

Morton Rosenberg,

*Whatever Happened to Congressional Review of Agency Rulemaking? A Brief Overview, Assessment, and Proposal for Reform*

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The article considers the effect the Congressional Review Act (CRA) has had on agency rulemaking since its enactment in 1996. After reviewing the utilization of the CRA since 1996, the author discusses the apparent structural and interpretive flaws of the CRA, including the lack of a screening mechanism to pinpoint rules that need congressional review, the lack of an expedited House procedure, and the uncertainty of the effect of an agency's failure to report a covered rule to Congress. Finally, the author suggests that these structural and interpretive flaws should be corrected, and proposes a new scheme of congressional review of rulemaking. This amended process would provide a mechanism that identifies and evaluates significant rules to be subject to expedited review in Congress, and would allow such rules to become effective only after passage of a joint resolution.