COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

Death by a Thousand Regulations: The Biden-Harris Administration's Campaign to Bury America in Red Tape

Report Prepared by the House Committee on Oversight and Accountability Majority Staff

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I. Executive Summary

Americans have grown increasingly concerned about the U.S. economy's direction under the Biden-Harris Administration. The Biden-Harris Administration's rampant spending at the beginning of the Administration triggered skyrocketing levels of inflation from which Americans are still reeling.[1] But another contributor driving up prices has largely flown under the radar: a historic surge in federal regulations under the Biden-Harris Administration.

Since taking office, the Biden-Harris Administration has imposed an estimated $1.7 trillion in new federal regulatory costs[2] in its effort to push its left-wing agenda. To place this staggering figure in context, even the highest available estimate of the cumulative costs of regulations imposed by *all* administrations comes in at $3.079 trillion through 2022.[3] This means that the Biden-Harris Administration has imposed over half of cumulative federal regulatory costs—and it did so in less than four years.

New regulatory costs have significant consequences on the economy, especially small businesses, which must find ways to pay for these costly burdens. The costs can be passed onto consumers in the form of higher prices for goods and services. In this way, excessive regulation acts as a tax on consumers—and one that disproportionately falls on lower income households.[4] Alternatively, costs can be absorbed by businesses, often meaning employers either have less money to create jobs and pay workers' wages or shareholder returns are lowered, harming 401-K plans, Individual Retirement Accounts and employee pension funds. In some cases, the weight of regulatory costs can drive employers out of business, costing jobs and hurting community tax bases. At the pace with which the Biden-Harris Administration is imposing new burdens, not surprisingly, prices are higher, and the Administration has had to revise job creation figures downward for months on end.[5]

The Biden-Harris Administration came into office with an economy President Trump had made strong before the COVID-19 pandemic and that was quickly returning to strength in the wake of the pandemic.[6] Much of the Trump Administration's economic successes had been due

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[1] *See, e.g.,* Betsy Vereckey, *Federal Spending Was Responsible for the 2022 Spike in Inflation, Research Shows*, MIT MANAGEMENT SLOAN SCHOOL (July 17, 2024).
[2] *Regulation Rodeo: Explore the Data* and *Regulation Rodeo, Methodology: Frequently Asked Questions*, AM. ACTION FORUM, online at Regulation Rodeo (regrodeo.com) (Reg. Rodeo: FAQs) (last accessed Sept. 6, 2024) (data for total finalized costs of regulations promulgated in 2021-2024).
[3] Nicole v. Crain and W. Mark Crain, *The Cost of Federal Regulation to the U.S. Economy, Manufacturing and* Small Business at 4, NAT'L ASSN. OF MANUFACTURERS (October 2022).
[4] *See, e.g.*, Dustin Chambers and Courtney A. Collins, *How Do Federal Regulations Affect Consumer Prices? An Analysis of the Regressive Effects of Regulation* at 3-4, MERCATUS CENTER, GEORGE MASON UNIVERSITY (Feb. 2016) (*Regressive Effects of Regulation*).
[5] Will Kessler, *The Biden Admin Has Overcounted New Jobs Almost Every Single Month This Year*, DAILY CALLER (Nov. 3, 2023); Derek Saul, *U.S. Added 818,000 Fewer Jobs than Previously Thought from March 2023 to March 2024, Government Says*, FORBES (Aug. 21, 2024).
[6] *See, e.g., Chart Book: Tracking the Recovery from the Pandemic Recession*, CENTER ON BUDGET AND POLICY PRIORITIES (updated April 3, 2024).

to the innovative regulatory reforms it implemented.[7] However, the Biden-Harris Administration quickly reversed many of those policies, unleashing an avalanche of costly regulations that have unnecessarily held the U.S. economy down and burdened American households.

As one study recently reported, the Biden-Harris Administration is on pace to impose in just four years nearly double the costs the Obama Administration imposed in its entire eight years in office.[8] In present value, the Biden-Harris Administration's excessive regulations impose costs of $47,136 per U.S. household—a shocking toll that promises to harm, not help, American households and the U.S. economy.[9]

The Biden-Harris Administration's fervor to implement their radical, left-wing agenda has spared no expense when imposing new bureaucratic hurdles on businesses and the economy. Those astronomical costs will inevitably be borne by consumers whether in the form of higher prices or lower wages as businesses adapt to additional compliance burdens. This strategy harms consumers, makes America less economically competitive, and leaves economic potential on the table at a time when we need it most.

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[7] Executive Office of the President, *Economic Report to the President – Together with The Annual Report of the Council of Economic Advisors* (Feb. 2020), at 105-136, *available at* https://trumpwhitehouse.archives.gov/wp-content/uploads/2020/02/2020-Economic-Report-of-the-President-WHCEA.pdf.

[8] Casey B. Mulligan, *Biden-Harris Regulations Cost the Average Family Almost $50,000*, COMM. TO UNLEASH PROSPERITY, at 3 (July 2024), *available at* 240724_CTUP_BidenHarrisRegulations_Doc.pdf (committeetounleashprosperity.com).

[9] *Id.*

II. Key Findings

- **As of August 30, 2024, the Biden-Harris Administration has imposed an estimated *$1.7 trillion* in cumulative regulatory costs on the economy, surpassing all predecessors.** The Administration also has imposed over three hundred million regulatory paperwork hours, placing enormous compliance burdens on businesses and consumers.

- **Consumers continue to struggle under economic pressures—including drastically higher prices for essential goods and housing.** The Biden-Harris Administration's crushing regulatory burdens only make it harder for America's households and small businesses to thrive. The regressive nature of overregulation will impact low-income households even more significantly.

- **The most egregious contributor to these astronomical costs is the U.S. Environmental Protection Agency (EPA), which alone has imposed an estimated $1.3 trillion in costs**. One regulation alone—EPA's electric vehicle mandate for light- and medium-duty vehicles—accounted for nearly $900 billion in costs with substantial economic ramifications across the economy.

- **The Trump Administration made significant strides to rein in the out-of-control regulatory state by rescinding outdated regulations and imposing an annual regulatory cost cap.** These reforms resulted in fewer new regulatory actions as well as fewer costs imposed on consumers and businesses—and they contributed substantially to the robust economy enjoyed during the Trump Administration.

- **Throughout the 118th Congress, the Committee on Oversight and Accountability has shed light on the Biden-Harris Administration's regulatory overreach and advanced legislative solutions to many of the growing problems.** The Committee's oversight has focused on agencies at the heart of the Administration's extreme and ideologically driven excesses. Key Committee legislation would prevent Biden-Harris-style abuse in the future, making easier for America's households and job creators to prosper.

III. The Biden-Harris Administration's Regulatory Overreach

In under four years, the Biden-Harris Administration has promulgated over one and a half trillion dollars in regulatory costs and over three hundred million paperwork hours at a time when our economy needs it least.[10] The Biden-Harris Administration has sought to cement its legacy through instituting transformational change across the federal government, uprooting many of the deregulatory initiatives implemented under the Trump Administration and replacing them with progressive reforms aimed at increasing regulatory power. Many of these initiatives have been branded and sold to the public as a necessity to improve their livelihoods.

Public perception polls reflect a much different story, as many consumers struggle under challenging economic circumstances and economic optimism dwindles. A recent Gallup poll showed that consumer confidence in the Biden-Harris Administration's economic leadership had reached record lows.[11] While this is a visible symptom of the growing economic problem, there are many factors embedded within the growth of the federal regulatory complex under the Biden-Harris Administration that create cascading effects on the U.S. economy. Over-reaching Biden-Harris regulations have impacted sectors throughout the economy, from transportation to manufacturing, land use, and more, fundamentally altering how businesses of all sizes and in all parts of the country operate. The cumulative impact of the rapid expansion of federal regulations will have a significant impact on future economic growth if left unchecked.

Marking a distinct shift from earlier administrations, from the time it assumed office on January 20, 2021, the Biden-Harris Administration has pursued a "whole-of-government" regulatory onslaught, largely under the mantle of several key Executive Orders (E.O.), including E.O. 13990 and E.O. 14008 on climate change,[12] E.O. 14025 on unionization and collective bargaining,[13] E.O 14063 on project labor agreements,[14] and E.O. 14036 on economic competition.[15] Agencies across the federal government have since added an historic torrent of new, costly requirements, adding to cascading impacts in terms of implementation costs and paperwork hours spent on compliance. According to the Foundation for Government Accountability (FGA), the Biden-Harris Administration imposed more than $200 billion in new regulatory costs during its first year in office, more than four times what the Obama Administration imposed during that same period.[16] The rapid growth in assertions of power, authority and regulatory burdens from the Executive Branch has continued throughout the Biden-Harris Administration and will have significant impacts for consumers and the economy.

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[10] *Regulation Rodeo: Explore the Data*, AM. ACTION FORUM, (accessed Aug. 30, 2024), *available at* Regulation Rodeo (regrodeo.com).
[11] Megan Brenan, *Confidence in Biden Economic Stewardship Historically Low*, GALLUP (May 6, 2024), *available at* https://news.gallup.com/poll/644750/confidence-biden-economic-stewardship-historically-low.aspx.
[12] Exec. Order No. 14008, 86 Fed. Reg. 7037 (Jan. 20, 2021).
[13] Exec. Order No. 14025, 86 Fed. Reg. 22829 (Apr. 29, 2021).
[14] Exec. Order No. 14063, 87 Fed. Reg. 7363 (Feb. 9, 2022).
[15] Exec. Order No. 14036, 86 Fed. Reg. 36987 (Jul. 14, 2021).
[16] FGA, *See for Yourself: Biden's Regulatory Spree is Out of Control*, THE FOUND. FOR GOV'T ACCOUNTABILITY (May 2, 2023), *available at* https://thefga.org/one-pagers/see-for-yourself-bidens-regulatory-spree-is-out-of-control/.

Figure 1: Tracking the Administrations –
Regulatory Activity from Inauguration Day to August 9th (Year 4) [17]

TRACKING THE ADMINISTRATIONS

REGULATORY ACTIVITY FROM INAUGURATION DAY TO AUGUST 9th (Year 4)

	FINAL RULES	FINAL RULE COSTS	PAPERWORK HOURS
BIDEN 2021	992	$1.69T	312.1M
TRUMP 2017	1074	-$100.1B	199.3M
OBAMA 2009	1339	$308.5B	251.4M

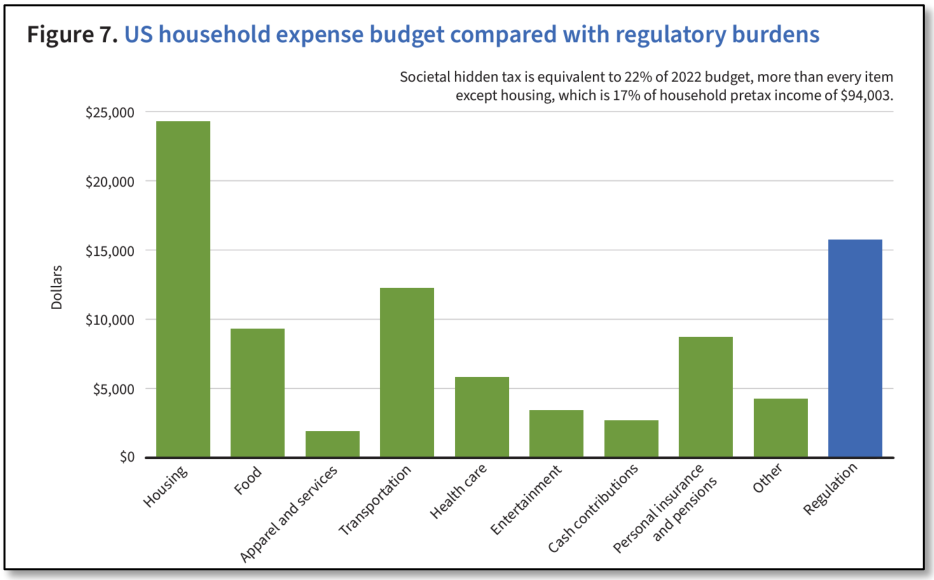
LAST UPDATED: AUGUST 9TH, 2024 AMERICANACTIONFORUM.ORG

A. *Real Impact of Growing Regulatory Costs*

The Biden-Harris Administration's cumulative new regulatory costs imposed to date surpass those of all predecessors. As of August 30, 2024, the Biden-Harris Administration has imposed an estimated $1.7 trillion dollars in regulatory costs on the U.S. economy.[18] This includes only the costs of new rules for which the Administration has prepared cost estimates, meaning the regulatory burden added by the Administration to date may be substantially higher. According to a report released this year by the Competitive Enterprise Institute, "[i]f it were a country, US regulation would be the world's 10th-largest economy, ranking behind Canada and ahead of Italy."[19] For American households, this acts as a regulatory "hidden tax" of $15,788 on average—a household burden exceeded only by housing costs.

[17] Dan Goldbeck, *Week in Regulation: Steady Stream of Rules Coming Down*, AM. ACTION FORUM (Aug. 12, 2024), *available at* https://www.americanactionforum.org/week-in-regulation/steady-stream-of-rules-coming-down/.
[18] *Regulation Rodeo: Explore the Data*, AM. ACTION FORUM, (accessed Aug. 30, 2024), *available at* Regulation Rodeo (regrodeo.com).
[19] Clyde Wayne Crews, Jr., *Ten Thousand Commandments: Sizing Up the Federal Government's New Rules and Regulations*, COMPETITIVE ENTERPRISE INST. (2024), *available at* https://cei.org/wp-content/uploads/2024/07/10K_2024_v5_for_Rich_1.pdf.

Figure 2: U.S. household expense budget compared with regulatory burdens[20]



According to another recent study, however, the net present value of costs imposed by Biden-Harris Administration regulations alone is projected to be $47,000 per household over the lives of the regulations.[21] And as previously stated, these burdens often are regressive in nature, meaning they impact low-income households more than those with higher incomes.[22]

As a prominent example, the advertised benefits of many climate-focused regulations—often heralded as providing greater environmental outcomes via carbon or other greenhouse-gas reductions—come at the expense of lower income individuals who have less disposable income to adapt to changing price structures. Under the Biden-Harris EPA's Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles,[23] EPA estimates suggest that the price of light trucks and SUVs alone are estimated to increase by over $8,000 by 2032.[24] Meanwhile, automakers across the country are faced with the significant challenge of balancing low consumer demand for electric vehicles with regulatory compliance

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[20] Clyde Wayne Crews, Jr., *Ten Thousand Commandments: Sizing Up the Federal Government's New Rules and Regulations*, COMPETITIVE ENTERPRISE INST. (2024), *available at* https://cei.org/wp-content/uploads/2024/07/10K_2024_v5_for_Rich_1.pdf.

[21] Casey B. Mulligan, *Biden-Harris Regulations Cost the Average Family Almost $50,000*, COMM. TO UNLEASH PROSPERITY, at 3 (July 2024), *available at* 240724_CTUP_BidenHarrisRegulations_Doc.pdf (committeetounleashprosperity.com).

[22] *See Regressive Effects of Regulation*, supra n. 4; *see also* CEI, *Champagne Regulations on a Beer Budget*, COMP. ENTERPRISE INST. (Jun. 5, 2024), *available at* https://cei.org/wp-content/uploads/2024/06/OnPoint_294_-_Champagne_Regulations_on_a_Beer_Budget_2-1.pdf.

[23] *Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles* 89 Fed. Reg. 27,842; *Greenhouse Gas Emissions Standards for Heavy-Duty Vehicles-Phase 3*, 89 Fed. Reg. 29,440 (April 14, 2024).

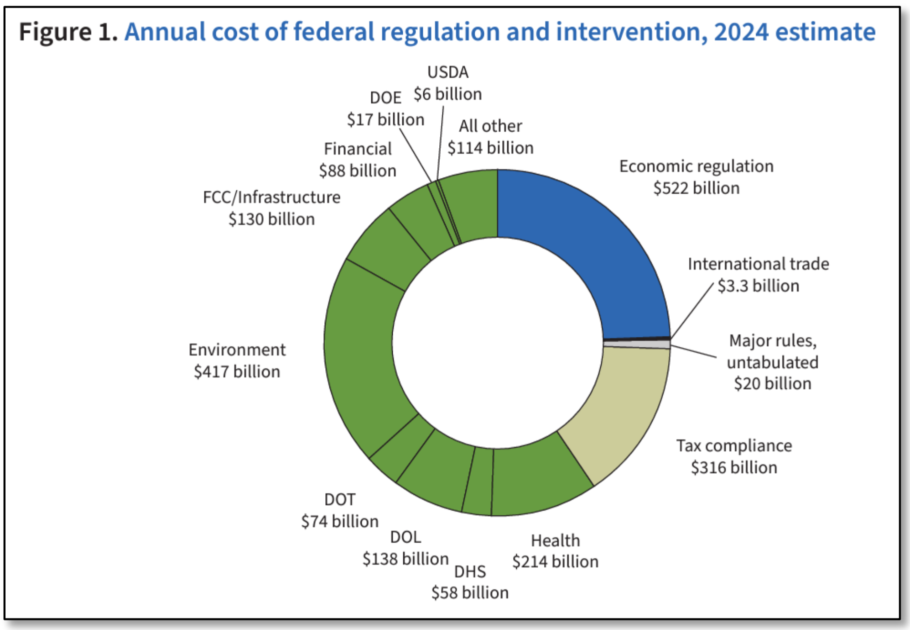
[24] Miles Pollard and Laura Gorceac, *EPA's Tailpipe Emissions Rule Rides Roughshod Over Our Freedoms*, THE HERITAGE FOUNDATION (Apr. 2, 2024), *available at* https://www.heritage.org/government-regulation/commentary/epas-tailpipe-emissions-rule-rides-roughshod-over-our-freedoms.

imposed by the federal government.[25] This is a challenge that has led to employee layoffs and lower manufacturer profitability.[26]

B. Major Areas of Regulatory Overreach under the Biden-Harris Administration

The Biden-Harris Administration has targeted numerous fundamental areas of the economy to assert regulatory dominance. Key areas have spanned energy, transportation, manufacturing and land use, labor, and financial services. In each of these areas, the Biden-Harris Administration's regulatory overreach has affected not only targeted industries but the pocketbooks of the American people.[27] The extreme overreach in these industries has led to huge cost increases, as described in the graphic below.[28]

Figure 3: Annual cost of federal regulation and intervention, 2024 estimate[29]



[25] The Editorial Board, *Biden's EV Mandate Blows Its Cover*, THE WALL ST. JOURNAL, (Mar. 20, 2024), *available at* https://www.wsj.com/articles/joe-biden-electric-vehicle-mandate-gas-powered-cars-2032-epa-c2a72414.
[26] James Lynch, *Foreign Automaker Lays Off Thousands of Michigan Workers after Pocketing Hundreds of Millions in Biden EV Subsidies*, National Review (Sept. 5, 2024), *available at* https://www.nationalreview.com/news/foreign-automaker-lays-off-thousands-of-michigan-workers-after-pocketing-hundreds-of-millions-in-biden-ev-subsidies/.
[27] *Supra*, n.10.
[28] *Supra*, n.23, at 18.
[29] Clyde Wayne Crews, Jr., *Ten Thousand Commandments: Sizing Up the Federal Government's New Rules and Regulations*, COMPETITIVE ENTERPRISE INST. (2024), *available at* https://cei.org/wp-content/uploads/2024/07/10K_2024_v5_for_Rich_1.pdf.

1. <u>Energy</u>

The Biden-Harris Administration's leftist climate agenda has driven the priorities of its "whole-of-government" approach to America's energy sector.[30] A majority of Biden-Harris energy regulations explicitly target fossil fuels such as coal, petroleum, and natural gas in order for the Administration to reach international climate targets such as those in the Paris Climate Agreement.[31] For example, the Environmental Protection Agency (EPA)'s regulations are attempting to shut down coal-fired power plants across the country through extreme emissions limitations and favor generation from less reliable sources such as solar and wind.[32]

Further, the Biden-Harris-backed Inflation Reduction Act steered hundreds of billions of taxpayer dollars toward Democratic-favored climate action organizations.[33] For example, they are investing in efforts to remove coal as a source of energy from the U.S. power grid, which not only increases prices on consumers, but also creates an unreliable grid, as seen during turbulent events as seen in California and Texas.[34] This combination of heavy-handed regulations coupled with subsidies for "green energy" initiatives will harm areas of the country that depend on natural gas and coal for heating or power.

In addition, the Biden-Harris Administration has used its regulatory power to stop oil and gas leases, prevent or discourage fossil fuel financing, and end tax incentives for oil and gas

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[30] Exec. Order No. 14008, 86 Fed. Reg. 7037 (Jan. 20, 2021).

[31] *See* E.O. 13990, *Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis* (Jan. 20, 2021); E.O. 13992, *Revocation of Certain Executive Orders Concerning Federal Regulation* (Jan. 20, 2021); E.O. 14008, *Tackling the Climate Crisis at Home and Abroad* (Jan. 27, 2021); Presidential Memorandum, *Modernizing Regulatory Review: Memorandum for the Heads of Executive Departments and Agencies* (Jan. 20, 2021); E.O. 14094, *Modernizing Regulatory Review* (April 6, 2023); *see also* E.O. 14037, *Strengthening American Leadership in Clean Cars and Trucks* (Aug. 5, 2021).

[32] *Greenhouse Gas Standards and Guidelines for Fossil-Fuel-Fired Power Plants* (April 25, 2024), *available at* <u>https://www.epa.gov/stationary-sources-air-pollution/greenhouse-gas-standards-and-guidelines-fossil-fuel-fired-power</u>; *Final Rule - National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units Review of the Residual Risk and Technology Review* (April 25, 2024), *available at* <u>https://www.epa.gov/stationary-sources-air-pollution/final-rule-national-emission-standards-hazardous-air-pollutants-0</u>; *Steam Electric Power Generating Effluent Guidelines – 2024 Final Rule* (April 25, 2024), *available at* https://www.epa.gov/eg/steam-electric-power-generating-effluent-guidelines-2024-final-rule#2024-final-rule-docs; *Final Rule – Legacy Coal Combustion Residuals Surface Impoundments and CCR Management Units* (April 25, 2024), *available at* <u>https://www.epa.gov/coalash/final-rule-legacy-coal-combustion-residuals-surface-impoundments-and-ccr-management-units</u>.

[33] Inflation Reduction Act Environmental and Climate Justice Program, U.S. EPA, *available at* <u>https://www.epa.gov/inflation-reduction-act/inflation-reduction-act-environmental-and-climate-justice-program</u>; *See also* The Editorial Board, *The Radicals Getting Your Tax Money*, WALL ST. J. (May 23, 2024), *available at* <u>https://www.wsj.com/articles/inflation-reduction-act-climate-justice-alliance-taxpayer-dollars-epa-palestine-4c345171?msockid=25f4b34b3c166a653d2da7b33d596be3</u>; *See also* Press Release, Senator Pete Ricketts & Shelley Moore Capito, *Rickets, Capito Expose EPA's Reckless Spending On Radical Groups* (Aug. 1, 2024), *available at* <u>*https://www.ricketts.senate.gov/news/press-releases/ricketts-capito-expose-epas-reckless-spending-on-radical-groups/*</u>.

[34] Lalla Kearny, *Summer Power Prices Seen Surging for Texas, Falling in California*, REUTERS, (May 8, 2024). *See Also*, Karen Garcia, *Southern California Electric Bills Are Soaring. Here's How to Save Money*, LOS ANGELES TIMES (Aug. 21, 2024).

companies that have led to new and efficient technology.[35] These attacks on the power generation sector stem from the Biden-Harris Administration's close ties with left-wing organizations who push for eradicating coal in the name of "climate justice."[36] Eradicating coal and gas power—for intermittent wind and solar—would not only threaten the United States' national security interests, but it would also prevent a broad swath of the country from accessing affordable, reliable, energy for heat, air-conditioning, or simply electricity.[37]

2. Transportation

Through executive orders and regulations, the Biden-Harris Administration is trying to mandate what cars and trucks our manufacturers will produce. A Biden-Harris Executive Order targeted passenger vehicles and light trucks, requiring 50 percent of such vehicles to be zero-emission using batteries, fuel cells, or plug-in hybrid technology.[38] Further, the suite of EPA's light-, medium- and heavy-duty vehicles rules gut the ability of vehicle manufacturers to use cost-effective internal combustion engines for battery power—dramatically raising vehicle costs for consumers and the costs of transporting goods across the country.[39]

3. Manufacturing and Land Use

The Biden-Harris Administration's overreaching regulations have and will continue to have harmful consequences for manufacturers as well as farmers, ranchers, and home builders. For example, the EPA's new National Ambient Air Quality Standard for particulate matter (e.g., soot) forces emissions levels' limits on particulate matter down to almost natural background levels. These limits restrict areas in which new manufacturing facilities may be permitted and built. Preventing new manufacturing facilities will also have corresponding adverse impacts on jobs and wages in communities around the country.[40] Further, the new Waters of the United

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[35] Exec. Order No. 13990, 86 Fed. Reg. 7037 (Jan. 20, 2021).; Exec. Order No. 14008, 86 Fed. Reg. 7619 (Jan. 27, 2021). *See also* Indep. Petroleum Ass'n of America, *Who are America's Independent Producers?, available at* https://www.ipaa.org/independent-producers/ (last visited Aug. 22, 2024).
[36] Thomas Catenacci, *Biden's EPA has Coordinated with Left-Wing Eco Groups Tied to Liberal Dark Money Network*, FOX NEWS (Nov. 7, 2022).
[37] Thomas Catenacci, *Experts Raise Alarm After Biden Strikes Agreement with China to Shut Down Fossil Fuels*, FOX NEWS (Nov. 17, 2023); *See also Oversight of the Biden Administration's Pause on Liquified Natural Gas Exports: Hearing Before H. Comm. on Oversight & Accountability*, 118th Cong. 2 (statement of Subcommittee Chairman Fallon); *See also* Mark P. Mills, *The "Energy Transitions" Delusion: A Reality Reset*, The Manhattan Institute (Aug. 2022), *available at https://media4.manhattan-institute.org/sites/default/files/the-energy-transition-delusion_a-reality-reset.pdf*; *See also* Diana Furchtgott-Roth, *Restoring America's Energy Renaissance*, HERITAGE FOUND. (May 30, 2023).
[38] Exec. Order No. 14037, 86 Fed. Reg. 43583.
[39] *Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles* (April 2023), *available at* https://www.epa.gov/system/files/documents/2023-04/420f23009.pdf; *see also* 88 Fed. Reg. 29184 (May 5, 2023), *available at* https://www.govinfo.gov/content/pkg/FR-2023-05-05/pdf/2023-07974.pdf ("EV Rules").
[40] *National Ambient Air Quality Act Standards (NAAQS) for PM* (Feb. 7, 2024), *available at* https://www.epa.gov/system/files/documents/2024-02/2024-pm-naaqs-final-overview-presentation.pdf; *see also* 89 Fed. Reg. 16202 (Mar. 6, 2024), *available at* https://www.govinfo.gov/content/pkg/FR-2024-03-06/pdf/2024-02637.pdf ("PM Rule").

States Rule (WOTUS) adds further challenges for job creators by extending EPA's Clean Water Act permitting requirements to countless additional waters across the nation.[41]

4. Labor

Meanwhile, the Biden-Harris Department of Labor (DOL) has used its rule-making authority to overregulate private-sector workplaces. For example, many business entities use the classification of "independent contractors" instead of "employees" depending on their business structure. But, the Biden-Harris DOL has intervened with a rule restricting choice and forcing companies to list people or entities as "employees" rather than "contractors."[42] This change is expected to increase costs dramatically in many sectors of the economy, including trucking, manufacturing, health care, and "gig" services (*e.g.*, app-based services) and other innovative new forms of jobs.[43]

In addition, Biden-Harris immigration policies continue to have a detrimental effect on the labor force. For example, the Administration allows expedited work authorizations for illegal aliens who file asylum claims, the volume of which leads to "a never-ending task" for the U.S. Citizenship and Immigration Services.[44]

5. Financial Services

In the financial sector, the Biden-Harris Administration has used the regulatory power to regulate credit card fees and student loans. Under the leadership of its Biden-Harris-appointed chair, the Consumer Financial Protection Bureau (CFPB) issued a rule to cap credit card late fees at eight dollars, down from the average of thirty-two dollars.[45] The fee cuts will lead to higher interest rates on credit cards for lower-income credit holders and vastly decrease the availability of credit cards to the people that need them the most.[46]

Additionally, the Biden-Harris Administration continues to step out of legal bounds in its campaign to completely wipe clean student loan repayment obligations—and transfer the economic burden to taxpayers.[47] While the U.S. Supreme Court has rebuked its efforts, [48] the Biden-Harris Administration continues to push to wipe away student debt through executive

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[41] *Revised Definition of "Waters of the United States"* (December 2022), *available at* https://www.epa.gov/system/files/documents/2022-12/Public%20Fact%20Sheet.pdf; 88 Fed. Reg. 3004 (Jan. 2023), *available at* https://www.govinfo.gov/content/pkg/FR-2023-09-08/pdf/2023-18929.pdf; *But see Sackett v. EPA*, 598 U.S. 120 (2023).
[42] Reuters, *New Rule Overhauling Gig Economy Riles Business Groups: 'Completely Unnecessary,* NEW YORK POST (Jan. 9, 2024)
[43] Daniel Wiessner, *Biden Administration Issues Rule That Could Curb 'Gig' Work, Contracting*, REUTERS (Jan. 9, 2024)
[44] Citizen and Immigration Services Ombudsman, Annual Report 2023, U.S. Dep't of Homeland Sec. (June 30, 2023) *available at* https://www.dhs.gov/sites/default/files/2023-07/23_0630_cisomb_2023-annual-report-to-congress.pdf.
[45] Ken Sweet and Josh Boak, *Biden Administration Would Cap Credit Card Late Fees at $8, Part of Campaign Against Junk Fees*, ASSOCIATED PRESS (Mar. 5, 2024).
[46] *Id.*
[47] Nina Totenberg and Meghanlata Gupta, *Supreme Court Kills Biden's Student Debt Plan in a Setback for Millions of Borrowers*, NPR (June 30, 2023).
[48] *Id*.

orders and regulations. If successful, this effort would cost taxpayers hundreds of billions of dollars—if not trillions of dollars—over at least the next decade.[49]

C. The Biden-Harris Administration's Race to Avoid Congressional Restraints

In perhaps the most blatant sign of the Biden-Harris Administration's thirst for regulatory overreach, the Administration concluded a record-setting rush this year to promulgate new major regulations before they would become subject to congressional disapproval next term. Under the Congressional Review Act, agencies must submit their new regulations to Congress before those regulations may go into effect.[50] Following submission, Congress has 60 days within which to disapprove a regulation through special, fast-track disapproval procedures.[51] But whenever a new regulation is submitted for review within the last 60 legislative days of a congressional session, the regulation may also be disapproved by Congress during the following session.[52]

The Biden-Harris Administration's rush to regulate—especially through its sweeping left-leaning regulations—is its recognition that it could face unified opposition in Congress next year, when the Congressional Review Act would allow the incoming congress to review and disapprove any of them not promulgated and submitted to Congress early enough this year. Currently, the promulgation date beyond which new rules could be reviewed by the next Congress is estimated to be August 1, 2024.[53] In a mad dash to beat this deadline, during the first several months of 2024, when the Biden-Harris Administration feared the deadline might strike even earlier, it is estimated that the Administration imposed a gargantuan $1.2 trillion in new regulatory costs.[54]

D. The Biden-Harris "Modernizing Regulatory Review" Campaign – Opening Even Wider the Way to Regulatory Overreach

To clear the way for its regulatory overreach, the Biden-Harris Administration has scaled back regulatory review requirements prior administrations of both parties have followed for decades to ensure regulations serve their intended purpose and do not create undue burdens on the U.S. economy. On April 6, 2023, President Biden signed Executive Order 14094, entitled "Modernizing Regulatory Review," eliminating regulatory review for many costly regulations. This E.O. doubled the economic threshold beyond which major rules are required to receive scrutiny by the White House's Office of Information and Regulatory Affairs (OIRA).[55] This means that a substantial number of new major rules will escape more rigorous cost-benefit analysis, making it more likely these rules will impose significant unnecessary costs.

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[49] Kelly Anne Smith, *Canceling Student Debt Isn't Free. Here's Who Pays for It*, FORBES ADVISOR (Sep. 27, 2022).
[50] 5 U.S.C. subsec. 801(a).
[51] 5 U.S.C. sec. 802.
[52] 5 U.S.C. subsec. 801(d).
[53] Christopher M. Davis and Maeve P. Carey, *CRA Lookback Period Currently Estimated to Begin in August 1 Time Frame*, CONGRESSIONAL RESEARCH SERVICE (Aug. 21, 2024) (CRS Insight Rpt. IN12408).
[54] Will Kessler, *Biden Races to Add One Trillion in New Regs as Election Looms*, DAILY CALLER (May 17, 2024).
[55] *See* E.O. 14094, sec. 1(b), 88 Fed. Reg. 21,879 (Apr. 11, 2023).

Additionally, E.O. 14094 commissioned a rewriting of the rules of regulatory cost-benefit review by OIRA and federal agencies. The rewrite, finalized in November 2023, opens the doors for bureaucrats to cook their cost-benefit books, wildly overstating new regulations' estimated benefits to "justify" high-cost new regulations. This is made possible by revisions to cost-benefit analysis procedures that, among other things:

- Dramatically lower discount rates agencies must use to calculate costs and benefits over the life of a new rule, meaning that estimated values of long-term benefits will be greatly inflated;[56]

- Encourage agencies to justify new rules more on the basis of "distributional" and non-quantifiable benefits, opening the door to greater bias in the evaluation process in favor of Biden-Harris-favored constituencies;[57]

- Incentivize greater reliance on "global" benefits of new rules, putting many thumbs on the scale in favor of the Biden-Harris Administration's climate rules;[58] and

- Suggest agencies should more often count the costs of rules mandated by Congress as zero, allowing the Biden-Harris Administration to claim the costs of its rules are substantially lower than they are in fact.[59]

E. The Contrast with Regulatory Reform and Reduction under the Trump Administration

In stark contrast to the Biden-Harris Administration, the Trump Administration achieved a net reduction in regulatory costs of nearly $200 billion[60] by pursuing reforms to restrain regulatory overreach while achieving Congress' regulatory goals. For example, on January 30, 2017, President Trump issued Executive Order 13771, "Reducing Regulation and Controlling Regulatory Costs." This order ensured that agencies "be prudent and financially responsible in the expenditure of funds," and imposed an annual regulatory cost cap, and required the elimination of two regulations for every new regulation issued in order to meet the cap.[61] This was followed by Executive Order 13777, "Enforcing the Regulatory Reform Agenda,"[62] and later Executive Order 13893, "Increasing Government Accountability for Administrative Actions by Reinvigorating Administrative PAYGO," and other orders.[63]

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[56] *See Circular A-4, To the Heads of Executive Agencies and Establishments, Subject: Regulatory Analysis (Draft for Public Review)* at 75-82 (Nov. 9, 2023) *available at* OMB Circular A-4 (whitehouse.gov).
[57] *See id*. at 61-67.
[58] *See id*. at 7-10.
[59] *See id*. at 12.
[60] *Death by a Thousand Regulations: the Biden Administration's Campaign to Bury America in Red Tape: Hearing Before the H. Comm. on Oversight and Accountability*, 118th Cong. (June 14, 2023) (statement of Anthony P. Campau, Principal, Clark Hill Public Strategies).
[61] Exec. Order No. 13,771, 82 Fed. Reg. 9339 (Jan. 30, 2017).
[62] Exec. Order No. 13,777, 82 Fed. Reg. 12285 (Feb. 24, 2017).
[63] Exec. Order No. 13,863, 84 Fed. Reg. 55487 (Oct. 10, 2019).

Cumulatively, these regulatory reforms reduced regulatory burdens and helped fuel a booming economy. According to the Competitive Enterprise Institute, "Trump's total of 2,964 final rules in 2019 was the lowest count since records began being kept in the 1970s and is the only tally below 3,000."[64] The economic impact of this regulatory reduction was powerful. The Council of Economic Advisors' 2020 Economic Report to the President estimated that "after 5 to 10 years, this new approach to Federal regulation will have raised real incomes by $3,100" and that twenty deregulatory actions alone would save consumers and businesses about $220 billion per year after they went into full effect.[65]

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[64] Clyde Wayne Crews, Jr., *Ten Thousand Commandments: An Annual Snapshot of the Federal Regulatory State*, COMPETITIVE ENTERPRISE INST. (2022), *available at* https://cei.org/wp-content/uploads/2022/10/10000_Commandments_2022.pdf.

[65] COUNCIL OF ECON. ADVISORS, EXEC. OFF. OF THE PRESIDENT, ECONOMIC REPORT OF THE PRESIDENT 105, 107 (2020), available at https://whitehouse.gov/wp-content/uploads/2021/07/2020-ERP.pdf.

IV. Supreme Court Action to Rein in the Administrative State

The Biden-Harris Administration's regulatory blowout has contributed to a struggling, inflationary economy, hurting businesses and consumers. The Administration has continued to push forward with its aggressive regulatory overreach even in the wake of the Supreme Court's decision in *West Virginia v. EPA*, 597 U.S. 697 (2022).

In *West Virginia*, the Court made clear that the Executive Branch does not have the authority to interpret decades-old statutory authorities—such as the Clean Air Act and Clean Water Act—to fundamentally transform how entire sectors of the U.S. economy operate.[66] Rather, through its watershed establishment of the "major questions" doctrine, the Court held agencies must point to "clear congressional authorization" before asserting authority to force transformative measures upon the U.S. economy.[67] Agencies may not base sweeping measures on "new discoveries" of authority to address major new economic and policy questions based on vague provisions of old statutes.[68]

The Court's decision signaled to the Biden-Harris Administration not to overreach. The Biden-Harris Administration, however, has ignored the Court's decision, proposing and promulgating numerous new major regulations to transform the economy without clear delegations from Congress. For example, the Biden-Harris EPA's promulgated its Clean Power Plan 2.0 rules, which seek precisely the same end as the Obama EPA's Clean Power Plan 1.0 rules the Court held unlawful in *West Virginia*.[69]

But the list hardly stops there. The Biden-Harris EPA's Electric Vehicles rules, Particulate Matter 2.5 Air Quality Standard rule, and Waters of the United States rule also attempt the same kind of transformative, economy-wide impacts through regulation under decades-old statutes that the Court struck down in *West Virginia*.[70] So do the Securities and Exchange Commission's and Federal Acquisition Regulation Council's climate disclosure regulations for publicly traded companies and federal contractors.[71] And so, too, does the Federal Trade Commission's rule to ban the use of non-competition clauses in employment contracts across the country.[72] This rule—issued under the aegis of Biden-Harris-appointed FTC Chair Lina Khan, point person under the Biden-Harris Administration's executive order establishing the White House Competition Council—has already been held unlawful by a federal court.[73]

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[66] 597 U.S. at 723.
[67] *Id*. at 724.
[68] *See* 597 U.S. 697 (*passim*).
[69] *Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units*, 80 Fed. Reg. 64662 (Oct. 23, 2015).
[70] *Supra* n.22; *See also supra* n.36*; See also supra* n.37.
[71] *The Enhancement and Standardization of Climate-Related Disclosures for Investors*, 89 Fed. Reg. 21677 (Apr. 12, 2024); *See also Federal Acquistion Regulation: Disclosure of Greenhouse Gas Emissions and Climate-Related Financial Risk*, 87 Fed. Reg. 68312 (Nov. 14, 2022).
[72] *Non-Compete Clause Rule*, 89 Fed. Reg. 38342 (May 7, 2024).
[73] *Ryan LLC, v. Federal Trade Commission,* No. 3:23-cv-00853-E, 2024 WL __ (N.D. Tex. Aug. 23, 2024).

V. Committee Activities on Biden-Harris Regulatory Overreach

Since the start of the 118th Congress, the Committee on Oversight and Accountability has sought to bring transparency and accountability to the Biden-Harris Administration's regulatory overreach. The Committee has investigated both the Administration's overall regulatory activity and numerous specific agency actions for their impacts on the American people and our economy, holding hearings at the full committee or subcommittee level on many of the Biden-Harris Administration's overreaching regulatory actions. These hearings covered a range of topics from EPA's EV Rules to the U.S. Department of Energy' (DOE) Gas Stoves Rule and other appliances rules, to DOE's pause on Liquified Natural Gas (LNG) permits for exports to non-Free-Trade-Agreement countries and politically driven depletion of the Nation's Strategic Petroleum Reserve.[74]

A. Government-Wide Oversight: Hearing on "Death by a Thousand Regulations"

On June 14, 2023, the Committee held a hearing titled, "Death by a Thousand Regulations: The Biden Administration's Campaign to Bury America in Red Tape." At the hearing, expert witnesses shared tangible examples of how the Biden-Harris Administration's regulations have stymied U.S. potential for economic growth and saddled exorbitant costs on the American public. One expert witness, Professor of Economics Casey Mulligan, described how rapidly the Biden-Harris Administration has grown federal regulatory costs and contrasted it with the savings achieved by the prior administration. He testified:

> The Biden Administration has so far been adding regulatory costs at a rate of $617 billion per year of rulemaking, not counting regulatory costs created by statutes and other non-rule regulatory actions. President Trump's approach not only avoided adding costs, but subtracted them. The cost savings from eight years of President Trump's approach compared to President Biden's is up to $80,000 per household.[75]

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[74] *Burning the Midnight Oil: Why Depleting the Strategic Petroleum Reserve is not a Solution to America's Energy Problem, Part 1: Hearing Before H. Comm. on Oversight & Accountability*, 118th Cong. 1 (Mar. 8, 2023); *See also Driving Bad Policy: Examining EPA's Tailpipe Emissions Rules and the Realities of a Rapid Electric Vehicle Transition: Hearing Before H. Comm. on Oversight & Accountability*, 118th Cong. 1 (May 17, 2023); *See also Consumer Choice on the Backburner: Examining the Biden Administration's Regulatory Assault on American Gas Stoves: Hearing Before H. Comm. on Oversight & Accountability*, 118th Cong. 1 (May 24, 2023); *See also Clearing the Air: Examining EPA's Proposed Emissions Standards: Hearing Before H. Comm. on Oversight & Accountability,* 118th Cong. 1 (June 21, 2023); *See also Cancelling Consumer Choice: Examining the Biden Administration's Regulatory Assault on Americans' Home Appliances: Hearing Before H. Comm. on Oversight & Accountability*, 118th Cong. 1 (July 18, 2023); *See also Oversight of the Biden Administration's Pause on Liquified Natural Gas Exports, Hearing Before H. Comm. on Oversight & Accountability*, 118th Cong. 2 (Apr. 18, 2024).

[75] *Death by a Thousand Regulations: The Biden Administration's Campaign to Bury America in Red Tap: Hearing Before the H. Comm. on Oversight and Accountability*, 118th Cong. (June 14, 2023) (statement by Casey Mulligan, Prof. of Economics, Univ. of Chicago).

This witness also went on to describe the regressive impact of increased regulatory burdens and how they function as a "hidden tax" on households based on income level. Professor Mulligan stated:

> The costs to the bottom quintile amount to 15.3 percent of their total income—representing as high a burden as all the taxes they currently pay. This group would experience part of the cost as lower wages, but the biggest bite would come in the form of diminished purchasing power due to higher prices for energy, cars, and other consumer goods. The top quintile, by contrast, would suffer the least from regulatory restoration, with labor, energy, and other consumer rules amounting to only a 2.2 percent implicit tax on the highest earners.[76]

Later in the hearing, another expert witness, Professor Adam White, detailed how under the Trump Administration there were significant strides, not only to reducing regulatory costs, but increasing transparency into the process to help prevent further regulatory overreach. He testified:

> Some of the Trump Administration agencies' and OIRA's most significant modernizations were promoting transparency around the rulemaking process. Sunshine is always the best disinfectant. That is a timeless lesson. But I think it is also a lesson we are relearning now in the aftermath of the Biden-Harris Administration and the agencies pulling down a lot of the curtains that have been raised up by the previous administration.[77]

B. Oversight of Specific Agencies and Agency Actions

1. U.S. Environmental Protection Agency

Hearings on EPA

On July 10, 2024, the Committee held a hearing with EPA Administrator Michael Regan, who has overseen the most sweeping regulations. Under the Biden-Harris Administration, EPA has imposed an estimated $1.3 trillion in new federal regulatory costs, nearly 80 percent of all new regulatory costs.[78] EPA's Light- and Medium-Duty Vehicle Rule alone accounts for an estimated $870 billion in costs, while the remaining $400-plus billion in new costs are

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[76] *Death by a Thousand Regulations: The Biden Administration's Campaign to Bury America in Red Tap: Hearing Before the H. Comm. on Oversight and Accountability*, 118th Cong. (June 14, 2023) (written testimony by Casey Mulligan, Prof. of Economics, Univ. of Chicago).
[77] *Death by a Thousand Regulations: The Biden Administration's Campaign to Bury America in Red Tap: Hearing Before the H. Comm. on Oversight and Accountability*, 118th Cong. (June 14, 2023) (statement by Adam White, Prof. of Economics, Univ. of Chicago).
[78] American Action Forum, *Regulation Rodeo: Explore the Data* (summarizing costs of EPA rules since beginning of 2021, only three of which, imposing only $4 billion in costs, were Trump Admin. rather than Biden Admin. rules), available at https://regrodeo.com/.

substantially equivalent to all new regulatory costs imposed during the Obama Administration.[79] This means that under the Biden-Harris Administration—in less than four years—one agency alone has far exceeded the regulatory burden imposed by the entire federal government during President Obama's eight years in office.[80] Below are some of the most costly regulations promulgated by the Biden-Harris Administration's EPA since January 2021:

- Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles – **$870 billion**;

- Revised 2023 and Later Model Year Light-Duty Vehicle Greenhouse Gas Emissions Standards – **$180 billion**;

- PFAS National Primary Drinking Water Regulation – **$63.4 billion**;

- Control of Air Pollution from New Motor Vehicles: Heavy-Duty Engine and Vehicle Standards – **$39 billion**;

- Greenhouse Gas Emissions Standards for Heavy-Duty Vehicles-Phase 3 – **$23.8 billion**;

- Renewable Fuel Standard (RFS) Program: Standards for 2023-2025 and Other Changes – **$23 billion**;

- Federal "Good Neighbor Plan" for the 2015 Ozone National Ambient Air Quality Standards – **$9.4 billion**;

- Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals from Electric Utilities; Legacy CCR Surface Impoundments – **$9.0 billion**;

- New Source Performance Standards for Greenhouse Gas Emissions from New, Modified, and Reconstructed Fossil Fuel-Fired Generating Units; Emission Guidelines for Greenhouse Gas Emissions from Existing Fossil Fuel-Fired Electric Generating Units, and Repeal of the Affordable Clean Energy Rule – **$7.5 billion**;

- Reconsideration of the National Ambient Air Quality Standards for Particulate Matter – **$3.7 billion**.[81]

The costs identified here are only those estimated by the Biden-Harris Administration itself, making it possible those estimates undercount actual costs.[82] In multiple cases, EPA's estimated costs likely do not include costs attributable to the broad economic disruptions these rules will cause. For example, EPA's Clean Power Plan 2.0 Rule will cause the shuttering of

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[79] *Regulation Rodeo: Explore the Data*, AM. ACTION FORUM, (accessed Sept. 11, 2024), *available at* Regulation Rodeo (regrodeo.com).
[80] *Id.*
[81] *Id.*
[82] *Regulation Rodeo: Explore the Data* and *Regulation Rodeo, Methodology: Frequently Asked Questions*, AM. ACTION FORUM, online at Regulation Rodeo (regrodeo.com) (Reg. Rodeo: FAQs) (last accessed Sept. 11, 2024).

fossil-fuel fired power plants that contribute critical baseload power generation to our electrical grid.[83] The cost of blackouts, brownouts and other impairments that will likely result from the undermining of grid stability will be massive, yet EPA's estimated costs for this rule are only $7.5 billion.[84]

This hearing follows numerous other subcommittee hearings that the Committee has held on these rulemakings. On May 17, 2023, the Subcommittee on Economic Growth, Energy Policy, and Regulatory Affairs invited Joseph Goffman, Principal Deputy Assistant Administrator of the EPA Office of Air and Radiation to testify on two of the proposed tailpipe emissions rules, which he declined. Later, on June 21, 2023, Joseph Goffman was invited—yet again—to testify, which he accepted. During the hearing, he faced pointed questions about the harsh impacts of these rulemakings on consumer prices and auto manufacturers and consumer prices. He had no good answer. In one exchange, Congresswoman Lauren Boebert questioned Mr. Goffman about the proposed tailpipe emissions rules and the prices differences between vehicles:

> **Mrs. Boebert**: "Mr. Goffman, what is the average price of new combustion engine vehicles compared to the average price of a new electric vehicle?"
>
> **Mr. Goffman**: "I do not know the exact dollars. I know that today the EVs may be more expensive…"
>
> **Mrs. Boebert**: "So, the average price of a traditional internal combustion engine was $45,600 while the average price of an electric vehicle was $61,800…how much did the average prices of an electric vehicle increase by last year?"
>
> **Mr. Goffman**: "I do not know…"
>
> **Mrs. Boebert**: "It is 22 percent. From May 2022 to May 2023, it [has] increased 22 percent. So, it is not going down in price with these electric vehicles. We are seeing an increase."[85]

Investigative Request Letters to EPA

- Letter from Chairman Comer to EPA Administrator Regan, February 15, 2023, on the Biden-Harris Administration's HVAC rules and the market uncertainties the rule will create;

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[83] See, e.g., Gabriella Hoffman and Christian Palich, *EPA's Clean Power Plan Prioritizes Net-Zero over Grid Reliability*, REAL CLEAR ENERGY (May 22, 2024), *available at* https://www.realclearenergy.org/articles/2024/05/20/epas_clean_power_plan_rule_prioritizes_net-zero_over_grid_reliability_1032747.html.

[84] *Supra*. at 73.

[85] *Lauren Boebert*, *Rep.*, Questioning of Joseph Goffman, Principal Deputy Assistant Administrator, Office of Air and Radiation, U.S. Environmental Protection Agency, *Testimony Before the Subcomm. on Economic Growth, Energy Policy, and Regulatory Affairs of the H. Comm. on Oversight & Accountability*, 118th Cong. 1 at 12 (Jun. 21, 2023).

- Letter from Chairman Comer and Subcommittee Chairman Fallon to Administrator Regan, February 27, 2023, on the Biden-Harris EPA's environmental justice grant funding;

- Letter from Chairman Comer and Subcommittee Chairman Fallon to Administrator Regan, April 6, 2023, on the EPA's Methane Rule and super-emitter response program;

- Letter from Chairman Comer and Subcommittee Chairman Fallon to Administrator Regan, May 17, 2023, on EPA's refusal to appear for a hearing on EV rules on light-, medium-, heavy-duty vehicles;

- Letter from Chairman Comer and Subcommittee Chairman Fallon to Administrator Regan, June 21, 2023, on the Biden-Harris EPA's New Source Performance Standards emissions rule for "New, Modified, and Reconstructed Fossil Fuel-Fired Electric Generating Units; Existing Fossil Fuel-Fired Electric Generating Units; and the Repeal of the Affordable Clean Energy Rule;" and

- Letter from Chairman Comer and Subcommittee Chairman Fallon to Administrator Regan, November 14, 2023, on the Biden-Harris Administration's "sue and settle practices" to achieve special-interest environmental goals.

2. U.S. Department of Energy

Hearings on DOE

On May 23, 2024, the Committee held a hearing with DOE Secretary Jennifer Granholm. Under the Biden-Harris Administration, DOE has taken approximately 100 actions targeting energy efficiency standards of standard household appliances and equipment.[86] The Biden-Harris DOE has targeted everything from water heaters and refrigerators to gas stoves and light bulbs, among many other common appliances.[87] Examples of the rules either proposed or finalized by the Biden-Harris DOE include:

[86] The White House, Statements and Releases*, Fact Sheet: President Biden's Plan to Respond to Putin's Price Hike at the Pump* (Mar. 31, 2022); The White House, Statement and Releases, *Fact Sheet: Biden-Harris Administration Takes More Than 100 Actions in 2022 to Strengthen Energy Efficiency Standards and Save Families Money* (Dec. 19, 2022).

[87] *See Energy Conservation Program: Energy Conservation Standards for Consumer Water Heaters*, 87 Fed. Reg. 1137 (Mar. 1, 2022) (codified at 10 C.F.R. pt. 430); *see also Energy Conservation Program: Energy Conservation Standards for Consumer Furnaces,* 87 Fed. Reg. 52861 (Aug. 30, 2022) (codified at 10 C.F.R. pt. 430); *See also Energy Conservation Program: Energy Conservation Standards for Refrigerators, Refrigerator-Freezers, and Freezers, Webinar and Availability of the Preliminary Technical Support Document*, 86 Fed. Reg. 57378 (Oct. 15, 2021) (codified at 10 C.F.R. pt. 430); *See also Energy Conservation Program: Energy Conservation Standards for Room Air Conditioners,* 87 Fed. Reg. 20608 (to be codified at 10 C.F.R. pt. 429, 430); *See also Energy Conservation Program: Energy Conservation Standards for Dishwashers*, 88 Fed. Reg. 32514 (May 19, 2023) (codified at 10 C.F.R. 430); *see also* Energy Policy and Conservation Act (P.L. 94-163); *See also* Competitive Enterprise Inst., Ben Lieberman, *Department of Energy is coming after our light bulbs – again* (Apr. 19, 2024).

- **Gas Stoves**: to remove from the market a substantial portion of present models, including those with cast-iron grates and high-input burners.[88]

- **Lightbulbs**: to ban incandescent lightbulbs while increasing the price of Light-Emitting Diode (LED) bulbs by nearly 91 percent.[89]

- **Dishwashers**: to force consumers into inefficient units that require running multiple cycles, or for longer periods of time, to get their dishes clean.[90]

- **Refrigerators**: to remove many present-day refrigerator models from the market.[91]

The Subcommittee on Economic Growth, Energy Policy, and Regulatory Affairs also held two hearings highlighting the impacts that these efficiency standards will have on affordability and consumer choice. In one of these hearings, which featured Dr. Geraldine Richmond, Under Secretary of Science and Innovation at DOE, Congressman Scott Perry pointed out, "according to my figures, 4 percent of current gas stovetops available in the market today meet" the Biden-Harris DOE's onerous new gas stoves rule, "which means 96 percent of them do not."[92] Congressman Perry then drilled down on the obstacles of reconfiguring homes to switch from gas to electric stoves and DOE's lack of consultation with Federal Energy Regulatory Commission (FERC) when promulgating new rules intertwined with grid reliability.[93]

> **Mr. Perry**: "So, does that mean the Department of Energy intends to ignore the impact [on] our Nation's energy security for their own selfish reasoning and intent?"
>
> **Ms. Richmond**: "Well, let me go back to the fact that we do not require anyone to change from gas to electric…"
>
> **Mr. Perry**: "Ma'am, you do not have to require them if they are not available on the market to buy. There is no requirement. You just cannot get it. Thank you very much for limiting our choices."[94]

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[88] *Id.*
[89] *Id.*
[90] *Comments of Competitive Enterprise Institute, AMAC Action, America First Policy Institute, American Consumer Institute, Americans for Prosperity, Caesar Rodney Institute, Center of the American Experiment, Consumers' Research, Energy & Environment Legal Institute, Foundation Supporting Climate Science, Free Enterprise Project, Heartland Institute, Heritage Foundation, Independent Women's Forum, Independent Women's Voice, Institute for Energy Research, John Locke Foundation, Project 21, Rio Grande Foundation, Roughrider Policy Center, Energy Conservation Program: Energy Conservation Standards for Dishwashers*, 88 Fed. Reg. 32514 (May 19, 2023) (codified at 10 C.F.R. pt. 430).
[91] *Whirlpool Comments to the U.S. Department of Energy's Notice of Proposed Rulemaking on Energy Conservation Standards for Refrigerators, Refrigerator-Freezers, and Freezers* (EERE-2017-BT-STD-0003).
[92] *Scott Perry*, *Rep.*, Questioning of Dr. Geraldine Richmond, Under Secretary for Science and Innovation, U.S. Dep't of Energy, *Testimony Before the Subcomm. on Economic Growth, Energy Policy, and Regulatory Affairs of the H. Comm. on Oversight & Accountability*, 118th Cong. 1 at 10 (Jul 18, 2023).
[93] *Id*. at 10, 11.
[94] *Id*. at 11.

Investigative Letters to DOE

- Letter from Chairman Comer and Subcommittee Chairman Fallon to DOE Secretary Granholm, March 22, 2023, on the DOE Inspector General's report on lack of oversight of increased budget funding;

- Letter from Chairman Comer and Subcommittee Chairman Fallon to Secretary Granholm, April 4, 2023, on the Biden-Harris Administration's manipulation and maladministration of the U.S. Strategic Petroleum Reserve;

- Letter from Subcommittee Chairman Fallon to DOE's Associate Principal Deputy Assistant Secretary for the Office of Energy Efficiency and Renewable Energy, Alejandro Moreno, May 10, 2023, on gas stoves and consumer choice;

- Letter from Subcommittee Chairman Fallon and Chairman Comer to DOE Under Secretary Geraldine Richmond, May 24, 2023, on DOE's refusal to appear at a hearing on DOE's gas stoves rule;

- Letter from Chairman Comer and Subcommittee Chairman Fallon to Secretary Granholm, September 26, 2023, on the Secretary's EV road-trip to tout EVs; and

- Letter from Chairman Comer and Subcommittee Chairman Fallon to Secretary Granholm, March 18, 2024, on DOE's action to pause permitting for LNG exports to non-Free-Trade-Agreement countries.

3. Additional Investigative Letters

- Letter from Chairman Comer and Senate Commerce Committee Ranking Member Cruz to Executive Director of Climate Imperative, Bruce Niles, April 26, 2023, on the role of Climate Imperative Foundation in the Biden-Harris DOE's banning of gas stoves;

- Letter from Chairman Comer and Ranking Member Cruz to Dr. Martha L. Tellado, April 26, 2023, on Consumer Reports and its role in DOE's banning of gas stoves; and

- Letter from Chairman Comer and Ranking Member Cruz to Ari Matusiak, April 26, 2023, on Rewiring America and its role in DOE's banning of gas stoves.

VI. Committee Legislative Solutions to Regulatory Overreach

The Biden-Harris Administration's regulatory onslaught has highlighted the need for numerous legislative reforms to rein in federal regulatory overreach. The Committee on Oversight and Accountability has favorably reported numerous bills to do that, including the following:

A. Renewing Efficiency in Government by Budgeting Act (H.R. 7867) (Rep. Fallon (R-TX))

As demonstrated by the Trump Administration under E.O. 13771, requiring agencies to adhere to a set regulatory cost cap leads to significant results in reducing regulatory overreach. The Renewing Efficiency in Government by Budgeting Act, or the REG Budgeting Act, requires the Director of the Office of Management and Budget (OMB) to establish a yearly, government-wide budget for new regulatory costs that can be imposed during a fiscal year.[95] Additionally, the legislation imposes a default net-zero annual cost cap to incentivize rescission of outdated regulations to offset costs of newly imposed regulations.[96] The REG Budgeting Act would help lift excessive federal regulatory burdens from the backs of small businesses and consumers who otherwise would have to foot the bill.

B. Unfunded Mandates Accountability and Transparency Act (UMATA) (H.R. 3230) (Rep. Foxx (R-NC))

A key challenge in constraining regulatory overreach is reining in the number and costs of so-called "major" rules—typically, those resulting in economic impacts of over $100 million or more. The Unfunded Mandates Accountability and Transparency Act (UMATA) requires federal agencies to better and more transparently assess the costs of major rules before proposing or finalizing them, work more closely with the public to identify better alternatives for these rules, and maximize the rules' benefits over their costs.[97]

C. Guidance Out of Darkness (GOOD) Act (H.R. 890) (Rep. Comer (R-KY))

Agency guidance—often not readily transparent to the public—exacerbates the problem caused by regulatory overreach. That is because agencies too often substitute regulatory "guidance" for actual agency rules. Only agency regulations are subject to public notice and comment requirements, and guidance rarely if ever is subject analysis of costs and benefits. The Guidance Out of Darkness Act, or the GOOD Act, would require agency guidance documents to be published online in a central location, providing the public with better ease of access to guidance necessary to ensure they properly comply with applicable regulations.[98]

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[95] REG Budgeting Act, H.R. 7867, 118th Cong. § 2 (2024).
[96] *Id.*
[97] Unfunded Mandates Accountability and Transparency Act, H.R. 3230, 118th Cong. § 2 (2024).
[98] GOOD Act, H.R. 890, 118th Cong. § 1 (2023).

D. Information Quality Assurance Act (IQAA) (H.R. 7219) (Rep. McClain (R-MI))

Another key problem feeding into regulatory overreach is agency reliance on information that is not the best reasonably available. The Information Quality Assurance Act (IQAA) requires government-wide guidelines to assure agencies rely upon the best reasonably available information to support new rules and guidance, ensures that important information agencies rely upon for new rules and guidance is made available to the public, and allows outside parties to challenge and seek corrections to such information.[99]

E. All Economic Regulations are Transparent (ALERT) Act (H.R. 262) (Rep. Good (R-VA))

Regulatory overreach too often blind-sides unsuspecting members of the public, saddling them with new regulatory burdens they didn't know were coming. The All Economic Relations are Transparent Act (or the ALERT Act)[100] requires the publication online of updated monthly information on rules agencies anticipate proposing or finalizing each year. This information must include the objectives, legal bases, potential costs, and expected timing of planned new rules.[101] It generally prohibits promulgation of new rules for which these transparency requirements have not been met for at least six months prior to promulgation. OIRA would then be required to publish information contained in these reports in the Federal Register.[102]

F. Guidance Clarity Act (H.R. 4428) (Rep. Luetkemeyer (R-KY))

When overreaching federal agencies issue guidance documents instead of new regulations, they too often take advantage of the fact that many members of the public do not know the guidance documents are not legally binding. These agencies can then wield these documents unfairly over the members of the public, cudgeling into compliance with non-binding agency preferences. The Guidance Clarity Act prevents this kind of abuse, requiring agencies to include on the first page of each guidance document language stating the guidance does not have the force and effect of law and is only intended to clarify understanding of existing legal requirements and agency policies.[103]

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[99] Information Quality Assurance Act, H.R. 7219, 118th Cong. § 2 (2024).
[100] ALERT Act of 2023, H.R. 262, 118th Cong. § 1 (2023).
[101] *Id.*
[102] *Id.*
[103] Guidance Clarity Act of 2023, H.R. 4428, 118th Cong. § 1 (2023).

VII. Conclusion

The scope and scale of new federal regulation under the Biden-Harris Administration has been nothing short of record-breaking. With over $1.7 trillion in regulatory costs instituted in less than four years, the Biden-Harris Administration has imposed burdens far surpassing those of previous administrations. These actions, if not rescinded or overturned by the courts, threaten long-lasting, adverse economic consequences. The Biden-Harris Administration has disregarded even rebukes from the Supreme Court to implement these transformative changes across entire sectors of the economy.

As economic pressures continue to strain household incomes and bear down on small businesses, Americans cannot afford the bill the country will have to pay for the Biden-Harris Administration's regulatory excess. And these bills extend to impacts on critical, everyday household expenses. EPA's regulations on power plants will force premature closures of baseload power generation, limiting resources available to communities in heatwaves or freezing cold temperatures. Consumers in the market for a new car will have fewer gas-powered vehicles to choose from and may not be able to afford an electric vehicle. Families will be forced to buy dishwashers that not only increase their costs, but also their workload–including from having to run additional cycles on the same dishes. Households across the country will be forced to decide between spending to heat their homes in the winter or buying new expensive lightbulbs to light their rooms. Workers will need to weigh buying groceries against the possibility of being forced into a high-cost new electric vehicle. The cost of new acquisitions coupled with the increased prices due to unnecessary regulations will unduly stress the pocketbooks of consumers and business alike.

Significant regulatory reforms implemented by the Trump Administration prevented regulatory excess during that Administration. Had it not intentionally scrapped these reforms at the outset of its own term in office, the Biden-Harris Administration might have been held in check. As noted at the onset, the Administration's radical, left-wing agenda imposes astronomical costs on both businesses and consumers, and stymies U.S. economic potential at a time when it is needed most. The current and succeeding Congresses, and the succeeding administration, should pursue the reinstitution of these and other reforms discussed above to ensure the Nation never again confronts a regulatory onslaught like that unleashed by this Administration.