

Unified Republican Government Likely to Ax Dozens of Regulations
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Client Alert

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Next year will mark the first time in over a decade that Republicans will control both chambers of Congress and the White House. This has generated tremendous interest around the Congressional Review Act (CRA)—a rarely used but powerful tool available to Congress to “fast track” resolutions rejecting recent regulations. To date, the CRA has only been successfully used once to rescind a regulation. That occurred in January 2001, when the new Republican Congress passed and President George W. Bush signed a joint resolution disapproving the ergonomics rule issued by the Occupational Safety and Health Administration. That rule was finalized on Nov. 14, 2000, under then-President Bill Clinton.

The limited track record of success is not due to a lack of appetite on the part of lawmakers. Instead, it is the result of the political makeup in Washington since the CRA was enacted in 1996. For example, resolutions of disapproval were not plausible over the past two years due to the division in party control of Congress and the White House. To illustrate that point, five of President Obama’s 10 vetoes in 2015-16 came on resolutions of disapproval that were passed by the Republican Congress. This longstanding dynamic has changed with the election. The unified Republican government coming to power next year presents a dynamic similar to 2000.

To read the full alert, please click the PDF above.

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