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Statutory Mechanisms for Agency Oversight After *INS v. Chadha*

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SUMMARY

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Statutory Mechanisms for Agency Oversight After *INS v. Chadha*

This report examines legislative options for Congress to create statutory mechanisms for executive branch oversight. Historically, and to some extent still today, Congress enacted legislative vetoes as a method of ensuring executive adherence to legislative preferences. A *legislative veto* is a provision in statute that permits Congress, or some component of Congress, to review an executive action and prevent it from going into effect by voting to disapprove, or failing to approve as the case may be, that action. Although the statute creating the veto is initially passed like other legislation through bicameralism and presentment—passing both Houses of Congress and being signed by the President (or overriding the President's veto)—exercising the legislative veto only requires a vote of the specified part of Congress. In some cases that could mean a simple majority vote in a single committee is sufficient to veto the executive action.

In a landmark 1983 decision, *INS v. Chadha*, the Supreme Court held that legislative vetoes were unconstitutional because they made legislative changes without meeting the Constitution's bicameralism and presentment requirements for passing new legislation. That decision and its progeny have had significant effects on Congress's methods of statutory executive branch oversight, limiting legally enforceable options in certain ways. Nonetheless, Congress has remaining interest in fashioning statutory mechanisms that comply with the Constitution, providing executive oversight in a timely manner, and ensuring legislative preferences are taken into consideration during executive branch decisionmaking.

This report examines the history of legislative vetoes leading up to the Supreme Court decision in *Chadha.* It examines the legal reasoning behind the decision, including how the Supreme Court and lower courts have applied that reasoning in subsequent cases. With those legal principles in mind, it examines potential options for legislators seeking to establish statutory oversight mechanisms, beginning with executive branch reporting requirements and walking through more complex report-and-wait requirements and expedited legislative procedures, among others. The end result is an array of options for legislators to consider when drafting legislation seeking to establish how executive branch discretion is monitored and overseen.

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Introduction

Congress has numerous tools to influence and control executive branch agencies. Through legislation, it may establish or alter an agency's structure, delegate or withdraw agency authority, provide or abolish procedural requirements for agency decisionmaking, or increase or decrease agency funding.[1] Congress also may employ nonstatutory oversight tools without passing new legislation, such as requests for information, committee investigations, censure, contempt, and impeachment, among others.[2] One statutory tool Congress historically employed is the *legislative veto*, under which Congress would override an executive action by a vote of one or both houses (or potentially even a committee), depending on the particular law.[3] Although Congress initially enacts a legislative veto procedure by statute, exercising the legislative veto would not subsequently require enacting additional legislation.

In the landmark case *INS v. Chadha*, the Supreme Court determined that legislative vetoes were unconstitutional because they made legislative changes without meeting the constitutional *bicameralism* and *presentment* requirements for enacting new legislation (i.e., passing both houses of Congress and being presented to the President for signature).[4] Since *Chadha*, Congress has retained an interest in statutory mechanisms that provide an avenue for formal legislative oversight of agencies. It has, for instance, passed the Congressional Review Act, requiring agencies to report on their rulemaking activities to Congress and providing Congress with a special set of procedures under which to consider legislation to overturn those rules.[5] Some Members have, from time to time, also proposed legislation that would create other procedures, and such proposals vary in terms of scope and complexity.[6]

This report examines several statutory oversight mechanisms Congress might enact without running afoul of the Supreme Court's decision in *Chadha*. It begins with a summary of legislative vetoes and their history leading up to *Chadha*. The report then analyzes the *Chadha* decision and subsequent cases, both in the Supreme Court and lower courts, that have clarified the scope of the ruling. The report next examines Congress's reaction to *Chadha*, discussing how the decision may have influenced Congress's legislative choices. Finally, it considers a variety of potential procedural mechanisms Congress might enact in light of *Chadha*, providing a menu of options legislators may consider in future lawmaking when seeking to establish statutory oversight provisions.

[1] *See* Free Enter. Fund v. Pub. Co. Acct. Oversight Bd., 561 U.S. 477, 500 (2010) ("Congress has plenary control over the salary, duties, and even existence of executive offices."); Myers v. United States, 272 U.S. 52, 129 (1926) ("To Congress under its legislative power is given the establishment of offices, the determination of their functions and jurisdiction, the prescribing of reasonable and relevant qualifications and rules of eligibility of appointees, and the fixing of the term for which they are to be appointed and their compensation.").

[2] Many of these oversight tools are beyond the scope of this report. For an examination of these options, see CRS Report R45442, *Congress's Authority to Influence and Control Executive Branch Agencies*, by Todd Garvey and Sean M. Stiff (2023).

[3] *See, e.g.*, Act of June 30, 1932, ch. 314, § 407, 47 Stat. 414.

[4] INS v. Chadha, 462 U.S. 919, 958–59 (1983) (citing U.S. CONST. art. I, § 7, cl. 2–3).

[5] Pub. L. No. 104-121, §§ 251–253, 110 Stat. 847, 868 (1996) (codified at 5 U.S.C. §§ 801–808); *see generally* CRS Report R43992, *The Congressional Review Act (CRA): Frequently Asked Questions*, by Maeve P. Carey and Christopher M. Davis (2021).

[6] *See, e.g.*, Regulations from the Executive in Need of Scrutiny Act of 2025 (REINS Act), H.R. 142, 119th Cong. (2025).

History of the Legislative Veto

The term *legislative veto* refers broadly to a provision of law that permits Congress, or part of Congress, to override the executive branch's exercise of statutory authority without passing further legislation.[7] Such laws variously permit Congress to negate an executive action by passing either a simple resolution (requiring a majority in one House) or a concurrent resolution (requiring majorities in both Houses).[8] Other formulations require affirmative *approval* of an executive action by Congress, and thus are not vetoes in the strict sense, but functionally give Congress means to prevent undesired executive action.[9] Still other formulations of the legislative veto permit action by a congressional committee, rather than requiring full consideration by one of the houses.[10] Less commonly, Congress has enacted other variations, such as the "one-and-a-half house veto," which permits Congress to veto an executive act if either house votes to negate it and the other house takes no action.[11]

Scholars generally consider the earliest iteration of the congressional veto to be a 1932 law that allowed either house of Congress to disapprove by simple resolution a governmental reorganization plan established by the President.[12] This provision was not a legislative invention but rather was offered by President Herbert Hoover as a concession in exchange for the significant authority to broadly reorganize the federal government.[13] The veto was enacted as part of the reorganization law, but within a year—and shortly before leaving office after losing reelection to Franklin Delano Roosevelt—President Hoover raised concerns over the veto's constitutionality.[14] Congress would renew presidential reorganization authorities over the years, initially without an accompanying legislative veto, then later including a two-house veto, and eventually including a one-house veto, until such general authorities lapsed in 1984.[15]

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[7] *See Chadha*, 462 U.S. at 925 n.2; *see also* Stephen Breyer, *The Legislative Veto after Chadha*, 72 GEO. L.J. 785, 786 (1984) (describing essential characteristics of a legislative veto). Although this report focuses on Congress's oversight of the executive branch, similar considerations may apply to Congress's oversight of the judiciary.

[8] *See infra* notes 12–13 (listing examples).

[9] *See, e.g.*, 19 U.S.C. § 1981(a)(2)(B) (providing that certain tariffs shall go into effect following adoption of a concurrent resolution approving such imposition).

[10] *See, e.g.*, Consolidated Appropriations Act, 2026, Pub. L. No. 119-75, div. D, tit. I, 140 Stat. 173, 327 (under heading "Working Capital Fund," requiring approval of the House and Senate Committees on Appropriations for certain assessments to be levied).

[11] *See, e.g.*, 15 U.S.C. § 1276(b)(2).

[12] Act of June 30, 1932, ch. 314, § 407, 47 Stat. 414; Louis Fisher, *The Legislative Veto: Invalidated, It Survives*, 56 J.L. & CONTEMP. PROBS. 273, 277 (1993). As discussed above, some formulations of the legislative veto require approval, rather than disapproval, of executive actions, and those mechanisms have some historical precedent that predates 1932. *See* Act of Mar. 2, 1867, ch. 168, 14 Stat. 468, 469 ("[N]o further payments shall be made on any accounts for repairs and furnishing the executive mansion until such accounts shall have been submitted to a joint committee of Congress, and approved by such committee.").

[13] INS v. Chadha, 462 U.S. 919, 986 (1983) (White, J., dissenting); Fisher, *supra* note 12, at 278.

[14] When vetoing a separate bill, President Hoover cited an Attorney General opinion calling into question the constitutionality of the 1932 law. 37 Op. Att'y Gen. 63–64 (1933) ("The attempt to give either House of Congress, by action which is not legislation, power to disapprove administrative acts, raises a grave question as to the validity of the entire provision in the Act of June 30, 1932, for Executive reorganization of governmental functions.").

[15] Treasury and Post Office Departments Appropriations Act, 1934, ch. 212, § 16, 47 Stat. 1489, 1517 (1933) (no legislative veto); Reorganization Act of 1939, ch. 36, § 5, 53 Stat. 561, 562 (two-house veto); Reorganization Act of 1949, ch. 226, § 6, 63 Stat. 203, 205 (one-house veto); 5 U.S.C. § 905(b) (establishing December 31, 1984, deadline for reorganization plans); *see also* LOUIS FISHER, CONSTITUTIONAL CONFLICTS BETWEEN CONGRESS AND THE PRESIDENT 158–60 (6th ed. 2014) (discussing evolving history of the veto provisions).

Congress expanded the role of the legislative veto over time, applying it to a variety of national security powers enacted during World War II.[16] By the early 1980s when the Supreme Court considered the veto's constitutionality in *Chadha*, Congress had included a legislative veto in hundreds of statutes.[17]

Although 1932 is viewed as the first appearance of the legislative veto in statute, the constitutional underpinnings were debated much earlier. In 1854, Attorney General Caleb Cushing examined the ways in which one or both houses of Congress might direct certain executive actions by simple or concurrent resolution.[18] Concluding that a simple or concurrent resolution by itself could not be binding on the executive branch due to separation-of-powers concerns and the requirements of bicameralism and presentment, he nonetheless caveated his opinion:

> [N]o separate resolution of either House can coerce a Head of Department, unless in some particular in which a law, duly enacted, has subjected him to the direct action of each; and in such case it is to be intended, that, by approving the law, the President has consented to the exercise of such coerciveness on the part of either House.[19]

Attorney General Cushing thus envisioned the possibility that a simple or concurrent resolution might be legally binding if passed pursuant to a statute that had been fully approved in accordance with bicameralism and presentment.

As the legislative veto proliferated in the 20th century, debate over its constitutionality persisted. President Hoover's Attorney General, William D. Mitchell, advised that a legislative veto affecting certain tax refunds was unconstitutional because it gave "a committee of the legislative branch power to approve or disapprove executive acts."[20] President Franklin Roosevelt privately viewed a veto provision of the Lend-Lease Act as unconstitutional, despite signing it into law without public objection.[21] Successive presidential administrations would continue to raise similar concerns.[22]

This debate eventually reached the courts. In *Buckley v. Valeo*, objections to a legislative veto were one of many arguments raised against the Federal Election Campaign Act Amendments of 1974, but because the Supreme Court invalidated provisions of that Act on other grounds, it did not reach the issue of Congress's veto over the Federal Election Commission's regulations.[23] In *Atkins v. United States*, a lower court upheld a one-house veto of the President's recommendations under the Salary Act, arguing that it was constitutionally permissible for Congress to delegate authority to the President conditionally.[24] Then, in a string of decisions, the

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[16] *See, e.g.*, Lend Lease Act, ch. 11, 55 Stat. 31 (1941); First War Powers Act, 1941, ch. 593, 55 Stat. 838; Emergency Price Control Act of 1942, ch. 26, 56 Stat. 23; Stabilization Act of 1942, ch. 578, 56 Stat. 765; War Labor Disputes Act, ch. 144, 57 Stat. 163 (1943) (all providing that the powers granted to the President should cease after adoption of a concurrent resolution).

[17] *Chadha*, 462 U.S. at 944–45.

[18] 6 Op. Att'y Gen. 680, 681 (1854).

[19] *Id.* at 683.

[20] 37 Op. Att'y Gen. 56, 58 (1933).

[21] Robert H. Jackson, *A Presidential Legal Opinion*, 66 HARV. L. REV. 1353 (1953).

[22] *E.g.*, 41 Op. Att'y Gen. 230, 231 (1955) (arguing "the overriding right to forbid action reserved to the two [congressional] Committees . . . engrafts executive functions upon legislative members and thus overreaches the permitted sweep of legislative authority").

[23] Buckley v. Valeo, 424 U.S. 1, 140 n.176 (1976) (per curiam).

[24] Atkins v. United States, 556 F.2d 1028, 1057–71 (Ct. Cl. 1977).

U.S. Court of Appeals for the D.C. Circuit (D.C. Circuit) invalidated a one-house veto provision, a two-house veto provision, and a committee veto provision.[25] Finally, these issues arrived squarely at the Supreme Court in *Chadha*.

INS v. Chadha

Background

The Immigration and Nationality Act of 1965[26] revamped the nation's immigration system, amending an earlier system of national origin quotas established by the Immigration and Nationality Act of 1952.[27] As part of this reform, Congress preserved the extant right of an individual eligible for deportation to petition for suspension of that deportation based on certain statutory criteria.[28] The Attorney General, acting through the Immigration and Naturalization Service (INS), could review such petitions and suspend deportation after finding that the individual satisfied one or more of the relevant criteria.[29] A suspension of deportation by the Attorney General triggered reporting requirements to Congress.[30] Depending on the applicable circumstances, Congress could override the Attorney General's decision by passing either a simple[31] or concurrent resolution.[32]

Jagdish Rai Chadha was lawfully admitted into the United States in 1966 on a nonimmigrant (temporary) student visa.[33] Chadha then remained in the United States, overstaying his visa after its expiration in 1972.[34] INS issued an order for Chadha to show cause why he should not be deported, and in response Chadha filed a petition for suspension of deportation.[35] The immigration judge granted Chadha's request, finding that he met the requirements of Section 244(a)(1) of the INA, including good moral character and the prospect of extreme hardship if deported.[36] Under Section 244(c)(2), either house of Congress could pass a simple resolution

[25] Consumer Energy Council of Am. v. FERC, 673 F.2d 425 (D.C. Cir. 1982) (one-house veto); Consumers Union, Inv. v. FTC, 691 F.2d 575 (D.C. Cir. 1982) (en banc, per curiam) (two-house veto); Am. Fed. of Gov't Emps., AFL-CIO v. Pierce, 697 F.2d 303 (D.C. Cir. 1982) (committee veto). The Supreme Court summarily resolved appeals of the first two of these cases following its decision in *Chadha*. *See infra* notes 65–70 and accompanying text.

[26] Pub. L. No. 89-236, 79 Stat. 911 (amending the Immigration and Nationality Act of 1952, Pub. L. 82-414, 66 Stat. 911). This report refers to the 1952 Act and its subsequent amendments as the Immigration and Nationality Act (INA), specifying the year when relevant.

[27] Racial immigration quotas existed in various forms over the course of the United States' history. *See, e.g.*, Naturalization Act of 1790, ch. 3, 1 Stat. 103.

[28] INA § 244(a)(1). The provision was amended slightly in 1962. *See* Act of Oct. 24, 1962, Pub. L. No. 87-885, § 4, 76 Stat. 1247, 1247. Prior to the provision's repeal in 1996, it was organized at 8 U.S.C. § 1254.

[29] INA § 244(c) (1965). *See also* INS v. Chadha, 462 U.S. 919, 924 n.1 (1983) (discussing delegation of authority from the Attorney General to INS).

[30] INA § 244(c)(2)–(3) (1965).

[31] *Id.* § 244(c)(2) (1965).

[32] *Id.* § 244(c)(3) (1965).

[33] *Chadha*, 462 U.S. at 923.

[34] *Id.*

[35] *Id.* at 924.

[36] *Id.*

disapproving the suspension, and the House of Representatives passed such a resolution overturning the suspension of deportation for Chadha and five others.[37]

In response to the resolution, INS ordered Chadha to be deported.[38] Chadha appealed the deportation order on the grounds that the one-house veto violated the separation of powers; the Ninth Circuit agreed with Chadha, and the Supreme Court granted review.[39]

Majority Opinion

Chief Justice Warren Burger, joined by five other members of the Court, issued an opinion holding that the one-house veto violated the Constitution's separation of powers.[40] After disposing of several jurisdictional and procedural arguments,[41] the majority concluded that the House of Representatives' single-handed reversal of the suspension of Chadha's deportation violated the Constitution's bicameralism and presentment requirements.[42]

The Court first examined presentment—the constitutional requirement that "all legislation be presented to the President before becoming law."[43] The Court observed that the presentment requirement "reflects the Framers' careful efforts to check whatever propensity a particular Congress might have to enact oppressive, improvident, or ill-considered measures."[44] As to bicameralism, the Court considered the constitutional history that led the Framers to divide Congress into two separate houses.[45] In the Court's view, "[t]he division of the Congress into two distinctive bodies assures that the legislative power would be exercised only after opportunity for full study and debate in separate settings."[46] Taking these two requirements together, the Court concluded that "the prescription for legislative action in [the Bicameralism and Presentment Clauses] represents the Framers' decision that the legislative power . . . be exercised in accord with a single, finely wrought and exhaustively considered, procedure."[47]

With these principles established, the Court considered whether vacating a suspension of deportation was a legislative action (i.e., the type of action subject to the constitutional requirements of bicameralism and presentment).[48] The Court acknowledged that Congress may take some actions not subject to bicameralism and presentment but concluded that vetoing a

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[37] *Id.* at 926. As the Supreme Court summarized, the resolution passed without debate or recorded vote, and the *Congressional Record* indicates that the resolution's sponsor obfuscated the fact that it would overturn the Attorney General's recommendation. *Id.* at 927 & n.3.

[38] *Id.* at 928.

[39] *Id.*

[40] *Id.* at 959.

[41] *Id.* at 929–44 (analyzing standing and other justiciability questions).

[42] *Chadha*, 462 U.S. at 959; U.S. CONST. art. I § 7 cl. 2–3.

[43] *Id.* at 946.

[44] *Id.* at 947–48.

[45] Founder James Wilson observed at the Constitutional Convention that "[i]f the Legislative authority be not restrained, there can be neither liberty nor stability; and it can only be restrained by dividing it within itself, into distinct and independent branches." James Madison later echoed this sentiment in Federalist No. 51, stating that "[i]n republican government, the legislative authority necessarily predominates. The remedy for this inconveniency is to divide the legislature into different branches; and to render them, by different modes of election and different principles of action, as little connected with each other as the nature of their common functions and their common dependence on the society will admit."

[46] *Chadha*, 462 U.S. at 951.

[47] *Id.* at 951.

[48] *Id.* at 951–59.

deportation suspension was subject to those requirements because it "had the purpose and effect of altering the legal rights, duties and relations of persons . . . all outside the legislative branch."[49] In other words, Congress's veto was a legislative action because it altered Chadha's legal status: "The one-House veto operated in this case to overrule the Attorney General and mandate Chadha's deportation; absent the House action, Chadha would remain in the United States."[50] Taking that legislative action outside the "finely wrought" process of bicameralism and presentment was unconstitutional.

Concurrence and Dissents

Justice Lewis Powell wrote a concurrence that agreed with the result in Chadha's case but disagreed with the majority's reasoning. Noting that the Court's decision "apparently will invalidate every use of the legislative veto,"[51] he instead rested his conclusion on a narrower separation-of-powers argument. In his view, the legislative veto in the INA allowed Congress to make determinations in an individual case, which was an adjudicatory rather than legislative function.[52] Justice Powell opined that, without being bound by substantive legal rules or procedural requirements, Congress improperly decided "rights of specific persons" rather than properly fulfilling its role of providing "general rules for the government of society."[53] Because using the legislative veto in this particular case exceeded Congress's authority, Justice Powell viewed it unnecessary to decide broader questions about the application of bicameralism and presentment to legislative vetoes more generally.[54]

Justice Byron White dissented. Highlighting practical concerns, he framed the issue as "a Hobson's choice" for Congress: "either to refrain from delegating the necessary authority, leaving itself with a hopeless task of writing laws with the requisite specificity to cover endless special circumstances across the entire policy landscape, or in the alternative, to abdicate its law-making function to the Executive Branch and independent agencies."[55] In his view, other alternatives to the legislative veto for legislative oversight "are not entirely satisfactory," each with their own shortcomings.[56] Observing what he viewed as constitutional silence on the legislative veto, Justice White argued that "our Federal Government was intentionally charted with the flexibility to respond to contemporary needs without losing sight of fundamental democratic principles."[57]

Although agreeing with the majority's general characterization of constitutional bicameralism and presentment requirements, Justice White disagreed that that the legislative action at issue here was the type of action subject to those requirements.[58] Recognizing that Congress routinely delegates rulemaking authority to executive agencies and that those executive-issued rules have the force of law but do not themselves pass bicameralism and presentment, Justice White

[49] *Id.* at 952.

[50] *Id.*

[51] *Id.* at 959 (Powell, J., concurring in the judgment).

[52] *Id.* at 964.

[53] *Id.* at 966–67. Congress can pass *private bills* through bicameralism and presentment that offer relief to a specific individual or entity. *See, e.g.*, CRS Report R45287, *Private Bills: Procedure in the House*, by Christopher M. Davis (2024).

[54] *Chadha*, 462 U.S. at 967 (Powell, J., concurring in the judgment).

[55] *Id.* at 968 (White, J., dissenting).

[56] *Id.* at 973 n.10 (evaluating congressional enactment of more specific statutes delegating authority, use of oversight hearings and investigations, and passing retroactive legislation after an agency issues an undesirable rule).

[57] *Id.* at 978 (citing *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 635 (1952) (Jackson, J., concurring)).

[58] *Id.* at 984–85.

criticized the majority's reasoning as inconsistent with prior cases sanctioning those delegations.[59] In his view, those decisions "make clear that [Article] I does not require all action with the effect of legislation to be passed as a law."[60]

Justice William Rehnquist, joined by Justice White, wrote a separate dissent, which focused on the questions of judicial standing and severability. Severability analysis is used to determine which parts of a statute, if any, should remain in force if a different portion is found to be unconstitutional.[61] Justice Rehnquist thought that if the one-house veto were unconstitutional, Congress would not have wanted just the veto to fall, leaving in place the executive's unilateral suspension authority.[62] In his view, because the veto was not severable from the Attorney General's power to suspend deportation, that power likewise would have to be struck down alongside the veto.[63] Thus, regardless of whether the veto was constitutional, the end result would be the same: Chadha would face deportation, either because Congress's veto was constitutional or because the veto was unconstitutional, which would result in striking down both the veto and the Attorney General's suspension authority, leaving in place the underlying deportation order.[64] Justice Rehnquist argued this would vitiate Chadha's standing to challenge the veto provision because an essential element of standing is that a favorable judicial decision will redress the alleged injury, and Chadha's legal argument about the veto's constitutionality would not change the outcome of the case.[65]

Companion Case

Two weeks after deciding *Chadha*, the Supreme Court summarily affirmed the D.C. Circuit's decision striking down a two-house veto in *Consumers Union v. FTC*.[66] The summary affirmance was not accompanied by an opinion of the Court, but Justice White again penned a dissent. In light of the majority's reasoning in *Chadha*, he noted that it was "hardly surprising" that the two-house veto should likewise be struck down.[67]

At issue was Section 21 of the Federal Trade Commission Improvements Act of 1980, which provided that an FTC rule shall be become effective "unless [within a specified time frame] both Houses of the Congress adopt a concurrent resolution disapproving such final rule."[68] In Justice White's view, "[w]here the veto is placed as a check upon the actions of the independent regulatory agencies, the Art. I analysis relied upon in *Chadha* has a particularly hollow ring."[69]

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[59] *Id.*

[60] *Id.* at 985.

[61] *See* CRS Report R46484, *Understanding Federal Legislation: A Section-by-Section Guide to Key Legal Considerations*, by Victoria L. Killion (2022), at 59–65 (discussing severability).

[62] *Chadha*, 462 U.S. at 1016 (Rehnquist, J., dissenting).

[63] *Id.*

[64] *Id.* at 931 (majority opinion) (discussing consequences of severability analysis).

[65] *Id.* at 1015–16 (Rehnquist, J., dissenting); *see also id.* at 931–35 (majority opinion) (discussing intersection of severability and standing, ultimately concluding that the veto is severable and thus Chadha does have standing to challenge it).

[66] Process Gas Consumers Grp. v. Consumer Energy Council of Am., 463 U.S. 1216 (1983) (mem), *aff'g* Consumers Union v. FTC, 691 F.2d 575 (D.C. Cir. 1982) (en banc). The summary affirmance resolved a group of similar legislative veto cases following the Court's decision in *Chadha*. The lead case, *Process Gas*, involved a one-house veto, but the affirmance also resolved the *Consumers Union* case, which involved a two-house veto. *Id.*

[67] *Id.* at 1217 (White, J., dissenting).

[68] Pub. L. No. 96-252, § 21(a)(2), 94 Stat. 374, 393.

[69] *Process Gas Consumers Grp.*, 463 U.S. at 1218.

Justice White's dissent notwithstanding, the Court's ruling in *Consumers Union* indicated that *Chadha*'s central holding was not confined to one-house vetoes and that no exception could be made for independent agencies, affirming lower court decisions that two-house vetoes likewise failed to meet the requirements of bicameralism and presentment and that the constitutional analysis was no different for independent agencies.[70]

Subsequent Supreme Court Litigation

Although *Chadha* remains the seminal decision on legislative vetoes, it was not the Supreme Court's final word on the matter. Three additional cases expanded upon the reasoning of the *Chadha* decision, provided further guidance on the remedy courts should grant when faced with an unconstitutional legislative veto, and examined when different statutory oversight mechanisms could constitute a legislative veto. These three cases are discussed here in chronological order.

Bowsher v. Synar

Three years after *Chadha*, the Supreme Court decided the constitutionality of a different, but related, type of legislative control in *Bowsher v. Synar*.[71] In that case, the Court struck down provisions of the Balanced Budget and Emergency Deficit Control Act of 1985,[72] which required the Comptroller General, a legislative officer, to mandate certain budget reductions if particular statutory criteria were met.[73]

The Court first confirmed that the Comptroller General was a legislative officer because he was subject to removal by Congress and was therefore "subservient to Congress."[74] The Court also rejected the claim that the Comptroller General's function was just ministerial and mechanical, holding that his function was to execute the law by "exercis[ing] judgment concerning facts" and "interpret[ing] the provisions of the Act," which culminated in "the ultimate authority to determine the budget cuts to be made" by "command[ing] the President himself to carry out . . . the directive of the Comptroller General."[75]

In the majority's view, this statutory scheme was unconstitutional because "permit[ting] an officer controlled by Congress to execute the laws would be, in essence, to permit a congressional veto."[76] In other words, the Court explained, Congress may enact legislation that delegates power to the executive branch, but control of executing that legislation must remain solely in the executive branch. The Court understood *Chadha* as standing for the principle that "once Congress makes its choice in enacting legislation, its participation ends. Congress can thereafter control the execution of its enactment only indirectly—by passing new legislation."[77]

Although the *Bowsher* majority relied on *Chadha* in reaching its conclusion, the ultimate legal principle—that a legislative officer may not exercise executive authority—is perhaps best viewed as a distinct separation-of-powers principle rather than one of the bicameralism and presentment

[70] *Id.* at 1216. *See also* Joseph R. Biden, Jr., *Who Needs the Legislative Veto?*, 35 SYRACUSE L. REV. 685, 686 (1984) ("[T]here can be little doubt that all legislative vetoes are unconstitutional.").

[71] Bowsher v. Synar, 478 U.S. 714 (1986).

[72] Pub. L. No. 99-177, tit. II, 99 Stat. 1037, 1038. The Act is sometimes referred to as the Gramm-Rudman-Hollings Act after its sponsors in the House of Representatives.

[73] *Id.* §§ 251–52.

[74] *Bowsher*, 478 U.S. at 730.

[75] *Id.* at 732–33.

[76] *Id.* at 726.

[77] *Id.* at 733–34.

requirements at the heart of *Chadha*. Nonetheless, the Court's discussion of *Chadha* and avoiding the creation of a backdoor legislative veto may be instructive to understanding the scope of *Chadha* itself.

Alaska Airlines, Inc. v. Brock

Legislative vetoes returned to the Supreme Court in *Alaska Airlines, Inc. v. Brock*.[78] In the wake of *Chadha* declaring legislative vetoes to be unconstitutional, uncertainty remained as to whether that constitutional defect would render hundreds of statutes unconstitutional in their entirety or whether the legislative veto could be severed from those statutes, leaving the remainder of those laws intact.[79] As a general matter, courts are reluctant to strike down whole laws, and the Supreme Court has said that "a court should refrain from invalidating more of the statute than is necessary."[80] At the same time, legislative vetoes were frequently enacted as part and parcel of a delicate compromise between Congress and the executive branch.[81]

The Court, as it did in *Chadha* itself, found the legislative veto in the Airline Deregulation Act to be severable from the Act, leaving intact the remainder of the law.[82] Although the Court did not announce a categorical rule that all legislative vetoes were severable from their underlying acts, lower courts after *Alaska Airlines* have generally found unconstitutional legislative vetoes to be severable from the remainder of their respective statutes.[83]

Metropolitan Washington Airports Authority v. Citizens for Abatement of Aircraft Noise, Inc. (CAAN)

As a variation on the legislative veto exercised by a formal vote by either or both Houses, Congress has also given veto powers to committees or other subcomponents of the legislature. In one such instance, Congress established an oversight board composed of Members of Congress to oversee a newly created agency. Even where Congress deemed the Members to be serving "in their individual capacities," the Supreme Court has found this, too, to be an unconstitutional violation of the separation of powers.[84]

[78] 480 U.S. 678 (1987).

[79] For further discussion of severability, see CRS Report R46484, *Understanding Federal Legislation: A Section-by-Section Guide to Key Legal Considerations*, by Victoria L. Killion, at 58–64 (2022).

[80] 480 U.S. at 684 (quoting Regan v. Time, Inc., 468 U.S. 641, 652 (1984)).

[81] *See supra* notes 12–14 and accompanying text.

[82] *Id.* at 697.

[83] *See, e.g.*, Yount v. Salazar, 933 F. Supp. 2d 1215, 1235 (D. Ariz. 2013). *City of New Haven v. United States* is one exception to the trend of severability, although it was decided prior to *Alaska Airlines*. In that case, the D.C. Circuit found that the legislative veto in a prior version of the Impoundment Control Act was not severable from the delegated authority to defer obligation of funds. 809 F.2d 900, 902 (D.C. Cir. 1987). The case was not appealed to the Supreme Court, and Congress amended the Impoundment Control Act that same year to remove the legislative veto. *See* Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, Pub. L. No. 100-119, tit. I, 101 Stat. 754, 785.

[84] Metro. Wash. Airports Auth. v. Citizens for Abatement of Aircraft Noise, Inc., 501 U.S. 252, 277 (1991).

Prior to the enactment of the Metropolitan Washington Airports Act of 1986 (Transfer Act),[85] both Washington National Airport[86] and Washington Dulles International Airport were federally owned and managed.[87] The Transfer Act transferred management of the two airports from the federal government to a newly created independent, interstate body, the Metropolitan Washington Airports Authority (MWAA).[88] An eleven-member Board of Directors governed MWAA, with its members variously appointed by Maryland, Virginia, the District of Columbia, and the President.[89]

Decisions of the Board of Directors were subject to oversight and potential disapproval by a separate "Board of Review," also established under the law.[90] The Board of Review was composed of nine Members of Congress "serving in their individual capacities, as representatives of users of the [airports]."[91] This included two Members each from the respective House and Senate transportation committees, two Members each from the respective House and Senate appropriations committees, and one Member chosen alternately from the House and Senate generally, provided that none of the Members on the Board of Review could be representatives from Maryland, Virginia, or the District of Columbia.[92]

In apparent recognition of potential legal challenges to the Board of Review, Congress included a provision limiting the authority of the Board of Directors in the event the Board of Review was unable to act "by reason of a judicial order."[93] Such an order preventing the Board of Review from exercising authority would prevent MWAA from taking any action "required . . . to be submitted to the Board of Review."[94]

After the Secretary of Transportation entered into a long-term lease with MWAA in accordance with the Transfer Act, the MWAA directors approved a master plan for improvements at National Airport.[95] The Board of Review considered the master plan and voted not to disapprove.[96] Two individuals and an interest group, Citizens for the Abatement of Aircraft Noise, Inc., opposed the master plan, arguing it would cause increased air traffic, noise, and pollution, and accordingly filed suit, claiming the master plan was invalid due to the unconstitutional role of Congress acting as the Board of Review.[97]

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[85] Metropolitan Washington Airports Act of 1986, Pub. L. No. 99-591, §§ 6001–6012, 100 Stat. 3341, 3341-376; *see also* Metropolitan Washington Airports Act of 1986, Pub. L. No. 99-500, §§ 6001–6012, 100 Stat. 1783, 1783-373. The law was enrolled and signed by the President twice due to errors in transmitting the copy for the President's signature that inadvertently omitted several paragraphs of text of unrelated provisions in the broader appropriations legislation. 100 Stat. at 3341-388 (statement of the President). The current version of the Act is codified at 49 U.S.C. ch. 491.

[86] Washington National Airport was renamed Ronald Reagan Washington National Airport in 1998. Pub. L. No. 105-154, 112 Stat. 3, 3 (1998).

[87] Pub. L. No. 99-591, § 6002.

[88] *Id.* §§ 6003, 6007.

[89] *Id.* § 6007(e).

[90] *Id.* § 6007(f).

[91] *Id.* § 6007(f)(1).

[92] *Id.*

[93] *See id.* § 6007(h).

[94] *Id.* For more information on severability and, as relevant here, *in*severability clauses, see CRS Report R46484, *Understanding Federal Legislation: A Section-by-Section Guide to Key Legal Considerations*, by Victoria L. Killion (2022).

[95] Metro. Wash. Airports Auth. v. Citizens for Abatement of Aircraft Noise, Inc., 501 U.S. 252, 261 (1991).

[96] *Id.*

[97] *Id.* at 261–62.

The Supreme Court agreed that the Board of Review's role was unconstitutional and cited *Chadha* for the principle that permitting veto power of Members of Congress, even when nominally acting in individual capacities, would allow Congress to circumvent the "carefully crafted constraints of the Constitution."[98]

In response to the decision in *CAAN*, Congress amended the composition of the Board of Review to provide that the nine members would be individuals selected from lists provided by the Speaker of the House and President pro tempore of the Senate but would not be required to be Members of Congress themselves.[99] Congress also eliminated the Board of Review's veto and replaced it with a power to make recommendations, which the MWAA directors could either adopt or report to Congress the reasons for non-adoption, giving Congress 60 days to review and take action if it wished.[100] Directors' actions could not take effect while either the Board of Review or Congress were conducting their review.[101]

This revised Board of Review was again challenged on constitutional separation-of-powers grounds by CAAN and several individuals.[102] In *Hechinger v. MWAA*, the D.C. Circuit determined that the 1991 amendments to the Board of Review did not cure the constitutional defect.[103] First, the court concluded that the Board of Review remained a de facto agent of Congress despite the fact that members of the board were no longer required to be Members of the relevant legislative committees.[104] As a practical matter, eight of nine committee members were Members of Congress, and the Speaker and President pro tempore controlled the lists of potential members.

Second, the D.C. Circuit determined that, even absent a formal veto, the Board of Review still exercised federal power.[105] The court considered the most important feature of the Board's authority to be its discretion to approve implementation of MWAA's plans or to place a pause on their implementation by reporting to Congress.[106] In the court's view, the arrangement was thus distinguishable from other congressional reporting requirements because the discretionary decision of Congress acting through the Board had the legal effect of delaying implementation of MWAA's initiatives.[107] As less significant factors, the D.C. Circuit noted that the Board of Review had the ability to force the MWAA to consider specific issues and that Members of Congress could participate as nonvoting members of the meetings of the directors.[108]

[98] *Id.* at 269–70 (citing INS v. Chadha, 462 U.S. 919, 959 (1983)). In ruling that the Board of Review violated general separation-of-powers principles, the Supreme Court declined to consider whether the arrangement also violated the Incompatibility and Ineligibility Clauses, which among other things, prohibit Members of Congress from simultaneously holding another "Office under the United States." *Id.* at 277 n.23 (citing U.S. CONST. art. I, § 6, cl. 2).

[99] Metropolitan Washington Airports Act Amendments of 1991, Pub. L. No. 102-240, tit. VII, § 7002, 105 Stat. 1914, 2197.

[100] *Id.* § 7002(d).

[101] *Id.*

[102] *See* Hechinger v. Metro. Wash. Airports Auth., 36 F.3d 97 (D.C. Cir. 1994).

[103] *Id.* at 105.

[104] *Id.* at 101.

[105] *Id.* at 105.

[106] *Id.* at 102.

[107] *Id.*

[108] *Id.*

MWAA sought review of the D.C. Circuit's decision by the Supreme Court, but the Supreme Court declined to take the appeal.[109] In 1996, Congress formally abolished the Board of Review.[110]

Lower Court Decisions Applying *Chadha*

In addition to the Supreme Court's subsequent cases applying *Chadha*, several lower courts have issued significant decisions applying the precedent. One such decision, *Hechinger*, flowed directly from the Supreme Court's decision in *CAAN* and is discussed above. This section discusses two others, both involving the Competition in Contracting Act of 1984 (CICA).[111]

CICA established procedures in which a disappointed bidder on a competitive government contract could protest the award by seeking review with the Comptroller General, which *Bowsher* makes clear is a legislative official.[112] The Comptroller General, after review of the relevant contracting process, makes recommendations to the awarding agency but ultimately cannot direct the agency to implement those recommendations.[113] If the agency fails to implement the recommendations, however, the Comptroller General is required to submit a report to relevant congressional committees detailing the decision, recommendations, agency failure to implement the recommendations, and potential legislative responses to that failure.[114] Significantly, after a protest has been lodged with the Comptroller General, the agency generally may not proceed with awarding the contract—or, if the contract has already been awarded, work on that contract may not continue—while the Comptroller General considers the protest.[115]

The Comptroller General's authority to *stay* (i.e., pause) the contracting process is not unlimited; CICA originally mandated that a decision resolving the protest be issued "within 90 working days from the date the protest is submitted."[116] Additionally, a contracting official may authorize performance of a contract during the review period if that performance is in the best interests of the United States or compelling circumstances preclude waiting for decision of the Comptroller General.[117] The Comptroller General can also affect the length of the stay in certain respects, by either dismissing a protest as frivolous or by resolving the protest in a shorter time than the statutory maximum.[118] A now-repealed provision also permitted the Comptroller General to extend the stay if warranted.[119] This statutory authority permitting a legislative official to affect how long an executive action must be paused led to legal challenges under *Chadha*.

In *Ameron, Inc. v. U.S. Army Corps of Engineers*, the U.S. Court of Appeals for the Third Circuit (Third Circuit) considered the constitutionality of this stay provision and ultimately upheld the law.[120] The court recognized that Congress has the authority to investigate and make

[109] Metro. Wash. Airports Auth. v. Hechinger, 513 U.S. 1126 (1995) (mem) (denying certiorari).

[110] Metropolitan Washington Airports Amendments Act of 1996, Pub. L. No. 104-264, tit. IX, § 904, 110 Stat. 3213, 3276.

[111] Pub. L. No. 98-369, §§ 2701–2753, 98 Stat. 494, 1175–1203.

[112] 31 U.S.C. §§ 3553–3555.

[113] *Id.* § 3554.

[114] *Id.* § 3554(e).

[115] *Id.* § 3553(c)–(d).

[116] 98 Stat. 1201. Today, the provision requires a decision within 100 calendar days. 31 U.S.C. § 3554(a)(1).

[117] 31 U.S.C. § 3553(d).

[118] *Id.* § 3554(a).

[119] 98 Stat. 1201; 31 U.S.C. § 3554(a) (1984).

[120] 809 F.2d 979 (3d Cir. 1986).

recommendations to the executive branch, including seeking to influence executive branch behavior.[121] The question then was whether the Comptroller General's investigation authority in CICA was this type of legislative oversight authority or instead impermissibly executed the laws or interfered with the executive's execution of the laws.

To answer this question, the Third Circuit looked to *Chadha* and *Bowsher*. The court characterized *Chadha* as standing for the principle that, "once Congress has delegated authority to the executive, the executive must be allowed to operate freely within the sphere of discretion created for him by that legislation, subject only to challenge for illegality before the courts and the general oversight of Congress."[122] The court then distinguished the budget-cutting authority at issue in *Bowsher*, noting that it did not view CICA as establishing legislative control of authority that had been delegated to the executive and instead appeared to be a proper exercise of Congress's oversight authority.[123] In reaching this determination, the Third Circuit found it relevant that (1) in determining the length of the stay, the Comptroller General could consider only the time necessary to resolve the protest; (2) the executive branch had some authority to proceed in certain circumstances notwithstanding the stay; and (3) the executive branch was ultimately not bound by the Comptroller General's decision on the merits.[124] For similar reasons, the court concluded that any intrusion into the executive's execution of the laws was merely "de minimis," or so minor as to be insignificant.[125] Ultimately, in the court's view, "CICA encourages the branches to work together without enabling either branch to bind or compel the other. That is the way a government of divided and separated powers is supposed to work."[126]

In *Lear Siegler, Inc., Energy Products Division v. Lehman*, the U.S. Court of Appeals for the Ninth Circuit (Ninth Circuit) also examined CICA and reached a similar conclusion, albeit for slightly different reasons.[127] In the Ninth Circuit's view, the question under *Chadha* and *Bowsher* is "whether the legislative agent exercises *control* or ultimate authority in the disposition of a particular issue."[128] Congressional action crosses the constitutional line, the court explained, when Congress or its agent "seeks to *control* (not merely to "affect") the execution of its enactments without respect to the Article I legislative process."[129] In the court's view, this was a different question than whether Congress delegated and then took back authority without passing new legislation, like the Third Circuit focused on in *Ameron*.[130]

The Ninth Circuit rejected any analysis of whether Congress's action was executive or legislative in nature, noting that "[c]onfusion is bound to result from any simplistic attempt to define acts as 'legislative' or 'executive' and then confine those acts to the branches that bear the name."[131] Instead, the court balanced Congress's "need to promote objectives within [its] constitutional

[121] *Id.* at 989–93.

[122] *Id.* at 993–94.

[123] *Id.*

[124] *Id.* at 995.

[125] *Id.* at 997.

[126] *Id.* at 998.

[127] 842 F.2d 1102 (9th Cir. 1988). The portion of the opinion discussing the award of attorney's fees was later withdrawn and replaced by an en banc decision of the court. Lear Siegler, Inc., Energy Products Div. v. Lehman, 893 F.2d 205 (9th Cir. 1988) (en banc).

[128] *Lear Siegler*, 842 F.2d at 1110.

[129] *Id.* at 1108.

[130] *Id.* at 1110.

[131] *Id.* at 1108.

authority" with "potential disruption of the executive's function."[132] Here, the Ninth Circuit aligned with the Third Circuit's reasoning, finding that because the stay was of limited duration, could not be extended longer than necessary to decide the protest, and permitted the executive to override the stay in certain circumstances, the balance favored Congress. Accordingly, the Ninth Circuit determined, like the Third Circuit did, that CICA's stay provision was constitutional.[133]

The decisions in *Ameron* and *Lear Siegler* appear to be in some tension with the D.C. Circuit's decision in *Hechinger*. For its part, the D.C. Circuit in *Hechinger* distinguished the Board of Review's authority to delay implementation of the airport authority's actions from CICA's stay provision for two principal reasons. First, unlike CICA, where the stay is initially triggered by an outside party filing a protest, the Board of Review had discretion to trigger the delay.[134] Second, unlike the executive's authority under CICA, the airport authority had no power to override the legislative delay, "a safeguard that both *Lear* [*Siegler*] and *Ameron* viewed as vital."[135]

The Supreme Court has not examined the legal nuances presented by a CICA-type stay process, and so the precise constitutional limits of discretionary, legislatively imposed delays remain an open question.

Related Developments

Although compliance with bicameralism and presentment, as examined by *Chadha*, is a significant consideration when fashioning statutory oversight mechanisms, other constitutional issues may also arise. For example, Congress has enacted laws that directly control the appointment of executive officers,[136] appoint legislators to otherwise executive boards in nonvoting capacities,[137] or delegate authority to legislative rather than executive agencies.[138] Courts have found that these arrangements likewise violate various constitutional provisions, including the Appointments Clause,[139] the Incompatibility Clause,[140] and other separation-of-powers principles.[141] In general, these legal issues are beyond the scope of this report, but legislators considering ways in which Congress might statutorily oversee agency actions may wish to consider these other potential legal pitfalls.

Response to *Chadha*

Congress's immediate reaction to the Supreme Court's decision in *Chadha* was, in the words of one Senator, "near panic."[142] In the years since *Chadha*, however, commentators have debated the importance of legislative vetoes and the corresponding impact of *Chadha* on the balance of legislative and executive power. Some cite *Chadha* as contributing to a growth in presidential

[132] *Id.* (quoting Nixon v. Adm'r of Gen. Servs., 433 U.S. 425, 443 (1977)).

[133] *Id.* at 1126.

[134] *Hechinger*, 36 F.3d at 103.

[135] *Id.*

[136] Buckley v. Valeo, 424 U.S. 1 (1976) (per curiam).

[137] FEC v. NRA Pol. Victory Fund, 6 F.3d 821, 826 (D.C. Cir. 1993), *cert. dismissed* 513 U.S. 88 (1994).

[138] Bowsher v. Synar, 478 U.S. 714 (1986).

[139] U.S. CONST. art. II, § 2, cl. 2.

[140] *Id.* art. I, § 6, cl. 2; *see also supra* note 98.

[141] *See Bowsher*, 478 U.S. at 733–34.

[142] Biden, *supra* note 70, at 686.

power at the expense of Congress, upsetting the constitutional balance.[143] Others downplay the significance of legislative vetoes, arguing that "Congress has developed a host of formal and informal workarounds in the years since *Chadha*."[144]

In response to the decision, Congress amended or eliminated some existing legislative veto provisions,[145] but others remain on the books.[146] Despite *Chadha*, Congress continues to enact legislative vetoes of varying kinds. According to one survey, between the *Chadha* decision on June 23, 1983, and the end of 2013, Congress enacted nearly 1,000 additional legislative vetoes.[147]

Congress's reasons for these continued enactments vary and potentially include attempting to create the conditions to challenge *Chadha* and other judicial precedent. Other commentators posit that certain types of legislative vetoes may have informal effects[148]—that is, the executive branch may choose to comply with the provisions, even though they may not be legally enforceable.[149] In the appropriations context, for example, executive agencies reliant on annual appropriations may have future financial incentives to cooperate with congressional committees that require approval of certain actions, despite those approval requirements likely violating *Chadha*.[150]

Ultimately, whether through new legislative vetoes or alternative processes, legislative interest in statutory oversight mechanisms has endured after *Chadha*. As long as the executive branch continues to wield significant delegated authority, Congress may continue to seek ways in which to control the exercise of that authority with procedural mechanisms established in law.

Post-*Chadha* Legislative Options for Congress

Legislators looking for oversight mechanisms that comply with *Chadha* have generally adopted one of several types: reporting requirements, procedural delays, and expedited congressional procedures for adopting legislation. Each of these options, with potential variations, are explained below in order of increasing complexity, followed by an examination of other options that may be available.

Reporting Requirements

The most basic statutory oversight tool Congress employs is requiring agencies to report on their programs and other activities. A reporting requirement keeps Congress informed of agency actions. Reports may also provide a measure of public transparency if publicly available, either

[143] Josh Chafetz, *The* Chadha *Presidency*, 115 GEO. L.J. (2026) (forthcoming).

[144] Curtis Bradley, *Reassessing the Legislative Veto: The Statutory President, Foreign Affairs, and Congressional Workarounds*, 13 J. LEGAL ANALYSIS 439 (2021).

[145] *See, e.g.*, *supra* note 83 (discussing amendment of the Impoundment Control Act).

[146] *See, e.g.*, 43 U.S.C. § 1712(e)(2) (Federal Land Policy and Management Act of 1976).

[147] Fisher, *supra* note 15 at 171. This count appears to include annual appropriations provisions that are reenacted year after year.

[148] *See* Bradley, *supra* note 144 at 461–62.

[149] For example, President Hoover offered the legislative veto as a concession to obtain reorganization authority, despite the fact that he would ultimately view it as unconstitutional. *See supra* notes 12–20 and accompanying text.

[150] Frederick M. Kaiser, *Congressional Control of Executive Actions in the Aftermath of the* Chadha *Decision*, 36 ADMIN. L. REV. 239, 244 (1984) (noting an "agency's discretionary power over expenditures could be easily revoked by the committees, given their leverage and the multiple and frequent opportunities available in annual, supplemental, and continuing appropriations").

through an explicit publishing requirement[151] or potentially through Freedom of Information Act procedures.[152] Reporting requirements typically specify (1) who is responsible for completing the report; (2) the deadline for completing the report, including any recurring reporting deadlines; (3) to whom the report must be submitted; and (4) the information to be contained in the report.[153]

Deadlines may be a date certain,[154] a specified amount of time following the effective date of the law,[155] or a date contingent on some later event such as the provision of appropriations.[156] In instances where an agency may need to coordinate with nongovernmental entities or other third parties, Congress may set deadlines for the agency to enter into an agreement with those entities without specifying a deadline for the report itself.[157] For purposes of oversight of particular agency actions, Congress might specify that the agency submit a report prior to taking a particular action[158] or within a specified time period after taking such action.[159]

These requirements may state only that reports shall be submitted to Congress, but frequently they specify particular committees to which they are to be submitted.[160] Congress can, for instance, require these notices to be published in the *Federal Register*,[161] on an agency's website,[162] or some central website.[163] Congress can also require reports to be submitted directly to legislative agencies such as the Government Accountability Office.[164]

[151] *See, e.g.*, 31 U.S.C. § 1513 note (OMB apportionment publication requirements).

[152] 5 U.S.C. § 552. For more information on FOIA, see CRS Report R46238, *The Freedom of Information Act (FOIA): A Legal Overview*, by Benjamin M. Barczewski (2024). For more information on locating publicly available reports that have been submitted to Congress, see CRS Report R46661, *Strategies for Identifying Reporting Requirements and Submitted Reporting to Congress*, by Kathleen E. Marchsteiner (2021).

[153] *See, e.g.*¸ Halt All Lethal Trafficking of Fentanyl Act, Pub. L. No. 119-26, § 3(a)(2), 139 Stat. 410, 413 (2025) ("Not later than 1 year after the date of enactment of the Halt All Lethal Trafficking of Fentanyl Act, the Inspector General of the Department of Justice shall complete a study, and submit to Congress a report thereon, about research described in paragraph (2) of this subsection with fentanyl.").

[154] *See, e.g.*, Full-Year Continuing Appropriations and Extensions Act, 2025, Pub. L. No. 119-4, § 1114, 139 Stat. 9, 15 ("Not later than May 15, 2025 . . . .").

[155] *See, e.g.*, GENIUS Act, Pub. L. No. 119-27, § 4(a)(6)(C), 139 Stat. 419, 430 (2025) ("Not later than 1 year after the date of enactment of this Act . . . .").

[156] *See, e.g.*, Salem Maritime National Historical Park Redesignation and Boundary Study Act, Pub. L. No. 119-25, § 3(a), 139 Stat. 408 (2025) ("Not later than 3 years after the date on which funds are made available to conduct the study required under subsection (a) . . . .").

[157] *See, e.g.*, ACES Act of 2025, Pub. L. No. 119-32, § 2(a)(1), 139 Stat. 480, 480 ("Not later than 30 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall seek to enter into an agreement with the National Academies of Sciences, Engineering, and Medicine . . . under which the National Academies shall conduct a study on the prevalence and mortality of cancers among covered individuals.").

[158] *See, e.g.*, Consolidated Appropriations Act, 2026, Pub. L. No. 119-75, div. A, § 8010(c), 140 Stat. 173, 199 (requiring committee notification before entering into a multiyear procurement contract for certain defense systems).

[159] *See, e.g.*, 50 U.S.C. § 1543(a) (War Powers Resolution).

[160] For more details on the logistical considerations for submitting reports to Congress (or components thereof), see CRS Report R46862, *How Are Reporting Requirements Submitted to Congress?*, by Kathleen E. Marchsteiner (2021).

[161] *E.g.*, 5 U.S.C. § 552.

[162] *E.g.*, 5 U.S.C. § 306; 19 U.S.C. § 2255(b)(1).

[163] *E.g.*, 31 U.S.C. § 3352(b)(2)(C).

[164] *E.g.*, 5 U.S.C. § 801; 42 U.S.C. § 9858g(c)(3); *see generally* CRS Report R46357, *Congressionally Mandated Reports: Overview and Considerations for Congress*, by William T. Egar (2020). In addition to written reports, Congress can require officials to testify before a committee. *See* CRS Report R47288, *Statutory Testimony Requirements: Background and Issues for Congress*, by Ben Wilhelm (2022).

Report-and-Wait Requirements

Reporting requirements are frequently paired with a procedural delay, that is, a requirement that an agency submit a report notifying Congress of a proposed action and then wait a specified period before it can take that proposed action. In theory, this gives Congress the opportunity to review the action and respond legislatively—whether in the form of a bill or a joint resolution—before that action takes effect, if a response is desired. Less formally, this also gives Congress time to engage with the executive branch to offer input, receive clarification, and indirectly shape the proposed action or its implementation. Courts have examined these types of procedural delays and condoned their usage.[165] The *Chadha* Court itself cited these types of provisions approvingly.[166] These procedures raise two primary considerations for legislators: (1) the length of the wait and (2) what, if any, authority the executive may exercise while Congress's review is pending.

Length of the Congressional Review Period

With respect to the length of a congressional review period, Congress may choose both how many days the period lasts[167] and whether any days are excluded from that count. For example, the law may specify a review period of 45 days.[168] Congress might then specify that only days Congress is in session, rather than calendar days, count toward the review period[169] or exclude certain days, such as weekends and holidays, from the count.[170] Additionally, because there is sometimes disagreement over how to count the first day of the period, Congress could, for example, clarify whether the day a review-triggering report is submitted counts towards the limit. Regardless of how Congress resolves these questions, these types of basic procedural delays do not appear to raise any constitutional concerns.[171]

More complex report-and-wait requirements may still raise *Chadha* issues. Congress has, at times, enacted variable waiting periods that adjust based on further congressional or presidential action (or inaction). Because report-and-wait requirements are designed to give Congress time to respond, some report-and-wait requirements automatically extend the waiting period if certain procedural steps occur. For example, one statute provides for a default waiting period of 30 days once a report is submitted but, if Congress passes a joint resolution disapproving the relevant action during that time frame, automatically extends the waiting period to cover the time the President has to consider whether to sign the joint resolution.[172] If the President vetoes the joint

[165] Sibbach v. Wilson & Co., 312 U.S. 1, 15 (1941) ("The value of the reservation of the power to examine proposed rules, laws, and regulations before they become effective is well understood by Congress."); Consumer Energy Council of Am. v. FERC, 673 F.2d 425, 474 n.206 (D.C. Cir. 1982), *aff'd sub nom.* Process Gas Consumers Grp. v. Consumer Energy Council of Am., 463 U.S. 1216 (1983) ("Since there is no disturbance of the constitutional lawmaking process, the provisions present no apparent constitutional problems.").

[166] INS v. Chadha, 462 U.S. 919, 935 n.9 (1983).

[167] Congress could theoretically choose a different measurement than days (e.g., hours or months), but the prevailing practice has been to measure such periods in days.

[168] *See, e.g.*, 2 U.S.C. § 682(3), (5).

[169] *See id.*

[170] *See, e.g.*, D.C. CODE § 1-206.02(c).

[171] *See Chadha*, 462 U.S. at 935 n.9.

[172] Russia Sanctions Review Act of 2017, Pub. L. No. 115-44, tit. II § 216(b), 131 Stat. 886, 901–02. Unless Congress is adjourned, the Constitution gives the President 10 days, excluding Sundays, to sign or veto passed legislation. U.S. CONST. art. I, § 7, cl. 2.

resolution, the waiting period automatically extends again to permit Congress additional time to consider a veto override.[173]

Extensions of this sort raise unsettled constitutional questions. On one hand, Congress, by taking action, can unilaterally extend the length of the delay, arguably "altering the legal rights, duties, and relations of persons . . . outside the legislative branch"—the type of action the *Chadha* Court described as legislative, requiring full bicameralism and presentment.[174] On the other hand, such additional delays are limited in nature and in service of the bicameralism and presentment process that *Chadha* requires, and the *Chadha* Court itself endorsed report-and-wait procedures generally.[175] Moreover, some lower courts have cautioned against reading the Supreme Court's language regarding "legal rights, duties, and relations of persons . . . outside the legislative branch" too literally; some actions, such as congressional subpoenas, undoubtedly affect the legal duties of individuals outside the legislative branch but have never been thought to trigger constitutional bicameralism and presentment requirements.[176] Other lower courts have found that, where a discretionary decision of Congress is responsible for triggering the delay in the first place, the discretion is fatal to the report-and-wait provision even if the waiting period is defined and limited.[177]

Despite approving report-and-wait requirements generally, the Supreme Court has never considered the constitutionality of this more complex variant where legislative action can affect the time the executive branch must wait.[178] Particularly given lower courts' open-ended approach to balancing legislative and executive interests in this sphere, it is difficult to predict how the Supreme Court might resolve a *Chadha*-type challenge to this type of requirement.

Authority Pending Congress's Review

Separate from the length of the review period, Congress may also specify what actions the executive must wait to take until the expiration of the review or what actions it may take as interim measures pending review. On one end of the spectrum, Congress might specify that the action under review may not go into effect at all during the waiting period. This is typical of report-and-wait provisions and ensures Congress has the opportunity to weigh in before the relevant action occurs.[179] On the other end of the spectrum, the action may take full effect, which in essence transforms the report-and-wait provision into a narrower reporting requirement, as described above.

In the middle, Congress may provide for an action to take partial effect or for some alternative interim action to occur. For example, while Congress is considering a proposed recission of budget authority under the Impoundment Control Act, the President may direct the relevant funds to be temporarily withheld during Congress's consideration, at least in some circumstances.[180] Although such interim authorities will necessarily depend on the subject matter, they may offer the executive branch some flexibility while still preserving the oversight function of report-and-wait provisions generally. Legislators considering report-and-wait mechanisms may wish to

[173] *E.g.*, Pub. L. No. 115-44, tit. II § 216(b)(5).

[174] *Chadha*, 462 U.S. at 952.

[175] *Id.* at 935 n.9.

[176] Lear Siegler, Inc., Energy Products Div. v. Lehman, 842 F.2d 1102, 1108 (9th Cir. 1988).

[177] Hechinger v. Metro. Wash. Airports Auth., 36 F.3d 97, 105 (D.C. Cir. 1994).

[178] *See supra* notes 111–135 (discussing lower court CICA litigation).

[179] *See, e.g.*, 5 U.S.C. § 801(a)(3); 28 U.S.C. § 2074(a).

[180] *See* 2 U.S.C. §§ 681, 683.

consider the tradeoffs between flexibility and oversight and whether a delegation of provisional authority during Congress's review advances the desired balance.

Expedited Congressional Procedures

Recognizing that marshaling legislation through Congress takes time and that even lengthy report-and-wait periods may fail to provide sufficient time for a legislative response, Congress at times has coupled report-and-wait provisions with expedited internal legislative procedures for considering a potential response.[181] The legislative vehicle for the response is often a joint resolution to approve or disapprove of the agency action. Joint resolutions, like other forms of legislation, require the President's signature and thus generally comply with *Chadha*'s interpretation of the bicameralism and presentment requirements.[182]

Fast-track procedures vary based on the law and to which house of Congress they apply, but in general have some or all of the following features:

- a definition of what executive action triggers the expedited procedure;[183]
- a description of the form of legislative response—whether a bill or a joint resolution of approval or disapproval—potentially prescribing the exact text of the legislation;[184]
- mandatory introduction of the legislative response and designation of committee referrals;[185]
- limits on committee procedure, including time limits for reporting the measure, and provision for automatic discharge or a privileged motion to discharge if the committee fails to report within that time period;[186]
- privileged access to the House and Senate floor for consideration of the measure;[187]
- limits on debate, including both time limits and limits on offering amendments or other motions;[188] and
- automatic "hookup" procedures that are triggered if the other house passes a companion bill or resolution, for example linking a Senate-passed measure with the analogous House measure under consideration to avoid duplication of legislative process.[189]

[181] *See, e.g.*, 5 U.S.C. § 802 (Congressional Review Act).

[182] The only exception to this is joint resolutions proposing constitutional amendments, which do not require the President's signature and have a separate constitutional process. *See* U.S. CONST. art. V. For an examination of the differences between bills and the various types of legislative resolutions, see CRS Report R46603, *Bills, Resolutions, Nominations, and Treaties: Characteristics and Examples of Use*, by Jane A. Hudiburg (2025).

[183] *See, e.g.*, 19 U.S.C. § 2253(b).

[184] *See, e.g.*, 29 U.S.C. § 1306(b)(3).

[185] *See, e.g.*, 5 U.S.C. § 910.

[186] *See, e.g.*, *id.* § 911 (automatic discharge); 2 U.S.C. § 688(b) (privileged discharge).

[187] *See, e.g.*, 42 U.S.C. § 2159(b).

[188] *See, e.g.*, *id.* § 6421(f)(5)(B).

[189] *See, e.g.*, *id.* § 2160e(e)(6).

Although these procedures are enacted into law, they usually include statutory language reflecting that the procedures are an exercise of each house's constitutional rulemaking authority[190] and that each house retains authority to amend its rules in the future without further legislation.[191]

Disapproval vs. Approval Procedures

When considering what type of response should be subject to the fast-track procedures described above, Congress typically chooses between a joint resolution of *disapproval*, which would prevent an executive action from taking effect, or a joint resolution of *approval*, which would permit an executive proposal to go forward.[192] Enacting either procedure does not preclude Congress from responding to executive action through ordinary legislation outside of the expedited process or amending the process at a later date.[193]

A significant consideration when choosing between approval and disapproval procedures is the status quo: what is the baseline if Congress fails to act? With an approval procedure, the executive will not be able to act unless Congress passes the approval; with a disapproval procedure, the baseline is that the executive will be able to take action. This difference ultimately affects the likelihood the executive's policy preferences will be effectuated and, because of the role of the presidential veto discussed below, also the likelihood Congress's policy preferences will be implemented.

Any joint resolution of disapproval would be subject to a potential presidential veto. In practice, this requirement may limit the ability of Congress to implement successfully its policy preferences using disapproval procedures because the executive action subject to the disapproval likely has presidential support, and the President would likely use the veto to protect it. Thus, even where Congress provides expedited procedures, such as privilege in the Senate (to avoid a filibuster), the disapproval still would likely need two-thirds support in both chambers to overcome a veto and ultimately be implemented.[194]

There may nonetheless be situations in which Congress still finds such procedures useful. First, there may not be a veto threat if there is a presidential administration change and the action being reviewed is one of a prior administration. For example, Congress has employed the Congressional Review Act to overturn rules implemented by a prior President.[195] Second, the President may support disapproval if the action being reviewed is of an entity not directly under the President's policy control.[196] Third, even when a President supports the action and could veto the disapproval, he could decline to exercise the veto for political reasons in the face of congressional

[190] *See* U.S. CONST. art. 1, § 5, cl. 2.

[191] *See, e.g.*, 15 U.S.C. § 719f(d)(1).

[192] Congress could opt to have a bill be subject to these fast-track procedures rather than a resolution. Because bill text is less standardized and could include changes to underlying laws that go beyond approving or disapproving the executive action, it may be a more complex response that takes greater time to craft and to reach consensus. This may run counter to the typical goals for these types of expedited legislative procedures.

[193] *See* Dorsey v. United States, 567 U.S. 260, 274 (2012) ("[S]tatutes enacted by one Congress cannot bind a later Congress, which remains free to repeal the earlier statute, to exempt the current statute from the earlier statute, to modify the earlier statute, or to apply the earlier statute but as modified.").

[194] *See* U.S. CONST. art. 1, § 7, cl. 2.

[195] *See* CRS In Focus IF12708, *The Congressional Review Act: The Lookback Mechanism and Presidential Transitions*, by Maeve P. Carey and Christopher M. Davis (2024).

[196] For example, Congress has enacted expedited review procedures for most legislation passed by the local District of Columbia government. *See* D.C. CODE § 1-206.04.

opposition. Fourth, congressional opposition may be sufficient to overcome a veto in a given case.

Approval procedures are not likely to raise the same practical considerations as disapproval procedures regarding a presidential veto. Although a joint resolution of approval is also presented to the President for signature, a veto is unlikely because the resolution is approving a proposal that originated with the executive branch in the first place. Thus, actions subject to approval procedures are more likely to ultimately align with Congress's preferences than actions subject to disapproval procedures. With approval procedures, if Congress withholds its consent, the resolution would not pass and the executive branch would lack the authority to take the proposed action; if Congress does approve, the President would likely sign the approval into law.

The potential downsides to choosing approval over disapproval include decreased executive flexibility to respond, particularly on time-sensitive matters where Congress may not be able to act expeditiously to approve the action. Additionally, there is a risk that even where Congress approves of a proposal in principle, competing legislative priorities may delay or even prevent Congress from voting to approve the action. Particularly if the action is of a kind the executive may propose frequently, approval procedures may result in a significant expenditure of legislative time and resources.

Approval procedures may also raise constitutional problems that disapproval procedures do not, at least in some circumstances. Though courts have not examined the issue, legal commentators have debated the constitutionality of a proposed REINS Act—legislation that has been repeatedly introduced and, in various Congresses, has passed one house though it has never been fully enacted.[197] The REINS Act would require agencies issuing new "major rules" (as defined in the legislation) to receive congressional assent through a joint resolution of approval before those major rules may take effect.[198]

Defenders of the idea's constitutionality emphasize that a joint resolution of approval requires bicameralism and presentment, satisfying the formal constitutional requirements emphasized in *Chadha*.[199] Other proponents characterize the legislation as withdrawing the agencies' authority to issue major rules in the first place—thus, Congress would be declining to enact a proposal, rather than vetoing an executive action.[200] In other words, under this view, the action of a single house would not affect the status quo, and the procedure would therefore satisfy *Chadha*.[201]

Opponents of the legislation's constitutionality argue that in an approval procedure, unlike in a disapproval procedure, the action of a single house denying assent is sufficient to doom the proposed rule, making the procedure an unconstitutional legislative veto in all but name.[202] Opponents also dispute the "withdrawal of authority" theory, arguing that the REINS Act actually operates differently because all rules—whether "major" and subject to REINS Act procedures or not—would be treated the same, subject to the same procedural requirements under the

[197] *See, e.g.*, Regulations from the Executive in Need of Scrutiny Act of 2023, H.R. 277, 118th Cong. (passing the House).

[198] *Id.* § 3.

[199] *See* Jonathan H. Adler, *Placing "Reins" on Regulations: Assessing the Proposed REINS Act*, 16 N.Y.U. J. LEGIS. & PUB. POL'Y 1, 24–25 (2013).

[200] *See* Jonathan R. Siegel, *The REINS Act and the Struggle to Control Agency Rulemaking*, 16 N.Y.U. J. LEGIS. & PUB. POL'Y 131, 151–52 (2013).

[201] *See id.*

[202] *See* Ronald M. Levin, *The REINS Act: Unbridled Impediment to Regulation*, 83 GEO. WASH. L. REV. 1446, 1448 (2015).

Administrative Procedure Act including, potentially, to judicial review.[203] In this view, it would not make sense to view major rules as mere proposals, as the only thing distinguishing them from other agency rules would be the review period.[204]

Ultimately, the issue may turn on whether Congress is subjecting a legal *rule* or merely a *proposal* to the approval procedures.[205] Because the REINS Act remains proposed legislation, courts have not weighed in on this debate. Legislators considering approval procedures in other contexts may wish to consider how those procedures interact with preexisting executive authorities, as some have argued that applying an approval procedure to an existing authority without withdrawing the delegation of that authority may resemble an unconstitutional one-house veto. Conversely, Congress may always consider proposals from the other branches, so using expedited approval procedures on matters that are truly proposals likely presents fewer constitutional concerns than using approval procedures with respect to legal rules or authorized actions.

Combined Approval and Disapproval Procedures

Congress may also enact fast-track provisions that incorporate elements of both disapproval and approval procedures.[206] These combined procedures are a variation of more standard disapproval procedures but potentially allow some additional flexibility for the executive to act before the end of the full review period Congress establishes.

Under some disapproval procedures, the executive must wait out the entire review period before the relevant action may take effect, even if it is clear that disapproval lacks support in Congress.[207] Combined approval-disapproval procedures, in contrast, allow Congress to pass an approval measure using expedited procedures, which permits the executive to take the action under review as soon as the approval passes rather than waiting for the review period to expire.[208] Although fast-track procedures frequently limit amendments, combined procedures may allow a single amendment to be offered (possibly limiting who may offer that amendment) to change a disapproval resolution to an approval resolution or vice-versa.[209] The result is an expedited method to terminate the review period early and allow the executive action to go forward.

Other Potential Options

The options presented above represent a variety of ways in which Congress might use statutory mechanisms to achieve the same goals as a legislative veto while complying with the Supreme Court's decision in *Chadha*. These are not the only statutory tools in Congress's toolbelt, however, and a few additional options are briefly described below.

[203] *See id.* 1473–78.

[204] *See id.*

[205] *See id.* at 1477–78 ("Is the REINS Act mechanism more like empowering an agency to 'propose' rules or more like the traditional legislative veto?").

[206] *See, e.g.*, 42 U.S.C. § 6421.

[207] *See, e.g.*, 16 U.S.C. § 8204(f); *see also supra* note 179 and accompanying discussion.

[208] *See, e.g.*, 42 U.S.C. § 6421(c).

[209] *See id.* § 6421(f)(5)(B); *id.* § 2159(d).

Sunset Clauses

A *sunset clause* is a statutory provision that extinguishes or limits delegated authority after a certain period of time.[210] Unlike the temporary limitations that might apply during a statutory wait period described above, sunset provisions terminate the underlying authority irrespective of when or how that authority was used. By themselves, they do not require congressional review or approval of any particular action. Instead, sunset clauses incentivize cooperation with Congress because an executive branch agency that wishes to continue exercising a sunsetting authority will be reliant on Congress to renew that authority. Sunset clauses also limit the opportunity for subsequent developments (e.g., creation of a new technology) that might result in a legal authority being used in a way inconsistent with Congress's intentions when it first delegated that authority. A potential downside is that sunset clauses require Congress to devote future time and resources to reevaluating and reauthorizing an expiring authority if it wishes for that authority to continue.

Legislative Causes of Action

A *cause of action* is a legal basis to bring a lawsuit. From time to time, Congress has authorized Members, a specific house, the Congress as a whole, or a legislative agency to bring lawsuits under certain circumstances. Although many of these authorizations were ad hoc—for example, by resolution permitting a particular lawsuit or action[211]—some of these authorities are permanent statutory causes of action that enable part of the legislature to seek judicial relief against the executive branch.[212]

Unlike the other tools discussed in this report, which are primarily, though not necessarily exclusively, aimed at ensuring Congress's *policy* preferences are followed, causes of action are aimed at ensuring the executive's *legal* compliance with the laws Congress has enacted. There are potential limitations to legislative causes of action. Legislative parties to a lawsuit will still be required to demonstrate the constitutional requirement of standing to sue by showing a concrete, particularized injury caused by the executive branch that is redressable through judicial relief.[213] Other legal doctrines also may preclude a lawsuit in a particular case.[214]

Continued Use of Legislative Vetoes

As discussed above, despite the Supreme Court deciding that legislative vetoes are unconstitutional, Congress has still employed them as an oversight tool.[215] Absent a change in existing precedent, a court would not enforce a legislative veto that does not comply with bicameralism and presentment, so legislators may wish to carefully consider whether such vetoes will accomplish oversight goals. Judicial enforceability notwithstanding, legislators may still find them a valuable tool despite *Chadha.*

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[210] *See, e.g.*, 50 U.S.C. § 4564(a) (providing that certain Defense Production Act authorities will terminate on September 30, 2026).

[211] *See, e.g.*, H.R. Res. 706, 112th Cong. (2012).

[212] *See, e.g.*, 2 U.S.C. § 687; 31 U.S.C. § 716(a)(2), (b)(2).

[213] *See* Walker v. Cheney, 230 F. Supp. 2d 51, 52–53, 74–75 (D.D.C. 2002); *see also* Maloney v. Carnahan, 45 F.4th 215 (D.C. Cir. 2022) (per curiam) (dissenting and concurring opinions discussing legislative standing).

[214] For example, the executive branch argued in the 1970s that the Comptroller General's authority to enforce the Impoundment Control Act is unconstitutional. *See* CRS Report R46417, *Congress's Power Over Appropriations: Constitutional and Statutory Provisions*, by Sean Stiff (2020), at notes 478–81 and accompanying text.

[215] *See supra* notes 145–149.

Because courts have generally found the vetoes to be severable from the underlying delegated authority, legislators considering enacting a legislative veto may recognize the possibility that an agency could ultimately exercise authority subject to that unenforceable veto without needing to comply with veto procedures. This could result in an unintended delegation of unchecked authority. Legislators might avoid unintended delegations by enacting a severability or inseverability clause along with any veto provision to clarify Congress's intent and guide courts' severability analysis in the event of litigation.

Conclusion

For much of the 20th century, Congress frequently employed the legislative veto as a mechanism to limit and control delegations of authority to the executive branch. The Supreme Court's 1983 ruling in *Chadha* invalidated those mechanisms, holding that legislative actions must meet the Constitution's bicameralism and presentment requirements. Although the practical import of that decision is still debated, it has resulted in Congress developing a number of alternative mechanisms. In the years since the decision, Congress has innovated, increasingly relying on report-and-wait provisions, sometimes coupled with expedited legislative procedures. These procedures have numerous variations, and legislators interested in statutory provisions controlling executive authority still have options they may wish to consider post-*Chadha*.[216]

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[216] *See* Killion, *supra* note 94, at 58–64.