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Abstract by Sarah P. Kenney

This article explains the review procedures that administrative agencies must follow in order for their rules to take effect. Specifically, it outlines the steps that each of the requisite parties must take throughout the process: the agencies, the General Accounting Office that receives copies of the rules, and Congress who reviews the rules and has the power of disapproval. Agencies must submit everything that qualifies as a “rule” as defined within the Administrative Procedure Act, thereby diminishing Congress’ resources available to deal with individual issues. As a result of these constraints on congressional resources, it becomes easier for individual members of Congress or lobbyists to persuade congressmen to adopt a joint resolution of disapproval, which defeats a rule’s enactment and decreases political accountability.

Through this overview, the author demonstrates the extensive process involved in rulemaking proceedings, which results in increased costs. Consequently, the author suggests that instead of producing “better” rulemaking, congressional review requirements increase rulemaking costs and public skepticism.