Migratory Game Birds
9/10/24	Environmental Protection Agency		Review of Final Rule Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act
9/11/24	Environmental Protection Agency		Phasedown of Hydrofluorocarbons: Vacated Provisions
10/9/24	Environmental Protection Agency		Vessel Incidental Discharge National Standards of Performance
10/11/24	Environmental Protection Agency		Phasedown of Hydrofluorocarbons: Management of Certain Hydrofluorocarbons and Substitutes Under the American Innovation and Manufacturing Act of 2020
10/16/24	Department of Commerce	National Oceanic and Atmospheric Administration	Chumash Heritage National Marine Sanctuary
10/30/24	Environmental Protection Agency		National Primary Drinking Water Regulations for Lead and Copper: Improvements (LCRI)
11/6/24	Environmental Protection Agency		Federal "Good Neighbor Plan" for the 2015 Ozone National Ambient Air Quality Standards; Response to Judicial Stay
11/12/24	Environmental Protection Agency		Reconsideration of the Dust-Lead Hazard Standards and Dust-Lead Post-Abatement Clearance Levels

Energy and Environment, Continued

Date	Agency	Subagency	Rule
11/13/24	Department of Energy		<u>Department of Energy Acquisition Regulation (DEAR)</u>
11/18/24	Environmental Protection Agency		<u>Waste Emissions Charge for Petroleum and Natural Gas Systems: Procedures for Facilitating Compliance, Including Netting and Exemptions</u>
11/19/24	Environmental Protection Agency		<u>Decabromodiphenyl Ether and Phenol, Isopropylated Phosphate (3:1); Revision to the Regulation of Persistent, Bioaccumulative, and Toxic Chemicals Under the Toxic Substances Control Act (TSCA)</u>

Immigration and Labor

Date	Agency	Subagency	Rule
5/29/24	Department of Justice	Executive Office for Immigration Review	Efficient Case and Docket Management in Immigration Proceedings
6/7/24	Department of Homeland Security, Department of Justice	Executive Office for Immigration Review	Securing the Border
7/25/24	Office of Personnel Management		Time-Limited Promotions
8/21/24	Small Business Administration		Changes to the Administrative Rules for Claimant Representation and Provisions for Direct Payment to Entities
8/23/24	Small Business Administration		Business Loan Program Temporary Changes; Paycheck Protection Program-Extension of Lender Records Retention Requirements
10/7/24	Department of Homeland Security, Department of Justice	Executive Office for Immigration Review	Securing the Border

Financial Services, Tax, and Trade

Date	Agency	Subagency	Rule
6/24/24	Department of the Treasury, Department of Homeland Security	Customs and Border Protection	Enforcement of Copyrights and the Digital Millennium Copyright Act
7/18/24	Department of Commerce	Bureau of Industry & Security	Standards-Related Activities and the Export Administration Regulations
7/26/24	Department of Commerce	Bureau of Industry & Security	Iran Foreign Direct Product Rule
8/29/24	Department of the Treasury	Financial Crimes Enforcement Network	Anti-Money Laundering Regulations for Residential Real Estate Transfers
9/4/24	Department of the Treasury	Financial Crimes Enforcement Network	Financial Crimes Enforcement Network: Anti-Money Laundering/Countering the Financing of Terrorism Program and Suspicious Activity Report Filing Requirements for Registered Investment Advisers and Exempt Reporting Advisers
9/6/24	Department of Commerce	Bureau of Industry & Security	Commerce Control List Additions and Revisions; Implementation of Controls on Advanced Technologies Consistent With Controls Implemented by International Partners
9/27/24	U.S. Department of State		Amendment to the International Traffic in Arms Regulations: Prohibited Exports, Imports, and Sales to or From Certain Countries-Cyprus
10/11/24	The Office of Management and Budget		Fundamental Responsibilities of Recognized Statistical Agencies and Units
10/23/24	Department of Commerce	Bureau of Industry & Security	Export Administration Regulations: Removal of License Requirements for Certain Spacecraft and Related Items for Australia, Canada, and the United Kingdom
10/23/24	Department of Commerce	Bureau of Industry & Security	Export Administration Regulations: Revisions to Space-Related Export Controls
10/28/24	Department of the Treasury	Internal Revenue Service	Advanced Manufacturing Production Credit
11/15/24	Department of the Treasury	Investment Security Office	Provisions Pertaining to U.S. Investments in Certain National Security Technologies and Products in Countries of Concern

Financial Services, Tax, and Trade, Continued

Date	Agency	Subagency	Rule
11/20/24	Department of Commerce	Patent and Trademark Office	<u>Setting and Adjusting Patent Fees During Fiscal Year 2025</u>

Healthcare

Date	Agency	Subagency	Rule
6/17/24	Department of Health & Human Services	Centers for Medicare & Medicaid Services	Medicare Program; Medicare Prescription Drug Benefit Program; Health Information Technology Standards and Implementation Specifications
7/5/24	Department of Justice		Process for Determining That an Individual Shall Not Be Deemed an Employee of the Public Health Service
7/25/24	Architectural and Transportation Barriers Compliance Board		Standards for Accessible Medical Diagnostic Equipment
8/1/24	Department of Veterans Affairs		Staff Sergeant Parker Gordon Fox Suicide Prevention Grant Program
8/6/24	Department of Health & Human Services	Centers for Medicare & Medicaid Services	Medicare Program: Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities; Updates to the Quality Reporting Program and Value-Based Purchasing Program for Federal Fiscal Year 2025
8/6/24	Department of Health & Human Services	Centers for Medicare & Medicaid Services	Medicare Program; FY 2025 Hospice Wage Index and Payment Rate Update, Hospice Conditions of Participation Updates, and Hospice Quality Reporting Program Requirements
8/6/24	Department of Health & Human Services	Centers for Medicare & Medicaid Services	Medicare Program; Inpatient Rehabilitation Facility Prospective Payment System for Federal Fiscal Year 2025 and Updates to the IRF Quality Reporting Program
8/7/24	Department of Health & Human Services	Centers for Medicare & Medicaid Services	Medicare Program; FY 2025 Inpatient Psychiatric Facilities Prospective Payment System Rate Update
8/9/24	Department of Justice		Nondiscrimination on the Basis of Disability; Accessibility of Medical Diagnostic Equipment of State and Local Government Entities
8/21/24	Department of Health & Human Services		Supporting the Head Start Workforce and Consistent Quality Programming
8/28/24	Department of Health & Human Services	Centers for Medicare & Medicaid Services	Medicare and Medicaid Programs and the Children's Health Insurance Program; Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System and Policy Changes and Fiscal Year 2025 Rates; Q
8/30/24	Department of Health & Human Services	Indian Health Service	Catastrophic Health Emergency Fund
8/30/24	Department of Health & Human Services	Food and Drug Administration	Prohibition of Sale of Tobacco Products to Persons Younger Than 21 Years of Age
9/17/24	Department of Health & Human Services		Public Health Service Policies on Research Misconduct
9/23/24	Department of Labor, Department of the Treasury, Department of Health & Human Services	Employee Benefits Security Administration, Internal Revenue Service	Requirements Related to the Mental Health Parity and Addiction Equity Act
9/26/24	Department of Health & Human Services	Centers for Medicare & Medicaid Services	Medicaid Program; Misclassification of Drugs, Program Administration and Program Integrity Updates Under the Medicaid Drug Rebate Program
10/2/24	Department of Health & Human Services		Health and Human Services Adoption of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

Healthcare, Continued

Date	Agency	Subagency	Rule
11/7/24	Department of Health & Human Services	Centers for Medicare & Medicaid Services	Medicare Program; Calendar Year (CY) 2025 Home Health Prospective Payment System (HH PPS) Rate Update; HH Quality Reporting Program Requirements; HH Value-Based Purchasing Expanded Model Requirements; Home Intravenous Immune Globulin (IVIG) Items and Serv
11/12/24	Department of Health & Human Services	Centers for Medicare & Medicaid Services	Medicare Program; End-Stage Renal Disease Prospective Payment System, Payment for Renal Dialysis Services Furnished to Individuals With Acute Kidney Injury, Conditions for Coverage for End-Stage Renal Disease Facilities, End-Stage Renal Disease Quality In
11/19/24	Department of Health & Human Services: Department of Justice	Drug Enforcement Administration	Third Temporary Extension of COVID-19 Telemedicine Flexibilities for Prescription of Controlled Medications

Appropriations and Foreign Aid

Date	Agency	Rule
8/15/24	Department of State	<u>International Traffic in Arms Regulations: Amendments to the Definition of Activities That Are Not Exports, Reexports, Retransfers, or Temporary Imports</u>
8/20/24	Department of State	<u>International Traffic in Arms Regulations: Exemption for Defense Trade and Cooperation Among Australia, the United Kingdom, and the United States</u>
8/28/24	Department of State	<u>Diplomatic Agent-Level Immunity</u>

Cyber and Technology

Date	Agency	Rule
10/15/24	Department of Defense	<u>Cybersecurity Maturity Model Certification (CMMC) Program</u>

Transportation, Infrastructure, and Agriculture

Date	Agency	Subagency	Rule
6/24/24	Department of Transportation	National Highway Traffic Safety Administration	Corporate Average Fuel Economy Standards for Passenger Cars and Light Trucks for Model Years 2027 and Beyond and Fuel Efficiency Standards for Heavy-Duty Pickup Trucks and Vans for Model Years 2030 and Beyond
6/27/24	Department of Defense	Defense Acquisition Regulations System	Defense Federal Acquisition Regulation Supplement: Architect and Engineering Service Fees (DFARS Case 2024-D019)
7/3/24	General Services Administration		Federal Management Regulation: Accessibility Standard for Pedestrian Facilities in the Public Right-of-Way
7/5/24	Department of Transportation	Federal Aviation Administration	Prohibition Against Certain Flights in the Kabul Flight Information Region (FIR) (OAKX)
9/16/24	Department of Housing and Urban Development		Manufactured Home Construction and Safety Standards
10/3/24	Department of Transportation	Federal Aviation Administration	Extension of the Prohibition Against Certain Flights in the Tehran Flight Information Region (FIR) (OIIX)
10/16/24	Department of Transportation	Federal Aviation Administration	Extension of the Prohibition Against Certain Flights in the Baghdad Flight Information Region (FIR) (ORBB)
11/13/24	Department of Housing and Urban Development; Department of Health and Human Services		Use of Federal Real Property To Assist the Homeless
11/18/24	Department of Agriculture	Food and Nutrition Service	Supplemental Nutrition Assistance Program (SNAP): Employment and Training Program Monitoring, Oversight and Reporting Measures
11/18/24	Department of Agriculture	Food and Nutrition Service	Supplemental Nutrition Assistance Program: Standardization of State Heating and Cooling Standard Utility Allowances
11/21/24	Department of Transportation	Federal Aviation Administration	Integration of Powered-Lift: Pilot Certification and Operations; Miscellaneous Amendments Related to Rotorcraft and Airplanes

Miscellaneous

Date	Agency	Rule
7/1/24	Department of Justice	Bipartisan Safer Communities Act-Access to Records of Stolen Firearms in the National Crime Information Center
8/26/24	Social Security Administration	Setting the Manner of Appearance of Parties and Witnesses at Hearings
8/29/24	Department of Education	Education Department General Administrative Regulations and Related Regulatory Provisions
9/25/24	Department of Veterans Affairs	Expanded Burial Benefits
10/3/24	Department of Defense	Implementation of HAVANA Act of 2021
10/24/24	Office of Personnel Management	Postal Service Health Benefits Program: Additional Requirements and Clarifications
10/25/24	Department of Homeland Security	Minimum Standards for Driver's Licenses and Identification Cards Acceptable by Federal Agencies for Official Purposes; Waiver for Mobile Driver's Licenses
10/31/24	Department of Homeland Security	TWIC-Reader Requirements; Second Delay of Effective Date
11/12/24	Department of Veterans Affairs	Changes in Rates VA Pays for Special Modes of Transportation; Delay of Effective Date From February 16, 2025, Until February 16, 2029
11/12/24	Department of Defense ; National Aeronautics and Space Administration ; General Services Administration	Federal Acquisition Regulation: Prohibition on Unmanned Aircraft Systems From Covered Foreign Entities
11/15/24	Department of Education	Income Contingent Repayment Plan Options