1. Niv Elis, "Conservatives Left Frustrated as Congress Passes Big Spending Bills," *The Hill*, September 19, 2018, https://thehill.com/homenews/house/407320-conservatives-left -frustrated-as-congress-passes-big-spending-bills.

2. Ben Holland and Jeanna Smialek, "Skyrocketing Deficit? So What, Says New Washington Consensus," *Bloomberg*, October 1, 2018, https://www.bloomberg.com/news/articles /2018-09-30/skyrocketing-deficit-so-what-says-new-washington -consensus. Victoria Guida, "Ocasio-Cortez Boosts Progressive Theory That Deficits Aren't So Scary," *Politico*, February 6, 2019, https://www.politico.com/story/2019/02/06/alexandria -ocasio-cortez-budget-1143084. Jeff Cox, "Powell Says Economic Theory of Unlimited Borrowing Supported by Ocasio-Cortez Is Just 'Wrong,'" CNBC, February 26, 2019, https://www.cnbc.com/2019/02/26/fed-chief-says-economic -theory-of-unlimited-borrowing-supported-by-ocasio-cortez-is -just-wrong.html.

3. Nelson D. Schwartz, "As Debt Rises, the Government Will Soon Spend More on Interest than on the Military," CNBC, February 26, 2019, https://www.cnbc.com/2018/09/26/as-debtrises-the-government-will-soon-spend-more-on-interest-than-onthe-military.html.

4. Congressional Budget Office, *The Budget and Economic Outlook: 2021 to 2031*, Table 1-1, "CBO's Baseline Budget Projections, by Category," February 2021, p. 2, https://www.cbo.gov/system/files/2021-02/56970-Outlook.pdf.

5. U.S. Department of the Treasury, Bureau of the Fiscal Service, "The Debt to the Penny and Who Holds It," accessed February 16, 2021, https://www.treasurydirect.gov/govt/reports/pd/pd_debttothepenny.htm.

6. Consider President Jimmy Carter's *Economic Report of the President* in 1980: "As more goals are pursued through rules and regulations mandating private outlays rather than through direct government expenditures, the Federal budget is an increasingly inadequate measure of the resources directed by government toward social ends." Council of Economic Advisers, *Economic Report of the President*, Executive Office of the President, January 1980, p. 125, https://fraser.stlouisfed.org/files/docs/publications /ERP/1980/ERP_1980.pdf.

7. For a survey of corporate tax incidence estimates, see Jennifer C. Gravelle, "Corporate Tax Incidence: A Review of Empirical Estimates and Analysis," Congressional Budget Office Working Paper No. 2011-01, June 2011, http://www.cbo.gov /sites/default/files/cbofiles/ftpdocs/122xx/doc12239/06-14-2011 -corporatetaxincidence.pdf.

8. Jacob Pramuk, "Trump Tells Business Leaders He Wants to Cut Regulations by 75% or 'Maybe More," CNBC, January 23, 2017, http://www.cnbc.com/2017/01/23/trump-tells-business -leaders-he-wants-to-cut-regulations-by-75-percent-or-maybe -more.html. This memorandum took the additional step of incorporating agency guidance documents. Memorandum for the Heads of Executive Departments and Agencies from Reince Priebus, Assistant to the President and Chief of Staff, "Regulatory Freeze Pending Review," January 20, 2017, https://public -inspection.federalregister.gov/2017-01766.pdf?1485198025.

9. For example, the first action of the incoming Obama administration in 2009 was likewise a Memorandum for the Heads of Executive Departments and Agencies, from then-Chief of Staff Rahm Emanuel, on "Regulatory Review," https://obamawhitehouse.archives.gov/sites/default/files/omb /assets/information_and_regulatory_affairs/regulatory_ review_012009.pdf.

10. White House, "Fact Sheet: List of Agency Actions for Review," January 21, 2021, https://www.whitehouse.gov/briefing -room/statements-releases/2021/01/20/fact-sheet-list-of-agency -actions-for-review/. Memorandum for the Heads of Executive Departments and Agencies from Ronald A. Klain, Assistant to the President and Chief of Staff, "Regulatory Freeze Pending Review," January 20, 2021, https://www.whitehouse.gov/briefing -room/presidential-actions/2021/01/20/regulatory-freeze -pending-review/.

11. Kelsey Brugger, "White House Clears Flurry of Regs in Last-Minute Push," E&E News, December 21, 2020, https://www.eenews.net/stories/1063721229.

12. Bryan Riley, "The Right Import Tax Is Zero: President Trump Should Reject New Rules on Steel and Aluminum Imports," *U.S. News and World Report*, March 1, 2018, https://www.usnews.com/opinion/economic-intelligence/articles /2018-03-01/donald-trump-should-reject-import-taxes-on-steel -and-aluminum.

13. White House, Council of Economic Advisers, "Deregulating Health Insurance Markets: Value to Market Participants," February 2019, https://trumpwhitehouse.archives.gov/wp -content/uploads/2019/02/Deregulating-Health-Insurance -Markets-FINAL.pdf.

14. Regulations with cost estimates presented by OMB have made up less than 1 percent of the annual flow of rules over 3,000 over the past decade, based on data compiled from annual editions of the White House Office of Information and Regulatory Affairs' *Report to Congress on the Benefits and Costs of Federal Regulations and Unfunded Mandates on State, Local, and Tribal Entities,* https://www.whitehouse.gov/omb/information -regulatory-affairs/reports/#ORC. Clyde Wayne Crews Jr., "Boosting Regulatory Transparency: Comments of the Competitive Enterprise Institute on the Office of Management and Budget's 2013 Draft Report to Congress on the Benefits and Costs of Federal Regulations and Agency Compliance with the Unfunded *Mandates Reform Act,*" Competitive Enterprise Institute, Washington, DC, July 31, 2013, p. 9, https://obamawhitehouse .archives.gov/sites/default/files/omb/inforeg/2013_cb/comments /comments_of_wayne_crews_competitive_enterprise_institute _on_2013_draft_report_to_congress_on_the_benefits_and _costs_of_federal_regulation.pdf. Crews, "Federal Regulation: The Costs of Benefits," *Forbes*, January 7, 2013, http://www.forbes.com/sites/waynecrews/2013/01/07/federal -regulation-the-costs-of-benefits/.

15. White House, "Modernizing Regulatory Review," January 20, 2021, https://www.whitehouse.gov/briefing-room /presidential-actions/2021/01/20/modernizing-regulatory -review/. Clyde Wayne Crews Jr., "A Look at "Modernizing Regulatory Review," *OpenMarket*, Competitive Enterprise Institute, January 21, 2021, https://cei.org/blog/a-look-at-modernizing -regulatory-review/. Mick Mulvaney and Joe Grogan, "Biden Gives Regulators a Free and Heavy Hand," *Wall Street Journal*, January 26, 2021, https://www.wsj.com/articles/biden-gives -regulators-a-free-and-heavy-hand-11611703468.

16. "Ibid. "Measuring the Impact of Regulation: The Rule of More," *The Economist*, February 18, 2012, http://www.economist.com/node/21547772.

17. David S. Schoenbrod, *Power without Responsibility: How Congress Abuses the People through Delegation* (New Haven, CT: Yale University Press, 1993).

18. The regulatory report card has long been proposed in *Ten Thousand Commandments* and was also featured in Clyde Wayne Crews Jr., "The Other National Debt Crisis: How and Why Congress Must Quantify Federal Regulation," *Issue Analysis* 2011 No. 4, Competitive Enterprise Institute, October 2011, http://cei.org/issue-analysis/other-national-debt-crisis. Recommended reporting proposals appeared in the Achieving Less Excess in Regulation and Requiring Transparency (ALERRT) Act (H.R.2804, 113th Congress), https://beta.congress.gov/bill/113th-congress/house-bill/2804. They had first appeared in Sen. Olympia Snowe's (R-MA) Restoring Tax and Regulatory Certainty to Small Businesses (RESTART) Act (S. 3572, 112th Congress), https://www.govtrack.us/congress/bills/112/s3572/text. Section 213 detailed this proposed "regulatory transparency reporting," which includes reporting on major rule costs in tiers.

19. White House, Office of the Press Secretary, "Presidential Memorandum Streamlining Permitting and Reducing Regulatory Burdens for Domestic Manufacturing," news release, January 24, 2017, http://i2.cdn.turner.com/cnn/2017/images/01/28/presidential.memorandum.streamlining.permitting.and .reducing.regulatory.burdens.for.domestic.manufacturing.pdf.

20. Executive Order 13766 of January 24, 2017, "Expediting Environmental Reviews and Approvals for High Priority Infrastructure Projects," *Federal Register*, Vol. 82, No. 18, (January 30, 2017), pp. 8657–8658,

https://www.gpo.gov/fdsys/pkg/FR-2017-01-30/pdf/2017-02029.pdf.

21. Executive Order 13771 of January 30 2017, "Reducing Regulation and Controlling Regulatory Costs," *Federal Register*,

Vol. 82, No. 22 (February 3, 2017), pp. 9339–9341, https://www.gpo.gov/fdsys/pkg/FR-2017-02-03/pdf/2017-02451.pdf.

22. Executive Order 13772 of February 8, 2017, "Core Principles for Regulating the United States Financial System," *Federal Register*, Vol. 82, no. 25 (February 8, 2017), pp. 9965–9966, https://www.gpo.gov/fdsys/pkg/FR-2017-02-08/pdf/2017-02762.pdf.

23. Executive Order 13777 of February 24, 2017, "Enforcing the Regulatory Reform Agenda," *Federal Register*, Vol. 82, No. 39 (March 1, 2017), pp. 12285–12287, https://www.gpo.gov/fdsys/pkg/FR-2017-03-01/pdf/2017-04107.pdf.

24. Executive Order 13781 of March 13, 2017, "Comprehensive Plan for Reorganizing the Executive Branch," *Federal Register*, Vol. 82, No. 50 (March 16, 2017), pp. 13959–13960, https://www.govinfo.gov/content/pkg/FR-2017-03-16/pdf/2017-05399.pdf.

25. Executive Order 13789, "Identifying and Reducing Tax Regulatory Burdens," *Federal Register*, Vol. 82, No. 79 (April 21, 2017), pp. 19317–19318, https://www.gpo.gov/fdsys/pkg/FR -2017-04-26/pdf/2017-08586.pdf.

26. Executive Order 13790 of April 25, 2017, "Promoting Agriculture and Rural Prosperity in America," *Federal Register*, Vol. 82, No. 81 (April 28, 2017), pp. 20237–20239, https://www.gpo.gov/fdsys/pkg/FR-2017-04-28/pdf/2017-08818.pdf.

27. Executive Order 13792 of April 26, 2017, "Review of Designations under the Antiquities Act, *Federal Register*," Vol. 82, No. 82 (May 1, 2017), pp. 20429–20431, https://www.gpo.gov/fdsys/pkg/FR-2017-05-01/pdf/2017-08908.pdf.

28. Executive Order 13791 of April 26, 2017, "Enforcing Statutory Prohibitions on Federal Control of Education," *Federal Register*, Vol. 82, No. 82 (May 1, 2017), pp. 20427–20428, https://www.gpo.gov/fdsys/pkg/FR-2017-05-01/pdf/2017 -08905.pdf.

29. Executive Order 13795 of April 28, 2017, "Implementing an America-First Offshore Energy Strategy," *Federal Register*, Vol. 82, No. 84 (May 3, 2017), pp. 20815–20818, https://www .govinfo.gov/content/pkg/FR-2017-05-03/pdf/2017-09087.pdf.

30. Executive Order 13807 of August 15, 2017, "Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects," *Federal Register*, Vol. 82, No. 163 (August 24, 2017), pp. 40463–40469, https://www.gpo.gov/fdsys/pkg/FR-2017-08-24/pdf/2017-18134.pdf.

31. Executive Order 13813 of October 12, 2017, "Promoting Healthcare Choice and Competition across the United States," *Federal Register*, Vol. 82, No. 199 (October 17, 2017), pp. 48385–48387, https://www.gpo.gov/fdsys/pkg/FR-2017-10-17 /pdf/2017-22677.pdf.

32. Presidential memorandum of January 8, 2018, "Memorandum for the Secretary of the Interior: Supporting Broadband Tower Facilities in Rural America on Federal Properties Managed by the Department of the Interior," *Federal Register*, Vol. 83, No. 9 (January 12, 2018), pp. 1511–1512, https://www.gpo.gov/fdsys/pkg/FR-2018-01-12/pdf/2018-00628.pdf.

33. Executive Order 13821 of January 8, 2018, "Streamlining and Expediting Requests to Locate Broadband Facilities in Rural America," *Federal Register*, Vol. 83, No. 8 (January 8, 2018), pp. 1507–1509, https://www.gpo.gov/fdsys/pkg/FR-2018-01-11 /pdf/2018-00553.pdf.

34. Presidential memorandum of April 12, 2018, "Memorandum for the Administrator of the Environmental Protection Agency: Promoting Domestic Manufacturing and Job Creation—Policies and Procedures Relating to Implementation of Air Quality Standards," *Federal Register*, Vol. 83, No. 73 (April 16, 2018), pp. 16761–16765, https://www.govinfo.gov/content /pkg/FR-2018-04-16/pdf/2018-08094.pdf.

35. Executive Order 13847 of August 31, 2018, "Strengthening Retirement Security in America," *Federal Register*, Vol. 83, No. 173 (September 6, 2018), pp. 45321–45323, https://www .govinfo.gov/content/pkg/FR-2018-09-06/pdf/2018-19514.pdf.

36. Presidential memorandum of October 19, 2018, "Memorandum for the Secretary of the Interior, the Secretary of Commerce, the Secretary of Energy, the Secretary of the Army, and the Chair of the Council on Environmental Quality: Promoting the Reliable Supply and Delivery of Water in the West," *Federal Register*, Vol. 83, No. 207 (October 25, 2018), pp. 53961– 53963, https://www.govinfo.gov/content/pkg/FR-2018-10-25 /pdf/2018-23519.pdf.

37. Presidential memorandum of October 30, 2018, "Memorandum for the Heads of Executive Departments and Agencies: Developing a Sustainable Spectrum Strategy for America's Future," *Federal Register*, Vol. 83, No. 210 (October 30, 2018), pp. 54513–54516, https://www.govinfo.gov/content/pkg/FR-2018 -10-30/pdf/2018-23839.pdf.

38. Executive Order 13855 of December 21, 2018, "Promoting Active Management of America's Forests, Rangelands, and Other Federal Lands to Improve Conditions and Reduce Wildfire Risk," *Federal Register*, Vol. 84, No. 4 (January 7, 2019), pp. 45–48, https://www.govinfo.gov/content/pkg/FR-2019-01-07 /pdf/2019-00014.pdf.

39. Executive Order 13891 of October 9, 2018, "Promoting the Rule of Law through Improved Agency Guidance Documents," *Federal Register*, Vol. 84, No. 199 (October 15, 2019), pp. 55235–55238, https://www.govinfo.gov/content/pkg/FR -2019-10-15/pdf/2019-22623.pdf.

40. Executive Order 13892 of October 9, 2019, "Promoting the Rule of Law through Transparency and Fairness in Civil Administrative Enforcement and Adjudication," *Federal Register*, Vol. 84, No. 199 (October 15, 2019), pp. 55239–55243, https://www.govinfo.gov/content/pkg/FR-2019-10-15/pdf /2019-22624.pdf. 41. Executive Order 13879 of July 10, 2019, "Advancing American Kidney Health," *Federal Register*, Vol. 84, No. 135 (July 15, 2019), pp. 33817–33819, https://www.govinfo.gov/content /pkg/FR-2019-07-15/pdf/2019-15159.pdf. Robert Gebelhoff, "The Trump Administration Is Actually Doing Something Great on Health Care," *Washington Post*, July 10, 2019, https://www .washingtonpost.com/opinions/2019/07/10/trump -administration-is-actually-doing-something-great-health-care/.

42. Executive Order 13878 of June 25, 2019, "Establishing a White House Council on Eliminating Regulatory Barriers to Affordable Housing," *Federal Register*, Vol. 84, No. 125 (June 28, 2019), pp. 30853–30856, https://www.govinfo.gov/content /pkg/FR-2019-06-28/pdf/2019-14016.pdf.

43. Executive Order 13874 of June 11, 2019, "Modernizing the Regulatory Framework for Agricultural Biotechnology Products," *Federal Register*, Vol. 84, No. 115 (June 14, 2019), pp. 27899–27902, https://www.govinfo.gov/content/pkg/FR-2019 -06-14/pdf/2019-12802.pdf.

44. Executive Order 13868 of April 10, 2019, "Promoting Energy Infrastructure and Economic Growth," *Federal Register*, Vol. 84, No. 72 (April 15, 2019), pp. 15495–15499, https://www.govinfo.gov/content/pkg/FR-2019-04-15/pdf /2019-07656.pdf.

45. Executive Order 13969 of December 28, 2020, "Expanding Educational Opportunity through School Choice," *Federal Register*, Vol. 86, No. 1 (January 4, 2021), pp. 219–221, https://www.govinfo.gov/content/pkg/FR-2021-01-04/pdf/2020 -29235.pdf.

46. "Outer space is a legally and physically unique domain of human activity, and the United States does not view it as a global commons." Executive Order 13914 of April 6, 2020, "Encouraging International Support for the Recovery and Use of Space Resources, *Federal Register*, Vol. 85, No. 70 (April 10, 2020), pp. 20381–20382, https://www.govinfo.gov/content/pkg/FR-2020 -04-10/pdf/2020-07800.pdf.

47. Executive Order 13924 of May 19, 2020, "Regulatory Relief to Support Economic Recovery," *Federal Register*, Vol. 85, No. 100 (May 22, 2020), pp. 31353–31356, https://www .govinfo.gov/content/pkg/FR-2020-05-22/pdf/2020-11301.pdf.

48. Executive Order 13927 of June 4, 2020, "Accelerating the Nation's Economic Recovery from the COVID-19 Emergency by Expediting Infrastructure Investments and Other Activities," *Federal Register*, Vol. 85, No. 111 (June 9, 2020), pp. 35165–35170, https://www.govinfo.gov/content/pkg/FR-2020-06-09 /pdf/2020-12584.pdf.

49. Executive Order 13950 of September 22, 2020, "Combating Race and Sex Stereotyping," *Federal Register*, Vol. 85, No. 188 (September 28, 2020), pp. 60683–60689, https://www .govinfo.gov/content/pkg/FR-2020-09-28/pdf/2020-21534.pdf.

50. Executive Order 13956 of October 13, 2020, "Modernizing America's Water Resource Management and Water Infrastructure," *Federal Register*, Vonl. 85, o. 201 (October 16, 2020), pp. 65647–65650, https://www.govinfo.gov/content/pkg/FR -2020-10-16/pdf/2020-23116.pdf.

51. Executive Order 13957 of October 21, 2020, "Creating Schedule F in the Excepted Service," Federal Register, Vol. 85, No. 207 (October 26, 2020), pp. 67631-67635, https://www.govinfo .gov/content/pkg/FR-2020-10-26/pdf/2020-23780.pdf. The controversial order, since terminated by Joe Biden, makes it easier to terminate civil service employees. Fred Lucas, "Trump Executive Order Aims to Rein in Bureaucracy's Role in Policymaking," Daily Signal, October 21, 2020, https://www.dailysignal .com/2020/10/21/exclusive-trump-executive-order-aims-to-rein -in-bureaucracys-role-in-policymaking/. For opposing viewpoints, see Joint Statement on Proposed Staff Reclassifications in the Office of Management and Budget, Senior Executives Association, January 4, 2021, https://seniorexecs.org/news/542414 /Joint-Statement-on-Proposed-Staff-Reclassifications-in-the -Office-of-Management-and-Budget.htm; Andrew Ackerman, "Trump Issues Executive Order Making Some Civil Servants Easier to Hire and Fire," Wall Street Journal, October 22, 2020, https://www.wsj.com/articles/trump-issues-executive-order -making-some-civil-servants-easier-to-hire-and-fire-11603410855; and Susan E. Dudley and Sally Katzen, "Trump Takes a Parting Swipe at the Executive Branch," Wall Street Journal, December 9, 2020, https://www.wsj.com/articles/trump-takes-a-parting-swipe -at-the-executive-branch-11607555895?mod=article inline.

52. Executive Order 13979 of January 18, 2021, "Ensuring Democratic Accountability in Agency Rulemaking," Vol. 86, No. 13 (January 22, 2021), pp. 6813–6815, https://www.govinfo.gov/content/pkg/FR-2021-01-22/pdf/2021-01644.pdf. Todd Gaziano and Angela C. Erickson, "Who Gets to Make the Rules? Washington May Finally Get It Right," *Wall Street Journal*, January 24, 2021, https://www.wsj.com/articles/who-gets-to-make -the-rules-washington-may-finally-get-it-right-11611526655.

53. Executive Order 13980 of January 18, 2021, "Protecting Americans from Overcriminalization through Regulatory Reform," *Federal Register*, Vol. 86, No. 13 (January 22, 2021), pp. 6817–6820, https://www.govinfo.gov/content/pkg/FR-2021-01-22/pdf/2021-01645.pdf.

54. Memorandum for Regulatory Policy Officers at Executive Departments and Agencies and Managing and Executive Directors of Certain Agencies and Commissions from Dominic J. Mancini, Acting Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, "Guidance Implementing Executive Order 13771, Titled 'Reducing Regulation and Controlling Regulatory Costs,'" April 5, 2017, https://www.whitehouse.gov/sites/whitehouse.gov/files/omb /memoranda/2017/M-17-21-OMB.pdf.

55. Biden's executive orders and those of previous presidents may be tracked at the National Archives website, https://www .federalregister.gov/presidential-documents/executive-orders /joe-biden/2021. 56. White House, "Modernizing Regulatory Review." Crews, "A Look at "Modernizing Regulatory Review." Mulvaney and Grogan, "Biden Gives Regulators a Free and Heavy Hand."

57. "Obama on Executive Actions: 'I've Got a Pen and I've Got a Phone,'" CBS DC, January 14, 2014, http://washington .cbslocal.com/2014/01/14/obama-on-executive-actions-ive-got -a-pen-and-ive-got-a-phone/.

58. Victor Davis Hanson, "President Nobama," *National Review*, January 16, 2018, http://www.nationalreview.com/article/455453/president-trump-undoes-obama-legacy-commonsense-nobama.

59. Clyde Wayne Crews Jr., "America's 'Unconstitutional Slop' Predates Trump's Executive Actions on Pandemic Economic Relief," *OpenMarket*, Competitive Enterprise Institute, August 11, 2020, https://cei.org/blog/americas-unconstitutional -slop-predates-trumps-executive-actions-on-pandemic-economic -relief/.

60. White House, *Delivering Government Solutions in the 21st Century: Reform Plan and Reorganization Recommendations*, June 2018, https://www.whitehouse.gov/wp-content/uploads /2018/06/Government-Reform-and-Reorg-Plan.pdf. Clyde Wayne Crews Jr., "Trump's Executive Branch Restructuring: What If the Federal Government Is Beyond Streamlining?" *Forbes*, June 25, 2018, https://www.forbes.com/sites/waynecrews /2018/06/25/trumps-executive-branch-restructuring-what-if-the -federal-government-is-beyond-streamlining?sh=7fa6163052f7.

61. *Public Citizen v. Trump*, No. 1:17-cv-00253 (D.D.C. filed April 21, 2017), https://law.justia.com/cases/federal/district -courts/district-of-columbia/dcdce/1:2017cv00253/184329/85/. This particular challenge was initially rejected on the grounds of the group's lack of standing. "Breaking the Law: Many Trump Regulatory Rollbacks and Delays Are Unlawful," Center for Progressive Reform, January 30, 2018, http://www.progressivereform .org/CPRBlog.cfm?idBlog=A7CF1677-A352-5BB7-E0B44D50 EF790B2B.

62. The following citations are representative and worth bookmarking for this particular Trump "bookend" edition of this report: Michael Hilzik, "Trump Cabinet Sabotages Its Own Policies through Laziness, Incompetence or Both," Los Angeles Times, July 5, 2019, https://www.latimes.com/business/hiltzik /la-fi-hiltzik-trump-arbitrary-20190705-story.html. "Roundup: Trump-Era Deregulation in the Courts," Institute for Policy Integrity, New York University School of Law, accessed March 11, 2019, https://policyintegrity.org/deregulation-roundup. Connor Raso, "Trump's Deregulatory Efforts Keep Losing in Courtand the Losses Could Make It Harder for Future Administrations to Deregulate," Brookings Institution Series on Regulatory Process and Perspective, October 25, 2018, https://www .brookings.edu/research/trumps-deregulatory-efforts-keep-losing -in-court-and-the-losses-could-make-it-harder-for-future -administrations-to-deregulate/. Tucker Higgins, "The Trump Administration Has Lost More than 90 Percent of Its Court Battles over Deregulation," CNBC, January 24, 2019, https://www .cnbc.com/2019/01/24/trump-has-lost-more-than-90-percent -of-deregulation-court-battles.html. Lee Epstein and Eric Posner, "Trump Has the Worst Record at the Supreme Court of Any Modern President," Washington Post, July 20, 2020, https://www .washingtonpost.com/outlook/2020/07/20/trump-has-worst -record-supreme-court-any-modern-president/. Kevin Freking and Ellen Knickmeyer, "Trump Talks Up His Rule-Cutting, but Courts Saying Otherwise," Associated Press, July 25, 2020, https://apnews.com/article/ap-top-news-government-regulations -politics-latin-america-environment-5eb5095c22f1f2796c4b78e f9ce8fc1a. Ruth Marcus, "Trump Detests Losers but He's the Courtroom Loser in Chief," Washington Post, September 12, 2020, https://www.washingtonpost.com/opinions/trump -detests-losers-but-hes-the-courtroom-loser-in-chief/2020/09/12 /f28f5036-f457-11ea-999c-67ff7bf6a9d2 story.html. Ellen M. Gilmer, "Trump Environmental Record Marked by Big Losses, Undecided Cases," Bloomberg Law, January 11, 2021, https:// news.bloomberglaw.com/us-law-week/trump-environmental -record-marked-by-big-losses-undecided-cases. The Brookings Institution maintains a "deregulatory tracker" that "helps you monitor a selection of delayed, repealed, and new rules, notable guidance and policy revocations, and important court battles across eight major categories, including environmental, health, labor, and more." It was launched in October 2017, so there was not a corresponding regulatory, as opposed to deregulatory, growth tracker under Obama. "Tracking Deregulation in the Trump Era," Brookings Institution, February 1, 2020, https:// www.brookings.edu/interactives/brookings-deregulatory -tracker/. Harvard maintains a regulatory rollback tracker too for the environmental subset, but did not showcase an additive tracker in like manner under prior administrations. Environmental Rollback Tracker, Harvard University Environmental and Energy Law Program,

https://eelp.law.harvard.edu/regulatory-rollback-tracker/.

63. Jonathan H. Adler, "Hostile Environment," *National Review*, September 27, 2018, https://www.nationalreview.com/magazine/2018/10/15/hostile-environment/.

64. "Federal Judge Blocks Trump Administration's Easing of Rule on Methane Emissions," Reuters, July 16, 2020, https://www.reuters.com/article/us-usa-methane-judge/federal -judge-blocks-trump-administrations-easing-of-rule-on-methane -emissions-idUSKCN24H1YG. Alan Krupnick, "The Trump Administration's Regulatory Repeal Agenda Faces Another Setback. How Did the Court Do on Its Economics?" *Resources*, Resources for the Future July 24, 2020, https://www.resourcesmag .org/common-resources/the-trump-administrations-regulatory -repeal-agenda-faces-another-setback-how-did-the-court-do-on -its-economics/.

65. Dan Bosch and Bernard Zamaninia, "Estimating the Economic Value of Trump Administration Rules Blocked by Legal Action," *Insight*, American Action Forum, October 7, 2020, https://www.americanactionforum.org/insight/estimating-the

-economic-value-of-trump-administration-rules-blocked-by -legal-action/.

66. Margot Sanger-Katz, "For Trump Administration, It Has Been Hard to Follow the Rules on Rules," *New York Times*, January 22, 2019, https://www.nytimes.com/2019/01/22/upshot /for-trump-administration-it-has-been-hard-to-follow-the-rules -on-rules.html.

67. 5 U.S. Code §553,

https://www.law.cornell.edu/uscode/text/5/553.

68. "The U.S. Supreme Court has held [in Motor Vehicle Manufacturers Association v. State Farm Insurance, 463 U.S. 29 (1983)] that an agency must use the same process it uses to issue a rule when it rescinds or amends a rule, and that courts are required to apply the same tests when they review a decision to rescind or amend a rule that they apply when they review an entirely new rule. Thus it is that, for agencies in the Trump administration to implement President Donald J. Trump's deregulatory agenda, they must use notice-and-comment to rescind or amend any rule that was finalized and went into effect before President Trump took office, assuming the rule was issued through use of the notice-and-comment process in the first place." Richard J. Pierce Jr., "Republicans Discover the Mythical Basis for Regulatory Reform," Regulatory Review, January 30, 2018, https://www.theregreview.org/2018/01/30/pierce-republicans -mythical-basis-regulatory-reform/.

69. Philip Hamburger, "Gorsuch's Collision Course with the Administrative State," *New York Times*, March 20, 2017, https://www.nytimes.com/2017/03/20/opinion/gorsuchs-collision -course-with-the-administrative-state.html. Iain Murray, "Counterpoint: Chevron Case Creates Imbalance," *Compliance Week*, July 20, 2018, https://cei.org/content/counterpoint-chevron -case-creates-imbalance.

70. Clyde Wayne Crews Jr., "Rule of Flaw and the Costs of Coercion: Charting Undisclosed Burdens of the Administrative State," *Forbes*, January 29, 2019, https://www.forbes.com/sites /waynecrews/2019/01/29/rule-of-flaw-and-the-costs-of-coercion -charting-undisclosed-burdens-of-the-administrative-state/.

71. Executive Order 13771 of January 30, 2017, "Reducing Regulation and Controlling Regulatory Costs," *Federal Register*, Vol. 82, No. 22 (February 3, 2017), pp. 9339–9341, https://www.gpo.gov/fdsys/pkg/FR-2017-02-03/pdf/2017-02451.pdf.

72. James L. Gattuso, "Trump's Red Tape Rollback," Heritage Foundation, December 12, 2017, https://www.heritage.org /government-regulation/commentary/trumps-red-tape-rollback. Note: James Gattuso was a friend of many of us at CEI, as well as a former colleague of mine, not just at CEI but back when I first started the *Ten Thousand Commandments* report at the former Citizens for a Sound Economy in the early 1990s. James used to joke that when he arrived at CSE from the Federal Communications Commission in those pre-Internet days he found me licking envelopes to send the report out. When he joined me several years later at CEI, he found me doing the same thing. He even used to edit *Ten Thousand Commandments*. We lost James in 2020, and miss our work with him that continued throughout his career at the Heritage Foundation. CEI President Kent Lassman penned this tribute to James in July 2020, "A Fond Farewell to a Dear Friend," *OpenMarket*, Competitive Enterprise Institute, July 30, 2020,

https://cei.org/blog/a-fond-farewell-to-a-dear-friend/.

73. News briefing by Principal Deputy Press Secretary Sarah Huckabee Sanders and OMB Director Mick Mulvaney, July 20, 2017, https://www.c-span.org/video/?431602-1/white-house -president-confidence-attorney-general-audio-only.

74. Department of Defense (Army Corps of Engineers) and Environmental Protection Agency, Definition of "Waters of the United States"—Recodification of Pre-Existing Rules, *Federal Register*, Vol. 84, No. 204 (October 22, 2019, pp. 56626–56671, https://www.govinfo.gov/content/pkg/FR-2019-10-22/pdf /2019-20550.pdf.

75. Niina H. Farah, "Clean Power Plan Legal War Is Over— Sort Of," E&E News, September 18, 2019, https://www.eenews .net/energywire/2019/09/18/stories/1061131965.

76. "A Rule for Cleaner Dishes," *Wall Street Journal*, October 27, 2020, https://www.wsj.com/articles/a-rule-for-cleaner-dishes -11603840253.

77. "Sacrificing Public Protections on the Altar of Deregulation: A Close Look at the Rulemakings Halted by the Administration on the Spring 2017 Unified Agenda of Regulatory and Deregulatory Actions," Public Citizen, November 28, 2017, https://slidelegend.com/sacrificing-public-protections-on-the -altar-of-public-citizen_5b4b55d9097c47b2198b45b1.html.

78. Jennifer Rubin, "The President and the Deregulation Myth," *Washington Post*, January 31, 2018, https://www.washingtonpost.com/blogs/right-turn/wp/2018/01/31/the-president-and-the-deregulation-myth/?utm_term=.fd70e feb2c09.

79. Alan Levin and Ari Natter, "Trump Stretches Meaning of Deregulation in Touting Achievements," *Bloomberg*, December 29, 2017, https://www.bloomberg.com/news/articles/2017 -12-29/trump-stretches-meaning-of-deregulation-in-touting -achievements.

80. Paul Waldman, "'Deregulation' Is a Lie," *Washington Post*, November 12, 2019, https://www.washingtonpost.com/opinions /2019/11/12/deregulation-is-lie/.

81. Philip Wallach, "On Deregulation, Trump Has Achieved Little," *National Review*, December 19, 2019, https://www .nationalreview.com/magazine/2019/12/31/deregulatory -disappointment/?fbclid=IwAR3RYIGQYAgHfvMt9Q57O3L9 Jtvv3KMku23w6m1kbKLPdbQ5OmsRxtZXQsQ. Justin Fox, "About That Big Regulatory Rollback ...," *Bloomberg Opinion*, February 28, 2019, https://www.bloomberg.com/opinion /articles/2019-02-28/trump-s-big-regulatory-rollback-isn-t-really -so-big. 82. Dan Goldbeck, "An Update on Trump Midnight Regulations as the Biden 'Day' Breaks," *Insight*, American Action Forum, January 22, 2021, https://www.americanactionforum.org /insight/an-update-on-trump-midnight-regulations-as-the-biden -day-breaks/. Suzy Khimm, "How the Trump Administration's 'Midnight Rule-Making' Could Leave a Big Mark on Government," NBC News, November 15, 2020, https://www.nbcnews .com/politics/white-house/how-trump-administration-s -midnight-rule-making-could-leave-big-n1247773.

83. For media treatment of Trump's "blitz," "flurry," "stampede," and "race," see: Jennifer A. Dlouhy, "Trump Rulemaking Blitz Cuts Waiting Period to Restrict Biden," Bloomberg, January 13, 2021, https://www.bloomberg.com/news/articles/2021 -01-13/trump-rulemaking-flurry-skips-waiting-period-to -hamstring-biden. Nancy Cook and Gabby Orr, "Trump Aides Privately Plot a Flurry of Moves in Their Final 10 Weeks," Politico, November 12, 2020, https://www.politico.com/news/2020 /11/12/trump-lame-duck-concession-436146. Maegan Vazquez, Ellie Kaufman, Katie Lobosco, Janie Boschma, and Marshall Cohen, "Trump Administration Pushes 'Midnight Regulations' after Breaking Records for Final-Year Rulemaking," CNN, December 6, 2020, https://www.cnn.com/2020/12/06/politics /trump-midnight-regulations-record-rulemaking/index.html. Allyson Versprille, "Beating Biden's Day One Freeze Sparks Stampede to Lock in Rules," Bloomberg Tax, January 12, 2021, https://news.bloombergtax.com/daily-tax-report/beating-bidens -day-one-freeze-sparks-stampede-to-lock-in-rules. "The Business Rules the Trump Administration Is Racing to Finish," New York Times, January 11, 2021, https://www.nytimes.com/2021/01 /11/business/trump-business-regulations-biden.html.

84. U.S. Government Accountability Office, *Federal Rule-making: Agencies Could Take Additional Steps to Respond to Public Comments*, GAO-13-21, December 2012, http://www.gao.gov/assets/660/651052.pdf.

85. Noted for example in Kelsey Brugger, "White House clears flurry of regs in last-minute push," E&E News, December 21, 2020, https://www.eenews.net/stories/1063721229.

86. U.S. Department of Labor, Wage and Hour Division, Final Rule: Independent Contractor Status under the Fair Labor Standards Act, https://www.dol.gov/agencies/whd/flsa/2021 -independent-contractor.

87. Jean Chemnick, "Trump Leaves 'Banana Peel' for Biden Climate Team," E&E News, January 13, 2021, https://www .eenews.net/climatewire/2021/01/13/stories/1063722427. Alex, Guillen, "Trump's EPA Launches Surprise Attack on Biden's Climate Rules," *Politico*, January 12, 2021, https://www.politico .com/news/2021/01/12/trump-epa-biden-climate-rules-458280. Michael D. Shear, "Trump Using Last Days to Lock In Policies and Make Biden's Task More Difficult," *New York Times*, November 21, 2020, https://www.nytimes.com/2020/11/21/us /politics/trump-biden-transition.html. Rupert Darwall, "Fettering Biden's Administrative State," *RealClearEnergy*, January 24, 2021, https://www.realclearenergy.org/articles/2021/01/24 /fettering_bidens_administrative_state_657571.html.

88. Bethany A. Davis and Stuart Shapiro, "How the Biden Administration Can Undo Trump's Regulatory Policies," *The Bulwark*, January 19, 2021, https://thebulwark.com/how-the -biden-administration-can-undo-trumps-regulatory-policies/. Neil Eggleston and Alexa Kissinger, "How to Fix 4 Years of Trump's War Against Government," *New York Times*, January 25, 2021, https://www.nytimes.com/2021/01/25/opinion/biden -trump-government.html.

89. Lisa Friedman, "EPA's Final Deregulatory Rush Runs into Open Staff Resistance," *New York Times*, November 27, 2020, https://www.nytimes.com/2020/11/27/climate/epa-trump -biden.html.

90. Mike Colias, "GM Stops Backing Trump Administration in Emissions Fight with California," *Wall Street Journal*, November 23, 2020, https://www.wsj.com/articles/gm-stops-backing -trump-administration-in-emissions-fight-with-california -11606160905.

91. Paul Kiernan and Michelle Hackman, "Democratic Control of Senate Creates Path to Repeal Last-Minute Trump Policies," *Wall Street Journal*, January 10, 2021, https://www.wsj.com /articles/democratic-control-of-senate-creates-path-to-repeal-last -minute-trump-policies-11610287200.

92. Letter from Democratic Representatives to Government Accountability Office Comptroller General Dodaro, December 10, 2020, https://oversight.house.gov/sites/democrats.oversight .house.gov/files/2020-12-10.GEC%20et%20al%20to%20 Dodaro%20re%20Midnight%20Rules.pdf. The letter asked for the GAO to "identify major rules published in the Federal Register during the 116th and the beginning of the 117th Congress that are potentially subject to a joint resolution of disapproval during the 117th Congress." Letter from Jerrold Nadler and Carolyn B. Maloney to Acting Director Russell Vought and Administrator Paul Ray, November 16, 2020, urging that they instruct agencies to avoid midnight rules, https://judiciary .house.gov/uploadedfiles/hjc-cor_omb-oira_midnight_rules _letter_11.16.20.pdf?utm_campaign=4538-519.

93. Bridget Dooling, Mark Febrizio, and Daniel Pérez, "Accounting for Regulatory Reform under Executive Order 13771: Explainer and Recommendations to Improve Accuracy and Accountability," Brookings Institution, November 7, 2019, https://www.brookings.edu/wp-content/uploads/2019/11/ ES_11072019_DoolingFebrizioPerez.pdf.

94. See the defense of such review in Department of Justice memorandum, October 2019 (posted December 2020) "Extending Regulatory Review Under Executive Order 12866 to Independent Regulatory Agencies," https://www.justice.gov/olc /file/1349716/download. Jonathan H. Adler, "Will President Biden Have Greater Control over Independent Agencies than His Predecessors?" *Reason*, December 30, 2020, https://reason .com/volokh/2020/12/31/will-president-biden-have-greater -control-over-independent-agencies-than-his-predcessors/.

95. Clyde Wayne Crews Jr., "Channeling Reagan by Executive Order: How the Next President Can Begin Rolling Back the Obama Regulation Rampage," *OnPoint* no. 218, Competitive Enterprise Institute, July 14, 2016,

https://cei.org/content/channeling-reagan-executive-order.

96. Clyde Wayne Crews Jr., "America's 'Unconstitutional Slop' Predates Trump's Executive Actions on Pandemic Economic Relief."

97. Clyde Wayne Crews Jr., "Mapping Washington's Lawlessness: A Preliminary Inventory of Regulatory Dark Matter, 2017 Edition," *Issue Analysis* 2017 No. 4, https://cei.org/studies/mapping-washingtons-lawlessness-2/.

98. The introduction to the fall 2020 Unified Agenda claims that the administration "prepared America for the economy of the future. Reforms of environmental and energy regulations have propelled America to a position of energy dominance while maintaining and advancing." Introduction to the Fall 2020 Regulatory Plan, https://www.reginfo.gov/public/jsp/eAgenda /StaticContent/202010/OIRAIntroduction.pdf.

99. Gattuso, "Trump's Red Tape Rollback."

100. Spencer Jakab, "Trump Gets a Reality Check on Deregulation," *Wall Street Journal*, January 9, 2018, https://www.wsj .com/articles/trump-gets-a-reality-check-on-deregulation -1515525695?mg=prod/accounts-wsj.

101. White House, "Fact Sheet: President Donald J. Trump Is Delivering on Deregulation," December 14, 2017, https:// trumpwhitehouse.archives.gov/briefings-statements/president -donald-j-trump-delivering-deregulation/.

102. Many rules each year are part of the ever-present Federal Aviation Administration airworthiness directives and Coast Guard rules.

103. White House Council of Economic Advisers, "The Economic Benefits of Improved Infrastructure Permitting," news release, January 9, 2020, https://www.presidency.ucsb.edu /documents/press-release-the-economic-benefits-improved -infrastructure-permitting.

104. U.S. Department of Commerce, "Streamlining Permitting and Reducing Regulatory Burdens for Domestic Manufacturing," October 6, 2017, https://www.commerce.gov/data -and-reports/reports/streamlining-permitting-and-reducing -regulatory-burdens-domestic-manufacturing?q=%2Fdata-and -reports%2Freports%2Fstreamlining-permitting-and-reducing -regulatory-burdens-domestic-manufacturing. This was a response to the January 24, 2017 "Presidential Memorandum Streamlining Permitting and Reducing Regulatory Burdens for Domestic Manufacturing," *Federal Register*, Vol. 82, No. 18 (January 30, 2017), pp. 8667–8668, https://www.govinfo.gov /content/pkg/FR-2017-01-30/pdf/2017-02044.pdf. 105. Marc Scribner, "Trump's Infrastructure Plan: The Good, the Bad, and the Ugly," *OpenMarket*, Competitive Enterprise Institute, February 12, 2018, https://cei.org/blog/trumps -infrastructure-plan-good-bad-and-ugly.

106. Ben Lieberman, "Trump Executive Order to Expedite Project Approvals," Competitive Enterprise Institute, June 5, 2020, https://cei.org/blog/trump-executive-order-to-expedite -project-approvals/. Mario Loyola, "Trump's Push to Modernize Our Infrastructure," *National Review*, July 23, 2020, https:// www.nationalreview.com/2020/07/trump-pushes-infrastructure -modernization/.

107. Executive Order 13953 of September 30, 2020, "Addressing the Threat to the Domestic Supply Chain from Reliance on Critical Minerals from Foreign Adversaries and Supporting the Domestic Mining and Processing Industries," *Federal Register*, Vol. 85, No. 193 (October 5, 2020), pp. 62539–62544, https://www.govinfo.gov/content/pkg/FR-2020-10-05/pdf /2020-22064.pdf. Adelle Whitefoot, "Trump Signs Executive Order to Fast-Track Federal Mining Permits," *News Tribune*, September 30, 2020, https://www.duluthnewstribune.com /business/energy-and-mining/6685123-Trump-signs-executive -order-to-fast-track-federal-mining-permits.

108. Clyde Wayne Crews Jr., "Trump Exceeds One-In, Two-Out Goals on Cutting Regulations, but It May Be Getting Tougher," *Forbes*, October 23, 2018, https://www.forbes.com /sites/waynecrews/2018/10/23/trump-exceeds-one-in-two-out -goals-on-cutting-regulations-but-it-may-be-getting-tougher/.

109. For the past two years' results, see Crews, "Status Report: What Regulations Did the Trump Administration Eliminate In 2020?" *Forbes*, January 19, 2021, https://www.forbes.com/sites/waynecrews/2021/01/19/status-report-what -regulations-did-the-trump-administration-eliminate-in-2020 /?sh=e15dd953dca4. Crews, "Trump Regulatory Reform Agenda by the Numbers: End of One-In, Two-Out?" *OpenMarket*, Competitive Enterprise Institute, November 20, 2019, https://cei.org /blog/trump%C2%A0regulatory-reform-agenda-numbers-end -one-two-out.

110. Mancini, Memorandum on "Guidance Implementing Executive Order 13771."

111. Executive Order 13777 of February 24, 2017, "Enforcing the Regulatory Reform Agenda," *Federal Register*, Vol. 82, No. 39 (March 1, 2017), pp. 12285–12287, https://www.gpo .gov/fdsys/pkg/FR-2017-03-01/pdf/2017-04107.pdf.

112. Roncevert Ganan Almond, "Measuring President Trump's Regulatory Reform Agenda: The 2-for-1 Rule," *Notice* & Comment (blog of Yale Journal on Regulation), November 22, 2017, http://yalejreg.com/nc/measuring-president-trumps -regulatory-reform-agenda-the-2-for-1-rule-by-roncevert -ganan-almond/.

113. Neomi Rao, Administrator, White House Office of Management and Budget, Office of Information and Regula-

tory Affairs, "Introduction to the Fall 2018 Regulatory Plan," October 2018, https://www.reginfo.gov/public/jsp/eAgenda/ StaticContent/201810/VPStatement.pdf. White House Office of Management and Budget, Office of Information and Regulatory Affairs, 2018 Regulatory Reform Report, *Cutting the Red Tape: Unleashing Economic Freedom*, 2018, https://permanent.fdlp.gov /gpo120693/2018-Unified-Agenda-Cutting-the-Red-Tape.pdf.

114. Office of Information and Regulatory Affairs, Regulatory Reform under Executive Order 13771: Final Accounting for Fiscal Year 2019, https://www.reginfo.gov/public/pdf/eo13771 /EO_13771_Final_Accounting_for_Fiscal_Year_2019.pdf.

115. Office of Information and Regulatory Affairs, "Regulatory Reform: Two-for-One Status Report and Regulatory Cost Caps," https://www.reginfo.gov/public/pdf/eo13771/FINAL _TOPLINE_All_20171207.pdf. Office of Information and Regulatory Affairs, "Regulatory Reform: Completed Actions Fiscal Year 2017," https://www.reginfo.gov/public/pdf/eo13771 /FINAL_BU_20171207.pdf.

116. Clyde Wayne Crews Jr., "What's the Difference between 'Major,' 'Significant,' and All Those Other Federal Rule Categories? A Case for Streamlining Regulatory Impact Classification," *Issue Analysis* 2017 No. 8, September 2017, https://cei.org /content/whats-difference-between-major-significant-and-all -those-other-federal-rule-categories.

117. Arbitration Agreements, Bureau of Consumer Financial Protection, *Federal Register*, Vol. 82, No. 137 (July 19, 2017), p. 33210; Pub. L. No. 115-74, November 1, 2017, https://www .gpo.gov/fdsys/pkg/FR-2017-07-19/pdf/2017-14225.pdf.

118. Securities and Exchange Commission, Disclosure of Payments by Resource Extraction Issuers, *Federal Register*, Vol. 81, No. 144, (March 27, 2016), p. 49359; Pub. L. No. 115-4, February 14, 2017, https://www.gpo.gov/fdsys/pkg/FR-2016 -07-27/pdf/2016-15676.pdf.

119. Federal Communications Commission, "Protecting the Privacy of Customers of Broadband and Other Telecommunications Services," *Federal Register*, Vol. 81, No. 232 (December 2, 2016), p. 87274, Pub. L. No. 115-22, April 3, 2017, https://www.gpo.gov/fdsys/pkg/FR-2016-12-02/pdf/2016-28006.pdf.

120. Federal Communications Commission, Declaratory Ruling, Report and Order, and Order, in the Matter of Restoring Internet Freedom, WC Docket No. 17-108, adopted December 14, 2017, released January 4, 2018, https://www.fcc.gov /document/fcc-releases-restoring-internet-freedom-order.

121. Federal Communications Commission, "FCC Modernizes Broadcast Ownership Rules and Decides to Establish a New Incubator Program to Promote Broadcast Ownership Diversity," news release, November 16, 2017, https://www.fcc.gov /document/fcc-modernizes-broadcast-ownership-rules.

122. Office of Information and Regulatory Affairs, "Regulatory Reform under Executive Order 13771: Final Accounting for Fiscal Year 2018," https://www.reginfo.gov/public/pdf/eo13771 /EO_13771_Final_Accounting_for_Fiscal_Year_2018.pdf.

123. Ibid. Office of Information and Regulatory Affairs, *Cutting the Red Tape, Unleashing Economic Freedom.*; White House Office of Management and Budget, "Regulatory Relief Efforts Deliver \$23 Billion in Regulatory Cost Savings," news release, October 17, 2018, https://trumpwhitehouse.archives.gov /briefings-statements/regulatory-relief-efforts-deliver-23-billion -regulatory-cost-savings/?utm_source=twitter&utm_medium =social&utm_campaign=wh. White House, "President Donald J. Trump Is Following through on His Promise to Cut Burdensome Red Tape and Unleash the American Economy," news release, October 17, 2018, https://www.presidency.ucsb.edu /documents/press-release-president-donald-j-trump-following -through-his-promise-cut-burdensome-red.

124. Office of Information and Regulatory Affairs, "Regulatory Reform under Executive Order 13771: Final Accounting for Fiscal Year 2019," https://www.reginfo.gov/public/pdf/eo13771/EO_13771_Final_Accounting_for_Fiscal_Year_2019.pdf.

125. Ibid.

126. "Regulatory Reform under Executive Order 13771: Final Accounting for Fiscal Year 2020," https://www.reginfo.gov /public/pdf/eo13771/EO_13771_Final_Accounting_for_Fiscal _Year_2020.pdf.

127. Ibid. The "Introduction to the Fall 2020 Regulatory Plan" describes the one-in, two-out results, as well as Trump's executive orders related to guidance document streamlining and disclosure and also the "regulatory bill of rights" directive: "Fiscal Year 2020 witnessed record success under EO 13771, as agencies achieved regulatory cost savings of more than a hundred billion dollars. Agencies also continued to exceed EO 13771's two-forone directive in Fiscal Year 2020, issuing more than three deregulatory actions for every regulatory action. Office of Information and Regulatory Affairs, "Introduction to the Fall 2020 Regulatory Plan," https://www.reginfo.gov/public/jsp/eAgenda/StaticContent /202010/OIRAIntroduction.pdf.

128. Office of Information and Regulatory Affairs, "Accounting Methods under Executive Order 13771," accessed March 6, 2021, https://www.reginfo.gov/public/pdf/eo13771/EO13771 _accounting_methods.pdf.

129. For a detailed breakdown by agency, see Office of Information and Regulatory Affairs, "Regulatory Reform under Executive Order 13771: Final Accounting for Fiscal Year 2020," https://www.reginfo.gov/public/pdf/eo13771/EO_13771_Final _Accounting_for_Fiscal_Year_2020.pdf.

130. Mancini, Memorandum on "Guidance Implementing Executive Order 13771.

131. Stuart Shapiro, "Deregulatory Realities and Illusions," *Regulatory Review*, November 12, 2018, https://www.theregreview .org/2018/11/12/shapiro-deregulatory-realities-illusions/. Connor Raso, "What Does \$33 Billion in Regulatory Cost Savings Really Mean?" Brookings Institution, January 10, 2019, https://www .brookings.edu/research/what-does-33-billion-in-regulatory-cost -savings-really-mean/.

132. Cheryl Bolen, "Trump's Rules Rollback Pledge Withers as Business Pushes Back," *Bloomberg Government*, February 22, 2019, https://about.bgov.com/news/trumps-rules-rollback -pledge-withers-as-business-pushes-back/.

133. The "significant" deregulatory actions among the total are marked with an asterisk in the OMB chart. Office of Information and Regulatory Affairs, "Regulatory Reform Report: Completed Actions for Fiscal Year 2020," https://www.reginfo.gov/public/pdf/eo13771/EO_13771_Completed_Actions_for_Fiscal_Year_2020.pdf. These are discussed in Crews, "Status Report."

134. Office of Information and Regulatory Affairs, "Regulatory Reform under Executive Order 13771: Final Accounting for Fiscal Year 2020," https://www.reginfo.gov/public/pdf/eo13771/EO_13771_Final_Accounting_for_Fiscal_Year_2020.pdf.

135. Year-end 2019 results were discussed at White House Council of Economic Advisers, "Deregulation Continues to Benefit American Consumers, Driving Economic Growth," December 6, 2019, https://www.presidency.ucsb.edu/documents /press-release-deregulation-continues-benefit-american -consumers-driving-economic-growth. "Remarks by President Trump and Vice President Pence in a Roundtable on Small Business and Red Tape Reduction Accomplishments," December 7, 2019, https://www.miragenews.com/remarks-by-president -trump-and-vice-president-pence-in-a-roundtable-on-small -business-and-red-tape-reduction-accomplishments/.

136. Office of Information and Regulatory Affairs, "Regulatory Reform: Two-for-One Status Report and Regulatory Cost Caps (Executive Order 13771: Final Accounting for Fiscal Year 2017 and Cost Caps for Fiscal Year 2018)," https://www.reginfo.gov/public/pdf/eo13771/FINAL_TOPLINE_All_20171207.pdf.

137. Office of Information and Regulatory Affairs, "Regulatory Reform under Executive Order 13771: Final Accounting for Fiscal Year 2018," https://www.reginfo.gov/public/pdf/eo13771/EO_13771_Final_Accounting_for_Fiscal_Year_2018.pdf.

138. Office of Information and Regulatory Affairs, "Regulatory Reform under Executive Order 13771: Final Accounting for Fiscal Year 2019," https://www.reginfo.gov/public/pdf/eo13771/EO_13771_Final_Accounting_for_Fiscal_Year_2019.pdf. Year-end 2019 results were discussed at White House Council of Economic Advisers, "Deregulation Continues to Benefit American Consumers, Driving Economic Growth," December 6, 2019.

139. Office of Information and Regulatory Affairs, "Regulatory Reform under Executive Order 13771: Final Accounting for Fiscal Year 2020," https://www.reginfo.gov/public/pdf/eo13771/EO_13771_Final_Accounting_for_Fiscal_Year_2020.pdf.

140. Dan Bosch and Dan Goldbeck, "2020: The Year in Regulation," American Action Forum, January 5, 2021,

https://www.americanactionforum.org/research/2020-the-year-in -regulation/. Dan Bosch, "Trump Administration Ends with \$40 Billion in Regulatory Costs," *Insight*, American Action Forum January 21, 2021, https://www.americanactionforum.org /insight/trump-administration-ends-with-40-billion-in -regulatory-costs/.

141. Diane Katz, "Red Tape Receding: Trump and the High-Water Mark of Regulation," *Backgrounder* no. 3260, Heritage Foundation, November 8, 2017, https://www.heritage.org/sites/default/files/2017-11/BG3260.pdf.

142. Nadja Popovich, Livia Albeck-Ripka, and Kendra Pierre-Louis, "84 Environmental Rules on the Way Out under Trump," *Seattle Times*, June 2, 2019, https://www.seattletimes .com/nation-world/nation/84-environmental-rules-on-the-way -out-under-trump/?amp=1&__twitter_impression=true. Kelsey Brugger, "Trump's 2020 Plan: Change the Rules on Rules," E&E News, January 3, 2020, https://www.eenews.net/stories/1061984181. Courtney Buble, "EPA Exceeded Trump's Deregulatory Expectations," *Government Executive*, https://www .govexec.com/management/2019/08/epa-exceeded-trumps -deregulatory-expectations/159114/.

143. Along with the aforementioned Biden executive actions to overturn Trump policies, see White House, "Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis," January 2021, https://www.whitehouse.gov/briefing-room/presidential-actions/2021 /01/20/executive-order-protecting-public-health-and -environment-and-restoring-science-to-tackle-climate-crisis/.

144. Department of the Interior, U.S. Fish and Wildlife Service, "Trump Administration Improves the Implementing Regulations of the Endangered Species Act: Species Recovery the Ultimate Goal," news release, August 12, 2019, https://www.fws .gov/news/ShowNews.cfm?ref=trump-administration-improves -the-implementing-regulations-of-the-&_ID=36443. See documents archived at U.S. Fish and Wildlife Service, ESA Implementation, Regulation Revisions web page, https://www.fws.gov /endangered/improving_ESA/regulation-revisions.html.

145. Nadja Popovich, Livia Albeck-Ripka, and Kendra Pierre-Louis, "The Trump Administration Rolled Back More Than 100 Environmental Rules. Here's the Full List," *New York Times*, January 20, 2021, https://www.nytimes.com/interactive /2020/climate/trump-environment-rollbacks-list.html.

146. Environmental Protection Agency and National Highway Traffic Safety Administration, Rule on the Safer Affordable Fuel-Efficient Vehicles Rule Part One: One National Program, *Federal Register*, Vol. 84, No. 188 (September 27, 2019), p. 51310, https://www.govinfo.gov/content/pkg/FR-2019-09-27 /pdf/2019-20672.pdf. Coral Davenport, "A 'Chilling Message': Trump Critics See a Deeper Agenda in California Feud," *New York Times*, October 3, 2019, https://www.nytimes.com/2019 /10/03/climate/trump-california-environment.html. 147. Kelsey Brugger, Sean Reilly, and Ariel Wittenberg, "Trump Admin Advances High-Impact 'Secret Science' Rule," E&E News, November 12, 2019, https://www.eenews.net/stories/1061531673.

148. Marlo Lewis, "EPA's Transparency Rule: Post Mortem," *OpenMarket*, Competitive Enterprise Institute, February 5, 2020, https://cei.org/blog/epas-transparency-rule-post-mortem/. Rachel Frazin, "Court Tosses Trump EPA's 'Secret Science" Rule," *The Hill*, February 1, 2021, https://thehill.com/policy/energy -environment/536787-court-tosses-trump-epas-secret-science -rule. The rule had only been finalized in the first week of January 2021. Marlo Lewis, "EPA Rule Will Strengthen Transparency and Accountability in Agency Science," *OpenMarket*, Competitive Enterprise Institute, January 8, 2021, https://cei .org/blog/epa-rule-will-strengthen-transparency-and -accountability-in-agency-science/.

149. Environmental Protection Agency, Final Rule, Increasing Consistency and Transparency in Considering Benefits and Costs in the Clean Air Act Rulemaking Process, *Federal Register*, Vol. 85, No. 247 (December 23, 2020), pp. 84130–84157, https://www.govinfo.gov/content/pkg/FR-2020-12-23/pdf /2020-27368.pdf. Marlo Lewis, Comments of the Competitive Enterprise Institute on the Environmental Protection Agency's Proposed Rule Increasing Consistency and Transparency in Considering Benefits and Costs in the Clean Air Act Rulemaking Process, Docket ID No. EPA–HQ–OAR–2020–00044, August 3, 2020, https://cei.org/sites/default/files/BCA-Rule.pdf.

150. Department of Labor, Employee Benefits Security Administration, Final Rule on the Definition of "Employer" under Section 3(5) of ERISA-Association Retirement Plans and Other Multiple-Employer Plans, *Federal Register*, Vol. 84, No. 147 (July 31, 2019), p. 37508, https://www.govinfo.gov/content/pkg/FR -2019-07-31/pdf/2019-16074.pdf.

151. Council on Environmental Quality, Proposed Rule, Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act, Federal Register, Vol. 85, No. 7 (January 10, 2020), p. 1684, https://www.govinfo.gov /content/pkg/FR-2020-01-10/pdf/2019-28106.pdf. "Remarks by President Trump on Proposed National Environmental Policy Act Regulations," January 9, 2020, https://envirodatagov.org /remarks-by-president-trump-on-proposed-nationalenvironmental-policy-act-regulations-annotated-2/. Statement: "President Donald J. Trump Is Committed to Modernizing Environmental Policies and Paving the Way for Vital Infrastructure Improvements," January 9, 2020, https://trumpwhitehouse .archives.gov/briefings-statements/president-donald-j-trump -committed-modernizing-environmental-policies-paving-way -vital-infrastructure-improvements/?utm_source=facebook&utm _medium=social&utm_campaign=wh. Timothy Puko, "Trump Moves to Speed Infrastructure Projects by Curbing Environmental Reviews," Wall Street Journal, January 9, 2020, https://www .wsj.com/articles/trump-to-announce-update-to-national -environmental-policy-act-officials-say-11578576718?mod=hp

_lead_pos5. Council on Environmental Quality, Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act, Federal Register, Vol. 85, No. 137 (July 16, 2020), pp. 43304-43376, https://www.govinfo .gov/content/pkg/FR-2020-07-16/pdf/2020-15179.pdf. Other agencies also updated NEPA implementing procedures. Department of Energy, National Environmental Policy Act Implementing Procedures, Federal Register, Vol. 85, No. 234 (December 4, 2020), p. 78197, https://www.govinfo.gov/content/pkg /FR-2020-12-04/pdf/2020-26459.pdf. Lisa Friedman, "Trump Weakens Major Conservation Law to Speed Construction Permits," New York Times, July 15, 2020, https://www.nytimes.com /2020/07/15/climate/trump-environment-nepa.html. Valerie Volcovici and Jeff Mason, "Trump Revamps Key Environmental Law in Bid to Fast Track Pipelines, Roads," Reuters, July 15, 2020, https://www.reuters.com/article/us-usa-environment -nepa/trump-to-revamp-environmental-law-in-bid-to-fast-track -pipelines-roads-idUSKCN24G1FQ. Ronald Bailey, "Trump Administration Streamlines National Environmental Policy Act," Reason, July 17, 2020, https://reason.com/2020/07/17/trump -administration-streamlines-national-environmental-policy -act/. Robert L. Glicksman and Alejandro E. Camacho, "The Trump Administration's Latest Unconstitutional Power Grab," Regulatory Review, August 24, 2020, https://www.theregreview .org/2020/08/24/glicksman-camacho-trump-administration -unconstitutional-power-grab/. Jonathan H. Adler, "Trump Administration's NEPA Reforms Take Effect, Reason, September 14, 2020, https://reason.com/volokh/2020/09/14/trump -administrations-nepa-reforms-take-effect/.

152. Department of the Treasury, Office of the Comptroller of the Currency, Amendments to the Stress Testing Rule for National Banks and Federal Savings Associations, *Federal Register*, Vol. 84, No. 197 (October 10, 2019), pp. 54472–54476, https://www.govinfo.gov/content/pkg/FR-2019-10-10/pdf /2019-21843.pdf.

153. Department of the Treasury, Office of the Comptroller of the Currency, Federal Reserve System, Federal Deposit Insurance Corporation, Thresholds Increase for the Major Assets Prohibition of the Depository Institution Management Interlocks Act Rules, *Federal Register*, Vol. 84, No. 197 (October 10, 2019), pp. 54465–54472, https://www.govinfo.gov/content/pkg/FR -2019-10-10/pdf/2019-21840.pdf. Emily Flitter, "Federal Agency Gives Congress New Tool to Ease Bank Regulations," *New York Times*, October 23, 2019, https://www.nytimes.com /2019/10/23/business/gao-fed-guidance-thom-thillis.html. Jeanna Smialek, "Fed Votes to Lighten Regulations for All but the Largest Banks, *New York Times*, October 10, 2019, https:// www.nytimes.com/2019/10/10/business/economy/federal -reserve-bank-regulations.html.

154. Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Notice of Proposed Rulemaking on Elimination of Certain Standards of Fill for Wine, *Federal Register*, Vol. 84, No. 126 (July 1, 2019), p. 31257, https://www.govinfo.gov/content/pkg/FR-2019-07-01/pdf/2019-13768.pdf.

155. Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Notice of Proposed Rulemaking on Elimination of Certain Standards of Fill for Distilled Spirits; Amendment of Malt Beverage Net Contents Labeling Regulation, *Federal Register*, Vol. 84, No. 126 (July 1, 2019), pp. 31264– 31273, https://www.govinfo.gov/content/pkg/FR-2019-07-01 /pdf/2019-13767.pdf.

156. Department of Transportation, Federal Aviation Administration, Proposed Rule on Special Flight Authorizations for Supersonic Aircraft, *Federal Register*, Vol. 84, No. 125 (June 28, 2019), pp. 30961–30968, https://www.govinfo.gov/content /pkg/FR-2019-06-28/pdf/2019-13079.pdf.

157. U.S. Department of Agriculture, Alaska Roadless Rulemaking Questions and Answers, updated April 16, 2019, https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/ fseprd595057.pdf. James Freeman, "Trump Says Goodbye to More Red Tape," *Wall Street Journal*, August 27, 2019, https://www.wsj.com/articles/trump-says-goodbye-to-more -red-tape-11566950462.

158. Department of Housing and Urban Development, Proposed Rule on HUD's Implementation of the Fair Housing Act's Disparate Impact Standard, *Federal Register*, Vol. 84, No. 160 (August 19, 2019), pp. 42854–42863, https://www.govinfo .gov/content/pkg/FR-2019-08-19/pdf/2019-17542.pdf. Opponents characterized the effort as "weakening the ability to file discrimination claims." Stanley Augustin, "The Department of Housing and Urban Development Propose New Rule Aimed at Weakening Ability to File Discrimination Claims," news release, Lawyers' Committee for Civil Rights, August 13, 2019, https:// lawyerscommittee.org/hud-proposes-new-rule-that-would-gut -the-fair-housing-act/.

159. Michael R. Pompeo, press statement on the U.S. Withdrawal from the Paris Agreement, November 4, 2019, https://2017-2021.state.gov/on-the-u-s-withdrawal-from-the -paris-agreement/index.html.

160. Crews, "Mapping Washington's Lawlessness," 2017.

161. Executive Order 13422 of January 18, 2007, "Further Amendment to Executive Order 12866 on Regulatory Planning and Review," *Federal Register* Vol. 72, No. 14 (January 23, 2007), pp. 2763–2765,

http://www.gpo.gov/fdsys/pkg/FR-2007-01-23/pdf/07-293.pdf. Executive Order 12866 was the Clinton executive order that replaced Reagan's Executive Order 12291. While Executive Order 12866 preserved OMB review of regulations, it shifted primacy back to agencies.

162. Memorandum for the Heads of Executive Departments and Agencies from Rob Portman, Office of Management and Budget, "Issuance of OMB's "Final Bulletin for Agency Good Guidance Practices" (issued January 18, 2007), *Federal Register*, Vol. 72, No. 16 (January 25, 2007), pp. 3432–3440, http://www.justice.gov/sites/default/files/ust/legacy/2011/07/13/ OMB_Bulletin.pdf.

163. Noted in OMB, "Implementing Executive Order 13771," April 5, 2017.

164. Clyde Wayne Crews Jr., "A Partial Eclipse of the Administrative State: A Case for an Executive Order to Rein In Guidance Documents and Other 'Regulatory Dark Matter," *OnPoint* No. 249, Competitive Enterprise Institute, October 3, 2018, https://cei.org/content/partial-eclipse-administrative-state. Crews, "Here's a Year-End Roundup of White House and Federal Agency Efforts to Streamline Guidance Documents," *Forbes*, December 12, 2018, https://www.forbes.com/sites/waynecrews /2018/12/12/heres-a-year-end-roundup-of-white-house-and -federal-agency-efforts-to-streamline-guidance-documents /#3158aa9f6c52.

165. Memorandum for the Heads of Executive Departments and Agencies from Russell T. Vought, Acting Director of the Office of Management and Budget, "Guidance on Compliance with the Congressional Review Act," April 11, 2019, https:// www.whitehouse.gov/wp-content/uploads/2019/04/M-19-14 .pdf. This memorandum updated 1999 guidance: "Guidance for Implementing the Congressional Review Act," Jacob J. Lew, Director, Office of Management and Budget, March 30 1999, https://www.whitehouse.gov/sites/whitehouse.gov/files/omb /memoranda/1999/m99-13.pdf. Congressional Review Act, 104th Congress, Public Law 121, https://www.govinfo.gov /content/pkg/PLAW-104publ121/html/PLAW-104publ121.htm.

166. Clyde Wayne Crews Jr., "What Works and What Doesn't in OMB's New Guidance to Federal Agencies on Regulatory Oversight," *Forbes*, June 19, 2019, https://www.forbes.com/sites /waynecrews/2019/06/19/what-works-and-what-doesnt-in-ombs -new-guidance-to-federal-agencies-on-regulatory-oversight /#4b99ff9358ef.

167. Executive Order 13891 of October 9, 2019, "Promoting the Rule of Law through Improved Agency Guidance Documents," *Federal Register*, Vol. 84, No. 199 (October 15, 2019), pp. 55235--55238, https://www.govinfo.gov/content/pkg/FR -2019-10-15/pdf/2019-22623.pdf. Eric Katz, "Trump Signs Orders to Restrict 'Unaccountable Bureaucrats' from Creating 'Backdoor Regulations," *Government Executive*, October 9, 2019, https://www.govexec.com/management/2019/10/trump -signs-orders-restrict-unaccountable-bureaucrats-creating -backdoor-regulations/160493/.

168. Executive Order 13892 of October 9, 2019, "Promoting the Rule of Law through Transparency and Fairness in Civil Administrative Enforcement and Adjudication," *Federal Register*, Vol. 84, No. 199 (October 15, 2019), pp. 55239–55243, https://www.govinfo.gov/content/pkg/FR-2019-10-15/pdf/2019 -22624.pdf.

169. A one-stop portal with descriptive background is available at Clyde Wayne Crews Jr., "Executive Order 13891 SubRegulatory Guidance Document Portal Tops 70,000 Entries," *OpenMarket*, Competitive Enterprise Institute, September 10, 2020, https://cei.org/blog/executive-order-13891-sub-regulatory -guidance-document-portal-tops-70000-entries/.

170. Ibid. There is a case to be made for a safe harbor for those who have come to rely on guidance in cases where great uncertainty is involved.

171. U.S. Department of Transportation, "U.S. Secretary of Transportation Elaine L. Chao Codifies Reforms in New Departmental Rulemaking Process," news release, December 5, 2019, https://www.transportation.gov/briefing-room/us-secretary -transportation-elaine-l-chao-codifies-reforms-new-departmental -rulemaking. More information from the Department on administrative rulemaking, guidance, and enforcement procedures appears at http://www.transportation.gov/regulations /administrative-rulemaking-guidance-and-enforcement -procedure. Editorial, "Driving a Rules Revolution," Wall Street Journal, December 6, 2019, https://www.wsj.com/articles /driving-a-rules-revolution-11575676791. Susan Dudley, "DOT Asserts More Control over Regulatory Traffic," Forbes, December 19, 2019, https://www.forbes.com/sites/susandudley/2019/12 /19/dot-asserts-more-control-over-regulatory-traffic /#703c41f01a03.

172. Crews, "Sub-Regulatory Guidance Document Portal Tops 70,000 Entries."

173. Clyde Wayne Crews Jr., "Will the Regulatory Right-to-Know Act Ever Be Enforced?" *Forbes*, April 7, 2019, https://www.forbes.com/sites/waynecrews/2019/08/07/will-the -regulatory-right-to-know-act-ever-be-enforced/?sh=797179 d59b92.

174. Clyde Wayne Crews Jr., "Deep State Guide to Resisting Trump's Executive Orders on Guidance Document Abuse," *OpenMarket*, Competitive Enterprise Institute, October 23, 2019, https://cei.org/blog/deep-state-guide-resisting-trumps -executive-orders-guidance-document-abuse.

175. James Goodwin, "The Trump Administration's New Anti-Safeguard Executive Orders on Guidance, Explicated," Center for Progressive Reform Blog, http://www.progressive reform.org/CPRBlog.cfm?idBlog=2A25E7B8-A5EB-04C9-308DEA37A49C90A9.

176. Agency Guidance through Policy Statements, Administrative Conference Recommendation 2017-5, Administrative Conference of the United States, December 14, 2017, https://www .acus.gov/sites/default/files/documents/Recommendation% 202017-5%20%28Agency%20Guidance%20Through%20 Policy%20Statements%29_2.pdf.

177. Eric Katz, "Trump Signs Orders to Restrict 'Unaccountable Bureaucrats' from Creating 'Backdoor Regulations," *Government Executive*, October 9, 2019, https://www.govexec.com /management/2019/10/trump-signs-orders-restrict-unaccountable -bureaucrats-creating-backdoor-regulations/160493/. 178. Letter to President Joseph R. Biden from United States senators on Biden's revocation of Executive Order 13891, "Promoting the Rule of Law through Improved Agency Guidance Documents," United States Senate, February 8, 2021, https:// www.ronjohnson.senate.gov/public/_cache/files/35fbbb20-00ef -4516-bdd2-59990f5b9807/2021-02-08-letter-to-president -biden-re-eo-13891-.pdf. Clyde Wayne Crews Jr., "Some Trump Executive Orders on Regulation Need to Be Kept No Matter What," *Forbes*, November 11 2020, https://www.forbes.com /sites/waynecrews/2020/11/11/some-trump-executive-orders-on -regulation-need-to-be-kept-no-matter-what/?sh=60b75bcc51ff.

179. S. 380, Guidance out of Darkness Act, 116th Congress, https://www.congress.gov/bill/116th-congress/senate-bill/380?q=%7B%22search%22%3A%5B%22Health%2C+Education%2C+Labor%2C+and+Pensions%22%5D%7D. As H.R. 4809, it passed the House in the 115th Congress, https://www.congress.gov/bill/115th-congress/house-bill/4809?q=%7B%22sear ch%22%3A%5B%22Guidance+Out+of+Darkness+Act%22%5D%7D&rD&r=1.

180. See the Competitive Enterprise Institute's #NeverNeeded campaign, https://neverneeded.cei.org/.

181. Baylen Linnekin, "Governments Are Cutting Red Tape to Keep Americans Fed," *Reason*, July 2020, https://reason.com/2020/06/15/governments-are-cutting-red-tape-to-keep -americans-fed/.

182. Philip A. Wallach and Shoshana Weissmann, "Taking Stock of COVID-19 Deregulation," Brookings Institution, June 17, 2020, https://www.brookings.edu/research/taking-stock-of -COVID-19-deregulation/. Rachel Augustine Potter, "How Trump Uses a Crisis: Repeal Rules While Nobody Is Looking," *Washington Post*, June 9, 2020, https://www.washingtonpost.com /outlook/2020/06/09/how-trump-uses-crisis-repeal-rules-while -nobody-is-looking/.

183. Isabelle Morales, "List: 846 Regulations Waived to Help Fight COVID-19," Americans for Tax Reform, August 4, 2020, https://www.atr.org/rules.

184. Joe Luppino-Esposito, "Pandemic Silver Lining: Getting Rid of Needless Regulation," *Washington Examiner*, January 6, 20211, https://www.washingtonexaminer.com/opinion/op-eds /pandemic-silver-lining-getting-rid-of-needless-regulation.

185. Memorandum for the Deputy Secretaries of Executive Departments and Agencies from Paul J. Ray, Administrator, Office of Information and Regulatory Affairs, "Implementation of Section 6 of Executive Order 13924," August 31 2020, https:// www.whitehouse.gov/wp-content/uploads/2020/08/M-20-31 .pdf. Courtney Buble, "White House Presses Agencies to Soften Rules for Pursuing Regulatory Violators," *Government Executive*, September 4, 2020, https://www.govexec.com/management /2020/09/white-house-presses-agencies-soften-rules-pursuing -regulatory-violators/168250/. Elizabeth Slattery, "How Agencies Should Implement the Regulatory 'Bill of Rights," *The Hill*, September 9, 2020, https://thehill.com/opinion/finance/515240 -how-agencies-should-implement-the-regulatory-bill-of-rights. Gregory A. Brower and Carrie E. Johnson, "OMB Guidance on Federal Enforcement Actions Reflects Respect for Civil Liberties," *Legal Opinion Letters*, Washington Legal Foundation, October 15, 2020, https://www.wlf.org/2020/10/15/publishing /omb-guidance-on-federal-enforcement-actions-reflects-respect -for-civil-liberties/.

186. Notice, Department of Health and Human Services, "Regulatory Relief to Support Economic Recovery; Request for Information (RFI)," *Federal Register*, Vol. 85, No. 228 (November 25, 2020), pp. 75720–75768, https://www.federalregister .gov/documents/2020/11/25/2020-25812/regulatory-relief-to -support-economic-recovery-request-for-information-rfi. Courtney Buble, "HHS Seeks Feedback on Pandemic Regulatory Actions," *Government Executive*, November 24, 2020, https://www. govexec.com/management/2020/11/hhs-seeks-feedback -pandemic-regulatory-actions/170304/.

187. Office of Information and Regulatory Affairs, "Introduction to the Fall 2020 Regulatory Plan," 2020, https://www .reginfo.gov/public/jsp/eAgenda/StaticContent/202010 /OIRAIntroduction.pdf.

188. U.S. Department of Justice, Office of the Deputy Attorney General, *Modernizing the Administrative Procedure Act*, August 2020, https://www.justice.gov/file/1302321/download. Department of Justice, Office of Public Affairs, "Justice Department Releases Report on Modernizing the Administrative Procedure Act," news release, August 11, 2020, https://www.justice .gov/opa/pr/justice-department-releases-report-modernizing -administrative-procedure-act.

189. Department of Justice memorandum, "Extending Regulatory Review under Executive Order 12866 to Independent Regulatory Agencies," October 2019 (posted December 2020) https://www.justice.gov/olc/file/1349716/download. Presidential review over independent agencies in the modern era could mean more rather than the less regulation intended. Jonathan H. Adler, "Will President Biden Have Greater Control over Independent Agencies than His Predecessors?" Susan Dudley and Sally Katzen, "One Trump-Era Notion Biden May Want to Embrace," *Wall Street Journal*, January 3, 2021, https://www .wsj.com/articles/one-trump-era-notion-biden-may-want-to -embrace-11609710056.

190. Department of Health and Human Services, Final Rule, "Policy on Redundant, Overlapping, or Inconsistent Regulations," *Federal Register*, Vol. 85, No. 229 (November 27, 2020), p. 75893, https://www.govinfo.gov/content/pkg/FR-2020-11-27 /pdf/2020-26023.pdf. "Request for Information (RFI) on Redundant, Overlapping, or Inconsistent Regulations," *Federal Register*, Vol. 85, No. 229 (November 27, 2020), p. 76003, https://www.govinfo.gov/content/pkg/FR-2020-11-27/pdf/2020 -26022.pdf.

191. Department of Health and Human Services, "Securing Updated and Necessary Statutory Evaluations Timely," *Federal*

Register, Vol. 86, No. 11 (January 19, 2021), pp. 5694-5764, https://www.govinfo.gov/content/pkg/FR-2021-01-19/pdf/ 2021-00597.pdf. Department of Health and Human Services, "HHS Proposes Unprecedented Regulatory Reform through Retrospective Review," news release, November 4, 2020, https://www.hhs.gov/about/news/2020/11/04/hhs-proposes -unprecedented-regulatory-reform-through-retrospective-review .html. Brian Harrison (HHS Chief of Staff), "A New Rule Requires HHS to Get Rid of Regulations That Aren't Helping the Public," Dallas Morning News, January 14, 2021, https://www .dallasnews.com/opinion/commentary/2021/01/14/a-new-rule -requires-hhs-to-get-rid-of-regulations-that-arent-helping-the -public/. Antonita Madonna, "U.S. Health Agency Mandates Review of Regulations Every 10 Years," Reuters, January 11, https://www.reuters.com/article/idUSKBN29G2J5. J. Kennerly Davis, "HHS Proposal Adds Teeth to Requirements for Retrospective Regulatory Review," Federalist Society, November 18, 2020, https://fedsoc.org/commentary/fedsoc-blog/hhs-proposal -adds-teeth-to-requirements-for-retrospective-regulatory-review.

192. Department of Transportation, Office of the Assistant Secretary for Policy, "Reducing Reporting and Paperwork Burdens," accessed February 7, 2020, https://www.dol.gov/agencies/oasp/rulemaking#regulatory-reform.

193. Environmental Protection Agency, "EPA Deregulatory Actions," January 19, 2021, https://19january2021snapshot.epa .gov/laws-regulations/epa-deregulatory-actions .html.

194. Federal Communications Commission, "What the FCC Has Accomplished under 3 Years of Chairman Ajit Pai's Leader-ship," white paper, January 28, 2020, https://www.fcc.gov/document/what-fcc-has-accomplished-under-3-years-chairman-pai.

195. Federal Communications Commission, "OGC, OEA Memorandum on Use of Economics and Analytics in Rulemakings," November 19, 2020, https://www.fcc.gov/document /ogc-oea-memorandum-use-economics-and-analytics -rulemakings. Jerry Ellig, "FCC Memo Reinforces Commitment to Economic Analysis, *Notice & Comment* (blog of *Yale Journal on Regulation*), December 4, 2020, https://www.yalejreg.com /nc/fcc-memo-reinforces-commitment-to-economic-analysis-by -jerry-ellig/.

196. Ricardo Alonso-Zaldivar, "White House Report Tries to Shift Trump Health Care Rhetoric," Associated Press, February 8, 2019,

https://apnews.com/922ab9a3de864e2cb4a6ccaba37547f1.

197. Clyde Wayne Crews Jr., "When Spending Is Regulation: The Grand Unification Theory of Government Growth," *OpenMarket*, Competitive Enterprise Institute, August 6, 2020, https://cei.org/blog/when-spending-is-regulation-the-grand -unification-theory-of-government-growth/.

198. Clyde Wayne Crews Jr., "What If Trump's Regulations Exceed His Regulatory Rollback Savings?" *OpenMarket*, Competitive Enterprise Institute, January 23, 2019, https://cei.org /blog/what-if-trumps-regulations-exceed-his-regulatory-rollback -savings.

199. Adonis Hoffman, "The Emerging Trump Doctrine on Mergers and Antitrust," *The Hill*, January 15, 2018, http:// thehill.com/opinion/white-house/368970-the-emerging-trump -doctrine-on-mergers-and-antitrust.

200. "President Trump Meeting on Regulations and the Economy," C-SPAN, October 17, 2018, at 2:00, https://www.c-span .org/video/?453190-1/president-trump-giving-cover-saudis -journalists-disappearance.

201. Competitive Enterprise Institute, "House Should Reject Bill to Remove Land and Water Conservation Fund from Appropriations Process," news release, June 18, 2019, https://cei.org /content/house-should-reject-bill-remove-land-and-water -conservation-fund-appropriations-process.

202. White House, "Remarks by President Trump on America's Environmental Leadership," C-SPAN, July 8, 2019, https://www.c-span.org/video/?462379-1/president-trump -delivers-remarks-environmental-leadership.

203. Annie Karni, "Trump Signs Landmark Land Conservation Bill," *New York Times*, August 4, 2020, https://www .nytimes.com/2020/08/04/us/politics/trump-land-conservation -bill.html.

204. "The Trump Administration's Bad Deal for Public Lands," *Politico*, October 7, 2020, https://www.politico.com /news/agenda/2020/10/07/trump-public-lands-deal-426773. Henry Fountain and John Schwartz, "Trump Plan to Sell Arctic Oil Leases Will Face Challenges," *New York Times*, November 17, 2020, https://www.nytimes.com/2020/11/17/climate/arctic -wildlife-refuge-lease-sales.html. Timothy Puko, "Trump Administration Takes Final Steps to Auction Drilling Rights in Arctic Wildlife Refuge," *Wall Street Journal*, November 16, 2020, https://www.wsj.com/articles/trump-administration-takes-final -steps-to-auction-drilling-rights-in-arctic-wildlife-refuge -11605551187.

205. Donald J. Trump, "Remarks on Signing a Memorandum on Withdrawal of Certain Areas of the United States Outer Continental Shelf from Leasing Disposition in Jupiter, Florida," September 8, 2020, https://www.govinfo.gov/content/pkg /DCPD-202000658/pdf/DCPD-202000658.pdf. Jennifer A. Dlouhy, "Trump's Offshore Oil Ban to Halt Coastal Wind Farms Too," *Bloomberg*, September 28, 2020, https://www.bloomberg .com/news/articles/2020-09-28/trump-s-offshore-oil-ban-to-halt -coastal-wind-farms-too.

206. Speech, Donald Trump Holds a Campaign Rally in Ocala, Florida, October 16, 2020, https://factba.se/transcript /donald-trump-speech-campaign-rally-ocala-florida-october-16 -2020.

207. Early into her appointment as administrator of the Office of Information and Regulatory Affairs, Neomi Rao remarked: "For agencies, deregulation is hard—something I've learned in the past three months." Cheryl Bolen, "New Regulatory Task Forces Meet Same Old Obstacles," *Bloomberg BNA*, October 13, 2017,

https://www.thecre.com/oira_news/?paged=12.

208. Susan Dudley, "Tick Tock, Trump's Regulatory Clock," *Forbes*, February 25, 2019, https://www.forbes.com/sites /susandudley/2019/02/05/tick-tock-trumps-regulatory-clock /#755b55384992.

209. Former Republican senator Judd Gregg even ascribed the phrase "tinge of socialism" to some of these policies. Judd Gregg, "Trump Is the Almost, Occasionally, Pretty Close to Socialist Policy Guy," *The Hill*, September 16, 2019, https://thehill .com/opinion/campaign/461505-judd-gregg-trump-is-the-almost -occasionally-pretty-close-to-socialist-policy.

210. Brent Kendall, "Antitrust Chief Vows to Cut Merger Review Time," *Wall Street Journal*, September 25, 2018, https:// www.wsj.com/articles/antitrust-chief-vows-to-cut-merger-review -time-1537892292?mod=hp_lead_pos7. Lalita Clozel, "Bank Mergers Get Faster under Trump," *Wall Street Journal*, February 13, 2019, https://www.wsj.com/articles/bank-mergers-get -faster-under-trump-11550059200.

211. "Presidential Candidate Donald Trump Remarks in Gettysburg, Pennsylvania," October 22, 2016, C-SPAN video, https://www.c-span.org/video/?417328-1/donald-trump-unveils -100-day-action-plan-gettysburg-address.

212. Diane Bartz and David Shepardson, "U.S. Justice Department Will Not Appeal AT&T, Time Warner Merger after Court Loss," Reuters, February 27, 2019, https://www.reuters.com/article/us-timewarner-m-a-at-t/us-justice-department-will -not-appeal-att-time-warner-merger-after-court-loss-idUSKC N1QF1XB.

213. Post by @realDonaldTrump, Twitter, November 12, 2018, 10:13 a.m.

214. Jeff Baumgartner, "DoJ Won't Pursue Comcast-NBCU Merger Probe—Report," Light Reading, December 28, 2018, https://www.lightreading.com/mergers-and-acquisitions/doj -wont-pursue-comcast-nbcu-merger-probe---report-/d/d-id/ 748518.

215. Cited in Drew Clark, "Seeking Intervention Backfired on Silicon Valley," *Cato Policy Report*, Cato Institute Vol. 40, No. 6 (November–December 2018), https://object.cato.org/sites/cato .org/files/serials/files/policy-report/2018/12/cpr-v40n6-1.pdf.

216. Brian Fung, "Facebook, Google and Amazon Are All Being Looked At for Antitrust Violations, Trump Says," *Mercury News*, November 5, 2018, https://www.mercurynews.com/2018 /11/05/amazon-facebook-and-google-are-all-being-looked-at-for -antitrust-violations-trump-says/.

217. Owen Daugherty, "Former US Labor Secretary: Break Up Facebook," *The Hill*, November 20, 2018, https://thehill .com/policy/technology/417600-former-us-labor-secretary-break -up-facebook. 218. John D. McKinnon, "FTC's New Task Force Could Be Trouble for Big Tech," *Wall Street Journal*, February 28, 2019, https://www.wsj.com/articles/ftcs-new-task-force-could-be -trouble-for-big-tech-11551357000.

219. Dylan Tokar, "FTC to Clarify Its Power to Regulate Big Tech," *Wall Street Journal*, September 12, 2019, https://www.wsj.com/articles/ftc-to-clarify-its-power-to-regulate-big-tech -11568322161.

220. John D. McKinnon and Emily Glazer, "FTC Weighs Seeking Injunction against Facebook over How Its Apps Interact," *Wall Street Journal*, December 12, 2019, https://www.wsj .com/articles/ftc-weighs-seeking-injunction-against-facebook -over-how-its-apps-interact-11576178055.

221. Jessica Melugin, "Facebook Acquisitions Benefitted Its Employees, Sellers, and Consumers. Where Is the Harm? *National Review*, December 10, 2020, https://www.nationalreview.com/2020/12/facebook-acquisitions-benefitted-its-employees -sellers-and-consumers-where-is-the-harm/.

222. Ben Fox Rubin, "FTC Investigation into Amazon Reportedly Gearing Up," *CNET*, September 11, 2019, https://www.cnet.com/news/ftc-investigation-into-amazon-reportedly-gearing-up/.

223. Brent Kendall, "U.S. Targets Drug Pricing, No-Poach Deals for Antitrust Action in 2020," *Wall Street Journal*, January 15, 2020, https://www.wsj.com/articles/u-s-targets-drug-pricing -no-poach-deals-for-antitrust-action-in-2020-11579124098.

224. Federal Trade Commission, "FTC Challenges Illumina's Proposed Acquisition of PacBio," news release, December 17, 2019, https://www.ftc.gov/news-events/press-releases/2019/12 /ftc-challenges-illuminas-proposed-acquisition-pacbio.

225. Alex Gangitano, "Justice Department Investigating Meat Price Increases: Report," *The Hill*, May 26, 2020, https://thehill .com/legal/499620-justice-department-investigating-meat-price -increases-report.

226. U.S. Food and Drug Administration, "Statement from FDA Commissioner Scott Gottlieb, M.D., on the Signing of the Right to Try Act," news release, May 30, 2018, https://www.fda .gov/newsevents/newsroom/pressannouncements/ucm609258 .htm.

227. Florencia Bohl, "Will Deregulation in Health Care Become the New Normal? *Regulatory Review*, August 25, 2020, https://www.theregreview.org/2020/08/25/bohl-deregulation -health-care-new-normal/.

228. "The Trump Administration's Latest Drug Pricing Initiatives," Ropes & Gray, January 15, 2019, https://www.ropesgray .com/en/newsroom/alerts/2019/01/The-Trump-Administrations -Latest-Drug-Pricing-Initiatives#fn2.

229. Ned Pagliarulo and Andrew Dunn, "5 Questions on the Trump Admin's Bid to Mandate Prices in Drug Ads," *Bio Pharma Dive*, October 16, 2018, https://www.biopharmadive .com/news/drug-prices-tv-ads-unanswered-questions/539789/. Editorial, "Trump's Drug Price Bust," *Wall Street Journal*, October 18, 2018, https://www.wsj.com/articles/trumps-drug-price -bust-1539905098.

230. Editorial, "Rebuking Trump on Drug Prices," *Wall Street Journal*, July 9, 2019, https://www.wsj.com/articles/rebuking -trump-on-drug-prices-11562714857. Yasmeen Abutaleb, "Fed-eral Judge Blocks Trump Rule Requiring Drug Prices in TV Ads," *Washington Post*, https://www.washingtonpost.com/health /federal-judge-blocks-trump-rule-requiring-drug-prices-in-tv-ads /2019/07/08/9738e92e-a1e0-11e9-b732-41a79c2551bf_story .html.

231. Michael Wursthorn, "Drugmakers Rise after Trump Pricing Rule Is Blocked," *Wall Street Journal*, July 9, 2019, https://www.wsj.com/articles/drugmakers-rise-after-trump -pricing-rule-is-blocked-11562693337.

232. Office of Sen. Josh Hawley, "Senator Hawley Coauthors Bill to Lower Cost of Prescription Drugs," news release, April 2, 2019, https://www.hawley.senate.gov/senator-hawley-coauthors -bill-lower-cost-prescription-drugs.

233. Noah Wall, "Josh Hawley and Rick Scott's Bizarre Support for Socialist Price Controls," *Washington Examiner*, August 30, 2019, https://www.washingtonexaminer.com/opinion/josh -hawley-and-rick-scotts-bizarre-support-for-socialist-price -controls.

234. Eric Levitz, "Why the GOP Might Learn to Love Putting Price Controls on Drugs," *New York*, July 12, 2019, http:// nymag.com/intelligencer/2019/07/trump-might-learn-to-love -putting-price-controls-on-prescription-drugs.html. Nathaniel Weixel, "Conservatives Buck Trump over Worries of 'Socialist' Drug Pricing," *The Hill*, August 7, 2019, https://thehill.com /policy/healthcare/456457-conservatives-buck-trump-over -worries-of-socialist-drug-pricing.

235. Executive Order 13877 of June 24, 2019, "Improving Price and Quality Transparency in American Healthcare to Put Patients First," *Federal Register*, Vol. 84, No. 124 (June 27, 2019), pp. 30849–30852, https://www.govinfo.gov/content/pkg /FR-2019-06-27/pdf/2019-13945.pdf. For discussion, see Jonathan Keisling, "The Price Transparency Executive Order," *Insight*, American Action Forum, June 27, 2019, https://www.american actionforum.org/insight/price-transparency-executive-order/.

236. White House, "Remarks by President Trump on Honesty and Transparency in Healthcare Prices," November 15, 2019, https://www.beaufortcountynow.com/post/35272. Alexandra Ellerbeck, "The Health 202: Hospitals Drag Feet on New Regulations to Disclose Costs of Medical Services," *Washington Post*, January 25, 2021, https://www.washingtonpost.com /politics/2021/01/25/health-202-hospitals-drag-feet-new -regulations-disclose-costs-medical-services/.

237. Executive Order 13937 of July 24, 2020, "Access to Affordable Life-Saving Medications," *Federal Register*, Vol. 85, No.

146 (July 29, 2020), pp. 45755–45756, https://www.govinfo .gov/content/pkg/FR-2020-07-29/pdf/2020-16623.pdf. Kevin Liptak, Caroline Kelly, and Jacqueline Howard, "Trump Appeals to Seniors with Plan to Cap Insulin Costs at \$35 for Medicare Enrollees," CNN, May 26, 2020, https://www.cnn.com/2020 /05/26/politics/white-house-insulin-cap-medicare/index.html.

238. Executive Order 13948 of September 13, 2020, "Lowering Drug Prices by Putting America First," *Federal Register*, Vol. 85, No. 185 (September 23, 2020), pp. 59649–56950, https://www.govinfo.gov/content/pkg/FR-2020-09-23/pdf/2020 -21129.pdf.

239. Sarah Owermohle, "Drugmakers Refuse to Attend White House Meeting after Trump Issues Executive Orders on Costs," *Politico*, July 27, 2020, https://www.politico.com/news /2020/07/27/drugmakers-trump-meeting-canceled-382847.

240. Clyde Wayne Crews Jr., "Is There a Downside to Activist Groups Pressuring Social Media about What Speech to Allow?" *Forbes*, October 30, 2018, https://www.forbes.com/sites /waynecrews/2018/10/30/is-there-a-downside-to-activist-groups -pressuring-social-media-about-what-speech-to-allow /#1c5331e679ec.

241. Tony Romm, "Trump's Economic Adviser: 'We're Taking a Look' at Whether Google Searches Should Be Regulated," *Washington Post*, August 28, 2018, https://www.washingtonpost .com/news/morning-mix/wp/2018/08/28/trump-wakes-up -googles-himself-and-doesnt-like-what-he-sees-illegal/.

242. Clyde Wayne Crews Jr., "Social Media Filtering Is Not Censorship," *Forbes*, April 26, 2018, https://www.forbes.com /sites/waynecrews/2018/04/26/social-media-filtering-is-not -censorship/#12a82c3c438d.

243. Thom Geier, "Trump Blasts Social Media 'Censorship': 'Discriminating against Republican/Conservative Voices," *The Wrap*, August 18, 2018, https://www.thewrap.com/trump-social -media-discriminating-republican-conservative-voices/.

244. Louis Nelson and Margaret Harding McGill, "Trump Suggests Challenging NBC's Broadcast License," *Politico*, October 11, 2017, https://www.politico.com/story/2017/10/11 /trump-nbc-broadcast-license-243667.

245. Craig Timberg, Taylor Telford, and Josh Dawsey, "Trump Urges Customers to Drop AT&T to Punish CNN over Its Coverage of Him," *Washington Post*, June 3, 2019, https:// www.washingtonpost.com/business/2019/06/03/trump-urges -customers-drop-att-punish-cnn-over-its-coverage-him/.

246. Steve Benen, "Trump Is Eager to Tell You about the Dems Who Secretly Agree with Him," November 7, 2018, https://www.msnbc.com/rachel-maddow-show/trump-eager-tell -you-about-the-dems-who-secretly-agree-him-msna1163086.

247. Cristina Cabrera, "Trump Thinks a Ban on Burning the American Flag Is a 'No Brainer," *Talking Points Memo*, June 15, 2019, https://talkingpointsmemo.com/news/trump-american -flag-burning-ban-no-brainer. 248. Emily Steward, "The White House's Social Media Bias Tool Is a Ploy to Get Your Email," *Recode*, May 17, 2019, https://www.vox.com/recode/2019/5/17/18629426/trump-social -media-bias-complaint-form-facebook.

249. Drew Harwell, "Trump Supporters Cried Social Media Suppression. Now They Have More Followers than Ever," *Washington Post*, July 25, 2019, https://www.washingtonpost.com/ technology/2019/07/24/white-house-summit-social-media-gave -boost-key-trump-supporters-they-used-it-attack-mueller/.

250. Brian Fung, "White House Proposal Would Have FCC and FTC Police Alleged Social Media Censorship," CNN Business, August 10, 2019, https://www.cnn.com/2019/08/09/tech /white-house-social-media-executive-order-fcc-ftc/index.html. Margaret Harding McGill and Daniel Lippman, "White House Drafting Executive Order to Tackle Silicon Valley's Alleged Anti-Conservative Bias," *Politico*, August 8, 2019, https://www .politico.com/story/2019/08/07/white-house-tech-censorship -1639051.

251. Competitive Enterprise Institute, "Draft White House Executive Order Aimed at Social Media Companies Would Violate First Amendment," news release, August 9, 2020, https://cei .org/news_releases/draft-white-house-executive-order-aimed-at -social-media-companies-would-violate-first-amendment/. Clyde Wayne Crews Jr., "Regulating Social Media Content Moderation Will Backfire and Make Big Tech More Powerful," *Forbes*, June 28, 2020, https://www.forbes.com/sites/waynecrews/2020/06/28 /regulating-social-media-content-moderation-will-backfire-and -make-big-tech-more-powerful/?sh=26d2f58c79ff. Crews, "Here Is a Catalog Of Trump's Threats to Regulate Social Media," *Forbes*, May 27, 2020, https://www.forbes.com/sites/waynecrews /2020/05/27/here-is-a-catalog-of-trumps-threats-to-regulate -social-media/?sh=247578242642.

252. Lauren Feiner and Ylan Mue, "DOJ Takes Aim at Law That Shields Tech Companies from Lawsuits over Material Their Users Post," CNBC, June 17, 2020, https://www.cnbc.com/2020 /06/17/doj-takes-aim-at-section-230-tech-liability-shield.html.

253. Clyde Wayne Crews Jr., "How Conservatives' Campaign to Impose Political Neutrality Regulation on Big Tech Will Backfire," *Forbes*, December 23, 2019, https://www.forbes.com/sites /waynecrews/2019/12/23/how-conservatives-effort-to-impose -political-neutrality-regulation-on-big-tech-will-backfire /#618816ba4bd9.

254. An October tweet from FCC commissioner Ajit Pai stated, "I intend to move forward with an @FCC rulemaking to clarify the meaning of #Section230." A final rulemaking was not issued. Post by @AjitPai, Twitter, October 15, 2020, 2:30 pm, https://twitter.com/AjitPai/status/1316808733805236226. David Shepardson, "U.S. FCC Action to Limit Social Media Protection Increasingly Unlikely," Reuters, January 4, 2021, https://news.trust.org/item/20210104174654-h86id.

255. Matthew Daly, "In a First, Congress Overrides Trump Veto of Defense Bill," Associated Press, January 1, 2021, https://apnews.com/article/election-2020-donald-trump -defense-policy-bills-85656704ad9ae1f9cf202ee76d7a14fd.

256. Clyde Wayne Crews Jr., "The Case against Social Media Content Regulation," *Issue Analysis* 2020, no. 4, June 2020, Competitive Enterprise Institute, https://cei.org/studies/the-case -against-social-media-content-regulation/.

257. Emily Glazer, Ryan Tracy, and Jeff Horwitz, "FTC Approves Roughly \$5 Billion Facebook Settlement," *Wall Street Journal*, July 12, 2019, https://www.wsj.com/articles/ftc -approves-roughly-5-billion-facebook-settlement-11562960538. Tony Romm and Elizabeth Dwoskin, "U.S. Regulators Have Met to Discuss Imposing a Record-Setting Fine against Facebook for Privacy Violations," *Washington Post*, January 18, 2019, https://www.washingtonpost.com/technology/2019/01/18/us -regulators-have-met-discuss-imposing-record-setting-fine -against-facebook-some-its-privacy-violations/?noredirect =on&tutm_term=.cc2b5b5fee31.

258. Tony Romm, "FTC Votes to Approve \$5 Billion Settlement with Facebook in Privacy Probe," *Washington Post*, July 12, 2019, https://www.washingtonpost.com/technology/2019/07/12 /ftc-votes-approve-billion-settlement-with-facebook-privacy -probe/.

259. Post by @neil_chilson, Twitter, September 4, 2019, 1:59 p.m., https://twitter.com/neil_chilson/status/1169308953567780869.

260. "Scoop: FTC Launches Sweeping Privacy Study of Top Tech Platforms," *Axios*, December 14, 2020, https://www.axios .com/scoop-ftc-launches-sweeping-privacy-study-of-top-tech -platforms-345de3ef-f49e-4001-be84-0736b20a2207.html.

261. Ibid.

262. Eric Geller, "Trump Officials Weigh Encryption Crackdown," *Politico*, June 27, 2019, https://www.politico.com/story /2019/06/27/trump-officials-weigh-encryption-crackdown -1385306.

263. Patience Haggin and Sam Schechner, "Regulators Eye the Auctions That Decide Which Web Ads You See," *Wall Street Journal*, July 9, 2019, https://www.wsj.com/articles/regulators -eye-the-auctions-that-decide-which-web-ads-you-see -11562670006.

264. Federal Trade Commission, "FTC Releases Agenda for Loot Box Workshop on August 7," news release, July 29, 2019, https://www.ftc.gov/news-events/press-releases/2019/07/ftc -releases-agenda-loot-box-workshop-august-7.

265. Jacqueline Alemany, "White House Considers New Project Seeking Links between Mental Health and Violent Behavior," *Washington Post*, August 22, 2019, https://www .washingtonpost.com/politics/2019/08/22/white-house -considers-new-project-seeking-links-between-mental-health -violent-behavior/. Justine Coleman, "Trump Administration Considers Monitoring People with Mental Illness to Prevent Shootings: Report," *The Hill*, September 9, 2019, https://thehill .com/policy/healthcare/mental-health/460556-trump -administration-considers-monitoring-people-with-mental.

266. Department of Homeland Security, "Collection and Use of Biometrics by U.S. Citizenship and Immigration Services," *Federal Register*, Vol. 85, No. 177 (September 11, 2020), pp. 56338–56422, https://www.govinfo.gov/content/pkg/FR-2020 -09-11/pdf/2020-19145.pdf. Mila Jasper, "DHS Files Rule Proposing Increasing Scope of Biometric Information Collection," *Nextgov*, September 4, 2020, https://www.nextgov.com/analytics -data/2020/09/dhs-files-rule-proposing-increasing-scope -biometric-information-collection/168269/.

267. "U.S. Homeland Security Proposes Face Scans for U.S. Citizens," Reuters, December 2, 2019, http://news.trust.org/item/20191202231619-0717f.

268. Eric Lipton, "A Regulatory Rush by Federal Agencies to Secure Trump's Legacy," *New York Times*, October 16, 2020, https://www.nytimes.com/2020/10/16/us/politics/regulatory -rush-federal-agencies-trump.html.

269. Melody Petersen, "Tracking Who Gets Vaccinated Is Vital for Public Health, but It's Raising Privacy Concerns," *Los Angeles Times*, December 28, 2020, https://www.latimes.com/business /story/2020-12-28/covid19-vaccine-privacy-personal-data.

270. South Dakota v. Wayfair, Inc., No. 17–494, argued April 17, 2018—decided June 21, 2018,

https://www.supremecourt.gov/opinions/17pdf/17-494_j4el.pdf.

271. Jessica Melugin, "Year in Review 2018: Internet Sales Tax," *OpenMarket*, Competitive Enterprise Institute, December 26, 2018,

https://cei.org/blog/year-review-2018-internet-sales-tax.

272. Sara Salinas, "Trump Renews Call for Internet Tax, Making a Veiled Threat against Amazon," CNBC, January 11, 2018, https://www.cnbc.com/2018/01/11/trump-hits-amazon -with-another-internet-tax-threat.html.

273. Post by @EmmanuelMacron, Twitter, August 26, 2019, 12:00 p.m., https://twitter.com/EmmanuelMacron/status /1166017513026703360.

274. Marc Scribner, "Let the Market Take Care of Infrastructure," *USA Today*, November 21, 2016, https://www.usatoday .com/story/opinion/2016/11/21/trump-infrastructure-jobs -pelosi-stimulus-column/94019634/.

275. Clyde Wayne Crews Jr., "The Internet of Things Wants to Know Where Its 5G Is," *Forbes*, November 2, 2017, https://www.forbes.com/sites/waynecrews/2017/11/02/the-internet-of-things-wants-to-know-where-its-5g-is/#8ace3107ed74.

276. Chris Mills Rodrigo, "Pelosi Touts Bipartisan Potential of Infrastructure," *The Hill*, November 7, 2018, https://thehill. com/homenews/administration/415561-nancy-pelosi-touts -bipartisan-potential-of-infrastructure. A bipartisan water infrastructure spending bill was passed in October 2018. Maegan Vazquez, "Trump Signs Bipartisan Water Infrastructure Spending Law," CNN, October 23, 2018, https://www.cnn.com/2018 /10/23/politics/america-water-infrastructure-act-donald-trump -signing/index.html.

277. Kevin DeGood, Alison Cassady, Karla Walter, and Rejane Frederick, "Building Progressive Infrastructure," Center for American Progress, January 31, 2019, https://www.american progress.org/issues/economy/reports/2019/01/31/465687 /building-progressive-infrastructure/. Editorial, "You Call That 'Infrastructure'?" *Wall Street Journal*, January 3, 2019, https:// www.wsj.com/articles/you-call-that-infrastructure-11546560801.

278. Clyde Wayne Crews Jr., "Phase 4 Coronavirus Infrastructure Spending to Start at \$2 Trillion," *Forbes*, March 31, 2020, https://www.forbes.com/sites/waynecrews/2020/03/31 /phase-4-coronavirus-infrastructure-spending-to-start-at-2 -trillion/?sh=2fa3a2657099.

279. Federal Communications Commission, "Chairman Pai Tees Up \$20.4 Billion Rural Digital Opportunity Trust Fund for Vote at FCC's January Meeting: Fund Would Deploy High-Speed Broadband to Millions of Rural Homes and Businesses," news release, January 8, 2020, https://docs.fcc.gov/public/attachments/DOC-361763A1.pdf.

280. White House, "Remarks by President Trump after Meeting with Congressional Leadership on Border Security," January 4, 2019, https://trumpwhitehouse.archives.gov/briefings -statements/remarks-president-trump-meeting-congressional -leadership-border-security/. Joe Setyon, "What the Hell Is the 'Military Version of Eminent Domain'?" *Reason*, January 4, 2019, https://reason.com/blog/2019/01/04/what-the-hell-is -the-military-version-of.

281. Iain Murray and Ryan Young, "Trump's Trade War Isn't Working Because Tariffs Hurt Americans," Morning Consult, October 10, 2018, https://morningconsult.com/opinions /trumps-trade-war-isnt-working-because-tariffs-hurt-americans/.

282. Mary Amiti, Stephen J. Redding, and David Weinstein, "The Impact of the 2018 Trade War on U.S. Prices and Welfare," Discussion Paper DP13564, Centre for Economic Policy Research, March 2, 2019, http://www.princeton.edu/~reddings /papers/CEPR-DP13564.pdf. Sean Higgins, "Trump Tariffs Costing Americans \$1.4 Billion a Month in Income, Study Says," *Washington Examiner*, March 4, 2019, https://www .washingtonexaminer.com/policy/economy/trump-tariffs-costing -americans-1-4-billion-a-month-in-income-study-says.

283. Michael Rainey, "Trump Tariffs Could Wipe Out Tax Cuts for Many Households," *Fiscal Times*, May 16, 2019, https://news.yahoo.com/trump-tariffs-could-wipe-tax -142911498.html.

284. Executive Order 13858 of January 31, 2019, "Strengthening Buy-American Preferences for Infrastructure Projects," *Federal Register*, Vol. 84, No. 24 (February 5, 2019), pp. 2039– 2041, https://www.govinfo.gov/content/pkg/FR-2019-02-05 /pdf/2019-01426.pdf. 285. Executive Order 13881 of July 15, 2019, "Maximizing Use of American-Made Goods, Products, and Materials," *Federal Register*, Vol. 84, No. 138 (July 18, 2019), pp. 34257–34259, https://www.govinfo.gov/content/pkg/FR-2019-07-18/pdf/2019 -15449.pdf.

286. Iain Murray, "Administration Looks to Make Household-Level Imports More Expensive," *OpenMarket*, Competitive Enterprise Institute, February 28, 2019, https://cei.org/blog /administration-looks-make-household-level-imports-more -expensive.

287. Don Lee, "Trump's Steel Tariffs Were Supposed to Save the Industry. They Made Things Worse," *Los Angeles Times*, October 29, 2019, https://www.latimes.com/politics/story/2019 -10-29/steel-industry-faces-a-bleaker-future-than-when-trump -moved-to-rescue-it.

288. Jeanne Whalen, "Whiskey Sour: U.S. Craft Distillers Say Trump Trade War with Europe Is Killing Export Plans," *Washington Post*, January 2, 2019, https://www.washingtonpost.com/business/economy/whiskey-sour-us-craft-distillers-say-trade-war-with-europe-is-killing-exports/2019/01/02/4c8a7b64-054f-11e9-b5df-5d3874f1ac36_story.html?noredirect=on&utm_term=.0a7dc13abade.

289. James Hohmann, "The Daily 202: 'Why Not Lobsters?': Mainers Plead with Trump to Help an Industry Suffering from His Trade War," *Washington Post*, June 7, 2019, https://s2.washingtonpost.com/14ab9fb/5cfa6d5bfe1ff62 214e92fa4/Y3djcmV3c0BnbWFpbC5jb20%3D/9/130/ f986f1d5390d7b3cd4649acbae23ce80.

290. Doina Chiacu and Humeyra Pamuk, "Trump Approves Second Round of Trade Aid Payments for U.S. Farmers, Reuters, December 17, 2018, https://www.reuters.com/article/us-usa -trade-farmaid/trump-approves-second-round-of-trade-aid -payments-for-u-s-farmers-idUSKBN1OG2BI.

291. Emma Newburger, "'Trump Is Ruining Our Markets': Struggling Farmers Are Losing a Huge Customer to the Trade War—China," CNBC, August 10, 2019, https://www.cnbc.com /2019/08/10/trump-is-ruining-our-markets-farmers-lose-a -huge-customer-to-trade-war----china.html. Kevin D. Williamson, "Trump's Trade-War Casualties," *National Review*, June 6, 2019, https://www.nationalreview.com/magazine/2019/06/24 /trumps-trade-war-casualties/.

292. Humeyra Pamuk, "Bulk of Trump's U.S. Farm Aid Goes to Biggest and Wealthiest Farmers—Advocacy Group," Reuters, July 30, 2019,

http://news.trust.org/item/20190730175400-li5as.

293. Post by @thehill, January 9, 2020, 10:50 p.m., https://twitter.com/thehill/status/1215480885165875200.

294. Gary Clyde Hufbauer, "Managed Trade: Centerpiece of US-China Phase One Deal," Peterson Institute for International Economics, January 16, 2020, https://www.piie.com/blogs

/trade-and-investment-policy-watch/managed-trade-centerpiece -us-china-phase-one-deal.

295. Adam Thierer and Jennifer Huddleston Skees, "Emerging Tech Export Controls Run Amok," *Technology Liberation Front*, November 28, 2018, https://techliberation.com/2018/12 /04/debating-the-future-of-artificial-intelligence-g7 -multistakeholder-conference/.

296. Fred Imbert, "Dow Plummets More than 600 Points after Trump Orders US Manufacturers to Leave China," CNBC, August 23, 2019, https://www.cnbc.com/2019/08/23/us-stocks -wall-street-monitors-speech-from-fed-chair-jerome-powell.html.

297. Jesse Pound and Jasmine Wu, "Trump Calls on UPS, FedEx and Amazon to 'Search For & Refuse' Fentanyl Deliveries from China," CNBC, August 23, 2019, https://www.cnbc.com /2019/08/23/trump-calls-on-ups-fedex-amazon-to-refuse -deliveries-of-fentanyl-from-china.html.

298. Josh Zumbrun and Bob Davis, "China Trade War Didn't Boost U.S. Manufacturing Might," *Wall Street Journal*, October 25, 2020, https://www.wsj.com/articles/china-trade-war-didnt -boost-u-s-manufacturing-might-11603618203.

299. "How China Won Trump's Trade War and Got Americans to Foot the Bill," *Bloomberg News*, January 12, 2021, https://www.bloombergquint.com/global-economics/how-china -won-trump-s-good-and-easy-to-win-trade-war.

300. Ryan Young, "Repeal #NeverNeeded Trade Barriers," Competitive Enterprise Institute *WebMemo*, no. 56, July 8, 2020, https://cei.org/studies/repeal-neverneeded-trade-barriers/.

301. Post by @justinamash, May 17, 2019, 7:25 p.m., https://twitter.com/justinamash/status/997302204963966976.

302. Liz Crampton, Helena Bottemiller Evich, and Rachel Blade, "GOP Leaders, Freedom Caucus Face Off on Farm Bill, Immigration," *Politico*, May 15, 2018, https://www.politico .com/story/2018/05/17/meadows-farm-bill-a-no-go-until -immigration-vote-595894.

303. "U.S. Government Checks Constituted 40% of Farmers' Income in 2020: USDA," *MarketWatch*, December 31, 2020, https://www.marketwatch.com/story/u-s-government-checks -constituted-40-of-farmers-income-in-2020-usda-01609444429.

304. Gary Coglianese, "Let's Be Real about Trump's First Year in Regulation," *Regulatory Review*, January 29, 2018, https:// www.theregreview.org/2018/01/29/lets-be-real-trumps -first-year-regulation/.

305. Marc Scribner, "Environmental Protection Agency Considering Backdoor Subsidies for 'Talking Car' Tech," *OpenMarket*, Competitive Enterprise Institute, October 18, 2018, https://cei.org/blog/environmental-protection-agency -considering-backdoor-subsidies-talking-car-tech.

306. Post by @justinamash, November 27, 2019, 11:52 a.m., https://twitter.com/justinamash/status/1067506512053092353.

307. Ginger Gibson, "In Win for Boeing and GE, Trump Says He Wants to Revive Export Bank," Reuters, April 12, 2017, https://www.reuters.com/article/us-usa-trump-eximbank -idUSKBN17F03C.

308. Ryan Young, "White House Should Drop Support for Cronyism of Export-Import Bank," *OpenMarket*, Competitive Enterprise Institute, April 12, 2017, https://cei.org/blog/white -house-should-drop-support-cronyism-export-import-bank. Keith Johnson, "Bid to Revive Export-Import Bank Runs Aground," *Foreign Policy*, November 22, 2019, https://foreignpolicy.com /2019/11/22/export-import-bank-china-republicans-crony -capitalism/.

309. Ryan Young, "Tit-for-Tat Tariffs: Boeing and Airbus Show Why," *OpenMarket*, Competitive Enterprise Institute, October 13, 2020, https://cei.org/blog/tit-for-tat-tariffs-dont -work-boeing-and-airbus-show-why/.

310. Timothy Cama, "Trump: 'Dems Will End Ethanol," *The Hill*, October 9, 2018, https://thehill.com/policy/energy -environment/410683-trump-dems-will-end-ethanol. Editorial, "That's What You Want to Hear," *Wall Street Journal*, October 10, 2018, https://www.wsj.com/articles/thats-what-you-want-to -hear-1539212255.

311. Colin A. Carter and Henry I. Miller, "Giving In to Big Corn," *City Journal*, July 12, 2019, https://www.city-journal.org/epa-15-percent-ethanol.

312. Tal Axelrod, "Trump Makes Pitch to Farmers: Ethanol Plan Will Be 'Great for All!" *The Hill*, August 29, 2019, https://thehill.com/homenews/administration/459279-trump -makes-pitch-to-farmers-ethanol-plan-will-be-great-for-all.

313. Timothy B. Lee, "Congress Passes Legislation Expanding Robocall Penalties," *Ars Technica*, December 19, 2019, https://arstechnica.com/tech-policy/2019/12/congress-slaps -robocallers-with-10000-penalty-per-call/.

314. Thomas Winslow Hazlett, "We Could Have Had Cellphones Four Decades Earlier," *Reason*, July 2017, http://reason .com/archives/2017/06/11/we-could-have-had-cellphones-f. Hazlett, *The Political Spectrum: The Tumultuous Liberation of Wireless Technology, from Herbert Hoover to the Smartphone* (New Haven, CT: Yale University Press, 2017).

315. Jonathan Swan, David McCabe, Ina Fried, and Kim Hart, "Scoop: Trump Team Considers Nationalizing 5G Network," *Axios*, January 28, 2018, https://www.axios.com/trump -team-debates-nationalizing-5g-network-f1e92a49-60f2-4e3e -acd4-f3eb03d910ff.html.

316. Office of Sen. Ted Cruz, "Sens. Cruz, Cortez Masto Pen Letter Raising Concerns over Plans to Nationalize 5G Networks," news release, February 12, 2018, https://www.cruz .senate.gov/?p=press_release&id=3633.

317. Office of Sen. Ted Cruz, "Sens. Cruz, Cortez Masto Announce Intention to Reintroduce Bipartisan E-FRONTIER Act:

Urge Congress to Protect the Free Market," news release, March 5, 2019, https://www.cruz.senate.gov/?p=press_release&id=4351.

318. Drew FitzGerald and Sarah Krouse, "White House Considers Broad Federal Intervention to Secure 5G Future," *Wall Street Journal*, June 25, 2020, https://www.wsj.com/articles /white-house-federal-intervention-5g-huawei-china-nokia-trump -cisco-11593099054?mod=hp_lead_pos10. Kyle Daly, "White House Pushes Pentagon to Jumpstart a National 5G Network, *Axios*, October 12, 2020, https://www.axios.com/white-house -pushes-pentagon-to-jumpstart-a-national-5g-network-c47ac4b2 -628e-4d40-935b-dd98cbc601ec.html.

319. Richard Trenholm, "NASA Is Launching a 4G Phone Network on the Moon," *CNET*, October 19, 2020, https://www.cnet.com/news/nasa-is-launching-a-4g-phone-network-on-the -moon/.

320. Federal Communication Commission, "Establishing a 5G Fund for Rural America," *Federal Register*, Vol. 85, No. 228 (November 25, 2020), pp. 75770–75828, https://www.govinfo.gov/content/pkg/FR-2020-11-25/pdf/2020-24486.pdf.

321. Federal Communications Commission, "Accelerating Wireless and Wireline Deployment by Streamlining Local Approval of Wireless Infrastructure Modifications," *Federal Register*, Vol. 85, No. 233 (December 3, 2020), pp. 78005–78018, https://www.govinfo.gov/content/pkg/FR-2020-12-03 /pdf/2020-25144.pdf.

322. Clyde Wayne Crews Jr., "Helicopter Government? How the Internet of Things Enables Pushbutton Regulation from a Distance," *Forbes*, November 11, 2019, https://www.forbes.com /sites/waynecrews/2019/11/11/helicopter-government-how-the -internet-of-things-enables-pushbutton-regulation-from-a -distance/?sh=38ce2819f667.

323. Executive Order 13873 of May 15, 2019, "Securing the Information and Communications Technology and Services Supply Chain," *Federal Register*, Vol. 84, No. 96 (May 17, 2019), pp. 22689–22692, https://www.govinfo.gov/content/pkg/FR-2019 -05-17/pdf/2019-10538.pdf.

324. U.S. Department of Commerce, "Securing the Information and Communications Technology and Services Supply Chain," *Federal Register*, Vol. 84, No. 229 (November 27, 2019), pp. 65316–65322, https://www.govinfo.gov/content/pkg/FR -2019-11-27/pdf/2019-25554.pdf.

325. For example, see this thread by @willwilkinson, Twitter, begun January 9, 2020, 11:54 a.m., https://twitter.com/willwilkinson/status/1215315879069724673.

326. U.S. Department of Commerce, "Securing the Information and Communications Technology and Services Supply Chain," *Federal Register*, Vol. 84, No. 229 (November 27, 2019), pp. 65316–65322, https://www.govinfo.gov/content/pkg/FR -2019-11-27/pdf/2019-25554.pdf.

327. Department of Defense, General Services Administration, and National Aeronautics and Space Administration, "Federal Acquisition Regulation: Prohibition on Contracting with Entities Using Certain Telecommunications and Video Surveillance Services or Equipment, Rule by the Defense Department, the General Services Administration, and the National Aeronautics and Space Administration," *Federal Register*, Vol. 85, No. 135 (July 14, 2020), pp. 42665–42679, https://www.govinfo.gov /content/pkg/FR-2020-07-14/pdf/2020-15293.pdf.

328. Ryan McConnell, Matthew Boyden, and Eve Pferdehirt, "White House Uses IEEPA to Issue Strongest Anti-Dancing Orders Since 'Footloose," Law.com, August 12, 2020, https://www.law.com/corpcounsel/2020/08/12/white-house -uses-ieepa-to-issue-strongest-anti-dancing-orders-since-footloose/.

329. Andrew Restuccia and John D. McKinnon, "Trump Issues New Ban on Alipay and Other Chinese Apps," *Wall Street Journal*, January 6, 2021, https://www.wsj.com/articles/trump -signs-order-banning-alipay-and-other-chinese-apps-11609889364 ?mod=hp_lead_pos4.

330. Daniel Ikenson, "China's Technological Predation Threatens U.S. Security, *Newsweek*, February 10, 2021, https://www.newsweek.com/chinas-technological-predation -threatens-us-security-opinion-1568009.

331. Bruce Yandle, "Trump Is Trying Too Hard to Engineer American Economic Greatness," *Washington Examiner*, September 18, 2020, https://www.washingtonexaminer.com/opinion /trump-is-trying-too-hard-to-engineer-american-economic -greatness.

332. Michelle Cortez and Cristin Flanagan, "FDA Approving Drugs at Breakneck Speed, Raising Alarm," *Bloomberg*, December 6, 2019, https://www.bloomberg.com/news/articles/2019 -12-06/fda-is-green-lighting-drugs-at-breakneck-speed-and -raising-alarm.

333. Food and Drug Administration, Policy for Device Software Functions and Mobile Medical Applications: Guidance for Industry and Food and Drug Administration Staff, September 27, 2019, https://www.fda.gov/media/80958/download. Richard Williams, "National Nutrition Month Should Focus on Innovation," *Inside Sources*, March 26, 2018, https://www.insidesources.com/national-nutrition-month-focus-innovation/.

334. Cristin Flanagan, "ReWalk Stock Triples as Robotic Suit for Stroke Victims Gets FDA Nod," *Bloomberg Quint*, June 5, 2019, https://www.bloombergquint.com/business/small-cap -rewalk-triples-on-fda-nod-for-robotic-suit-for-stroke.

335. Jayne O'Donnell, "FDA Declares Youth Vaping an Epidemic, Announces Investigation, New Enforcement," *USA Today*, September 12, 2018, https://www.usatoday.com/story/news /politics/2018/09/12/fda-scott-gottlieb-youth-vaping-e -cigarettes-epidemic-enforcement/1266923002/. Jacob Sullum, "Declines in Adolescent Smoking Accelerated as Vaping Rose, Suggesting the FDA's Campaign Is Fatally Misguided," *Reason*, November 21, 2018, http://reason.com/blog/2018/11/21 /declines-in-adolescent-smoking-accelerat/print. Michelle Minton, "Anti-E-Cigarette Puritans Put Lives at Risk," *OnPoint* No. 252, Competitive Enterprise Institute, March 6, 2019, https://cei.org/content/anti-e-cigarette-puritans-put-lives-risk.

336. Brendan Pierson, "Court Upholds FDA Regulation of E-Cigarettes as Tobacco Products," Reuters, December 1, 2020, https://www.reuters.com/article/idUSL1N2IH38G. Michelle Minton and Will Tanner, "Federal Health Agencies' Misleading Messaging on E-Cigarettes Threatens Public Health," *OnPoint* No. 262, Competitive Enterprise Institute, January 22, 2020, https://cei.org/content/federal-health-agencies-misleading -messaging-e-cigarettes-threatens-public-health.

337. Jacqueline Howard, "US Raises Legal Age to Buy Cigarettes, Vapes to 21," CNN, https://www.cnn.com/2019/12/20 /health/tobacco-age-21-trump-spending-bill-bn/index.html.

338. Washington Legal Foundation, "WLF Calls into Doubt Constitutionality of FDA's Compelled Graphic Warnings on Cigarettes," news release, October 15, 2019, https://www.wlf.org/2019 /10/15/communicating/wlf-calls-into-doubt-constitutionality-of -fdas-compelled-graphic-warnings-on-cigarettes/.

339. Kyle Burgess, "Crony-ing over Spilled Milk," *The Hill*, October 1, 2018, https://thehill.com/opinion/finance/409223 -crony-ing-over-spilled-milk.

340. Daren Bakst, "The FDA Must Stop Its Overreach and Start Respecting Consumer Freedom," Heritage Foundation, October 29, 2018, https://www.heritage.org/government -regulation/report/the-fda-must-stop-its-overreach-and-start -respecting-consumer-freedom.

341. Food and Drug Administration, "Statement from FDA Commissioner Scott Gottlieb, M.D., on the Agency's New Efforts to Strengthen Regulation of Dietary Supplements by Modernizing and Reforming FDA's Oversight," news release, February 11, 2019, https://www.fda.gov/NewsEvents/Newsroom /PressAnnouncements/ucm631065.htm.

342. Ed Cara, "FDA Is Going after Kratom, Warning Companies to Stop Selling It for Opioid Addiction and Cancer," Gizmodo, June 26, 2019, https://gizmodo.com/fda-is-going -after-kratom-warning-companies-to-stop-se-1835887705.

343. Scott Sumner, "Regulation Watch," Library of Economics and Liberty, December 12, 2018, https://www.econlib.org/regulation-watch/. Sumner, "Why Free-Market Economists Aren't Impressed with Trump's Deregulation Efforts," *MarketWatch*, December 19, 2018, https://www .marketwatch.com/story/why-free-market-economists-arent -impressed-with-trumps-deregulation-efforts-2018-12-19.

344. Presidential Memorandum of February 20, 2018, "Application of the Definition of Machinegun to 'Bump Fire' Stocks and Other Similar Devices," *Federal Register*, Vol. 83, No. 37 (February 23, 2018), pp. 7949–7950, https://www.govinfo.gov/content/pkg/FR-2018-02-23/pdf/2018-03868.pdf. Michael Balsama, "Trump Administration Moves to Ban Bump Stocks,"

Associated Press, December 18, 2018, https://apnews.com/6c1af80fb290472c89fb930e223505af.

345. Zusha Elinson, "Ghost-Gun Company Raided by Federal Agents," *Wall Street Journal*, December 11, 2020, https:// www.wsj.com/articles/ghost-gun-company-raided-by-federal -agents-11607670296.

346. Jacob Pramuk, "Trump Signs the Biggest Rollback of Bank Rules since the Financial Crisis," CNBC, May 24, 2018, https://www.cnbc.com/2018/05/24/trump-signs-bank-bill -rolling-back-some-dodd-frank-regulations.html. For a view unfavorable toward the administration's rollbacks, see Emily Flitter, Jeanna Smialek, and Stacy Cowley, "How the White House Rolled Back Financial Regulations," *New York Times*, November 6, 2020, https://www.nytimes.com/2020/11/06/business/trump -administration-financial-regulations.html.

347. Daniel Kurt, "What Is the SECURE Act and How Could It Affect Your Retirement?" *Investopedia*, January 20, 2020, updated March 19, 2021, https://www.investopedia.com /what-is-secure-act-how-affect-retirement-4692743.

348. Kate Berry, "CFPB Moves to Ease Fintechs' Regulatory Fears," *American Banker*, September 19, 2019, https://www .americanbanker.com/news/cfpb-moves-to-ease-fintechs -regulatory-fears.

349. John Berlau, "Don't Let Red Tape Stunt Innovative Cryptocurrency," Newsmax, January 18, 2019, https://www .newsmax.com/johnberlau/blockchain-cei-nakamoto-sec/2019 /01/18/id/898825.

350. Jonathan Shieber, "Cryptocurrency's Bad Day Continues as the SEC Blocks Telegram's \$1.7 Billion Planned Yoken Sale," *TechCrunch*, October 11, 2019, https://techcrunch.com/2019 /10/11/sec-blocks-the-1-7-billion-token-sale-for-telegrams -cryptocurrency/.

351. John Berlau, "Cryptocurrency and the SEC's Limitless Power Grab," *OnPoint* No. 253, Competitive Enterprise Institute, April 11, 2019, https://cei.org/content/cryptocurrency -and-secs-limitless-power-grab.

352. Pete Schroeder and Ismail Shakil, "U.S. Proposes Barring Big Tech Companies from Offering Financial Services, Digital Currencies," Reuters, July 14, 2019, https://www.reuters .com/article/us-usa-cryptocurrency-bill-idUSKCN1U90NL.

353. Josh Wingrove and Margaret Talev, "Facebook's Crypto Woes Deepen as Mnuchin Joins Parade of Critics," *Bloomberg*, July 15, 2019, https://www.bloomberg.com/news/articles/2019 -07-15/mnuchin-plans-briefing-on-cryptocurrency-regulatory -issues.

354. Daniel Roberts, "Trump: 'I am Not a Fan of Bitcoin and Other Cryptocurrencies," *Yahoo! Finance*, July 12, 2019, https://finance.yahoo.com/news/trump-i-am-not-a-fan-of-bitcoin-and-other-cryptocurrencies-105950093.html. 355. Jesse Pound, "Top Currency Regulator Says to Expect 'Clarity' in Coming Weeks on Bitcoin," CNBC, December 4, 2020, https://www.cnbc.com/2020/12/04/top-currency -regulator-says-to-expect-clarity-in-coming-weeks-on-bitcoin.html.

356. Laura Saunders, "IRS to Cryptocurrency Owners: Come Clean, or Else!" *Wall Street Journal*, August 16, 2019, https://www.wsj.com/articles/irs-to-cryptocurrency-owners-come-clean-or-else-11565956801.

357. John Berlau, "Government-Run Payment Systems Are Unsafe at Any Speed," *OnPoint* No. 264, Competitive Enterprise Institute, June 10, 2020, https://cei.org/studies/government -run-payment-systems-are-unsafe-at-any-speed-2/. Editorial, "Jay Powell's Public Option," *Wall Street Journal*, August 2, 2019, https://www.wsj.com/articles/jay-powells-public-option -11564786958. Coalition letter to the Honorable Jerome H. Powell, Chairman, Board of Governors of the Federal Reserve System, opposing the Federal Reserve's consideration to operate a Real-Time Gross Settlement system, July 3, 2019, https://cei.org /sites/default/files/ATR_Coalition_to_Chair_Powell_-_Federal _Reserve_RTP_-_June_3_19%20%282%29.pdf.

358. Ann Saphir "Fedcoin? The U.S. Central Bank Is Looking into It," Reuters, February 5, 2020, https://www.reuters.com /article/us-usa-fed-brainard/fedcoin-the-u-s-central-bank-is -looking-into-it-idUSKBN1ZZ2XF.

359. John Berlau, "Fed Continues to Disregard Rules When Putting Forth Its Own Rules," *Forbes*, January 14, 2020, https:// www.forbes.com/sites/johnberlau/2020/01/14/fed-continues -to-disregard-rules-when-putting-forth-its-own-rules/?sh =2d80574a1f45. Ike Brannon, "Would the Federal Reserve's Push to Offer Real-Time Payments Survive Regulatory Scrutiny?" *Forbes*, September 5, 2019, https://www.forbes.com/sites /ikebrannon/2019/09/05/would-the-federal-reserves-push-to -offer-real-time-payments-survive-regulatory-scrutiny /#66e359d84b81.

360. Peter J. Wallison, "The Fed Has Too Much to Do," *Wall Street Journal*, August 19, 2019, https://www.wsj.com/articles/ the-fed-has-too-much-to-do-11566255585. For the Federal Reserve's take, see "Delivering Fast Payments for All," speech by Governor Lael Brainard at the Federal Reserve Bank of Kansas City Town Hall, Kansas City, Missouri, August 5, 2019, https://www.federalreserve.gov/newsevents/speech/brainard 20190805a.htm.

361. Sumner, "Regulation Watch" and "Why Free-Market Economists Aren't Impressed with Trump's Deregulation Efforts."

362. Daniel Bunn, "What Happens When Everyone Is GILTI?" Tax Foundation, March 1, 2019, https://taxfoundation .org/gilti-global-minimum-tax/. Daniel J. Mitchell, "Trump Treasury Secretary Supports French Tax Harmonization Scheme," February 28, 2019, https://danieljmitchell.wordpress .com/2019/02/28/trump-treasury-secretary-supports-french-tax -harmonization-scheme/. 363. John Berlau, "Comptroller Plan to Impose 'Fairness Doctrine' for Banks Goes against Freedom of Association, news release, Competitive Enterprise Institute, November 20, 2020, https://cei.org/news_releases/comptroller-plan-to-impose -fairness-doctrine-for-banks-goes-against-freedom-of-association/.

364. John Berlau, "Why a 'Fairness Doctrine' for Woke Capital Will Backfire on Conservatives," *National Review*, December 10, 2020, https://www.nationalreview.com/2020/12/why-a -fairness-doctrine-for-woke-capital-will-backfire-on-conservatives/.

365. Clyde Wayne Crews Jr., Testimony before the Committee on Science and Technology, U.S. House of Representatives, "The Future of Manufacturing: What Is the Role of the Federal Government in Supporting Innovation by U.S. Manufacturers?" March 17, 2010, http://www.scribd.com/doc/140394988 /Wayne-Crews-The-Future-Of-Manufacturing-And-Science.

366. Transcript of President Trump's State of the Union address, *Time*, February 5, 2019, http://time.com/5521860/2019 -state-of-the-union-trump-transcript/. John D. McKinnon, "Trump Preparing Plan to Boost AI, 5G Technology," *Wall Street Journal*, February 6, 2019, https://www.wsj.com/articles/trump -preparing-plan-to-boost-ai-5g-technology-11549474459?mod =searchresults&page=1&pos=2&ns=prod/accounts-wsj.

367. Memorandum for the Heads of Executive Departments and Agencies from Russell T. Vought, Director, Office of Management and Budget, "Guidance for Regulation of Artificial Intelligence Applications," November 17, 2020, https://www .whitehouse.gov/wp-content/uploads/2020/11/M-21-06.pdf. Clyde Wayne Crews Jr., "Artificial Intelligence Will Merely Kill Us, Not Take Our Jobs," working paper and comments of the Competitive Enterprise Institute to the Executive Office of the President, Office of Management and Budget, on the Request for Comments on a Draft Memorandum to the Heads of Executive Departments and Agencies, "Guidance for Regulation of Artificial Intelligence Applications," *Federal Register* Doc. 2020– 00261, Filed January 0, 2020, https://www.regulations.gov /document?D=OMB-2020-0003-0002.

368. Executive Order 13960 of December 3, 2020, "Promoting the Use of Trustworthy Artificial Intelligence in the Federal Government," *Federal Register*, Vol. 85, No. 236 (December 8, 2020), pp. 78939–78943, https://www.govinfo.gov/content/pkg /FR-2020-12-08/pdf/2020-27065.pdf.

369. Executive Order 13859 of February 11, 2019, "Maintaining American Leadership in Artificial Intelligence," *Federal Register*, Vol. 84, No. 31 (February 14, 2019), pp. 3967–3972, https://www.govinfo.gov/content/pkg/FR-2019-02-14/pdf /2019-02544.pdf.

370. U.S. Department of Defense, Summary of the 2018 Department of Defense Artificial Intelligence Strategy: Harnessing AI to Advance Our Security and Prosperity, February 12, 2019, https://media.defense.gov/2019/Feb/12/2002088963/-1/-1/1 /SUMMARY-OF-DOD-AI-STRATEGY.PDF. Zachary Fryer-Biggs, "Pentagon Releases Blueprint for Accelerating Artificial Intelligence," *Yahoo! News*, February 13, 2019, https://www.ya-hoo.com/entertainment/pentagon-releases-blueprint-for-acceler-ating-artificial-intelligence-204022996.html.

371. Pub. L. No. 115-232, https://www.govinfo.gov/content /pkg/PLAW-115publ232/html/PLAW-115publ232.htm.

372. Memorandum for the Heads of Executive Departments and Agencies from Russell Vought, Acting Director, Office of Management and Budget, "Guidance for Regulation of Artificial Intelligence Applications," https://www.whitehouse.gov/wp -content/uploads/2020/01/Draft-OMB-Memo-on-Regulation -of-AI-1-7-19.pdf?utm_source=morning_brew.

373. Ibid., p. 2., "Agencies must avoid a precautionary approach that holds AI systems to such an impossibly high standard that society cannot enjoy their benefits."

374. Michael Kratsios, "AI That Reflects American Values," *Bloomberg*, January 7, 2020, https://www.bloomberg.com/opinion/articles/2020-01-07/ai-that-reflects-american-values.

375. Vought, "Guidance for Regulation of AI," p. 1.

376. Ibid., p. 3.

378. Ibid., p. 11.

379. Sundar Pichai, "Why Google Thinks We Need to Regulate AI," *Financial Times*, January 20, 2020, https://www.ft.com/content/3467659a-386d-11ea-ac3c-f68c10993b04.

380. Vought, "Guidance for Regulation of AI," Appendix B: Template for Agency Plans, p. 14.

381. Ibid., p. 12.
382. Ibid., p. 5.
383. Ibid.
384. Ibid., p. 12.
385. Ibid., p. 7.
386. Ibid., p. 9.
387. Ibid., p. 6.
388. Ibid., p. 11.

389. David A. Wemer, "Rick Perry to Europe: Energy Security Tantamount to National Security," Atlantic Council, September 18, 2018, https://www.atlanticcouncil.org/blogs/new -atlanticist/rick-perry-to-europe-energy-security-tantamount-to -national-security/. Donald Boudreaux, "Save Us from a 'Manufacturing Czar," *Tribune Review*, June 20, 2019, https://triblive.com/opinion/donald-boudreaux-save-us-from-a -manufacturing-czar/.

390. Steven Rosenbush, "Tech Regulators Expanding Focus to Artificial Intelligence," *Wall Street Journal*, January 2, 2020, https://www.wsj.com/articles/tech-regulators-expanding-focus-to-artificial-intelligence-11577961000.

^{377.} Ibid., p. 12.

391. S. 1790, National Defense Authorization Act for Fiscal Year 2020,

https://www.govtrack.us/congress/bills/116/s1790/text.

392. Presidential document, Space Policy Directive-4 of February 18, 2019, "Establishment of the United States Space Force," *Federal Register*, Vol. 84, No. 37 (February 25, 2019), pp. 6049–6052, https://www.govinfo.gov/content/pkg/FR-2019-02-25 /pdf/2019-03345.pdf. Erin Durkin, "Space Force: All You Need to Know about Trump's Bold New Interstellar Plan," *The Guardian*, August 10, 2018, https://www.theguardian.com/us-news/2018 /aug/10/space-force-everything-you-need-to-know.

393. National Space Council Meeting on Space Force, C-SPAN video, October 23, 2019, https://www.c-span.org/video /?453396-1/vice-president-cabinet-officials-address-national -space-council.

394. Jonathan Shieber, "Entrepreneurs Say Regulatory Constraints Are Hampering Commercial Applications of Space Tech," *Tech Crunch*, December 2020, https://techcrunch.com/2020 /12/20/entrepreneurs-say-regulatory-constraints-are-hampering -commercial-applications-of-space-tech/?guccounter=1.

395. Presidential document, Space Policy Directive-3 of June 18, 2018, "National Space Traffic Management Policy," *Federal Register*, Vol. 83, No. 120 (June 21, 2018), pp. 28969–28976, https://www.govinfo.gov/content/pkg/FR-2018-06-21/pdf/2018 -13521.pdf.

396. Adam Minter, "It's Time to Regulate Outer Space," *Bloomberg*, September 7, 2019, https://www.bloomberg.com /opinion/articles/2019-09-08/regulations-are-needed-to -prevent-satellite-collisions.

397. G. Ryan Faith, "Making the Rules in Space: When Does Careful Become Crushing?" *The Hill*, October 1, 2019, https://thehill.com/opinion/technology/463839-making-the -rules-in-space-when-does-careful-become-crushing.

398. Executive Order 13906 of February 13, 2020, "Amending Executive Order 13803—Reviving the National Space Council," *Federal Register*, Vol. 85, No. 34 (February 20, 2020), pp. 10031–10032, https://www.govinfo.gov/content/pkg/FR -2020-02-20/pdf/2020-03556.pdf.

399. Space Policy Directive-6, National Strategy for Space Nuclear Power and Propulsion, *Federal Register*, Vol. 85, No. 245 (December 16, 2020), pp. 82873–82879, https://www.govinfo .gov/content/pkg/FR-2020-12-21/pdf/2020-28272.pdf.

400. David Shepardson, "U.S. Unveils Streamlined Commercial Space Regulations Thursday," Reuters, October 15, 2020, https://www.reuters.com/article/idUSKBN27019R.

401. Executive Order 13895 of October 22, 2019, "President's Council of Advisors on Science and Technology," *Federal Register*, Vol. 84, No. 207 (October 25, 2019), pp. 57309–57311, https://www.govinfo.gov/content/pkg/FR-2019-10-25/pdf/2019-23525 .pdf. Clyde Wayne Crews Jr., Letter for the Record to Members of the Subcommittee on Space (Committee on Science, Space, and

Technology), Competitive Enterprise Institute, prepared for the hearing "Regulating Space: Innovation, Liberty, and International Obligations," U.S. House of Representatives, Washington, DC, March 8, 2017, https://cei.org/sites/default/files/Crews%20-% 20Space%20Science%20Committee%20testimony%20-%20 Making%20Space%20for%20Free%20Enterp....pdf.

402. Executive Order 13885 of August 30, 2019, "Establishing the National Quantum Initiative Advisory Committee," *Federal Register*, Vol. 84, No. 172 (September 5, 2019), pp. 46873–46874, https://www.govinfo.gov/content/pkg/FR-2019 -09-05/pdf/2019-19367.pdf.

403. Pub. L. 115-368, https://www.govinfo.gov/content/pkg /PLAW-115publ368/html/PLAW-115publ368.htm.

404. Noam Scheiber, "The Biden Team Wants to Transform the Economy. Really," *New York Times Magazine*, February 11, 2021, https://www.nytimes.com/2021/02/11/magazine/biden -economy.html.

405. Ivanka Trump, "Training for the Jobs of Tomorrow," *Wall Street Journal*, July 17, 2018, https://www.wsj.com/articles/training-for-the-jobs-of-tomorrow-1531868131.

406. C. J. Ciaramella, "Trump Will Sign Federal 'Ban the Box' Bill into Law as Part of Massive Spending Bill," *Reason*, December 20, 2019, https://reason.com/2019/12/20/trump-will -sign-federal-ban-the-box-bill-into-law-as-part-of-massive -spending-bill/.

407. James McWilliams, "How Ban the Box Can Lead to Even More Racial Discrimination by Employers," *Pacific Standard*, March 11, 2019, https://psmag.com/social-justice/how -ban-the-box-can-lead-to-even-more-racial-discrimination -by-employers. Gail Heriot, "The Unintended Consequences of 'Ban the Box," *Reason*, October 10, 2018, https://reason.com /2018/10/10/the-unintended-consequences-of-ban-the-b/.

408. "President Trump Claims His Budget Includes Plan for Nationwide Paid Family Leave," Fox 10, February 5, 2019, https://www.fox10phoenix.com/news/president-trump-claims -his-budget-includes-plan-for-nationwide-paid-family-leave.

409. Post by @SenBillCassidy, Twitter, February 13, 2019, 12:40 p.m., https://twitter.com/SenBillCassidy/status/1095739519792488448.

410. Office of Sen. Bill Cassidy, "Cassidy, Sinema Release Bipartisan Paid Leave Proposal," news release, July 30, 2019, https://www.cassidy.senate.gov/newsroom/press-releases /cassidy-sinema-release-bipartisan-paid-leave-proposal.

411. Rebecca Kheel, "Lawmakers Release Defense Bill with Parental Leave-for-Space Force Deal," *The Hill*, December 9, 2019, https://thehill.com/policy/defense/473790-lawmakers -release-defense-bill-with-parental-leave-for-space-force-deal. Jeff Stein, "GOP Opposition Appears to Fizzle as Plan Advances to Create Space Force, Parental Leave for Federal Workers," *Washington Post*, https://www.washingtonpost.com/business /2019/12/09/gop-opposition-appears-fizzle-plan-advances -create-space-force-parental-leave-federal-workers/.

412. Tamara Keith, "Senate Expected to Sign Off on Paid Family Leave," *Morning Edition*, National Public Radio, December 13, 2019, https://www.npr.org/2019/12/13/787720741/ senate-expected-to-sign-off-on-paid-family-leave.

413. Ibid.

414. Mikaela Lefrak, "Federal Buildings Must Now Provide Lactation Space for Breastfeeding Mothers," WAMU 88.5, July 26, 2019, https://wamu.org/story/19/07/26/federal-buildings -must-now-provide-lactation-space-for-breastfeeding-mothers/.

415. Transcript of Donald Trump Rally Speech, West Salem, Wisconsin, October 27, 2020, https://www.rev.com/blog/transcripts/donald-trump-rally-speech-transcript-west-salem-wisconsin-october-27.

416. Meagan Flynn and Allyson Chiu, "Trump Says His 'Authority Is Total.' Constitutional Experts Have 'No Idea' Where He Got That," *Washington Post*, April 14, 2020, https://www .washingtonpost.com/nation/2020/04/14/trump-power -constitution-coronavirus/.

417. Executive Order 13910 of March 23, 2020, "Preventing Hoarding of Health and Medical Resources to Respond to the Spread of COVID-19," *Federal Register*, Vol. 85, No. 59 (March 26, 2020), pp. 17001–17002, https://www.govinfo.gov/content /pkg/FR-2020-03-26/pdf/2020-06478.pdf.

418. Executive Order 13911 of March 27, 2020, "Delegating Additional Authority under the Defense Production Act with Respect to Health and Medical Resources to Respond to the Spread of COVID-19," *Federal Register*, Vol. 85, No. 63 (April 1, 2020), pp. 18403–18405, https://www.govinfo.gov/content /pkg/FR-2020-04-01/pdf/2020-06969.pdf. Executive Order 13917 of April 28, 2020, "Delegating Authority under the Defense Production Act with Respect to Food Supply Chain Resources during the National Emergency Caused by the Outbreak of COVID-19," *Federal Register*, Vol. 85, No. 85 (May 1, 2020), pp. 26313–26314, https://www.govinfo.gov/content/pkg/FR -2020-05-01/pdf/2020-09536.pdf.

419. Christopher DeMuth, "Trump Rewrites the Book on Emergencies," *Wall Street Journal*, April 17, 2020, https://www .wsj.com/articles/trump-rewrites-the-book-on-emergencies -11587142872?mod=hp_opin_pos_3.

420. On the health care front, for example, "The temporary effect of the Administration's emergency regulatory measures, also contrasted with the permanency of the interventionist approach taken by Congress, illustrates the challenge of fully deregulating health care, even though an unprecedented emergency such as COVID-19 may open the door for a relaxed regulatory agenda." Florencia Bohl, "Will Deregulation in Health Care Become the New Normal?" *Regulatory Review*, August 25, 2020, https://www.theregreview.org/2020/08/25/bohl-deregulation -health-care-new-normal/.

421. U.S. Department of Labor, Wage and Hour Division, "U.S. Department of Labor Announces New Paid Sick Leave and Expanded Family and Medical Leave Implementation," news release, April 1, 2020,

https://www.dol.gov/newsroom/releases/whd/whd20200401.

422. Crews, "America's 'Unconstitutional Slop.""

423. H.R. 748, S. 3548, Coronavirus Aid, Relief, and Economic Security (CARES) Act, 116th Congress, Public Law 116–136—March 27, 2020,

https://www.congress.gov/bill/116th-congress/house-bill/748.

424. Executive Order 13945 of August 8, 2020, "Fighting the Spread of COVID-19 by Providing Assistance to Renters and Homeowners," *Federal Register*, Vol. 85, No. 158 (August 14, 2020), pp. 49935–49937, https://www.govinfo.gov/content/pkg /FR-2020-08-14/pdf/2020-18015.pdf. Ryan Radia, "CDC's Eviction Moratorium Is Unlawful, Unconstitutional," *Open-Market*, Competitive Enterprise Institute, September 8, 2020, https://cei.org/blog/cdcs-eviction-moratorium-is-unlawful -unconstitutional/. "Repeal for Resilience: CDC Mission Creep to Mission Leap," online event, Competitive Enterprise Institute, October 28, 2020, https://cei.org/event/repeal-for-resilience -cdc-mission-creep-to-mission-leap/.

425. Will Parker, "Struggling Rental Market Could Usher in Next American Housing Crisis," *Wall Street Journal*, October 27, 2020, https://www.wsj.com/articles/struggling-rental-market -could-usher-in-next-american-housing-crisis-11603791000 ?mod=e2tw.

426. Post by @RepThomasMassie, Twitter, September 20, 2020, 3:08 p.m., https://twitter.com/RepThomasMassie/status /1301235601119772672.

427. Post by @RepThomasMassie, Twitter, September 2, 2020, 9:46 p.m., https://twitter.com/RepThomasMassie/status /1301335629754703872.

428. Presidential Memorandum on Authorizing the Other Needs Assistance Program for Major Disaster Declarations Related to Coronavirus Disease 2019, August 8, 2020, https://trump whitehouse.archives.gov/presidential-actions/memorandum -authorizing-needs-assistance-program-major-disaster-declarations -related-coronavirus-disease-2019/.

429. Memorandum of August 8, 2020, for the Secretary of the Treasury, "Deferring Payroll Tax Obligations in Light of the Ongoing COVID-19 Disaster," *Federal Register*, Vol. 85, No. 157 (August 13, 2020), pp. 49587–49588, https://www.govinfo.gov/content/pkg/FR-2020-08-13/pdf/2020-17899.pdf.

430. Memorandum of August 8, 2020, for the Secretary of Education, "Continued Student Loan Payment Relief During the COVID-19 Pandemic," *Federal Register*, Vol. 85, No. 157 (August 13, 2020), pp. 49585–49586, https://www.govinfo.gov/content/pkg/FR-2020-08-13/pdf/2020-17897.pdf.

431. Zachary Price, "Trump Thinks the Law Doesn't Restrain Him. The Supreme Court Just Agreed," *Washington Post*, August 11, 2020, https://www.washingtonpost.com/outlook/2020/08/11/trump-daca-ruling-lawlessness/.

432. Allan Smith, "Trump Lashes Out at Supreme Court after DACA Ruling Doesn't Go His Way," NBC News, June 18, 2020, https://www.nbcnews.com/politics/donald-trump/trump -lashes-out-supreme-court-after-daca-ruling-doesn-t-n1231438.

433. Yuval Levin and Adam White, "The Return of Pen-and-Phone Constitutionalism," *National Review*, August 9, 2020, https://www.nationalreview.com/2020/08/the-return-of-pen-and -phone-constitutionalism/.

434. Clyde Wayne Crews Jr., "Vast Regulatory Costs of Top-Down National Plans, Agendas, and Legislative Schemes," *OpenMarket*, Competitive Enterprise Institute, October 2, 2019, https://cei.org/blog/vast-regulatory-costs-top-down-national -plans-agendas-and-legislative-schemes.

435. Executive Order 13864 of March 21, 2019, "Improving Free Inquiry, Transparency, and Accountability at Colleges and Universities," *Federal Register*, Vol. 84, No. 58 (March 26, 2019), pp. 11401–11404, https://www.govinfo.gov/content/pkg/FR -2019-03-26/pdf/2019-05934.pdf.

436. Michelle Hackman, "Trump Administration Revokes Obama-Era Rule on For-Profit Universities," *Wall Street Journal*, June 28, 2019, https://www.wsj.com/articles/trump-administration -revokes-obama-era-rule-on-for-profit-universities-11561763021.

437. Department of Homeland Security, Inadmissibility and Deportability on Public Charge Grounds, Proposed Rule, RIN:1615-AA22, https://www.reginfo.gov/public/do/eAgenda ViewRule?pubId=201710&RIN=1615-AA22. Office of Information and Regulatory Affairs, Regulatory Reform Report, 2019. Department of State, "Visas: Ineligibility Based on Public Charge Grounds, Interim Final Rule, *Federal Register*, Vol. 84, No. 198 (October 11, 2019), pp. 54996–55015, https://www .govinfo.gov/content/pkg/FR-2019-10-11/pdf/2019-22399.pdf.

438. Proclamation 9945 of October 4, 2019 by the President of the United States of America, "Suspension of Entry of Immigrants Who Will Financially Burden the United States Health-care System, in Order to Protect the Availability of Healthcare Benefits for Americans," *Federal Register*, Vol. 84, No. 196 (October 9, 2019), pp. 53991–53994, https://www.govinfo.gov/content/pkg/FR-2019-10-09/pdf/2019-22225.pdf.

439. Editorial, "Fixing a Food-Stamp Trick," *Wall Street Journal*, July 28, 2019, https://www.wsj.com/articles/fixing-a-food -stamp-trick-11564348685.

440. Jane Clayson and Wes Martin, "Trump Administration to Tighten SNAP Work Requirement," WBUR, December 5, 2019, https://www.wbur.org/onpoint/2019/12/05/snap-food -stamps-trump-administration.

441. Department of Housing and Urban Development, "Housing Opportunity through Modernization Act of 2016: Implementation of Sections 102, 103, and 104, Proposed Rule," *Federal Register*, Vol. 84, No. 180 (September 17, 2019), pp. 48820-48842, https://www.govinfo.gov/content/pkg/FR-2019 -09-17/pdf/2019-19774.pdf.

442. Office of Information and Regulatory Affairs, Regulatory Reform Report, 2019.

443. Derived by the author from the Unified Agenda at reginfo.gov. Alan Gassman, "SBA Issues New and Much Anticipated PPP Regulations," *Forbes*, January 7, 2021, https://www.forbes.com/sites/alangassman/2021/01/07/sba-issues-new-and-much-anticipated-ppp-regulations/?sh=29924ae6a8c4.

444. Dan Bosch, Dan Goldbeck, and Jillian Provost, "Understanding Why the EPA's CPP Replacement Is Regulatory and Not Deregulatory," *Insight*, American Action Forum, July 9, 2019, https://www.americanactionforum.org/insight/understanding -why-the-epas-clean-power-plan-replacement-is-regulatory-and -not-deregulatory/.

445. John Berlau, "SEC's 'Regulation Best Interest' Respects Investor Choice," *OpenMarket*, Competitive Enterprise Institute, June 5, 2019, https://cei.org/blog/secs-regulation-best-interest -respects-investor-choice. Dan Goldbeck and Dan Bosch, "SEC Finalizes Most Expensive Regulation of Trump Era," *Week in Regulation*, American Action Forum, July 15, 2019, https://www .americanactionforum.org/week-in-regulation/sec-finalizes-most -expensive-regulation-of-trump-era/#ixzz6CRVAIhfo.

446. Coglianese, "Let's Be Real about Trump's First Year in Regulation."

447. Jonathan Swan, "Trump's Go-It-Alone Presidency," Axios, February 17, 2019, https://www.axios.com/donald-trump -executive-power-deregulation-6e4e484f-c288-493e-b978 -f662bab55a29.html.

448. I attribute this perfect encapsulation to Fred L. Smith Jr., the founder of the Competitive Enterprise Institute.

449. Office of Management and Budget, Historical Tables, https://www.whitehouse.gov/omb/historical-tables/.

450. Clyde Wayne Crews Jr., "Universal Basic Income: What's the Plural of Apocalypse?" *Forbes*, June 19, 2018, https:// www.forbes.com/sites/waynecrews/2018/06/19/universal-basic -income-whats-the-plural-of-apocalypse/?sh=138366e05b02.

451. Jeff Cox, "Real U.S. Debt Levels Could Be 2,000% of Economy, a Wall Street Report Suggests," CNBC, September 9, 2019, https://www.cnbc.com/2019/09/09/real-us-debt-levels -could-be-a-shocking-2000percent-of-gdp-report-suggests.html.

452. Robert J. Samuelson, "The Great Deficit Gamble," *Washington Post*, August 25, 2019, https://www.washingtonpost .com/opinions/were-making-a-high-stakes-gamble-on-the -deficit/2019/08/25/82b0494e-c5c5-11e9-b5e4-54aa56d5b7ce _story.html. Damian Paletta, Jeff Stein, and Josh Dawsey, "President Trump Tells Aides to Look for Big Spending Cuts in Second-Term, Seeding Confusion about Budget Priorities," *Stamford Advocate*, July 19, 2019, https://www.stamfordadvocate.com/business/article/President-Trump-tells-aides-to-look-for-big-14109681.php.

453. Joseph Zeballos-Roig, "Who the Hell Cares about the Budget?': Trump Tears into Critics of Mounting Federal Spending and Debt under His Watch," *Markets Insider*, January 21, 2020, https://markets.businessinsider.com/news/stocks/trump -responds-critics-rising-federal-spending-debt-deficit-presidency -fundraiser-2020-1-1028833452.

454. Kate Davidson, "Federal Borrowing Soars as Deficit Fear Fades," *Wall Street Journal*, July 29, 2019, https://www.wsj.com/articles/treasury-to-borrow-over-1-trillion-in-2019-for-second-year-in-a-row-11564428624.

455. Richard W. Parker, "The Faux Scholarship Foundation of the Regulatory Rollback Movement," *Ecology Law Quarterly*, Vol. 45, No. 4 (March 16, 2018), pp. 845–920, https://ssrn.com/abstract=3171717.

456. Crews, "What's the Difference between 'Major,' 'Significant,' and All Those Other Federal Rule Categories?"

457. Clyde Wayne Crews Jr., "Will the Regulatory Right-to-Know Act Ever Be Enforced?" *Forbes*, August 7, 2019, https:// www.forbes.com/sites/waynecrews/2019/08/07/will-the -regulatory-right-to-know-act-ever-be-enforced/#591467e59b92.

458. Most of these may be found archived at Office of Management and Budget, Reports, https://www.whitehouse.gov/omb /information-regulatory-affairs/reports/#ORC.

459. H.R. 1074-Regulatory Right-to-Know Act, 106th Congress, First Session, https://www.congress.gov/bill/106th-congress /house-bill/1074/text.

460. Office of Management and Budget, *Stimulating Smarter Regulation: 2002 Report to Congress on the Costs and Benefits of Regulations and Unfunded Mandates on State, Local and Tribal Entities, 2002, https://www.whitehouse.gov/sites/whitehouse.gov* /files/omb/assets/OMB/inforeg/2002_report_to_congress.pdf.

461. Office of Information and Regulatory Affairs, 2017 Report to Congress on the Benefits and Costs of Federal Regulations and Agency Compliance with the Unfunded Mandates Reform Act, December 9, 2019, https://www.whitehouse.gov/wp-content /uploads/2019/12/2019-CATS-5885-REV_DOC-2017Cost _BenefitReport11_18_2019.docx.pdf.

462. Clyde Wayne Crews Jr., "Federal Register Tops 50,000 Pages, Yet Obama's Report to Congress Is MIA," *OpenMarket*, Competitive Enterprise Institute, July 29, 2016, https://cei.org /blog/federal-register-tops-50000-pages-yet-obamas-report -congress-mia.

463. Office of Information and Regulatory Affairs, 2018, 2019, and 2020 Draft Report to Congress on the Benefits and Costs of Federal Regulations and Agency Compliance with the Unfunded Mandates Reform Act, December 23, 2019, https://www .whitehouse.gov/wp-content/uploads/2019/12/2019-CATS -5899-REV_DOC-Draft2018_2019_2020Cost_BenefitReport 11_20_2019.pdf. Clyde Wayne Crews Jr., "Trump White House Quietly Releases Overdue Regulatory Cost-Benefit Reports," *Forbes.com*, January 6, 2020, https://www.forbes.com/sites /waynecrews/2020/01/06/trump-white-house-quietly-releases -overdue-regulatory-cost-benefit-reports/#40419bbbb3f8.

464. Office of Management and Budget, *Draft 2018, 2019, and 2020 Report to Congress on the Benefits and Costs of Federal Regulations and Agency Compliance with the Unfunded Mandates Reform Act*, December 23, 2019, https://www.whitehouse.gov/omb/information-regulatory-affairs/reports/#ORC.

465. Office of Management and Budget, 2018, 2019, and 2020 Report to Congress on the Benefits and Costs of Federal Regulations and Agency Compliance with the Unfunded Mandates Reform Act, January 2021, https://www.whitehouse.gov/wp -content/uploads/2021/01/2018_2019_2020-OMB-Cost -Benefit-Report.pdf.

466. Office of Information and Regulatory Affairs, "Regulatory Reform Results for Fiscal Year 2019."

467. Office of Management and Budget, 2018, 2019, and 2020 Report to Congress on the Benefits and Costs of Federal Regulations, January 2021.

468. Ibid., p. 8.
469. Ibid., p. 3.
470. Ibid., p. 11.
471. Ibid., pp. 3–4.
472. Ibid., p. 10.
473. This represents

473. This represents the draft version of the OMB report compared with final rules as they appeared in the *Federal Register*.

474. For analysis of the draft version of the OMB 2021 report, see Clyde Wayne Crews Jr., "The Funnel of Gov: On the Depth of Regulatory Cost Review, 2001–Present," https://docs.google.com/spreadsheets/d/1kF8VOCHPLZ9m0YK5CqQHOcDgaJA8shM2YwLGOVbbkqM/pub?output=html.

475. OMB, 2018, 2019, and 2020 Report to Congress on the Benefits and Costs of Federal Regulations.

476. Ibid., fn. 22, p. 10-11.

477. Crews, "What's the Difference between 'Major,' 'Significant,' and All Those Other Federal Rule Categories?"

478. Crews, "When Spending Is Regulation: The Grand Unification Theory of Government Growth," *OpenMarket*, Competitive Enterprise Institute, August 6, 2020, https://cei.org/blog /when-spending-is-regulation-the-grand-unification-theory-of -government-growth/.

479. Clyde Wayne Crews Jr., "Costs of Deadweight Effects of Federal Spending and of 'Budget' or 'Transfer' Rules," *OpenMarket*, Competitive Enterprise Institute, https://cei.org/blog/costs -deadweight-effects-federal-spending-and-budget%C2%A0or -transfer-rules. 480. Crews, "A Look at "Modernizing Regulatory Review."

481. Gregory Korte, "How Much Do Executive Orders Cost? No One Knows," *USA Today*, March 21, 2015, https://www .usatoday.com/story/news/politics/2015/03/21/cost-of-obama -executive-orders/25024489/.

482. White House Council of Economic Advisers, *The Economic Effects of Federal Deregulation since January 2017: An Interim Report*, June 2019, https://www.banking.senate.gov/imo/media/doc/The-Economic-Effects-of-Federal-Deregulation -Interim-Report.pdf. Josh Mitchell, "White House Predicts Deregulation Will Boost Household Incomes," *Wall Street Journal*, June 28, 2019, https://www.wsj.com/articles/white-house -predicts-deregulation-will-boost-household-incomes -11561739335. An earlier 2017 White House Council of Economic Advisers report surveyed material increases in growth potential from moving from regulated to less regulated conditions. White House Council of Economic Advisers, *The Growth Potential of Deregulation*, October 2, 2017, https://www.eifr.eu /document/file/download/1936/the-growth-potential-of -deregulation-1-pdf.

483. White House, "Fact Sheet, President Donald J. Trump's Historic Deregulatory Actions Are Creating Greater Opportunity and Prosperity for All Americans," July 16, 2020, https:// www.presidency.ucsb.edu/documents/fact-sheet-president -donald-j-trumps-historic-deregulatory-actions-are-creating -greater.

484. Ibid.

485. White House Council of Economic Advisers, "A Regulatory Reform Agenda That Benefits All Americans," news release, October 22, 2020, https://trumpwhitehouse.archives.gov /articles/regulatory-reform-agenda-benefits-americans/.

486. Naomi Jagoda, "Trump's Regulatory Approach Will Boost Incomes by \$3,100: White House," *The Hill*, June 28, 2019, https://thehill.com/homenews/administration/450911 -trumps-regulatory-approach-will-boost-incomes-by-3100 -white-house.

487. Glenn Kessler, "Trump's Claim His Deregulatory Actions Are Saving American Households \$3,000 a Year," *Washington Post*, https://www.washingtonpost.com/politics/2019/08/15 /trumps-claim-his-deregulatory-moves-are-saving-american -households-year/.

488. F. A. Hayek, "The Use of Knowledge in Society" American Economic Review, Vol. 35, No. 4 (September 1945), pp. 519–530, https://object.cato.org/sites/cato.org/files/articles /hayek-use-knowledge-society.pdf. Ludwig von Mises, Economic Calculation in the Socialist Commonwealth (Auburn, AL: Ludwig von Mises Institute, 1920, reprinted 1990).

489. Clyde Wayne Crews Jr., "Tip of the Costberg: On the Invalidity of All Cost of Regulation Estimates and the Need to Compile Them Anyway," working paper, 2017 edition, https://ssrn.com/abstract=2502883. 490. Clyde Wayne Crews Jr., "A Brief Outline of Undisclosed Costs of Regulation," *OpenMarket*, Competitive Enterprise Institute, January 30, 2019,

https://cei.org/blog/brief-outline-undisclosed-costs-regulation.

491. W. Mark Crain and Nicole V. Crain, "The Cost of Federal Regulation to the U.S. Economy, Manufacturing and Small Business," National Association of Manufacturers, September 10, 2014, https://www.nam.org/wp-content/uploads/2019/05 /Federal-Regulation-Full-Study.pdf.

492. Richard W. Parker, "Hyping the Cost of Regulation," *Regulatory Review*, June 25, 2018, https://www.theregreview.org /2018/06/25/parker-hyping-the-cost-of-regulation/.

493. John W. Dawson and John J. Seater, "Federal Regulation and Aggregate Economic Growth," *Journal of Economic Growth*, Vol. 18, No. 2 (June 2013), pp. 137–177, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2223315##.

494. Clyde Wayne Crews Jr., "Administrative Procedure Act Limitations: Cost Measurement and Disclosure," *OpenMarket*, Competitive Enterprise Institute, January 20, 2019, https://cei .org/blog/administrative-procedure-act-limitations-cost -measurement-and-disclosure.

495. Clyde Wayne Crews Jr., "Administrative Procedure Act Limitations: Process and Oversight Shortcomings," *OpenMarket*, Competitive Enterprise Institute, February 5, 2019, https://cei .org/blog/administrative-procedure-act-limitations-process-and -oversight-shortcomings.

496. Clyde Wayne Crews Jr., "Unmeasured Meta-Costs of the Administrative State," *OpenMarket*, Competitive Enterprise Institute, February 13, 2019, https://cei.org/blog/unmeasured -meta-costs-administrative-state. Crews, "Regulatory Costs and the Loss of Liberty," *OpenMarket*, Competitive Enterprise Institute, February 19, 2019,

https://cei.org/blog/regulatory-costs-and-loss-liberty.

497. Clyde Wayne Crews Jr., "Costs of Regulatory Takings and Property Value Destruction," *OpenMarket*, Competitive Enterprise Institute, February 26, 2019, https://cei.org/blog /costs-regulatory-takings-and-property-value-destruction.

498. Clyde Wayne Crews Jr., "Costs of Unequal Treatment of Citizens by Abandoning Negative Rights for a Positive Rights Framework," *OpenMarket*, Competitive Enterprise Institute, March 1, 2019, https://cei.org/blog/costs-unequal-treatment -citizens-abandoning-negative-rights-positive-rights-framework.

499. Clyde Wayne Crews Jr., "Regulatory Costs of Delegating Lawmaking Power to Executive and Unelected Administrators," *OpenMarket*, Competitive Enterprise Institute, March 13, 2019, https://cei.org/blog/regulatory-costs-delegating-lawmaking -power-executive-and-unelected-administrators.

500. Clyde Wayne Crews Jr., "The Unmeasured Costs of Federal Agency Liberation from Congress, Self-Funding, and Permanence," *OpenMarket*, Competitive Enterprise Institute, October 30, 2019, https://cei.org/blog/unmeasured-costs-federal -agency-liberation-congress-self-funding-and-permanence.

501. Clyde Wayne Crews Jr., "Unknown Societal Costs of Imposing Regulation Based on Secret (or Creatively Leveraged) Data," *OpenMarket*, Competitive Enterprise Institute, September 11, 2019, https://cei.org/blog/unknown-societal-costs-imposing -regulation-based-secret-or-creatively-leveraged-data.

502. Clyde Wayne Crews Jr., "The Regulatory Costs of Abandoned Federalism," *OpenMarket*, Competitive Enterprise Institute, March 6, 2019,

https://cei.org/blog/regulatory-costs-abandoned-federalism.

503. Clyde Wayne Crews Jr., "Regulation and Neglected Costs of Authoritarianism and Over-Criminalization," *OpenMarket*, Competitive Enterprise Institute, March 19, 2019, https:// cei.org/blog/regulation-and-neglected-costs-authoritarianism -and-over-criminalization.

504. Clyde Wayne Crews Jr., "Costs of Loss of Anonymity in Administrative Surveillance State," *OpenMarket*, Competitive Enterprise Institute, May 22, 2019, https://cei.org/blog /costs-loss-anonymity-administrative-surveillance-state.

505. Clyde Wayne Crews Jr., "Vast Regulatory Costs of Top-Down National Plans, Agendas, and Legislative Schemes," *OpenMarket*, Competitive Enterprise Institute, October 2, 2019, https://cei.org/blog/vast-regulatory-costs-top-down-national -plans-agendas-and-legislative-schemes.

506. Clyde Wayne Crews Jr., "Costs of Economic Distortions Caused by 'Ordinary' Federal Spending, Subsidies, and Stimulus," *OpenMarket*, Competitive Enterprise Institute, October 7, 2019, https://cei.org/blog/costs-economic-distortions-caused -ordinary%C2%A0federal-spending-subsidies-and-stimulus.

507. Crews, "Costs of Deadweight Effects of Federal Spending and of 'Budget' or 'Transfer' Rules."

508. Clyde Wayne Crews Jr., "If Federal Regulators Aren't Experts, the Entire Administrative State Is Suspect," *Forbes*, July 10, 2019, https://www.forbes.com/sites/waynecrews/2019/07/10/if -federal-regulators-arent-experts-the-entire-administrative-state-is -suspect/?sh=30c7a2c2ddd7.

509. Clyde Wayne Crews Jr., "Costs of Antitrust Regulation and Institutionalization of Raising Competitors' Costs," *Open-Market*, Competitive Enterprise Institute, May 20, 2019, https://cei.org/blog/costs-antitrust-regulation-and -institutionalization-raising-competitors-costs.

510. Clyde Wayne Crews Jr., "Regulatory Costs of Blurring Corporate and Government Roles," *OpenMarket*, Competitive Enterprise Institute, May 21, 2019, https://cei.org/blog /regulatory-costs-blurring-corporate-and-government-roles.

511. Clyde Wayne Crews Jr., "Costs of Government Steering by Direct Ownership or Control of Resources," *OpenMarket*, Competitive Enterprise Institute, October 3, 2019, https://cei .org/blog/costs-government-steering-direct-ownership-or-control -resources.

512. Clyde Wayne Crews Jr., "Regulatory Costs of Anti-Property Approaches to Environmental Concerns," *OpenMarket*, Competitive Enterprise Institute, May 23, 2019, https://cei.org /blog/regulatory-costs-anti-property-approaches-environmental -concerns.

513. Clyde Wayne Crews Jr., "Cataloging Regulatory Costs of Cronyism and Rent-Seeking in a Self-Interested Administrative State," *OpenMarket*, Competitive Enterprise Institute, August 19, 2019, https://cei.org/blog/cataloging-regulatory-costs -cronyism-and-rent-seeking-self-interested-administrative-state.

514. Clyde Wayne Crews, Jr., "What Is the Cost of the Permanent Federal Regulatory Bureaucracy?" *Forbes*, August 28, 2019, https://www.forbes.com/sites/waynecrews/2019/08/28/what-is -the-cost-of-the-permanent-federal-regulatory-bureaucracy /?sh=63ed7f1d5269.

515. John Dearie and Courtney Geduldig, "Regulations Are Killing Us," in *Where the Jobs Are: Entrepreneurship and the Soul of the American Economy* (Hoboken, NJ: John Wiley, 2013), pp. 107–18.

516. Bentley Coffey, Patrick A. McLaughlin, and Pietro Peretto, "The Cumulative Cost of Regulations," Mercatus working paper, Mercatus Center of George Mason University, April 2016, http://mercatus.org/sites/default/files/Coffey-Cumulative-Cost-Regs-v3.pdf.

517. Patrick McLaughlin, Nita Ghei, and Michael Wilt, "Regulatory Accumulation and Its Costs," Mercatus Center at George Mason University, November 14, 2018, https://www .mercatus.org/publications/regulation/regulatory-accumulation -and-its-costs.

518. Crews, "Tip of the Costberg."

519. Legacy sources include the annual OMB Report to Congress on costs and benefits over the years, data such as paperwork burdens described in OMB's annual Information Collection Budget, the few independent agency cost estimates available, and other publicly available material and third-party assessments.

520. Crain and Crain, "Cost of Federal Regulation to the U.S. Economy."

521. Ibid.

522. For one take on related concerns, see Mark Jamison, "\$700 Billion: The Cost to Consumers if the Government Regulates Google," *National Interest*, July 21, 2019, https://national interest.org/blog/buzz/700-billion-cost-consumers-if-government -regulates-google-68232.

523. Maeve P. Carey, "Methods of Estimating the Total Cost of Federal Regulations," Congressional Research Service, R44348, January 21, 2016,

https://fas.org/sgp/crs/misc/R44348.pdf.

524. Congressional Budget Office, *Budget and Economic Outlook: 2021 to* 2031, February 2021.. Albert Hunt, "Trillion-Dollar Deficits as Far as the Eye Can See, and Hardly a Voice of Caution to Be Heard," *The Hill*, December 1, 2019, https://thehill.com/opinion/campaign/472480-trillion-dollar-deficits-as -far-as-the-eye-can-see-and-not-a-voice-of.

525. Congressional Budget Office, "Monthly Budget Review: Summary for Fiscal Year 2019," November 7, 2019, https://www .cbo.gov/system/files/2019-11/55824-CBO-MBR-FY19.pdf. Also see CBO, *Budget and Economic Outlook: 2021 to 2031*. For background and trends, see OMB, Historical Tables, Table 1.1— Summary of Receipts, Outlays, and Surpluses or Deficits, https://www.whitehouse.gov/omb/historical-tables/. Generally, this information is also available from U.S. Department of the Treasury, Monthly Treasury Statement, https://fiscal.treasury.gov/reports-statements/mts/current.html.

526. Congressional Budget Office, Budget and Economic Outlook: 2021–2031.

527. Estimated 2018 tax figures from OMB, Historical Tables, Table 2.1, "Receipts by Source: 1934–2025," https://www.whitehouse.gov/omb/historical-tables/.

528. Ibid.

529. Corporate pretax profits from U.S. Department of Commerce, Bureau of Economic Analysis, National Income and Product Accounts Tables, National Data, Section 6—Income and Employment by Industry, Table 6.17D, "Corporate Profits before Tax by Industry," https://apps.bea.gov/iTable/iTable.cfm?r eqid=19&step=3&isuri=1&1921=survey&1903=239reqid=19& step=3&isuri=1&1921=survey&1903=239.

530. U.S. Department of Commerce, Bureau of Economic Analysis, "Gross Domestic Product (Third Estimate), Corporate Profits (Revised), and GDP by Industry, Third Quarter 2020," news release, December 22, 2020, https://www.bea.gov/news /2020/gross-domestic-product-third-estimate-corporate-profits -revised-and-gdp-industry-third.

531. World Bank, "GDP (Current US\$)," http://data.worldbank.org/indicator/NY.GDP.MKTP.CD. World Bank, "Gross Domestic Product 2019," http://data.worldbank.org/indicator /NY.GDP.MKTP.CD/countries, http://databank.worldbank.org /data/download/GDP.pdf.

532. Terry Miller, Anthony B. Kim, and James M. Roberts, 2020 Index of Economic Freedom, Heritage Foundation, http://www.heritage.org/index/. James D. Gwartney, Robert A. Lawson, Ryan H. Murphy, Niclas Berggren, Fred McMahon, and Therese Nilsson, Economic Freedom of the World: 2020 Annual Report, Fraser Institute/Cato Institute, http://www.cato.org/economic-freedom-world.

533. U.S. Department of Labor, Bureau of Labor Statistics (BLS), "Consumer Expenditures—2019," economic news release, September 9, 2020,

http://www.bls.gov/news.release/cesan.nr0.htm.

534. Ibid. For the Bureau of Labor Statistics, "Consumer units include families, single persons living alone or sharing a household with others but who are financially independent, or two or more persons living together who share expenses." U.S. Department of Labor, Bureau of Labor Statistics, Consumer Expenditure Surveys and Consumer Expenditure Tables, https://www.bls.gov/cex/tables.htm. The BLS also provides related information in surveys such as "Average Annual Expenditures and Characteristics of All Consumer Units, Consumer Expenditure Survey, 2013–2018," https://www.bls.gov/cex/2018/standard/multiyr.pdf.

535. Mark Febrizio and Melinda Warren, "Regulators' Budget: Overall Spending and Staffing Remain Stable: An Analysis of the U.S. Budget for Fiscal Years 1960 through 2021," Regulators' Budget No. 42, July 2020, published jointly by the Regulatory Studies Center, George Washington University, Washington, DC, and the Weidenbaum Center on the Economy, Government, and Public Policy, Washington University in St. Louis, July 28, 2020, Table A-5, "Total Spending on Federal Regulatory Activity: Constant Dollars," (1960-2021), p. 26, https://regulatorystudies.columbian.gwu.edu/sites/g/files /zaxdzs3306/f/downloads/RegulatorsBudget/GW%20Reg%20 Studies%20-%20FY2021%20Regulators%20Budget%20-%20 MFebrizio%20and%20MWarren_Weidenbaum%20Center.pdf. The 2012 constant dollars are adjusted here by the change in the consumer price index between 2012 and 2020, derived from Consumer Price Index tables, U.S. Department of Labor, Bureau of Labor Statistics (Historical Consumer Price Index for All Urban Consumers (CPI-U), U.S. city average, all items), "Annual avg." column, https://www.bls.gov/cpi/tables/supplemental-files /historical-cpi-u-202012.pdf.

536. Ibid., Table A-1, "Agency Detail of Spending on Federal Regulatory Activity: Current Dollars, Selected Fiscal Years," p. 16–18.

537. Ibid.

538. Ibid., Table A-6, "Total Staffing of Federal Regulatory Activity," p. 27. For an overview of shrinkage in federal employment staffing overall during the first year of the Trump administration, see Lisa Rein and Andrew Ba Tran, "How the Trump Era Is Changing the Federal Bureaucracy," *Washington Post*, December 30, 2017, https://www.washingtonpost.com/politics/how -the-trump-era-is-changing-the-federal-bureaucracy/2017/12/30 /8d5149c6-daa7-11e7-b859-fb0995360725_story.html?utm _term=.b445363155c4.

539. "Understanding the Federal Register," *Federal Register*, National Archives, accessed February 12, 2020, https://www .federalregister.gov/reader-aids/understanding-the-federal -register. Daily issues can be found at www.federalregister.gov. A compendium is also maintained by the Government Publishing Office at govinfo.gov, https://www.govinfo.gov/app/collection/fr.

540. Federal Register, Vol. 82, No. 12 (January 18, 2017), https://www.gpo.gov/fdsys/pkg/FR-2017-01-19/pdf/FR-2017 -01-19.pdf.

541. Crews, "Channeling Reagan by Executive Order."

542. Environmental Protection Agency, Department of Transportation, National Highway Traffic Safety Administration, The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026, Federal Register, Vol. 85, No. 84 (April 30, 2020), pp. 24174-24577, https://www.govinfo.gov/content /pkg/FR-2020-04-30/pdf/2020-06967.pdf.

543. White House, "Modernizing Regulatory Review." Crews, "A Look at 'Modernizing Regulatory Review." Crews, "Biden Repudiates Trump Era with Revocation of Certain Executive Orders Concerning Federal Regulation," Forbes, January 26, 2021, https:// www.forbes.com/sites/waynecrews/2021/01/26/biden-repudiates -trump-era-with-revocation-of-certain-executive-orders-concerning -federal-regulation/?sh=e49560b12b48.

544. White House, "Executive Order on Tackling the Climate Crisis at Home and Abroad," January 27, 2021, https:// www.whitehouse.gov/briefing-room/presidential-actions/2021 /01/27/executive-order-on-tackling-the-climate-crisis-at-home -and-abroad/.

545. National Archives document search, https://www.federalregister.gov/documents/search#advanced.

546. The shutdown delayed the National Archives' "official" archiving. The 3,367 final rules figure (and 2,072 proposed rules) is derived from FederalRegister.gov and available in the table "Total Rules, Major Rules, and Small Biz Impacts," http://www.tenthousandcommandments.com.

547. The nomenclature is overly complicated. Crews, "What's the Difference between 'Major,' 'Significant,' and All Those Other Federal Rule Categories?"

548. Accessed at FederalRegister.gov on January 29, 2021. Accessing a year ago yielded 486. This is not the first time the figures in the online database have changed, but relative magnitudes appear consistent.

549. These figures are compiled from National Archives data at "Federal Regulation-The Updates," http://www.tenthousand commandments.com/p/federal-regulation-updates.html. Significant rule counts in the National Archives online database have not remained entirely consistent. These same figures were depicted by the National Archives as 199 in 2017, 108 in 2018, and 66 in 2019. The figure for 2006, until now, had been 164.

550. Crews, "Biden Repudiates Trump Era."

551. Administrative Conference of the United States, U.S. House of Representatives Committee on Oversight and Government Reform, Shining Light on Regulatory Dark Matter, Majority Staff Report (Trey Gowdy, Chairman), 115th Congress, March 2018, https://www.law.uh.edu/faculty/thester/courses

/Statutory2018/Shining%20Light%20on%20Regulatory%20 Dark%20Matter.pdf.

552. Kenneth Mayer, With the Stroke of a Pen: Executive Orders and Presidential Power (Princeton, NJ: Princeton University Press, 2001), p. 67.

553. National Archives, Office of the Federal Register.

554. Gregory Korte, "Presidential Memoranda vs. Executive Orders. What's the Difference?" USA Today, January 24, 2017, https://www.usatoday.com/story/news/politics/onpolitics/2017 /01/24/executive-order-vs-presidential-memorandum-whats -difference/96979014/.

555. Glenn Kessler, "Claims Regarding Obama's Use of Executive Orders and Presidential Memoranda," Washington Post, December 31, 2014, http://www.washingtonpost.com/blogs /fact-checker/wp/2014/12/31/claims-regarding-obamas-use-of -executive-orders-and-presidential-memoranda/.

556. Clinton's memoranda are not shown in Figure 15, but are derived from the "Advanced Document Search" feature on https://www.FederalRegister.gov. The tallies have changed occasionally; only 14 were incorporated in the database in the 2020 edition of Ten Thousand Commandments.

557. Clyde Wayne Crews Jr., "Despotism-Lite? The Obama Administration's Rule by Memo," Forbes, July 1, 2014, https:// www.forbes.com/sites/waynecrews/2014/07/01/despotism-lite -the-obama-administrations-rule-by-memo/#5ba4d658eea0.

558. These are Executive Orders 13563 ("Improving Regulation and Regulatory Review," January 18, 2011), 13579 ("Regulation and Independent Regulatory Agencies," July 11, 2011), 13609 ("Promoting International Regulatory Cooperation," May 1, 2012), and 13610 ("Identifying and Reducing Regulatory Burdens," May 10, 2012).

559. Executive Order 13563 of January 18, 2011, "Improving Regulation and Regulatory Review," Federal Register, Vol. 76, No. 14 (January 21, 2011), pp. 3821-3823, http://www.gpo.gov/fdsys/pkg/FR-2011-01-21/pdf/2011-1385.pdf.

560. Executive Order 12866 of September 30, 1993, "Regulatory Planning and Review," Federal Register, Vol. 58, No. 19 (October 4, 1993), http://www.archives.gov/federal-register /executive-orders/pdf/12866.pdf.

561. Executive Order 12291, "Federal Regulation," February 17, 1981, http://www.archives.gov/federal-register/codification /executive-order/12291.html.

562. Executive Order 12866.

563. Executive Orders Disposition Tables Index, National Archives, Office of the Federal Register, http://www.archives.gov /federal-register/executive-orders/disposition.html. Executive Orders, The American Presidency Project,

http://www.presidency.ucsb.edu/data/orders.php.

564. Executive Orders, *Federal Register*, National Archives, accessed April 8, 2021, https://www.federalregister.gov/presidential -documents/executive-orders.

565. John D. Graham and James W. Broughel, "Stealth Regulation: Addressing Agency Evasion of OIRA and the Administrative Procedure Act," *Harvard Journal of Law and Public Policy* (Federalist Edition), Vol. 1, No. 1 (2014), pp. 40–41, https://www.thecre.com/pdf/20140619_OIRA_avoidance.pdf. Crews, "Mapping Washington's Lawlessness," 2017.

566. House Oversight Committee, Shining Light on Regulatory Dark Matter.

567. For a description of these portals and how they evolved during 2020, see Clyde Wayne Crews Jr., "Executive Order 13,891 Sub-Regulatory Guidance Document Portal Tops 70,000 Entries," Competitive Enterprise Institute, September 10, 2020, https://cei.org/blog/executive-order-13891-sub-regulatory -guidance-document-portal-tops-70000-entries/.

568. The Office of Management and Budget 2007 Bulletin on Good Guidance Principles suggested that agency directors announce economically significant guidance in the *Federal Register*:

IV. Notice and Public Comment for Economically Significant Guidance Documents:

1. In General: Except as provided in Section IV(2), when an agency prepares a draft of an economically significant guidance document, the agency shall:

a. Publish a notice in the Federal Register announcing that the draft document is available;

Rob Portman, administrator, Office of Management and Budget, "Issuance of OMB's "Final Bulletin for Agency Good Guidance Practices," Memorandum for the Heads of Executive Departments and Agencies, January 18, 2007, https:// georgewbush-whitehouse.archives.gov/omb/memoranda/fy2007 /m07-07.pdf. "Final Bulletin for Agency Good Guidance Practices," *Federal Register*, Vol. 72, No. 16 (January 25, 2007), pp. 3432–3440, http://www.justice.gov/sites/default/files/ust/legacy /2011/07/13/OMB_Bulletin.pdf.

569. House Oversight Committee, *Shining Light on Regulatory Dark Matter*. This author's tally of significant guidance documents, "Significant Guidance Documents in Effect: A Partial Inventory by Executive Department and Agency," is available and periodically updated at https://docs.google.com/spreadsheets /d/11FgTrTWTEZKm8RB9fM4IW3jfg8rK0Yr0JO9O1aE0gzI /pubhtml.

570. House Oversight Committee, *Shining Light on Regulatory Dark Matter*.

571. Crews, "Mapping Washington's Lawlessness," 2017.

572. Bridget C. E. Dooling, "Trump Administration Picks Up the Regulatory Pace in Its Second Year," George Washington University Regulatory Studies Center, August 1, 2018, https:// regulatorystudies.columbian.gwu.edu/trump-administration -picks-regulatory-pace-its-second-year.

573. The fall 2011 edition of the Agenda did not appear until January 20, 2012. The spring 2012 edition did not appear at all. Later spring editions, including in 2017, began to appear in the summer. "October" releases became Thanksgiving weekend releases, which became December releases.

574. Juliet Eilperin, "White House Delayed Enacting Rules Ahead of 2012 Election to Avoid Controversy," *Washington Post*, December 14, 2013, http://www.washingtonpost.com/politics /white-house-delayed-enacting-rules-ahead-of-2012-election -to-avoid-controversy/2013/12/14/7885a494-561a-11e3-ba82 -16ed03681809_story.html?hpid=z1.

575. White House, "Remarks by President Trump on Deregulation," December 14, 2017.

576. Neomi Rao, "The Trump Regulatory Game Plan," *Wall Street Journal*, December 13, 2017, https://www.wsj.com/articles/the-trump-regulatory-game-plan-1513210177.

577. "Midnight Regulations: Examining Executive Branch Overreach," Hearing before the Committee on Science, Space, and Technology, House of Representatives, 114th Congress, February 10, 2016, https://archive.org/stream/gov.gpo.fdsys.CHRG -114hhrg20830/CHRG-114hhrg20830_djvu.txt.

578. Cass Sunstein, administrator, Memorandum for Regulatory Policy Officers at Executive Departments and Agencies and Managing and Executive Directors of Certain Agencies and Commissions, "Spring 2012 Unified Agenda of Federal Regulatory and Deregulatory Actions," Office of Information and Regulatory Affairs, Executive Office of the President, March 12, 2012, https://obamawhitehouse.archives.gov/sites/default/files /omb/assets/inforeg/agenda-data-call-and-guidelines-spring-2012 .pdf.

579. Howard Shelanski, administrator, Memorandum for Regulatory Policy Officers at Executive Departments and Agencies and Managing and Executive Directors of Certain Agencies and Commissions, "Fall 2013 Regulatory Plan and Unified Agenda of Federal Regulatory and Deregulatory Actions," OIRA, August 7, 2013, https://obamawhitehouse.archives.gov/sites /default/files/omb/inforeg/for-agencies/fall-2013-regulatory -plan-and-unified-agenda-of-federal-regulatory-and-deregulatory -actions.pdf.

580. Dominic J. Mancini, "Spring 2017 Data Call for the Unified Agenda of Federal Regulatory and Deregulatory Actions," Memorandum for Regulatory Policy Officers at Executive Departments and Agencies and Managing and Executive Directors of Certain Agencies and Commissions," March 2, 2017, https://www.thecre .com/oira/wp-content/uploads/2017/01/Office-of-Information -and-Regulatory-Affairs-Spring-2017-Data-Call-for-the-Unified -Agenda-of-Federal-Regulatory-and-Deregulatory-Actions.pdf. Neomi Rao, "Data Call for the Fall 2017 Regulatory Plan and Unified Agenda of Federal Regulatory and Deregulatory Actions," August 18, 2017, https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/memoranda/2017/2017_fall_agenda_data_call_08242017 .pdf.

581. Rao, "Introduction to the Fall 2018 Regulatory Plan," p. 4.

582. Although the Unified Agenda is published twice a year, *Ten Thousand Commandments* primarily tracks each year's fall or year-end compilation from the online database, http://www.reginfo.gov and printed editions. Spring figures are included in the historical tables and in discussion concerning completed rules.

583. For more on the Federal Acquisition Regulation System, see "Federal Acquisition Regulation System," Office of the Federal Register, accessed April 28, 2017, https://www.federalregister .gov/agencies/federal-acquisition-regulation-system.

584. Crews, "Status Report."

585. Calendar years do not line up precisely with presidential years, since inaugurations occur in late January.

586. Spring 2019 numbers are tabulated in Clyde Wayne Crews Jr., "Trump's Regulatory Reform Agenda by the Numbers (Summer 2019 Update)," *Forbes*, May 30, 2019, https://www .forbes.com/sites/waynecrews/2019/05/30/trumps-summer-2019 -regulatory-reform-agenda-by-the-numbers/?sh=3ff5d7d57243. Spring 2020 numbers are from Crews, "Trump's Regulatory Reform Agenda by the Numbers, Summer 2020 Update," Competitive Enterprise Institute, June 30, 2020, https://cei.org/blog /trumps-regulatory-reform-agenda-by-the-numbers-summer -2020-update/.

587. Daniel R. Pérez, "2020 Spring Agenda: More Regulation than Deregulation for Spring Rules," Regulatory Studies Center at George Washington University, July 2020, https://regulatory studies.columbian.gwu.edu/sites/g/files/zaxdzs3306/f/downloads /Commentaries/GW%20Reg%20Studies%20-%202020%20 Spring%20Unified%20Agenda%20-%20DPerez_.pdf.

588. U.S. Department of Agriculture, Food and Nutrition Service, "National School Lunch Program and School Breakfast Program: Nutrition Standards for All Foods Sold in School as Required by the Healthy, Hunger-Free Kids Act of 2010," Final Rule, 7 CFR Parts 210, 215, 220, et al., *Federal Register*, Vol. 81, No. 146 (July 29, 2016), pp. 50132–50151, https://www .govinfo.gov/content/pkg/FR-2016-07-29/pdf/2016-17227.pdf.

589. U.S. Department of Agriculture, Agricultural Marketing Service, "United States Standards for Grades of Canned Baked Beans," *Federal Register*, Vol. 81, No. 89 (May 9, 2016), p. 27985, https://www.govinfo.gov/content/pkg/FR-2016-05-09 /pdf/2016-10743.pdf.

590. Department of Health and Human Services, "Frozen Cherry Pie; Proposed Revocation of a Standard of Identity and a Standard of Quality," *Federal Register*, Vol. 85, No. 244 (December 18, 2020), p. 82395, https://www.govinfo.gov/content/pkg/FR -2020-12-18/pdf/2020-27823.pdf. Emily Heil, "The Trump Administration's Latest Deregulation Target: Frozen Cherry Pie," *Wash-ington Post*, December 18, 2020, https://www.washingtonpost.com/food/2020/12/18/deregulate-frozen-cherry-pie/.

591. Food and Drug Administration, "Deeming Tobacco Products to Be Subject to the Federal Food, Drug, and Cosmetic Act, as Amended by the Family Smoking Prevention and Tobacco Control Act; Restrictions on the Sale and Distribution of Tobacco Products and Required Warning Statements for Tobacco Products," *Federal Register*, Vol. 81, No. 90 (May 10, 2016), pp. 28974–29104, https://www.govinfo.gov/content/pkg/FR-2016 -05-10/pdf/2016-10685.pdf. Questions and answers and guidance may be found at Food and Drug Administration, "FDA's Deeming Regulations for E-Cigarettes, Cigars, and All Other Tobacco Products," updated June 3, 2020, http://www.fda.gov /TobaccoProducts/Labeling/RulesRegulationsGuidance /ucm394909.htm.

592. Food and Drug Administration, "Safety and Effectiveness of Consumer Antiseptics; Topical Antimicrobial Drug Products for Over-the-Counter Human Use," *Federal Register*, Vol. 81, No. 172 (September 6, 2016), pp. 61106–61130, https://www.govinfo.gov/content/pkg/FR-2016-09-06/pdf /2016-21337.pdf.

593. Department of Housing and Urban Development, "Instituting Smoke-Free Public Housing," *Federal Register*, Vol. 81, No. 233 (December 5, 2016), pp. 87430–87444, https://www .govinfo.gov/content/pkg/FR-2016-12-05/pdf/2016-28986.pdf.

594. Bureau of Safety and Environmental Enforcement and Bureau of Ocean Energy Management, "Oil and Gas and Sulfur Operations on the Outer Continental Shelf—Requirements for Exploratory Drilling on the Arctic Outer Continental Shelf," *Federal Register*, Vol. 81, No. 136 (July 15, 2016), pp. 46478– 46566, https://www.govinfo.gov/content/pkg/FR-2016-07-15 /pdf/2016-15699.pdf.

595. Department of Labor, Wage and Hour Division, "Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales and Computer Employees," *Federal Register*, Vol. 81, No. 99 (May 23, 2016), pp. 32391– 32552, https://www.govinfo.gov/content/pkg/FR-2016-05-23 /pdf/2016-11754.pdf.

596. Department of Labor, Wage and Hour Division, "Establishing Paid Sick Leave for Federal Contractors," *Federal Register*, Vol. 81, No. 190 (September 30, 2016), pp. 67598–67724, https://www.govinfo.gov/content/pkg/FR-2016-09-30/pdf /2016-22964.pdf.

597. Occupational Safety and Health Administration, "Walking-Working Surfaces and Personal Protective Equipment (Fall Protection Systems)," *Federal Register*, Vol. 81, No. 223 (November 18, 2016), pp. 82494–83006, https://www.govinfo.gov /content/pkg/FR-2016-11-18/pdf/2016-24557.pdf.

598. The crystalline silica rule of took up 606 pages. Department of Labor, "Occupational Exposure to Respirable

Crystalline Silica," *Federal Register*, Vol. 81, No. 58 (March 25, 2016), pp. 16285–16890, https://www.gpo.gov/fdsys/pkg/FR-2016-03-25/pdf/2016-04800.pdf.

599. Department of Transportation, National Highway Traffic Safety Administration, "Federal Motor Vehicle Safety Standards; Minimum Sound Requirements for Hybrid and Electric Vehicles," Federal Register, Vol. 81, No. 240 (December 14, 2016), pp. 90416-90522, https://www.govinfo.gov/content/pkg /FR-2016-12-14/pdf/2016-28804.pdf. National Highway Traffic Safety Administration, "NHTSA Sets 'Quiet Car' Safety Standard to Protect Pedestrians," news release, November 14, 2016, https://www.transportation.gov/briefing-room/nhtsa-sets-%E2 %80%9Cquiet-car%E2%80%9D-safety-standard-protect -pedestrians. A modification proposed by the Trump administration in 2019 sought "to remove the limit to the number of compliant sounds that a manufacturer may choose to install in a vehicle." Department of Transportation, National Highway Traffic Safety Administration, "Federal Motor Vehicle Safety Standard No. 141, Minimum Sound Requirements for Hybrid and Electric Vehicles," Federal Register, Vol. 84, No. 180 (September 17, 2019), pp. 48866-48872, https://www.govinfo.gov/content/ pkg/FR-2019-09-17/pdf/2019-19874.pdf.

600. Department of Transportation, Federal Aviation Administration, "Operation and Certification of Small Unmanned Aircraft Systems," *Federal Register*, Vol. 81, No. 124 (June 28, 2016), pp. 42064–42214, https://www.govinfo.gov/content/pkg /FR-2016-06-28/pdf/2016-15079.pdf.

601. Andy Pasztor and Katy Stech Ferek, "FAA Approves First Fully Automated Commercial Drone Flights," *Wall Street Journal*, January 15, 2021, https://www.wsj.com/articles/faa -approves-first-fully-automated-commercial-drone-flights -11610749377?mod=hp_lead_pos11.

602. Department of Transportation, National Highway Traffic Safety Administration, "Federal Motor Vehicle Safety Standards; Federal Motor Carrier Safety Regulations; Parts and Accessories Necessary for Safe Operation; Speed Limiting Devices," *Federal Register*, Vol. 81, No. 173, September 7, 2016, pp. 61942–61972, https://www.govinfo.gov/content/pkg/FR-2016 -09-07/pdf/2016-20934.pdf.

603. Federal Railroad Administration, "Train Crew Staffing," *Federal Register*, Vol. 81, No. 50 (March 15, 2016), pp. 13918– 13966, https://www.govinfo.gov/content/pkg/FR-2016-03-15 /pdf/2016-05553.pdf.

604. Department of Transportation, National Highway Traffic Safety Administration, "Lighting and Marking on Agricultural Equipment," *Federal Register*, Vol. 81, No. 120 (June 22, 2016), pp. 40528–40534, https://www.govinfo.gov/content/pkg /FR-2016-06-22/pdf/2016-14571.pdf.

605. Department of Transportation, Federal Motor Carrier Safety Administration, "Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators," *Federal Register*, Vol. 81, No. 44 (March 7, 2016), pp. 11944–11986,

https://www.govinfo.gov/content/pkg/FR-2016-03-07/pdf /2016-03869.pdf.

606. Bureau of Consumer Financial Protection, "Payday, Vehicle Title, and Certain High-Cost Installment Loans," *Federal Register*, Vol. 81, No. 141 (July 22, 2016), pp. 47864–48218, https://www.govinfo.gov/content/pkg/FR-2016-07-22/pdf /2016-13490.pdf.

607. Federal Communications Commission, "Protecting the Privacy of Customers of Broadband and Other Telecommunications Services," *Federal Register*, Vol. 81, No. 232, December 2, 2016, pp. 87274–87346, https://www.govinfo.gov/content/pkg /FR-2016-12-02/pdf/2016-28006.pdf.

608. David Roberts, "Many Businesses Oppose Trump's Deregulatory Agenda. Here's Why," *Vox*, August 30, 2019, https:// www.vox.com/energy-and-environment/2019/8/30/20840224 /businesses-oppose-trump-deregulatory-agenda-rules. Cass R. Sunstein, "Why Companies Reject Trump's Deregulation Theology," *Bloomberg*, September 4, 2019, https://www.bloomberg .com/opinion/articles/2019-09-04/methane-mercury-and-trump -s-anti-regulation-theology.

609. Available under Advanced Search, Select Publication(s) at RegInfo.gov, OIRA,

https://www.reginfo.gov/public/do/eAgendaAdvancedSearch.

610. Fall 2020 Unified Agenda of Regulatory and Deregulatory Actions, Reginfo.gov,

https://www.reginfo.gov/public/do/eAgendaMain.

611. Office of Information and Regulatory Affairs, "Regulatory Reform Results for Fiscal Year 2019."

612. Katz, "Red Tape Receding."

613. Office of Information and Regulatory Affairs, "Regulatory Reform: Cost Caps Fiscal Year 2018."

614. Ibid.

615. Office of Information and Regulatory Affairs, "Regulatory Reform Results for Fiscal Year 2019."

616. "Any existing regulatory action that imposes costs and the repeal or revision of which will produce verifiable savings may qualify. Meaningful burden reduction through the repeal or streamlining of mandatory reporting, recordkeeping or disclosure requirements may also qualify." White House, Memorandum: Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017, "Reducing Regulation and Controlling Regulatory Costs," February 2, 2017.

617. These appear in boldface in Box 2 of the 2018 edition of *Ten Thousand Commandments*, pp. 9–10, https://cei.org/studies/ten-thousand-commandments-2018/.

618. "The Regulatory Flexibility Act requires that agencies publish semiannual regulatory agendas in the *Federal Register* describing regulatory actions they are developing that may have a significant economic impact on a substantial number of small entities." Introduction to the Unified Agenda of Federal Regulatory and Deregulatory Actions, *Federal Register*, Vol. 74, No. 233 (December 7, 2009), pp. 64131–64136, https://www.govinfo.gov/content/pkg/FR-2009-12-07/pdf/X09-21207.pdf.

619. The Office of Advocacy of the U.S. Small Business Administration prepares an Annual Report of the Chief Counsel for Advocacy on Implementation of the Regulatory Flexibility Act. Archived editions appear at https://www.sba.gov/advocacy /regulatory-flexibility-act-annual-reports and https://web.archive .org/web/20101205041853/http://www.sba.gov/advo/laws/flex/.

620. The legislation and executive orders by which agencies are directed to assess effects on state and local governments are described in the Unified Agenda's appendices.

621. National Council of State Legislatures, Standing Committee on Budgets and Revenue, Policy Directives and Resolutions, 2016 NCSL Legislative Summit, Chicago, August 8–11, 2016.

622. Letter to House and Senate leadership on eliminating burdensome and illegal regulations by strengthening the Administrative Procedure Act, from several Republican state attorneys general, July 11, 2016, p. 61, https://books.google.com /books?id=vcoeykOAJ-QC&pg=PA61&lpg=PA61&dq=%E2%8 0%9CThe+growth+of+federal+mandates+and+other+costs+that +the+federal+government+imposes+on+states+and+localities+is+ one+of+the+most+serious+fiscal+issues+confronting+state+and+ local+government+officials.%E2%80%9D&source=bl&ots=IZj -7SO3lb&sig=ACfU3U3G8a6bj_O5zsOigCf7946XCUoQAA& hl=en&sa=X&ved=2ahUKEwiWyZOE4_HvAhUhZN8KHa _OD74Q6AEwAHoECAEQAw#v=onepage&q&f=false.

623. Derived from "CBO's Activities under the Unfunded Mandates Reform Act," accessed January 5, 2020, https://www.cbo.gov/publication/51335.

624. Maeve P. Carey, "Cost Benefit and Other Analysis Requirements in the Rulemaking Process," Congressional Research Service, Report 7-5700, pp. 11–12, https://fas.org/sgp/crs/misc/R41974.pdf.

625. "Regulation Identifier Numbers," *Federal Register* blog, https://www.federalregister.gov/reader-aids/office-of-the-federal -register-blog/2011/04/regulation-identifier-numbers.

626. Government Accountability Office, "Congressional Review Act Overview,"

https://www.gao.gov/legal/other-legal-work/congressional-review-act.

627. Ibid.

628. Curtis W. Copeland, "Congressional Review Act: Many Recent Final Rules Were Not Submitted to GAO and Congress," white paper, July 15, 2014, https://www.eenews.net/assets/2017 /02/22/document_pm_01.pdf. Todd Gaziano, "The Time to Review and Kill Hundreds of Rules under the CRA Has Not Yet Begun," Pacific Legal Foundation blog, April 24, 2017, https:// pacificlegal.org/time-review-kill-hundreds-rules-cra-not-yet -begun/. 629. In addition to the database search at https://www.gao .gov/legal/other-legal-work/congressional-review-act, the Government Accountability Office presents rules in a scroll window in reverse chronological order. It is not unusual for a current year-end tally to change slightly in the subsequent year as adjustments are presumably made in GAO's database.

630. Crews, "What's the Difference between 'Major,' 'Significant,' and All Those Other Federal Rule Categories?"

631. Ibid.

632. Greg Ip, "For Business, Biden Bodes a Less Hospitable but More Predictable Presidency," *Wall Street Journal*, November 7, 2020, https://www.wsj.com/articles/for-business-biden-bodes -a-less-hospitable-but-more-predictable-presidency-11604771135.

633. Geoff Colvin, "What a Biden Administration Means for Business," *Fortune*, November 7, 2020, https://fortune.com /2020/11/07/president-biden-business-taxes-unions-regulations -public-option-infrastructure-tariffs-immigration/.

634. OMB, Circular A-4, Regulatory Analysis, September 17, 2003, https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/circulars/A4/a-4.pdf.

635. Clyde Wayne Crews Jr., "Promise and Peril: Implementing a Regulatory Budget," *Policy Sciences*, Vol. 31, No. 4 (December 1998), pp. 343–369,

https://www.jstor.org/stable/4532441?seq=1.

636. A version of the Competitive Enterprise Institute's major rule categorization and disclosure recommendations noted in Table 10 and Box 5 is also explored in Crews, "The Other National Debt Crisis." Those reporting proposals later appeared in the All Economic Regulations Are Transparent (ALERT) Act proposal and in the Restoring Tax and Regulatory Certainty to Small Businesses Act of 2012, sponsored by Sen. Olympia Snowe (R-ME) (S. 3572, 112th Congress). Section 213 of S. 3572 proposed "regulatory transparency reporting,"

https://www.govtrack.us/congress/bills/112/s3572/text. Versions of the ALERT Act appeared in later Congresses as well.

637. Crews, "Executive Order 13,891 Sub-Regulatory Guidance Document Portal Tops 70,000 Entries."

638. Regulatory Reform Results, Office of Information and Regulatory Affairs.

639. Crews, "What's the Difference between 'Major,' 'Significant,' and All Those Other Federal Rule Categories?"

640. Philip Hamburger, "The History and Danger of Administrative Law," *Imprimis*, Vol. 43, No. 9 (September 2014), pp. 1–5, https://imprimis.hillsdale.edu/wp-content/uploads/2016/10 /Imprimis-The-History-and-Danger-of-Administrative-Law -Sept-2014.pdf. Philip Hamburger, *Is Administrative Law Unlawful*? (Chicago: University of Chicago Press, 2014).

641. William A. Niskanen Jr., *Bureaucracy and Representative Government* (Chicago: Aldine-Atherton, 1971).

642. Public laws signed during a calendar year may be derived from various sources. However, official archiving sometimes takes time to catalog, so figures may be preliminary and may change slightly (on ambiguities, see "More on Counting Laws and Discrepancies in the Resume of Congressional Activity," GovTrack blog, February 9, 2014, https://govtracknews .wordpress.com/2014/02/09/more-on-counting-laws-and -discrepancies-in-the-resume-of-congressional-activity/). Library of Congress, Public Laws website,

https://www.congress.gov/public-laws/. U.S. Government Publishing Office, Public and Private Laws website, http://www.gpo .gov/fdsys/browse/collection.action?collectionCode=PLAW. Gov-Track https://www.govtrack.us/congress/bills/browse?status =28,29,32,33&sort=-current_status_date%20-%20current _status%5b%5d=9#sort=-current_status_date¤t _status[]=28. Figures are presented by calendar year. For breakdown by session of Congress, see "Statistics and Historical Comparison, Bills by Final Status," GovTrack, https://www.govtrack.us/congress/bills/statistics.

643. S.68, Regulations from the Executive in Need of Scrutiny Act of 2021, 117th Congress, First Session, introduced January 27, 2021, https://www.congress.gov/bill/117th-congress/senate-bill/68?s=1&r=6.

644. Regulation Freedom Amendment, Ballotpedia, Administrative State Project, accessed April 9, 2021, https://ballotpedia.org/Regulation_Freedom_Amendment.