

Notes

1. Congressional Budget Office, *The Budget and Economic Outlook: 2022 to 2032*, Table 1-1, “CBO’s Baseline Budget Projections, by Category,” 2022, p. 2, <https://www.cbo.gov/system/files/2021-02/56970-Outlook.pdf>.
2. 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://fiscaldata.treasury.gov/datasets/debt-to-the-penny/debt-to-the-penny>.
3. Nelson D. Schwartz, “As Debt Rises, the Government Will Soon Spend More on Interest than on the Military,” *New York Times*, February 26, 2019, <https://www.nytimes.com/2018/09/25/business/economy/us-government-debt-interest.html>.
4. 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.
5. For a survey of corporate tax incidence estimates, see Jennifer C. Gravelle, “Corporate Tax Incidence: A Review of Empirical Estimates and Analysis,” Working Paper No. 2011-01, Congressional Budget Office, June 2011, <https://www.cbo.gov/sites/default/files/cbofiles/ftpdocs/122xx/doc12239/06-14-2011-corporatetaxincidence.pdf>.
6. 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.
7. Ronald A. Klain, “Regulatory Freeze Pending Review,” Memorandum for the Heads of Executive Departments and Agencies, January 20, 2021, <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/regulatory-freeze-pending-review/>. 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>. This memorandum took the additional step of incorporating agency guidance documents.
8. 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/>.
9. 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>.
10. 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>.
11. For a complete documentation of these, see Clyde Wayne Crews Jr., *Ten Thousand Commandments: An Annual Snapshot of the Federal Regulatory State, 2021 Edition* (Washington, DC, Competitive Enterprise Institute), https://cei.org/wp-content/uploads/2021/06/Ten_Thousand_Commandments_2021.pdf.
12. Executive Order 13992 of January 20, 2021, “Revocation of Certain Executive Orders Concerning Federal Regulation,” *Federal Register*, Vol. 86, No. 14 (January 25, 2021), pp. 7049–7050, <https://www.govinfo.gov/content/pkg/FR-2021-01-25/pdf/2021-01767.pdf>.
13. Presidential Memorandum, “Modernizing Regulatory Review,” January 26, 2021, *Federal Register*, Vol. 86, No. 15 (January 26, 2021), pp. 7223–7224, <https://www.govinfo.gov/content/pkg/FR-2021-01-26/pdf/2021-01866.pdf>.
14. *Ibid.*
15. White House, “FACT SHEET: President Biden to Take Action to Advance Racial Equity and Support Underserved Communities,” January 26, 2021, <https://www.whitehouse.gov/briefing-room/statements-releases/2021/01/26/fact-sheet-president-biden-to-take-action-to-advance-racial-equity-and-support-underserved-communities/>.
16. Memorandum of January 20, 2021, “Preserving and Fortifying Deferred Action for Childhood Arrivals (DACA),” *Federal Register*, Vol. 86, No. 14 (January 25, 2021), pp. 7053–7054, <https://www.govinfo.gov/content/pkg/FR-2021-01-25/pdf/2021-01769.pdf>.
17. Memorandum of January 20, 2021, “Modernizing Regulatory Review,” *Federal Register*, Vol. 86, No. 15 (January 26, 2021), pp. 7223–7224, <https://www.govinfo.gov/content/pkg/FR-2021-01-26/pdf/2021-01866.pdf>.

18. Memorandum of January 21, 2021, “Memorandum to Extend Federal Support to Governors’ Use of the National Guard to Respond to COVID–19 and to Increase Reimbursement and Other Assistance Provided to States,” *Federal Register*, Vol. 86, No. 17 (January 28, 2021), pp. 7481–7482, <https://www.govinfo.gov/content/pkg/FR-2021-01-28/pdf/2021-02043.pdf>.
19. Memorandum of January 26, 2021, “Redressing Our Nation’s and the Federal Government’s History of Discriminatory Housing Practices and Policies,” *Federal Register*, Vol. 86, No. 18 (January 29, 2021), pp. 7487–7489, <https://www.govinfo.gov/content/pkg/FR-2021-01-29/pdf/2021-02074.pdf>.
20. Memorandum of January 26, 2021, “Condemning and Combating Racism, Xenophobia, and Intolerance against Asian Americans and Pacific Islanders in the United States,” *Federal Register*, Vol. 86, No. 18 (January 29, 2021), pp. 7485–7486, <https://www.govinfo.gov/content/pkg/FR-2021-01-29/pdf/2021-02073.pdf>.
21. Memorandum of February 2, 2021, “Maximizing Assistance from the Federal Emergency Management Agency to Respond to COVID–19,” *Federal Register*, Vol. 86, No. 23 (February 5, 2021), pp. 8281–8282, <https://www.govinfo.gov/content/pkg/FR-2021-02-05/pdf/2021-02569.pdf>.
22. Memorandum of January 27, 2021, “Restoring Trust in Government through Scientific Integrity and Evidence-Based Policymaking,” *Federal Register*, Vol. 86, No. 26 (February 10, 2021), pp. 8845–8851, <https://www.govinfo.gov/content/pkg/FR-2021-02-10/pdf/2021-02839.pdf>.
23. National Security Memorandum/NSM–4 of February 4, 2021, “Advancing the Human Rights of Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex Persons Around the World,” *Federal Register*, Vol. 86, No. 37 (February 26, 2021), pp. 11843–11845, <https://www.govinfo.gov/content/pkg/FR-2021-02-26/pdf/2021-04237.pdf>.
24. Memorandum of May 18, 2021, “Restoring the Department of Justice’s Access-to-Justice Function and Reinvigorating the White House Legal Aid Interagency Roundtable,” *Federal Register*, Vol. 86, No. 97 (May 21, 2021), pp. 27793–27796, <https://www.govinfo.gov/content/pkg/FR-2021-05-21/pdf/2021-10973.pdf>.
25. Memorandum of January 28, 2021, “Protecting Women’s Health at Home and Abroad,” *Federal Register*, Vol. 86, No. 119, (June 24, 2021), pp. 33077–33079, <https://www.govinfo.gov/content/pkg/FR-2021-06-24/pdf/2021-13638.pdf>.
26. Memorandum of August 17, 2021, “Maximizing Assistance to Respond to COVID–19,” *Federal Register*, Vol. 86, No. 159 (August 20, 2021), pp. 46759–46760, <https://www.govinfo.gov/content/pkg/FR-2021-08-20/pdf/2021-18100.pdf>.
27. Memorandum of August 18, 2021, “Ensuring a Safe Return to In-Person School for the Nation’s Children,” *Federal Register*, Vol. 86, No. 160 (August 23, 2021), pp. 46951–46952, <https://www.govinfo.gov/content/pkg/FR-2021-08-23/pdf/2021-18223.pdf>.
28. Memorandum of November 9, 2021, “Maximizing Assistance to Respond to COVID–19,” *Federal Register*, Vol. 86, No. 219 (November 17, 2021), pp. 64055–64056, <https://www.govinfo.gov/content/pkg/FR-2021-11-17/pdf/2021-25185.pdf>.
29. Executive Order 13985 of January 20, 2021, “Advancing Racial Equity and Support for Underserved Communities through the Federal Government,” *Federal Register*, Vol. 86, No. 14 (January 25, 2021), pp. 7009–7013, <https://www.govinfo.gov/content/pkg/FR-2021-01-25/pdf/2021-01753.pdf>.
30. Executive Order 13986 of January 20, 2021, “Ensuring a Lawful and Accurate Enumeration and Apportionment Pursuant to the Decennial Census,” *Federal Register*, Vol. 86, No. 14 (January 25, 2021), pp. 7015–7017, <https://www.govinfo.gov/content/pkg/FR-2021-01-25/pdf/2021-01755.pdf>.
31. Executive Order 13987 of January 20, 2021, “Organizing and Mobilizing the United States Government to Provide a Unified and Effective Response to Combat COVID–19 and to Provide United States Leadership on Global Health and Security,” *Federal Register*, Vol. 86, No. 14 (January 25, 2021), pp. 7019–7021, <https://www.govinfo.gov/content/pkg/FR-2021-01-25/pdf/2021-01759.pdf>.
32. Executive Order 13988 of January 20, 2021, “Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation,” *Federal Register*, Vol. 86, No. 14 (January 25, 2021), pp. 7023–7025, <https://www.govinfo.gov/content/pkg/FR-2021-01-25/pdf/2021-01761.pdf>.
33. Executive Order 13989 of January 20, 2021, “Ethics Commitments by Executive Branch Personnel,” *Federal Register*, Vol. 86, No. 14 (January 25, 2021), pp. 7029–7035, <https://www.govinfo.gov/content/pkg/FR-2021-01-25/pdf/2021-01762.pdf>.
34. Executive Order 13990 of January 20, 2021, “Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis,” *Federal Register*, Vol. 86, No. 14 (January 25, 2021), pp. 7037–7043, <https://www.govinfo.gov/content/pkg/FR-2021-01-25/pdf/2021-01765.pdf>.
35. Executive Order 13991 of January 20, 2021, “Protecting the Federal Workforce and Requiring Mask-Wearing,”

Federal Register, Vol. 86, No. 14 (January 25, 2021), pp. 7045–7048, <https://www.govinfo.gov/content/pkg/FR-2021-01-25/pdf/2021-01766.pdf>.

36. Executive Order 13992 of January 20, 2021, “Revocation of Certain Executive Orders Concerning Federal Regulation,” *Federal Register*, Vol. 86, No. 14 (January 25, 2021), pp. 7049–7050, <https://www.govinfo.gov/content/pkg/FR-2021-01-25/pdf/2021-01767.pdf>.

37. Executive Order 13994 of January 21, 2021, “Ensuring a Data-Driven Response to COVID–19 and Future High-Consequence Public Health Threats,” *Federal Register*, Vol. 86, No. 15 (January 26, 2021), pp. 7189–7191, <https://www.govinfo.gov/content/pkg/FR-2021-01-26/pdf/2021-01849.pdf>.

38. Executive Order 13995 of January 21, 2021, “Ensuring an Equitable Pandemic Response and Recovery,” *Federal Register*, Vol. 86, No. 15 (January 26, 2021), pp. 7193–7196, <https://www.govinfo.gov/content/pkg/FR-2021-01-26/pdf/2021-01852.pdf>.

39. Executive Order 13996 of January 21, 2021, “Establishing the COVID–19 Pandemic Testing Board and Ensuring a Sustainable Public Health Workforce for COVID–19 and Other Biological Threats,” *Federal Register*, Vol. 86, No. 15 (January 26, 2021), pp. 7197–7199, <https://www.govinfo.gov/content/pkg/FR-2021-01-26/pdf/2021-01854.pdf>.

40. Executive Order 13997 of January 21, 2021, “Improving and Expanding Access to Care and Treatments for COVID–19,” *Federal Register*, Vol. 86, No. 15 (January 26, 2021), pp. 7201–7203, <https://www.govinfo.gov/content/pkg/FR-2021-01-26/pdf/2021-01858.pdf>.

41. Executive Order 13998 of January 21, 2021, “Promoting COVID–19 Safety in Domestic and International Travel,” *Federal Register*, Vol. 86, No. 15 (January 26, 2021), pp. 7205–7208, <https://www.govinfo.gov/content/pkg/FR-2021-01-26/pdf/2021-01859.pdf>.

42. Executive Order 13999 of January 21, 2021, “Protecting Worker Health and Safety,” *Federal Register*, Vol. 86, No. 15 (January 26, 2021), pp. 7211–7213, <https://www.govinfo.gov/content/pkg/FR-2021-01-26/pdf/2021-01863.pdf>.

43. Executive Order 14000 of January 21, 2021, “Supporting the Reopening and Continuing Operation of Schools and Early Childhood Education Providers,” *Federal Register*, Vol. 86, No. 15 (January 26, 2021), pp. 7215–7218, <https://www.govinfo.gov/content/pkg/FR-2021-01-26/pdf/2021-01864.pdf>.

44. Executive Order 14001 of January 21, 2021, “A Sustainable Public Health Supply Chain,” *Federal Register*, Vol. 86, No. 15 (January 26, 2021), pp. 7219–7222,

<https://www.govinfo.gov/content/pkg/FR-2021-01-26/pdf/2021-01865.pdf>.

45. Executive Order 14002 of January 22, 2021, “Economic Relief Related to the COVID–19 Pandemic,” *Federal Register*, Vol. 86, No. 16 (January 27, 2021), pp. 7229–7230, <https://www.govinfo.gov/content/pkg/FR-2021-01-27/pdf/2021-01923.pdf>.

46. Executive Order 14003 of January 22, 2021, “Protecting the Federal Workforce,” *Federal Register*, Vol. 86, No. 16 (January 27, 2021), pp. 7231–7233, <https://www.govinfo.gov/content/pkg/FR-2021-01-27/pdf/2021-01924.pdf>.

47. Executive Order 14004 of January 25, 2021, “Enabling All Qualified Americans to Serve Their Country in Uniform,” *Federal Register*, Vol. 86, No. 17 (January 28, 2021), pp. 7471–7473, <https://www.govinfo.gov/content/pkg/FR-2021-01-28/pdf/2021-02034.pdf>.

48. Executive Order 14005 of January 25, 2021, “Ensuring the Future Is Made in All of America by All of America’s Workers,” *Federal Register*, Vol. 86, No. 17 (January 28, 2021), pp. 7475–7479, <https://www.govinfo.gov/content/pkg/FR-2021-01-28/pdf/2021-02038.pdf>.

49. Executive Order 14006 of January 26, 2021, “Reforming Our Incarceration System to Eliminate the Use of Privately Operated Criminal Detention Facilities,” *Federal Register*, Vol. 86, No. 18 (January 29, 2021), pp. 7483–7484, <https://www.govinfo.gov/content/pkg/FR-2021-01-29/pdf/2021-02070.pdf>.

50. Executive Order 14007 of January 27, 2021, “President’s Council of Advisors on Science and Technology,” *Federal Register*, Vol. 86, No. 19 (February 1, 2021), pp. 7615–7617, <https://www.govinfo.gov/content/pkg/FR-2021-02-01/pdf/2021-02176.pdf>.

51. Executive Order 14008 of January 27, 2021, “Tackling the Climate Crisis at Home and Abroad,” *Federal Register*, Vol. 86, No. 19 (February 1, 2021), pp. 7619–7633, <https://www.govinfo.gov/content/pkg/FR-2021-02-01/pdf/2021-02177.pdf>.

52. Executive Order 14009 of January 28, 2021, “Strengthening Medicaid and the Affordable Care Act,” *Federal Register*, Vol. 86, No. 20 (February 2, 2021), pp. 7793–7795, <https://www.govinfo.gov/content/pkg/FR-2021-02-02/pdf/2021-02252.pdf>.

53. Executive Order 14010 of February 2, 2021, “Creating a Comprehensive Regional Framework to Address the Causes of Migration, to Manage Migration throughout North and Central America, and to Provide Safe and Orderly Processing of Asylum Seekers at the United States Border,” *Federal Register*, Vol. 86, No. 23 (February 5, 2021), pp. 8267–8271,

<https://www.govinfo.gov/content/pkg/FR-2021-02-05/pdf/2021-02561.pdf>

54. Executive Order 14011 of February 2, 2021, “Establishment of Interagency Task Force on the Reunification of Families,” *Federal Register*, Vol. 86, No. 23 (February 5, 2021), pp. 8273–8275, <https://www.govinfo.gov/content/pkg/FR-2021-02-05/pdf/2021-02562.pdf>.

55. Executive Order 14012 of February 2, 2021, “Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans,” *Federal Register*, Vol. 86, No. 23 (February 5, 2021), pp. 8277–8280, <https://www.govinfo.gov/content/pkg/FR-2021-02-05/pdf/2021-02563.pdf>.

56. Executive Order 14013 of February 4, 2021, “Rebuilding and Enhancing Programs to Resettle Refugees and Planning for the Impact of Climate Change on Migration,” *Federal Register*, Vol. 86, No. 25 (February 9, 2021), pp. 8839–8844, <https://www.govinfo.gov/content/pkg/FR-2021-02-09/pdf/2021-02804.pdf>.

57. Executive Order 14015 of February 14, 2021, “Establishment of the White House Office of Faith-Based and Neighborhood Partnerships,” *Federal Register*, Vol. 86, No. 31 (February 18, 2021), pp. 10007–10009, <https://www.govinfo.gov/content/pkg/FR-2021-02-18/pdf/2021-03424.pdf>.

58. Executive Order 14016 of February 17, 2021, “Revocation of Executive Order 13801,” *Federal Register*, Vol. 86, No. 34, (February 23, 2021), pp. 11089–11090, <https://www.govinfo.gov/content/pkg/FR-2021-02-23/pdf/2021-03874.pdf>.

59. Executive Order 14017 of February 24, 2021, “America’s Supply Chains,” *Federal Register*, Vol. 86, No. 38 (March 1, 2021), pp. 11849–11854, <https://www.govinfo.gov/content/pkg/FR-2021-03-01/pdf/2021-04280.pdf>.

60. Executive Order 14018 of February 24, 2021, “Revocation of Certain Presidential Actions,” *Federal Register*, Vol. 86, No. 38 (March 1, 2021), pp. 11855–11856, <https://www.govinfo.gov/content/pkg/FR-2021-03-01/pdf/2021-04281.pdf>.

61. Executive Order 14019 of March 7, 2021, “Promoting Access to Voting,” *Federal Register*, Vol. 86, No. 45 (March 10, 2021), pp. 13623–13627, <https://www.govinfo.gov/content/pkg/FR-2021-03-10/pdf/2021-05087.pdf>.

62. Executive Order 14020 of March 8, 2021, “Establishment of the White House Gender Policy Council,” *Federal Register*, Vol. 86, No. 46 (March 11, 2021), pp. 13797–13801, <https://www.govinfo.gov/content/pkg/FR-2021-03-11/pdf/2021-05183.pdf>.

63. Executive Order 14021 of March 8, 2021, “Guaranteeing an Educational Environment Free from Discrimination on the Basis of Sex, Including Sexual Orientation or Gender Identity,” *Federal Register*, Vol. 86, No. 46 (March 11, 2021), pp. 13803–13804, <https://www.govinfo.gov/content/pkg/FR-2021-03-11/pdf/2021-05200.pdf>.

64. Executive Order 14023 of April 9, 2021, “Establishment of the Presidential Commission on the Supreme Court of the United States,” *Federal Register*, Vol. 86, No. 70 (April 14, 2021), pp. 19569–19570, <https://www.govinfo.gov/content/pkg/FR-2021-04-14/pdf/2021-07756.pdf>.

65. Executive Order 14025 of April 26, 2021, “Worker Organizing and Empowerment,” *Federal Register*, Vol. 86, No. 81 (April 29, 2021), pp. 22829–22832, <https://www.govinfo.gov/content/pkg/FR-2021-04-29/pdf/2021-09213.pdf>.

66. Executive Order 14026 of April 27, 2021, “Increasing the Minimum Wage for Federal Contractors,” *Federal Register*, Vol. 86, No. 82 (April 30, 2021), pp. 22835–22838, <https://www.govinfo.gov/content/pkg/FR-2021-04-30/pdf/2021-09263.pdf>.

67. Executive Order 14027 of May 7, 2021, “Establishment of the Climate Change Support Office,” *Federal Register*, Vol. 86, No. 90 (May 12, 2021), pp. 25947–25948, <https://www.govinfo.gov/content/pkg/FR-2021-05-12/pdf/2021-10139.pdf>.

68. Executive Order 14028 of May 12, 2021, “Improving the Nation’s Cybersecurity,” *Federal Register*, Vol. 86, No. 93 (May 17, 2021), pp. 26633–26647, <https://www.govinfo.gov/content/pkg/FR-2021-05-17/pdf/2021-10460.pdf>.

69. Executive Order 14029 of May 14, 2021, “Revocation of Certain Presidential Actions and Technical Amendment,” *Federal Register*, Vol. 86, No. 95 (May 19, 2021), pp. 27025–27026, <https://www.govinfo.gov/content/pkg/FR-2021-05-19/pdf/2021-10691.pdf>.

70. Executive Order 14030 of May 20, 2021, “Climate-Related Financial Risk,” *Federal Register*, Vol. 86, No. 99 (May 25, 2021), pp. 27967–27971, <https://www.govinfo.gov/content/pkg/FR-2021-05-25/pdf/2021-11168.pdf>.

71. Executive Order 14031 of May 28, 2021, “Advancing Equity, Justice, and Opportunity for Asian Americans, Native Hawaiians, and Pacific Islanders,” *Federal Register*, Vol. 86, No. 105 (June 3, 2021), pp. 29675–29681, <https://www.govinfo.gov/content/pkg/FR-2021-06-03/pdf/2021-11792.pdf>.

72. Executive Order 14032 of June 3, 2021, “Addressing the Threat from Securities Investments That Finance Certain Companies of the People’s Republic of China,” *Federal Register*, Vol. 86, No. 107 (June 7, 2021), pp. 30145–30149,

<https://www.govinfo.gov/content/pkg/FR-2021-06-07/pdf/2021-12019.pdf>

73. Executive Order 14034 of June 9, 2021, “Protecting Americans’ Sensitive Data from Foreign Adversaries,” *Federal Register*, Vol. 86, No. 111 (June 11, 2021), pp. 31423–31426, <https://www.govinfo.gov/content/pkg/FR-2021-06-11/pdf/2021-12506.pdf>.

74. Executive Order 14035 of June 25, 2021, “Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce,” *Federal Register*, Vol. 86, No. 123 (June 30, 2021), pp. 34593–34603, <https://www.govinfo.gov/content/pkg/FR-2021-06-30/pdf/2021-14127.pdf>.

75. Executive Order 14036 of July 9, 2021, “Promoting Competition in the American Economy,” *Federal Register*, Vol. 86, No. 132 (July 14, 2021), pp. 36987–36999, <https://www.govinfo.gov/content/pkg/FR-2021-07-14/pdf/2021-15069.pdf>.

76. Executive Order 14037 of August 5, 2021, “Strengthening American Leadership in Clean Cars and Trucks,” *Federal Register*, Vol. 86, No. 151 (August 10, 2021), pp. 43583–43585, <https://www.govinfo.gov/content/pkg/FR-2021-08-10/pdf/2021-17121.pdf>.

77. Executive Order 14041 of September 3, 2021, “White House Initiative on Advancing Educational Equity, Excellence, and Economic Opportunity through Historically Black Colleges and Universities,” *Federal Register*, Vol. 86, No. 172 (September 9, 2021), pp. 50443–50447, <https://www.govinfo.gov/content/pkg/FR-2021-09-09/pdf/2021-19579.pdf>.

78. Executive Order 14042 of September 9, 2021, “Ensuring Adequate COVID Safety Protocols for Federal Contractors,” *Federal Register*, Vol. 86, No. 175 (September 14, 2021), pp. 50985–50988, <https://www.govinfo.gov/content/pkg/FR-2021-09-14/pdf/2021-19924.pdf>.

79. Executive Order 14045 of September 13, 2021, “White House Initiative on Advancing Educational Equity, Excellence, and Economic Opportunity for Hispanics,” *Federal Register*, Vol. 86, No. 177 (September 16, 2021), pp. 51581–51587, <https://www.govinfo.gov/content/pkg/FR-2021-09-16/pdf/2021-20165.pdf>.

80. Executive Order 14049 of October 11, 2021, “White House Initiative on Advancing Educational Equity, Excellence, and Economic Opportunity for Native Americans and Strengthening Tribal Colleges and Universities,” *Federal Register*, Vol. 86, No. 196 (October 14, 2021), pp. 57313–57318, <https://www.govinfo.gov/content/pkg/FR-2021-10-14/pdf/2021-22588.pdf>.

81. Executive Order 14050 of October 19, 2021, “White House Initiative on Advancing Educational Equity, Excel-

lence, and Economic Opportunity for Black Americans,” *Federal Register*, Vol. 86, No. 202 (October 22, 2021), pp. 58551–58557, <https://www.govinfo.gov/content/pkg/FR-2021-10-22/pdf/2021-23224.pdf>.

82. Executive Order 14051 of October 31, 2021, “Designation to Exercise Authority Over the National Defense Stockpile,” *Federal Register*, Vol. 86, No. 210 (November 3, 2021), pp. 60747–60748, <https://www.govinfo.gov/content/pkg/FR-2021-11-03/pdf/2021-24183.pdf>.

83. Executive Order 14052 of November 15, 2021, “Implementation of the Infrastructure Investment and Jobs Act,” *Federal Register*, Vol. 86, No. 220 (November 18, 2021), pp. 64335–64336, <https://www.govinfo.gov/content/pkg/FR-2021-11-18/pdf/2021-25286.pdf>.

84. Executive Order 14053 of November 15, 2021, “Improving Public Safety and Criminal Justice for Native Americans and Addressing the Crisis of Missing or Murdered Indigenous People,” *Federal Register*, Vol. 86, No. 220 (November 18, 2021), pp. 64337–64341, <https://www.govinfo.gov/content/pkg/FR-2021-11-18/pdf/2021-25287.pdf>.

85. Executive Order 14055 of November 18, 2021, “Non-displacement of Qualified Workers Under Service Contracts,” *Federal Register*, Vol. 86, No. 223 (November 23, 2021), pp. 66397–66401, <https://www.govinfo.gov/content/pkg/FR-2021-11-23/pdf/2021-25715.pdf>.

86. Executive Order 14056 of December 1, 2021, “The National Space Council,” *Federal Register*, Vol. 86, No. 230 (December 3, 2021), pp. 68871–68874, <https://www.govinfo.gov/content/pkg/FR-2021-12-03/pdf/2021-26459.pdf>.

87. Executive Order 14057 of December 8, 2021, “Catalyzing Clean Energy Industries and Jobs through Federal Sustainability,” *Federal Register*, Vol. 86, No. 236 (December 13, 2021), pp. 70935–70943, <https://www.govinfo.gov/content/pkg/FR-2021-12-13/pdf/2021-27114.pdf>.

88. Executive Order 14058 of December 13, 2021, “Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government,” *Federal Register*, Vol. 86, No. 239 (December 16, 2021), pp. 71357–71366, <https://www.govinfo.gov/content/pkg/FR-2021-12-16/pdf/2021-27380.pdf>.

89. Regulations with cost estimates presented by OMB typically make up less than 1 percent of the annual flow of over 3,000 rules, 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*, accessed September 28, 2022, <https://www.whitehouse.gov/omb/information-regulatory-affairs/reports/>.

90. Presidential Memorandum, “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>.

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

92. 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, or ALERRT, Act (H.R.2804, 113th Congress, Second Session), <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, or RESTART, Act (S. 3572, 112th Congress, Second Session), <https://www.congress.gov/bill/112th-congress/senate-bill/3572>. Section 213 detailed this proposed “regulatory transparency reporting,” which includes reporting on major rule costs in tiers.

93. Dominic J. Mancini, Acting Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, Memorandum for Regulatory Policy Officers at Executive Departments and Agencies and Managing and Executive Directors of Certain Agencies and Commissions from “Guidance Implementing Executive Order 13771, Titled ‘Reducing Regulation and Controlling Regulatory Costs,’” April 5, 2017, https://www.regulationwriters.com/downloads/OIRA_2nd_Guidance_Memo_on_EO_13771.pdf.

94. 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.govinfo.gov/content/pkg/FR-2017-02-03/pdf/2017-02451.pdf>.

95. Presidential Memorandum, “Modernizing Regulatory Review.” Crews, “A Look at ‘Modernizing Regulatory Review.’” Clyde Wayne Crews Jr., “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.

96. Presidential Memorandum, “Modernizing Regulatory Review.”

97. *Ibid.*

98. 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>.

99. White House, Office of Information and Regulatory Affairs, “An Agenda to Continue Powering a Robust and Equitable Economic Recovery,” June 11, 2021, <https://www.whitehouse.gov/omb/briefing-room/2021/06/11/an-agenda-to-continue-powering-a-robust-and-equitable-economic-recovery/>.

100. Spring 2022 Unified Agenda of Regulatory and Deregulatory Actions, *Reginfo.gov*, <https://www.reginfo.gov/public/do/eAgendaMain>.

101. White House, “An Agenda to Continue Powering a Robust and Equitable Economic Recovery,” June 11, 2021. For discussion, see Clyde Wayne Crews Jr., “Biden’s Spring 2021 Unified Agenda of Federal Regulation, by the Numbers,” *Open Market*, Competitive Enterprise Institute, June 11, 2021, <https://cei.org/blog/bidens-spring-2021-unified-agenda-of-federal-regulation-by-the-numbers/>; and Crews, “The New White House Unified Agenda of Federal Regulations Promises Government Activism,” *Forbes*, June 14, 2021, <https://www.forbes.com/sites/waynecrews/2021/06/14/the-new-white-house-unified-agenda-of-federal-regulations-promises-government-activism/?sh=520767514205>.

102. Clyde Wayne Crews Jr., “The Fall 2021 Unified Agenda of Federal Regulations Delivers on Biden’s Promises of Government Activism,” *Forbes*, December 15, 2021, <https://www.forbes.com/sites/waynecrews/2021/12/15/the-fall-2021-unified-agenda-of-federal-regulations-delivers-on-bidens-promises-of-government-activism/?sh=5b5ded16205c>.

103. White House, Office of Information and Regulatory Affairs, “A Regulatory Plan to Continue Building Back Better,” <https://www.whitehouse.gov/omb/briefing-room/2021/12/10/a-regulatory-plan-to-continue-building-back-better/>.

104. Regulatory Information Service Center, “Introduction to the Unified Agenda of Federal Regulatory and Deregulatory Actions—Fall 2021,” *Federal Register*, Vol. 87, No. 20 (January 31, 2022), pp. 5105–5008, <https://www.govinfo.gov/content/pkg/FR-2022-01-31/pdf/2022-00702.pdf>.

105. *Ibid.*

106. Executive Order 12291 of February 17, 1981, “Federal Regulation,” *Federal Register*, Vol. 46, No. 33 (February 17, 1981), <https://www.govinfo.gov/content/pkg/FR-1981-02-19/pdf/FR-1981-02-19.pdf#page=233>.

107. Administrative Procedure Act, 5 U.S. Code §553, <https://www.law.cornell.edu/uscode/text/5/553>. “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.theregview.org/2018/01/30/pierce-republicans-mythical-basis-regulatory-reform/>.

108. 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>.

109. 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>.

110. “A Rule for Cleaner Dishes,” editorial, *Wall Street Journal*, October 27, 2020, https://www.wsj.com/articles/a-rule-for-cleaner-dishes-11603840253?mod=newsviewer_click.

111. 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>.

112. 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>.

113. “Why There Won’t Be Another Shale Renaissance Thanks To ESG,” *ZeroHedge*, January 21, 2022,

<https://www.zerohedge.com/commodities/why-there-wont-be-another-shale-renaissance-thanks-esg>.

114. Jonathan H. Adler, “Democrats Learn to Love the Congressional Review Act,” *Reason* (Volokh Conspiracy blog), <https://reason.com/volokh/2021/04/28/democrats-learn-to-love-the-congressional-review-act/>.

115. John Berlau, “The House Must Be True to the Credit Needs of American Families and Entrepreneurs,” *National Review*, June 9, 2021, <https://www.nationalreview.com/2021/06/the-house-must-be-true-to-the-credit-needs-of-american-families-and-entrepreneurs/>.

116. Executive Order 14018 of February 24, 2021, “Revocation of Certain Presidential Actions,” *Federal Register*, Vol. 86, No. 38 (March 1, 2021), pp. 11855–11856, <https://www.govinfo.gov/content/pkg/FR-2021-03-01/pdf/2021-04281.pdf>.

117. See the Competitive Enterprise Institute’s #NeverNeeded campaign, <https://neverneeded.cei.org/>.

118. Paul J. Ray, Administrator, Office of Information and Regulatory Affairs, Memorandum for the Deputy Secretaries of Executive Departments and Agencies, “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, Vol. 29, No. 8 (October 15, 2020), <https://www.wlf.org/2020/10/15/publishing/omb-guidance-on-federal-enforcement-actions-reflects-respect-for-civil-liberties/>.

119. Food and Drug Administration, “Making Permanent Regulatory Flexibilities Provided during the COVID–19 Public Health Emergency by Exempting Certain Medical Devices from Premarket Notification Requirements; Withdrawal of Proposed Exemptions,” *Federal Register*, Vol. 86, No. 72, (April 16, 2021), pp. 20174–20177, <https://www.govinfo.gov/content/pkg/FR-2021-04-16/pdf/2021-07760.pdf>.

120. Executive Order 14002 of January 22, 2021, “Economic Relief Related to the COVID–19 Pandemic” *Federal Register*, Vol. 86, No. 16 (January 27, 2021), pp. 7229–7230,

<https://www.govinfo.gov/content/pkg/FR-2021-01-27/pdf/2021-01923.pdf>

121. National Credit Union Administration, “Temporary Regulatory Relief in Response to COVID–19—Prompt Corrective Action, Federal Register,” *Federal Register*, Vol. 86, No. 73 (April 19, 2021), pp. 20258–20264, <https://www.govinfo.gov/content/pkg/FR-2021-04-19/pdf/2021-08027.pdf>.

122. Federal Communications Commission, “COVID–19 Telehealth Program; Promoting Telehealth for Low-Income Consumers,” *Federal Register*, Vol. 86, No. 67 (April 9, 2021), pp. 18459–18475, <https://www.govinfo.gov/content/pkg/FR-2021-04-09/pdf/2021-07370.pdf>.

123. Food and Drug Administration, “Medical Devices; Ear, Nose, and Throat Devices; Establishing Over-the-Counter Hearing Aids,” *Federal Register*, Vol. 86, No. 200 (October 20, 2021), pp. 58150–58191, <https://www.govinfo.gov/content/pkg/FR-2021-10-20/pdf/2021-22473.pdf>.

124. 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>.

125. White House, “Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis,” January 20, 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/>. White House, “Fact Sheet: List of Agency Actions for Review,” January 20, 2021, <https://www.whitehouse.gov/briefing-room/statements-releases/2021/01/20/fact-sheet-list-of-agency-actions-for-review/>. See Monica Samayoa and Bradley W. Parks, “Biden Pumps the Brakes on More Than 100 Trump Environmental Policy Decisions,” Oregon Public Broadcasting, January 22, 2021, <https://www.opb.org/article/2021/01/22/biden-environment-climate-change-executive-order/>.

126. White House, “Paris Climate Agreement,” January 20, 2021, <https://www.whitehouse.gov/briefing-room/statements-releases/2021/01/20/paris-climate-agreement/>.

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

128. Dino Grandoni, “Biden Submits Treaty Fighting Climate Super-Pollutants for Senate Approval,” *Washington Post*, November 16, 2021, <https://www.washingtonpost.com/climate-environment/2021/11/16/biden-kigali-amendment-senate/>.

129. Matthew Daly, “Biden Sets Out Oil, Gas Leasing Reform, Stops Short of Ban,” Associated Press, November 26, 2021, <https://apnews.com/article/business-environment-and-nature-ee63e75fb0b4005aa3341b4dfa2a8aba>.

130. White House, Statement by National Security Advisor Jake Sullivan on the Need for Reliable and Stable Global Energy Markets, August 11, 2021, <https://www.whitehouse.gov/briefing-room/statements-releases/2021/08/11/statement-by-national-security-advisor-jake-sullivan-on-the-need-for-reliable-and-stable-global-energy-markets/>.

131. White House, “President Biden Announces Release from the Strategic Petroleum Reserve As Part of Ongoing Efforts to Lower Prices and Address Lack of Supply around the World,” news release, November 23, 2021, <https://www.whitehouse.gov/briefing-room/statements-releases/2021/11/23/president-biden-announces-release-from-the-strategic-petroleum-reserve-as-part-of-ongoing-efforts-to-lower-prices-and-address-lack-of-supply-around-the-world/>.

132. Executive Order 13990 of January 20, 2021, “Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis,” *Federal Register*, Vol. 86, No. 14 (January 25, 2021), pp. 7037–7043, <https://www.govinfo.gov/content/pkg/FR-2021-01-25/pdf/2021-01765.pdf>; and see Environmental Protection Agency, “EPA Takes Action to Protect Scientific Integrity,” press release, February 9, 2021, <https://www.epa.gov/newsreleases/epa-takes-action-protect-scientific-integrity>.

133. Executive Order 13990 of January 20, 2021, “Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis,” *Federal Register*, Vol. 86, No. 14 (January 25, 2021), pp. 7037–7043, <https://www.govinfo.gov/content/pkg/FR-2021-01-25/pdf/2021-01765.pdf>, and see James Broughel, “New Climate Report Could Help Justify Hundreds of Billions in Regulatory Costs,” *Forbes*, June 14, 2021, <https://www.forbes.com/sites/jamesbroughel/2021/06/14/new-government-climate-report-could-help-justify-hundreds-of-billions-in-regulatory-costs/?sh=247b86df1f91>.

134. Environmental Protection Agency and the 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. 51310–51362, <https://www.govinfo.gov/content/pkg/FR-2019-09-27/pdf/2019-20672.pdf>.

135. Environmental Protection Agency, “EPA Reaffirms Scientific, Economic, and Legal Underpinnings of Limits on Toxic Emissions,” news release, February 1, 2022, <https://www.epa.gov/newsreleases/epa-reaffirms-scientific-economic-and-legal-underpinnings-limits-toxic-emissions>.

136. Fish and Wildlife Service [hereafter FWS], “Endangered and Threatened Wildlife and Plants; Regulations for Designating Critical Habitat,” *Federal Register*, Vol. 86, No. 205 (October 27, 2021), pp. 59346–59353, <https://www.govinfo.gov/content/pkg/FR-2021-10-27/pdf/2021-23011.pdf>. FWS, “Endangered and Threatened Wildlife and Plants; Regulations for Listing Endangered and Threatened Species and Designating Critical Habitat,” *Federal Register*, Vol. 86, No. 224 (November 24, 2021), pp. 67013–67014, <https://www.govinfo.gov/content/pkg/FR-2021-11-24/pdf/2021-25767.pdf>. See Matthew Brown, “Wildlife Agencies to Cancel Trump Endangered Species Rules,” Associated Press, October 26, 2021, <https://apnews.com/article/donald-trump-joe-biden-business-environment-environment-and-nature-dbe7b48f7712d4787fba60e8a79770bb>.
137. Office of Sen. Mitt Romney, “Utah Delegation Responds to Biden Administration’s Decision to Expand Utah Monuments,” Octobr 7, 2021, <https://www.romney.senate.gov/utah-delegation-responds-biden-administrations-decision-expand-utah-monuments/>.
138. Ben Lieberman, “A Regulatory Burden for Every Room of Your House,” *Wall Street Journal*, January 20, 2022, https://www.wsj.com/articles/a-regulatory-burden-for-every-room-of-your-house-energy-efficiency-standards-household-dishwasher-furnace-natural-gas-11642719043?mod=opinion_lead_pos10. Department of Energy, “Energy Conservation Program for Appliance Standards: Procedures, Interpretations, and Policies for Consideration in New or Revised Energy Conservation Standards and Test Procedures for Consumer Products and Commercial/Industrial Equipment,” Final Rule, 10 CFR Part 430, *Federal Register*, Vol. 86, No. 236, (December 13, 2021), pp. 70892–70931, <https://www.govinfo.gov/content/pkg/FR-2021-12-13/pdf/2021-25725.pdf>.
139. Department of Energy, “Energy Conservation Program: Definition of Showerhead,” *Federal Register*, Vol. 86, No. 241 (December 20, 2021), pp. 71797–71810, <https://www.govinfo.gov/content/pkg/FR-2021-12-20/pdf/2021-27462.pdf>; and see Christian Bitschi, “Biden Reverses Trump’s Showerhead Deregulation,” *Reason*, November 2021, <https://reason.com/2021/10/18/biden-reverses-trumps-showerhead-deregulation/>.
140. Labor Department, “Wage and Hour Division, Tip Regulations Under the Fair Labor Standards Act (FLSA); Partial Withdrawal,” *Federal Register*, Vol. 86, No. 207 (October 29, 2021), pp. 60114–60158, <https://www.govinfo.gov/content/pkg/FR-2021-10-29/pdf/2021-23446.pdf>. Dave Jamieson, “Biden Administration Tightens Rules around the Tipped Minimum Wage,” *Huffpost*, October 28, 2021, https://www.huffpost.com/entry/biden-tipped-minimum-wage-rule_n_617ab8bce4b066de4f6d1798/amp.
141. Department of Labor, “Increasing the Minimum Wage for Federal Contractors,” *Federal Register*, Vol. 86, No. 224, (November 24, 2021), pp. 67126–67236, <https://www.govinfo.gov/content/pkg/FR-2021-11-24/pdf/2021-25317.pdf>.
142. 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>.
143. 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>. 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>. 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>.
144. Tamara Keith, “Wielding a Pen and a Phone, Obama Goes it Alone,” National Public Radio, January 20, 2014, <https://www.npr.org/2014/01/20/263766043/wielding-a-pen-and-a-phone-obama-goes-it-alone>.
145. White House, “Remarks by President Biden Before Signing Executive Actions on Tackling Climate Change, Creating Jobs, and Restoring Scientific Integrity,” January 27, 2021, <https://www.whitehouse.gov/briefing-room/speeches-remarks/2021/01/27/remarks-by-president-biden-before-signing-executive-actions-on-tackling-climate-change-creating-jobs-and-restoring-scientific-integrity/>. Executive Order 14008 of January 27, 2021, “Tackling the Climate Crisis at Home and Abroad,” *Federal Register*, Vol. 86, No. 19 (February 1, 2021), pp. 7619–7633, <https://www.govinfo.gov/content/pkg/FR-2021-02-01/pdf/2021-02177.pdf>. Myron Ebell, “Joe Biden’s Climate Nirvana—and Ours,” *The Pipeline*, January 30, 2021, <https://the-pipeline.org/joe-bidens-climate-nirvana/>.
146. White House, American Rescue Plan, accessed September 29, 2022, <https://www.whitehouse.gov/american-rescue-plan/>.

147. White House, “FACT SHEET: The American Jobs Plan,” March 31, 2021, <https://www.whitehouse.gov/briefing-room/statements-releases/2021/03/31/fact-sheet-the-american-jobs-plan/>.

148. White House, President Biden’s Bipartisan Infrastructure Law, <https://www.whitehouse.gov/bipartisan-infrastructure-law/>.

149 Executive Order 13985 of January 20, 2021, “Advancing Racial Equity and Support for Underserved Communities through the Federal Government.”

150. White House, “FACT SHEET: The Biden-Harris Administration Advances Equity and Opportunity for Black People and Communities Across the Country,” December 17, 2021, <https://www.whitehouse.gov/briefing-room/statements-releases/2021/12/17/fact-sheet-the-biden-harris-administration-advances-equity-and-opportunity-for-black-people-and-communities-across-the-country-2/>.

151. 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>.

152. An example is Department of Agriculture, “Identifying Barriers in USDA Programs and Services; Advancing Racial Justice and Equity and Support for Underserved Communities at USDA,” *Federal Register*, Vol. 86, No. 135, (July 19, 2021), p. 37987, <https://www.govinfo.gov/content/pkg/FR-2021-07-19/pdf/2021-15259.pdf>.

153. Department of Education, “Proposed Priorities—American History and Civics Education,” *Federal Register*, Vol. 86, No. 73, (April 19, 2021), pp. 20348–20351, <https://www.govinfo.gov/content/pkg/FR-2021-04-19/pdf/2021-08068.pdf>.

154. Annika Kim Constantio, “Interior Secretary Haaland Moves to Rid U.S. of Racially Derogatory Place Names,” CNBC, November 19, 2021, <https://www.cnn.com/2021/11/19/interior-secretary-haaland-moves-to-rid-us-of-racially-derogatory-place-names-.html>.

155. “San Francisco School Board Drops Plan to Rename ‘Injustice-linked’ Schools,” Associated Press/*The Guardian*, April 7, 2021, <https://www.theguardian.com/us-news/2021/apr/07/san-francisco-school-board-schools-rename>.

156. Pete Buttigieg and Karine Jean-Pierre, White House Press Conference Transcript, Rev.com, November 8, 2021, <https://www.rev.com/blog/transcripts/pete-buttigieg-karine-jean-pierre-white-house-press-conference-transcript-november-8>.

157. Department of Transportation, Federal Highway Administration, “Development of Guidance for Electric Vehicle Charging Infrastructure Deployment,” *Federal Register*, Vol. 86, No. 226 (November 29, 2021), pp. 67782–67785, <https://www.govinfo.gov/content/pkg/FR-2021-11-29/pdf/2021-25868.pdf>.

158. Erik Larson and Rebecca Greenfield, “GOP-Led States Slam ‘Crude and Odious’ Nasdaq Diversity Rule,” *Bloomberg*, December 30, 2021, <https://www.bloomberg.com/news/articles/2021-12-30/red-states-call-nasdaq-board-diversity-rule-crude-and-odious>.

159. Leah Douglas and Christopher Walljasper, “Biden Farm Debt Relief Plan to Exclude Thousands of Minority Farmers,” *Reuters*, December 17, 2021, <https://www.reuters.com/markets/us/biden-farm-debt-relief-plan-exclude-thousands-minority-farmers-data-shows-2021-12-17/>.

160. Department of Agriculture, “Identifying Barriers in USDA Programs and Services; Advancing Racial Justice and Equity and Support for Underserved Communities at USDA,” *Federal Register*, Vol. 86, No. 114 (June 16, 2021), pp. 32013–32015, <https://www.govinfo.gov/content/pkg/FR-2021-06-16/pdf/2021-12612.pdf>.

161. Sylvan Lane, “Bank Regulators to Propose Rewrite of Anti-Redlining Rules,” *The Hill*, July 20, 2021, <https://thehill.com/policy/finance/563970-bank-regulators-to-propose-rewrite-of-anti-redlining-rules>.

162. Amara Omeokwe, “U.S. to Spend \$10 Billion to Boost Small Businesses,” *Wall Street Journal*, January 8, 2022, https://www.wsj.com/articles/u-s-to-spend-10-billion-to-boost-small-businesses-11641637801?mod=hp_lead_pos4. U.S. Department of the Treasury, State Small Business Credit Initiative (SSBCI), <https://home.treasury.gov/policy-issues/small-business-programs/state-small-business-credit-initiative-ssbci>.

163. Daniel Savickas, “Added IRS Funding Spells Bad News for Minority Communities,” *Townhall*, November 28, 2021, <https://townhall.com/columnists/danielsavickas/2021/11/28/added-irs-funding-spells-bad-news-for-minority-communities-n2599634>.

164. John Berlau, “CFPB’s Dodd-Frank Race and Gender Data Collection Mandates Will Harm Financial Inclusion,” *Open Market*, Competitive Enterprise Institute, January 21, 2022, <https://cei.org/blog/cfpbs-dodd-frank-race-and-gender-data-collection-mandates-will-harm-financial-inclusion/>.

165. Federal Housing Finance Agency, “2022–2024 Single-Family and 2022 Multifamily Enterprise Housing Goals,” Final Rule, *Federal Register*, Vol. 86, No. 246 (December 28, 2021), pp. 73641–73658,

<https://www.govinfo.gov/content/pkg/FR-2021-12-28/pdf/2021-28168.pdf>

166. Department of Housing and Urban Development, “Restoring Affirmatively Furthering Fair Housing Definitions and Certifications,” *Federal Register*, Vol. 86, No. 110 (June 10, 2021), pp. 30779–30793, <https://www.govinfo.gov/content/pkg/FR-2021-06-10/pdf/2021-12114.pdf>.

167. Kriston Capps, “Trump Scrapped Two Fair Housing Rules; Biden Is Bringing Them Back,” *Bloomberg*, April 13, 2021, <https://www.bloomberg.com/news/articles/2021-04-13/biden-to-restore-two-obama-era-fair-housing-rules>.

168. Department of Health and Human Services, “Meeting of the COVID–19 Health Equity Task Force,” *Federal Register*, Vol. 86, No. 196 (October 14, 2021), p. 57161, <https://www.govinfo.gov/content/pkg/FR-2021-10-14/pdf/2021-22330.pdf>.

169. HHS states: “The plan should include a clinic-wide review of existing tools and policies, such as value statements or clinical practice guidelines, to ensure that they include and are aligned with a commitment to anti-racism and an understanding of race as a political and social construct, not a physiological one.” Department of Health and Human Services, “Medicare Program; CY 2022 Payment Policies Under the Physician Fee Schedule and Other Changes to Part B Payment Policies; Medicare Shared Savings Program Requirements; Provider Enrollment Regulation Updates; and Provider and Supplier Prepayment and Post-Payment Medical Review Requirements,” *Federal Register*, Vol. 86, No. 221 (November 19, 2021), pp. 64996–66031, <https://www.govinfo.gov/content/pkg/FR-2021-11-19/pdf/2021-23972.pdf>; and see Aaron Sibarium, “Biden Administration Offers Bonuses to Doctors Who Implement ‘Anti-Racism Plans,’” *Washington Free Beacon*, December 16, 2021, <https://freebeacon.com/biden-administration/biden-administration-offers-bonus-to-doctors-who-implement-anti-racism-plans/>.

170. Department of Health and Human Services, “Guidance on ‘Long COVID’ as a Disability Under the ADA, Section 504, and Section 1557,” July 2021, <https://www.hhs.gov/civil-rights/for-providers/civil-rights-covid19/guidance-long-covid-disability/index.html>.

171. White House, “FACT SHEET: The Biden Administration’s Commitment to Global Health,” February 2, 2022, <https://www.whitehouse.gov/briefing-room/statements-releases/2022/02/02/fact-sheet-the-biden-administrations-commitment-to-global-health/>.

172. Executive Order 14029 of May 14, 2021, “Revocation of Certain Presidential Actions and Technical Amend-

ment,” *Federal Register*, Vol. 86, No. 95 (May 19, 2021), pp. 27025–27026, <https://www.govinfo.gov/content/pkg/FR-2021-05-19/pdf/2021-10691.pdf>.

173. Office of Federal Contract Compliance, “Proposal to Rescind Implementing Legal Requirements Regarding the Equal Opportunity Clause’s Religious Exemption,” *Federal Register*, Vol. 86, No. 214, (November 9, 2021), pp. 62115–62122, <https://www.govinfo.gov/content/pkg/FR-2021-11-09/pdf/2021-24376.pdf>. Natalie Alms, “Labor Department Rolls Back Trump-Era Religious Exemption for Contractors,” *FCW.com*, November 8, 2021, <https://fcw.com/acquisition/2021/11/labor-department-rolls-back-trump-era-religious-exemption-for-contractors/259109/>.

174. Executive Order 14018 of February 24, 2021, “Revocation of Certain Presidential Actions,” *Federal Register*, Vol. 86, No. 38 (March 1, 2021), pp. 11855–11856, <https://www.govinfo.gov/content/pkg/FR-2021-03-01/pdf/2021-04281.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>.

175. Executive Order 14018 of February 24, 2021, “Revocation of Certain Presidential Actions,” *Federal Register*, Vol. 86, No. 38 (March 1, 2021), pp. 11855–11856, <https://www.govinfo.gov/content/pkg/FR-2021-03-01/pdf/2021-04281.pdf>

176. Clyde Wayne Crews Jr., “In Blow to Disclosure, Unified Agenda of Federal Regulations Database Removes ‘Deregulatory’ Designation,” *Open Market*, Competitive Enterprise Institute, March 29, 2021, <https://cei.org/blog/in-blow-to-disclosure-unified-agenda-of-federal-regulations-database-removes-deregulatory-designation/>.

177. Office of Information and Regulatory Affairs, Search of Agenda/Regulatory Plan, *Reginfo.gov*, <https://www.reginfo.gov/public/do/eAgendaSimpleSearch>.

178. 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/>. 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, <https://www.federalregister.gov/documents/2007/01/23/07-293/further-amendment-to-executive-order-12866-on-regulatory-planning-and-review>. 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. Jacob J. Lew, Director, Office of

Management and Budget, Memorandum for the Heads of Departments, Agencies, and Independent Establishments on Guidance for Implementing the Congressional Review Act, March 30, 1999, https://www.whitehouse.gov/wp-content/uploads/legacy_drupal_files/omb/memoranda/1999/m99-13.pdf.

179. 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>. The Trump administration had also addressed sub-regulatory guidance documents in the one-in, two-out order, which encompassed not just “significant regulatory actions,” but also significant guidance on a case-by-case basis as noted in an April 5, 2017 OMB memorandum “Implementing Executive Order 13771.” An April 2019 Trump OMB memorandum to agencies brought an update of a 20-year-old directive titled “Guidance on Compliance with the Congressional Review Act,” reinforcing guidance documents’ status as “rules” for purposes of the CRA, and underscoring agencies’ legal obligation to submit new rules and guidance to both Congress and the GAO before they can take effect, and to determine rule status—whether they are major or not—before rules are published and become binding. Russell T. Vought, Acting Director of the Office of Management and Budget, Memorandum for the Heads of Executive Departments and Agencies, “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>. See also Congressional Review Act, 104th Congress, Public Law 121, <https://www.govinfo.gov/content/pkg/PLAW-104publ121/html/PLAW-104publ121.htm>.

180. A one-stop portal with descriptive background is available at Clyde Wayne Crews Jr., “Executive Order 13891 Sub-Regulatory 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/>.

181. 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/?author-field=61794&date-field=202009#>. Clyde Wayne Crews Jr., “Trump’s Executive Order 13,891 Creates Portals for Federal Agency Guidance

Documents; And Here They Are,” *Forbes*, September 22, 2020, <https://www.forbes.com/sites/waynecrews/2020/09/22/trumps-executive-order-13891-creates-portals-for-federal-agency-guidance-documents-and-here-they-are/>.

182. Clyde Wayne Crews Jr., “Laws Have Mercy: Here Is How Biden Is Restricting Access to Regulatory Guidance Documents,” *Forbes*, April 26, 2021, <https://www.forbes.com/sites/waynecrews/2021/04/26/laws-have-mercy-here-is-how-biden-is-restricting-access-to-regulatory-guidance-documents/>. Crews, “Tyrannosaurus Regs and Regulatory Dark Matter: Biden’s Accountability Deficit on Regulation,” *National Review*, March 8, 2021, <https://www.nationalreview.com/2021/03/tyrannosaurus-regs-and-regulatory-dark-matter-bidens-accountability-deficit-on-regulation/>.

183. Clyde Wayne Crews Jr., “Guidance Document Portal and Partial Inventory,” <https://bit.ly/2TfWzZ2>. Some of the guidance rule revocations appeared in the Unified Agenda.

184. 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-co-13891-.pdf.

185. Clyde Wayne Crews Jr., “EPA Follows through on Biden Directive to Hide Guidance Documents from the Public,” *Open Market*, Competitive Enterprise Institute, May 18, 2021, <https://cei.org/blog/epa-follows-through-on-biden-directive-to-hide-guidance-documents-from-the-public/>

186. For an overview see 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>.

187. Attorney General Merrick Garland, Memorandum for Heads All Department Components, “Issuance and Use of Guidance Documents by the Department of Justice,” July 1, 2021, <https://www.justice.gov/opa/page/file/1408606/download>. John P. Elwood Christian D. Sheehan Jessica L. Nejberger, “DOJ Rescinds Brand Memorandum, Reopens the Door to FCA Actions Based on Sub-Regulatory Guidance,” *Arnold & Porter*, September 28, 2021, <https://www.arnoldporter.com/en/perspectives/blogs/fca-qui-notes/posts/2021/09/doj-rescinds-brand-memorandum>.

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,” press release no. 20-767, August 11, 2020, <https://www.justice.gov/opa/pr/justice-department-releases-report-modernizing-administrative-procedure-act>.

189. Steven A. Engel, Assistant U.S. Attorney General, Memorandum Opinion for the Counsel to the President on “Extending Regulatory Review under Executive Order 12866 to Independent Regulatory Agencies,” October 8, 2019 (posted December 2020), <https://www.justice.gov/olc/file/1349716/download>.

190. 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>.

191. David Peterson, “The Replication Crisis Won’t Be Solved with Broad Brushstrokes,” *Nature*, Vol. 594 (June 8, 2021), p. 151, <https://www.nature.com/articles/d41586-021-01509-7>.

192. 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/>.

193. Environmental Protection Agency, “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,” Competitive Enterprise Institute, Washington, DC, August 3, 2020, <https://cei.org/sites/default/files/BCA-Rule.pdf>.

194. “EPA reviewed the Benefit-Cost Rule and found that it imposed procedural restrictions and requirements that would have limited EPA’s ability to use the best available science in developing Clean Air Act regulations, and would be inconsistent with economic best practices.” Environmental

Protection Agency, news release, “EPA Rescinds Unnecessary Benefit-Cost Rule,” May 13, 2021, <https://www.epa.gov/newsreleases/epa-rescinds-unnecessary-benefit-cost-rule>.

195. Environmental Protection Agency, “EPA Deregulatory Actions,” January 19, 2021, https://19january2021snapshot.epa.gov/laws-regulations/epa-deregulatory-actions_.html.

196. 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 “Regulation,” U.S. Department of Transportation, last updated October 14, 2021, <https://www.transportation.gov/regulations>. “Driving a Rules Revolution,” editorial, *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>.

197. Department of Transportation, “Revised Administrative Rulemaking, Guidance, and Enforcement Procedures,” April 5, 2021, <https://www.transportation.gov/regulations/revised-administrative-rulemaking-guidance-and-enforcement-procedures>.

198. Department of Health and Human Services, Food and Drug Administration, “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>.

199. Proposed Rule by the Food and Drug Administration, the Public Health Service, the Centers for Medicare & Medicaid Services, and the Administration for Children and Families, “Securing Updated and Necessary Statutory Evaluations Timely; Proposal To Withdraw or Repeal,” *Federal Register*, Vol. 86, No. 207 (October 29, 2021), pp. 59906–59931, <https://www.govinfo.gov/content/pkg/FR-2021-10-29/pdf/2021-23472.pdf>.

200. Federal Communications Commission, “What the FCC Has Accomplished under 3 Years of Chairman Ajit Pai’s Leadership,” white paper, January 28, 2020, <https://www.fcc.gov/document/what-fcc-has-accomplished-under-3-years-chairman-pai>.

201. Federal Communications Commission, “OGC, OEA Memorandum on Use of Economics and Analytics in Rule-

makings,” 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/>.

202. Daniel Farber, “The Climate Bill inside the Infrastructure Bill,” Center for Progressive Reform, November 8, 2021, <http://www.progressivereform.org/cpr-blog/climate-bill-inside-infrastructure-bill/>.

203. White House, President Biden Delivers Remarks on his Administration’s Response to Recent Wildfires, and How the Investments He Is Proposing in the Bipartisan Infrastructure Deal and Build Back Better Agenda Will Strengthen Our Nation’s Resilience to Climate Change and Extreme Weather Events, September 13, 2021, <https://www.whitehouse.gov/briefing-room/speeches-remarks/2021/09/13/remarks-by-president-biden-on-the-administrations-response-to-recent-wildfires/>.

204. Executive Order 14008 of January 27, 2021, “Tackling the Climate Crisis at Home and Abroad,” *Federal Register*, Vol. 86, No. 19 (February 1, 2021), pp. 7619–7633, <https://www.govinfo.gov/content/pkg/FR-2021-02-01/pdf/2021-02177.pdf>.

205. Federal Emergency Management Agency, 2022–2026 FEMA Strategic Plan, https://www.fema.gov/sites/default/files/documents/fema_2022-2026-strategic-plan.pdf.

206. Executive Order 14008 of January 27, 2021, “Tackling the Climate Crisis at Home and Abroad,” *Federal Register*, Vol. 86, No. 19 (February 1, 2021), pp. 7619–7633, <https://www.govinfo.gov/content/pkg/FR-2021-02-01/pdf/2021-02177.pdf>.

207. Paul Kiernan, “U.S. Treasury Creates Climate Hub to Coordinate Policy,” *Wall Street Journal*, April 19, 2021, <https://www.wsj.com/articles/u-s-treasury-creates-climate-hub-to-coordinate-policy-11618851657>.

208. Board of Governors of the Federal Reserve System, “Climate Change and Financial Stability,” March 19, 2021, <https://www.federalreserve.gov/econres/notes/feds-notes/climate-change-and-financial-stability-20210319.htm>. Christopher Rugaber, “Powell Defends Fed’s Consideration of Climate Change Risks,” Associated Press, April 14, 2021, <https://apnews.com/article/climate-climate-change-jerome-powell-63b95c7276e2db7346f52eb90bca94b6>.

209. Marlo Lewis Jr., “The Fed Is Not a Climate Regulator,” Competitive Enterprise Institute, January 14, 2022, <https://cei.org/blog/the-fed-is-not-a-climate-regulator/>; and see “The Greening of the Federal Reserve,” editorial, *Wall*

Street Journal, January 11, 2022, https://www.wsj.com/articles/the-greening-of-the-federal-reserve-jerome-powell-climate-11641941000?mod=hp_opin_pos_1. Lael Brainard, “Building Climate Scenario Analysis on the Foundations of Economic Research,” October 7, 2021, <https://www.federalreserve.gov/newsevents/speech/brainard20211007a.htm>.

210. Employee Benefits Security Administration, “Prudence and Loyalty in Selecting Plan Investments and Exercising Shareholder Rights,” *Federal Register*, Vol. 86, No. 196 (October 14, 2021), pp. 57272–57304, <https://www.govinfo.gov/content/pkg/FR-2021-10-14/pdf/2021-22263.pdf>.

211. Sanjai Bhagat and Todd Zywicki, “Does the Market Care about Ethical Investment? It Depends,” Cato Institute, September 13, 2021, <https://www.cato.org/commentary/does-market-care-about-ethical-investment-it-depends>.

212. Connor O’Brien, “Biden Signs \$768B Defense Policy Bill That Supersized His Original Pentagon Request,” *Politico*, December 27, 2021, <https://www.politico.com/news/2021/12/27/biden-signs-defense-policy-bill-526171>.

213. Department of Defense, Climate Risk Analysis, October 2021, <https://media.defense.gov/2021/Oct/21/2002877353/-1/-1/0/DOD-CLIMATE-RISK-ANALYSIS-FINAL.PDF>.

214. Department of Defense, General Services Administration and National Aeronautics and Space Administration, “Federal Acquisition Regulation: Minimizing the Risk of Climate Change in Federal Acquisitions,” *Federal Register*, Vol. 86, No. 197 (October 15, 2021), pp. 57404–57406, <https://www.govinfo.gov/content/pkg/FR-2021-10-15/pdf/2021-22266.pdf>. Valerie Volcovic, “U.S. Wants Federal Contracts to Reflect Climate Risk,” Reuters, October 14, 2021, <https://www.reuters.com/business/sustainable-business/us-wants-federal-contracts-reflect-climate-risk-2021-10-14/>.

215. U.S. Small Business Administration, “FACT: The Federal Government is the World’s Largest Purchaser of Goods and Services,” February 3, 2020, <https://content.govdelivery.com/accounts/USSBA/bulletins/27934ad>.

216. White House, Remarks by President Biden at Signing of an Executive Order Promoting Competition in the American Economy, July 9, 2021, <https://www.whitehouse.gov/briefing-room/speeches-remarks/2021/07/09/remarks-by-president-biden-at-signing-of-an-executive-order-promoting-competition-in-the-american-economy/>.

217. Executive Order 14036 of July 9, 2021, “Promoting Competition in the American Economy,” *Federal Register*, Vol. 86, No. 132 (July 14, 2021), pp. 36987–36999, <https://www.govinfo.gov/content/pkg/FR-2021-07-14/pdf/2021-15069.pdf>. Clyde Wayne Crews Jr., “How Biden’s Executive Order on Promoting Competition Instead Consoli-

dates Government Power,” *Forbes*, July 12, 2021, <https://www.forbes.com/sites/waynecrews/2021/07/12/how-bidens-executive-order-on-promoting-competition-instead-consolidates-government-power/?sh=3a7318b436e6>. For a traditional analysis of the order, see, Herbert Hovenkamp, “President Biden’s Executive Order on Promoting Competition: An Antitrust Analysis,” Institute for Law and Economics Research Paper No. 21-24, University of Pennsylvania, January 13, 2022, <https://ssrn.com/abstract=3887776>.

218. White House, “Roundtable on Promoting Competition and Reducing Prices in the Meat Industry,” January 3, 2022, <https://www.youtube.com/watch?v=Ku4ot1dYRCa>.

219. Such notions are explored in Tim Wu, “Antitrust via Rulemaking: Competition Catalysts,” (working paper, Columbia Law School, 2017), https://scholarship.law.columbia.edu/faculty_scholarship/2056/.

220. Clyde Wayne Crews Jr., “Joe Biden and Merrick Garland Promise New Regulation in Agriculture and Other Sectors,” *Open Market*, Competitive Enterprise Institute, January 5 2022, <https://cei.org/blog/joe-biden-and-merrick-garland-promise-new-regulation-in-agriculture-and-other-sectors/>. White House, “Roundtable on Promoting Competition and Reducing Prices in the Meat Industry,” January 3, 2022, <https://www.youtube.com/watch?v=Ku4ot1dYRCa>.

221. White House, “Roundtable on Promoting Competition and Reducing Prices in the Meat Industry.”

222. Gavin D. J. Harper, “The Geopolitics of Cobalt,” *American Affairs*, Vol. V, No. 4 (Winter 2021), pp. 62–79, <https://americanaffairsjournal.org/2021/11/the-geopolitics-of-cobalt/>.

223. Crews, *Ten Thousand Commandments, 2021 Edition*.

224. 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>. 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>.

225. Lawrence J. Spiwak, “A Change in Direction for the Federal Trade Commission?” *Federalist Society Review*, Vol. 22, (November 29, 2021), <https://fedsoc.org/commentary/publications/a-change-in-direction-for-the-federal-trade-commission>.

226. 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>.

227. 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>.

228. 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/>. Mary Amity, 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>.

229. Greg Rosalsky, “Why is the Biden Administration Increasing the Cost of Building Houses,” National Public Radio, December 7, 2021, <https://www.npr.org/sections/money/2021/12/07/1061329725/why-is-the-biden-administration-increasing-the-cost-of-building-houses>.

230. With Trump, there was Executive Order 13858, “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>. Executive Order 13881, “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>.

231. Jack Phillips, “Biden Responds to Soaring Inflation, Orders Economic Council to ‘Reduce Energy Costs,’” *Epoch Times*, November 10, 2021, https://www.theepochtimes.com/mkt_breakingnews/biden-responds-to-soaring-inflation-orders-economic-council-to-reduce-energy-costs_4097612.html.

232. Andrew Restuccia, Katy Stech Ferek, and Christopher M. Matthews, “Biden Asks FTC to Examine Oil, Gas Companies’ Role in High Gasoline Prices,” *Wall Street Journal*, November 17, 2021, <https://www.wsj.com/articles/biden-asks-ftc-to-examine-whether-oil-gas-companies-are-illegally-keeping-gas-prices-high-11637164142>. Jennifer Epstein, “Biden Urges FTC to Probe Gasoline Market with Prices Up 50%,” *Bloomberg*, November 17, 2021, <https://www.bloomberg.com/news/articles/2021-11-17/biden-asks-ftc-to-probe-gasoline-market-suggesting-wrongdoing?sref=PqmVp1JY>.

233. White House, President Biden Meets with his Supply Chain Disruptions Task Force and Private Sector CEOs, December 22, 2021, <https://www.youtube.com/watch?v=eCbqnZ1bwzI>.
234. David J. Lynch, “Biden Targets High Shipping Costs as Pandemic Ravages Global Supply Chains,” *Washington Post*, July 14, 2021, <https://www.washingtonpost.com/us-policy/2021/07/14/biden-competition-shipping-order/>.
235. Trey Malone and Aaron Staples, “Regulatory Restrictions Are Making Food Supply Chain Disruptions Worse,” *The Hill*, November 30, 2021, <https://thehill.com/opinion/energy-environment/583454-regulatory-restrictions-are-making-food-supply-chain-disruptions>.
236. White House, Press Briefing By Press Secretary Jen Psaki and National Economic Council Director Brian Deese, January 12, 2022, <https://www.whitehouse.gov/briefing-room/press-briefings/2022/01/12/press-briefing-by-press-secretary-jen-psaki-and-national-economic-council-director-brian-deese-january-12-2022/>.
237. Jesse Newman and Jaewon Kang, “U.S. Food Supply Is under Pressure, from Plants to Store Shelves,” *Wall Street Journal*, January 23, 2022, <https://www.wsj.com/articles/from-plants-to-store-shelves-u-s-food-supply-is-under-pressure-11642933805>.
238. Joel Zinberg, “Drug Prices Haven’t Been Going Up,” *Wall Street Journal*, December 26, 2021, <https://www.wsj.com/articles/drug-prices-havent-been-going-up-generics-inflation-caps-biden-costs-innovation-11640533671>.
239. Jennifer Epstein, Jenny Leonard, and Allyson Versprille, “White House Is Set to Put Itself at Center of U.S. Crypto Policy,” *Bloomberg*, January 21, 2022, <https://www.bloomberg.com/news/articles/2022-01-21/white-house-is-set-to-put-itself-at-center-of-u-s-crypto-policy>.
240. Board of Governors of the Federal Reserve System, “Money and Payments: The U.S. Dollar in the Age of Digital Transformation,” January 2022, <https://www.federalreserve.gov/publications/files/money-and-payments-20220120.pdf>, and <https://www.federalreserve.gov/publications/money-and-payments-discussion-paper.htm>.
241. 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/>. “Jay Powell’s Public Option,” editorial, *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, Competitive Enterprise Institute, July 3, 2019, https://cei.org/sites/default/files/ATR_Coalition_to_Chair_Powell_-_Federal_Reserve_RTP_-_June_3_19%20%282%29.pdf.
242. 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>.
243. 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>.
244. 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>.
245. 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>.
246. Peter Aitken, “Yellen Doubles Down on Need for Global Minimum Tax and Eliminating Debt Deiling,” *Fox Business*, October 10, 2021, <https://www.foxbusiness.com/economy/yellen-need-global-minimum-tax>.
247. Consumer Financial Protection Bureau, Request for Information, Artificial Intelligence, 3170-AB03, 2021, <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202104&RIN=3170-AB03>.
248. 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>. 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.federalregister.gov/documents/2020/09/23/2020-21129/lowering-drug-prices-by-putting-america-first>. 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>.
249. Department of Health and Human Services, “Proposed Rescission of Executive Order 13937, ‘Executive Order on Access to Affordable Life-Saving Medications,’” *Federal Register*, Vol. 86, No. 114, (June 16, 2021), pp. 32008–

32011, <https://www.govinfo.gov/content/pkg/FR-2021-06-16/pdf/2021-12545.pdf>.

250. President Biden (@POTUS), 2021. “Right now, there’s a kid out there whose family can’t afford her insulin because it costs \$1,000 per month. The Build Back Better Act would cap their monthly insulin costs at \$35. I’m committed as ever to getting it done for them.” Twitter, December 20, 2021, 12:32 p.m.

<https://twitter.com/POTUS/status/1472983210665590785>.

251. White House, Remarks by President Biden on Prescription Drug Costs, December 6, 2021, <https://www.whitehouse.gov/briefing-room/speeches-remarks/2021/12/06/remarks-by-president-biden-on-prescription-drug-costs/>.

252. 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>.

253. 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>.

254. Senate Democrats, Inflation Reduction Act of 2022, Legislative Text and Summaries, accessed August 4, 2022, <https://www.democrats.senate.gov/inflation-reduction-act-of-2022>.

255. Office of Sen. Rob Portman, “Portman, Brown Urge House and Senate Leaders to Swiftly Pass Revised Legislation to Invest in Manufacturing and Address Global Semiconductor Shortage,” news release, January 7, 2022, <https://www.portman.senate.gov/newsroom/press-releases/portman-brown-urge-house-senate-leaders-swiftly-pass-revised-legislation>.

256. White House, “FACT SHEET: Biden-Harris Administration Bringing Semiconductor Manufacturing Back to America,” January 21, 2022, <https://www.whitehouse.gov/briefing-room/statements-releases/2022/01/21/fact-sheet-biden-harris-administration-bringing-semiconductor-manufacturing-back-to-america-2/>. Video at <https://www.youtube.com/watch?v=qRUtepiZRK4>.

257. Clyde Wayne Crews Jr., “The Endless Frontier Act to Boost Science and Tech Can Mean Endless Regulation,” Competitive Enterprise Institute, May 19, 2021, <https://cei.org/blog/the-endless-frontier-act-to-boost-science-and-tech-can-mean-endless-regulation/>.

258. David Shepardson and Patricia Zengerle, “U.S. House Leaders Unveil Chips, China Competition Bill,” Reuters, January 25, 2022, <https://www.reuters.com/business/us-house-leaders-set-unveil-chips-china-competition-bill-2022-01-25/>.

259. Philip K. Howard, “Republicans Can Save Trillions While Approving Infrastructure Package,” *The Hill*, October 5, 2021, <https://thehill.com/blogs/congress-blog/politics/575390-republicans-can-save-trillions-while-approving-infrastructure>.

260. White House, “Fact Sheet: The American Jobs Plan,” March 31, 2021, <https://www.whitehouse.gov/briefing-room/statements-releases/2021/03/31/fact-sheet-the-american-jobs-plan/>.

261. White House, “Building a Better America: A Guidebook to the Bipartisan Infrastructure Law for State, Local, Tribal, and Territorial Governments, and Other Partners,” January 2022, <https://www.whitehouse.gov/wp-content/uploads/2022/05/BUILDING-A-BETTER-AMERICA-V2.pdf>.

262. 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>.

263. 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/>.

264. 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>.

265. 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>. 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.

266. 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>

267. 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>.

268. Federal Highway Administration, Department of Transportation, “Development of Guidance for Electric Vehicle Charging Infrastructure Deployment,” *Federal Register*, Vol. 86, No. 226 (November 29, 2021), pp. 67782–67785, <https://www.govinfo.gov/content/pkg/FR-2021-11-29/pdf/2021-25868.pdf>.

269. Jacob M. Schlesinger and Ryan Tracy, “U.S. Government Wants a Greater Role in How Americans Access Internet,” *Wall Street Journal*, August 11, 2021, https://www.wsj.com/articles/u-s-government-set-for-greater-role-in-how-americans-access-internet-11628674423?mod=hp_lead_pos5.

270. Drew Fitzgerald, “Biden Revives Net Neutrality, Targets Big Broadband Providers,” *Wall Street Journal*, July 9, 2021, https://www.wsj.com/articles/biden-revives-net-neutrality-targets-big-broadband-providers-11625858529?mod=article_inline.

271. Jessica Melugin, “Biden Administration Threatens Consumers with Net Neutrality, Again,” *Inside Sources*, November 2, 2021, <https://insidesources.com/biden-administration-threatens-consumers-with-net-neutrality-again/>. Mark Jamison, “Net Neutrality Is About Control, Not Consumers,” *AEIdeas*, American Enterprise Institute, December 8, 2021, <https://www.aei.org/technology-and-innovation/net-neutrality-is-about-control-not-consumers/>. Thomas W. Hazlett, “Net Neutrality Is Far from Necessary,” *Reason*, August/September 2021, <https://reason.com/2021/08/21/net-neutrality-is-far-from-necessary/>. and see 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://apps.fcc.gov/edocs_public/attachmatch/FCC-17-166A1.pdf.

272. Stephen Lee, “Infrastructure Bill Targets Permitting, Drawing Activists’ Scorn,” *Bloomberg*, August 1, 2021, <https://news.bloomberglaw.com/environment-and-energy/infrastructure-bill-targets-permitting-drawing-activists-scorn>.

273. Marlo Lewis Jr., “NEPA Is Not a Climate Policy Framework. CEI Submits Comments on Biden Proposal,” *Open Market*, Competitive Enterprise Institute, November 23, 2021, <https://cei.org/blog/nepa-is-not-a-climate-policy-framework-cei-submits-comments-on-biden-proposal/>.

274. Council on Environmental Quality, “National Environmental Policy Act Implementing Regulations Revisions,” *Federal Register*, Vol. 86, No. 192 (October 7, 2021), pp. 55757–55769, <https://www.govinfo.gov/content/pkg/FR-2021-10-07/pdf/2021-21867.pdf>.

275. 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, 2020, <https://www.regulations.gov/document?D=OMB-2020-0003-0002> and https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3586439.

276. Eric Lander and Alondra Nelson, “Americans Need a Bill of Rights for an AI-Powered World,” *Wired*, October 8, 2021, <https://www.wired.com/story/opinion-bill-of-rights-artificial-intelligence/>. Matt O’Brien, “White House Proposes Tech ‘Bill of Rights’ to Limit AI Harms,” Associated Press, October 8, 2021, <https://apnews.com/article/joe-biden-science-technology-business-biometrics-b9dbf5fee3bf0e407b988b31e21f5300>.

277. 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://news.yahoo.com/pentagon-releases-blueprint-for-accelerating-artificial-intelligence-204022996.html>.

278. S. 1790, National Defense Authorization Act for Fiscal Year 2020, <https://www.govtrack.us/congress/bills/116/s1790/text>.

279. Valerie Insinna, “With Biden’s ‘Full Support,’ the Space Force Is Officially Here to Stay,” *Defense News*, February 3, 2021, <https://www.defensenews.com/space/2021/02/03/with-the-full-support-of-the-biden-administration-the-space-force-is-officially-here-to-stay/>.

280. 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>.

281. 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>.

282. White House, “Executive Order on the President’s Council of Advisors on Science and Technology,” January 27, 2021, <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/executive-order-on-presidents-council-of-advisors-on-science-and-technology/>.

283. White House, Remarks by President Biden before Meeting with the President’s Council of Advisors on Science and Technology, January 20, 2022, <https://www.whitehouse.gov/briefing-room/speeches-remarks/2022/01/20/remarks-by-president-biden-before-meeting-with-the-presidents-council-of-advisors-on-science-and-technology/>.

284. White House, Remarks by President Biden at Virtual Meeting on Military Deployments Supporting Hospitals for the COVID-19 Response, January 13, 2022, <https://www.whitehouse.gov/briefing-room/speeches-remarks/2022/01/13/remarks-by-president-biden-at-virtual-meeting-on-military-deployments-supporting-hospitals-for-the-covid-19-response/>.

285. Joy Pullmann, “Joe Biden’s Vaccine Mandate Doesn’t Exist. It’s Just A Press Release,” *The Federalist*, October 7, 2021, <https://thefederalist.com/2021/10/07/joe-bidens-vaccine-mandate-doesnt-exist-its-just-a-press-release/>.

286. Mark Sherman and Jessica Gresko, “Supreme Court Halts COVID-19 Vaccine Rule for U.S. Businesses,” Associated Press, January 13, 2022, <https://apnews.com/article/supreme-court-vaccine-mandate-eb5899ae1fe5b62b6f4d51f54a3cd375>. For other vaccine mandates, see Joel Zinberg, “Vaccine Mandates: Another Work-Around Doesn’t Work,” *National Review*, January 25, 2022, <https://www.nationalreview.com/2022/01/vaccine-mandates-another-work-around-doesnt-work/#slide-1>.

287. Occupational Safety and Health Administration, “COVID-19 Vaccination and Testing; Emergency Temporary Standard,” *Federal Register*, Vol. 86, No. 212 (November 5, 2021), pp. 61402–61555, <https://www.federalregister.gov/documents/2021/11/05/2021-23643/covid-19-vaccination-and-testing-emergency-temporary-standard>.

288. White House, “Statement by President Joe Biden On the U.S. Supreme Court’s Decision on Vaccine Requirements,” January 13, 2022, <https://www.whitehouse.gov/briefing-room/statements-releases/2022/01/13/statement-by-president-joe-biden-on-the-u-s-supreme-courts-decision-on-vaccine-requirements/>.

289. William Yeatman, “Vaccine Mandate Exemplifies How President Joe Biden Has Become Lawmaker-in-Chief,”

Cato Institute, December 2, 2021, <https://www.cato.org/commentary/vaccine-mandate-exemplifies-how-president-joe-biden-has-become-lawmaker-chief>.

290. Zeke Miller and Lindsey Tannier, “White House Details Plans to Vaccinate 28M Children Age 5-11,” Associated Press, October 20, 2021, <https://apnews.com/article/coronavirus-pandemic-business-health-coronavirus-vaccine-bf6e5c8725aca6c757b129dad8f96926>.

291. Adam Taylor, “In Secret Vaccine Contracts with Governments, Pfizer Took Hard Line in Push for Profit, Report Says,” *Washington Post*, October 19, 2021, <https://www.washingtonpost.com/world/2021/10/19/secret-vaccine-contracts-with-governments-pfizer-took-hard-line-push-profit-report-says/>.

292. Jenna Greene, “‘Paramount Importance’: Judge Orders FDA to Hasten Release of Pfizer Vaccine Docs,” Reuters, January 7, 2022, <https://www.reuters.com/legal/government/paramount-importance-judge-orders-fda-hasten-release-pfizer-vaccine-docs-2022-01-07/>.

293. Jonas Herby, Lars Jonung, and Steve Hanke, “A Literature Review and Meta-Analysis of the Effects of Lockdowns on Covid-19 Mortality,” Johns Hopkins University, *Studies in Applied Economics*, No. 200, (January 2022), <https://sites.krieger.jhu.edu/iae/files/2022/01/A-Literature-Review-and-Meta-Analysis-of-the-Effects-of-Lockdowns-on-COVID-19-Mortality.pdf>. Joel Zinberg, “No Benefit, Many Costs,” *City Journal*, February 4, 2022, <https://www.city-journal.org/new-study-finds-covid-lockdowns-had-no-benefit>.

294. Clyde Wayne Crews Jr., “The Greater Reset: An ‘Abuse-Of-Crisis Prevention Act’ to Restore Limited Government,” *Forbes*, October 13, 2021, <https://www.forbes.com/sites/waynecrews/2021/10/13/the-greater-reset-an-abuse-of-crisis-prevention-act-to-restore-limited-government/?sh=70d66cfb8163>. Crews, “Stopping Biden’s Build Back Better Act and The Bipartisan Infrastructure Plan Is Not Enough,” *Forbes*, November 5, 2021, <https://www.forbes.com/sites/waynecrews/2021/11/05/stopping-bidens-build-back-better-act-and-the-bipartisan-infrastructure-plan-is-not-enough/?sh=70d4a9e9d75e>. Crews, “The Best American Rescue Plan Is An ‘Abuse-Of-Crisis Prevention Act,’” *Forbes*, March 8, 2021, <https://www.forbes.com/sites/waynecrews/2021/03/08/the-best-american-rescue-plan-is-an-abuse-of-crisis-prevention-act/?sh=548709ef601a>.

295. Clyde Wayne Crews Jr., “The Case against Social Media Content Regulation: Reaffirming Congress’ Duty to Protect Online Bias, ‘Harmful Content,’ and Dissident Speech from the Administrative State,” *Issue Analysis* 2020 No. 4, Competitive Enterprise Institute, June 28, 2020,

<https://cei.org/studies/the-case-against-social-media-content-regulation/>.

296. 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/.

297. Department of Health and Human Services, “U.S. Surgeon General Issues Advisory during COVID-19 Vaccination Push Warning American Public about Threat of Health Misinformation,” news release, July 15, 2021, <https://www.hhs.gov/about/news/2021/07/15/us-surgeon-general-issues-advisory-during-covid-19-vaccination-push-warning-american.html>.

298. Victoria Kim, “Who’s Watching? How Governments Used the Pandemic to Normalize Surveillance,” *Los Angeles Times*, December 9, 2021, <https://www.latimes.com/world-nation/story/2021-12-09/the-pandemic-brought-heightened-surveillance-to-save-lives-is-it-here-to-stay>.

299. “CDC Call for Data on Vaccine Recipients Raises Alarm over Privacy,” *DNYUZ*, December 8, 2020, <https://dnyuz.com/2020/12/08/c-d-c-call-for-data-on-vaccine-recipients-raises-alarm-over-privacy/>.

300. Courtney Johnston, “Fact or Fiction: The IRS Will Track Payments Over \$600 from PayPal and Cash App in 2022,” *CNET*, January 11, 2022, <https://www.cnet.com/personal-finance/taxes/fact-or-fiction-the-irs-is-tracking-payments-over-600-on-paypal-and-venmo-in-2022/>.

301. Dana George, “If You Make \$600 or More from Your Side Hustle in 2022, the IRS Will Know about It,” *The Ascent*, February 2, 2022, <https://www.fool.com/the-ascent/personal-finance/articles/if-you-make-600-or-more-from-your-side-hustle-in-2022-the-irs-will-know-about-it/>.

302. Office of Sen. Mitch McConnell, “Ordinary Americans Will Be Swept Up In Democrats’ IRS Dragnet, Just As They Designed It,” news release, October 21, 2021, <https://www.republicanleader.senate.gov/newsroom/research/ordinary-americans-will-be-swept-up-in-democrats-irs-dragnet-just-as-they-designed-it>.

303. Sara Morrison, “The Senate Voted to Let the Government Keep Surveilling Your Online Life without a Warrant,” *Vox Recode*, May 14, 2020, <https://www.vox.com/recode/2020/5/13/21257481/wyden-freedom-patriot-act-amendment-mcconnell>.

304. Drew Harwell, “IRS Plan to Scan Your Face Prompts Anger in Congress, Confusion Among Taxpayers,” *MSN*, January 27, 2022, <https://www.msn.com/en-us/news/us/irs-plan>

[-to-scan-your-face-prompts-anger-in-congress-confusion-among-taxpayers/ar-AATco7B](#).

305. Internal Revenue Service, “IRS Announces Transition Away from Use of Third-Party Verification Involving Racial Recognition,” February 7, 2022, <https://www.irs.gov/newsroom/irs-announces-transition-away-from-use-of-third-party-verification-involving-facial-recognition>.

306. Department of the Treasury, Letter to Sen. Margaret Wood Hassan, December 21, 2021, <https://www.hassan.senate.gov/imo/media/doc/crypto.pdf>; and Mariam Baksh, “IRS Suggests Need to Disclose Crypto Exchange Information to Law Enforcement,” *Nextgov*, February 7, 2022, <https://www.nextgov.com/cybersecurity/2022/02/irs-suggests-need-disclose-crypto-exchange-information-law-enforcement/361666/>.

307. Aaron Boyd, “DHS Wants Wearables to Track Employee Health at Work and at Home,” *Nextgov*, October 14, 2021, <https://www.nextgov.com/emerging-tech/2021/10/dhs-wants-wearables-track-employee-health-work-and-home/186106/>.

308. 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/>.

309. 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>.

310. “But this Administration will not wait for Congress to act to take its own steps – fully within the Administration’s authority and the Second Amendment – to save lives.” White House, “FACT SHEET: Biden-Harris Administration Announces Initial Actions to Address the Gun Violence Public Health Epidemic,” April 7, 2021, <https://www.whitehouse.gov/briefing-room/statements-releases/2021/04/07/fact-sheet-biden-harris-administration-announces-initial-actions-to-address-the-gun-violence-public-health-epidemic/>.

311. U.S. Department of Justice, “Justice Department Announces New Rule to Help Enhance Safe and Secure Storage of Firearms; Publishes Best Practices Guide for Federal Firearms Licensees,” press release no. 22-2, January 3, 2022, <https://www.justice.gov/opa/pr/justice-department-announces-new-rule-help-enhance-safe-and-secure-storage-firearms-publishes>.
312. Adam Kredo, “Biden Admin Amassing Millions of Records on US Gun Owners amid New Crackdown on Firearms,” *Washington Free Beacon*, November 6, 2021, <https://freebeacon.com/biden-administration/biden-admin-amassing-millions-of-records-on-u-s-gun-owners-amid-new-crackdown-on-firearms/>.
313. “Congress’ New Mandate to Carmakers: Figure Out a Way to Stop Drunk Driving,” Associated Press, November 9, 2021, <https://www.npr.org/2021/11/09/1053847935/congress-cars-drunk-driving-auto>.
314. Steven Symes, “New Law Will Install Kill Switches in All New Cars,” Yahoo News, January 5, 2022, <https://news.yahoo.com/law-install-kill-switches-cars-170000930.html>. For an opposing but still somewhat cautious viewpoint, see Jason Torchinsky, “The Government Is Not Going to Force Your Car to Have A ‘Kill Switch’ That Police Can Use at Will,” *Jalopnik*, January 21, 2022, <https://jalopnik.com/the-government-is-not-going-to-force-your-car-to-have-a-1848398873>.
315. Office of Sen. Ron Wyden, “Wyden and Heinrich: Newly Declassified Documents Reveal Previously Secret CIA Bulk Collection, Problems with CIA Handling of Americans’ Information,” news release, February 10, 2022, <https://www.wyden.senate.gov/news/press-releases/wyden-and-heinrich-newly-declassified-documents-reveal-previously-secret-cia-bulk-collection-problems-with-cia-handling-of-americans-information>.
316. 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,” *OpenMarket*, 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/>.
317. Centers for Disease Control and Prevention, “Temporary Halt in Residential Evictions in Communities with Substantial or High Transmission of COVID-19 to Prevent the Further Spread of COVID-19,” *Federal Register*, Vol. 86, No. 149 (August 6, 2021), pp. 43244–43252, <https://www.govinfo.gov/content/pkg/FR-2021-08-06/pdf/2021-16945.pdf>.
318. Brett Samuels and Sylvan Lane, “Biden to Issue Targeted Eviction Moratorium,” *The Hill*, August 3, 2021, <https://thehill.com/homenews/administration/566173-biden-to-issue-targeted-eviction-moratorium>.
319. Clyde Wayne Crews Jr., “Republican Surrender to Regulatory Progressivism Is the Wind beneath Biden’s Wings,” *Forbes*, March 16, 2021, <https://www.forbes.com/sites/waynecrews/2021/03/16/republican-surrender-to-regulatory-progressivism-is-the-wind-beneath-bidens-wings/?sh=4fd492dc4094>.
320. “President Trump Claims His Budget Includes Plan for Nationwide Paid Family Leave,” Fox 10 Phoenix, February 5, 2019, <https://www.fox10phoenix.com/news/president-trump-claims-his-budget-includes-plan-for-nationwide-paid-family-leave>.
321. 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/>. 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>.
322. 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>.
323. Coronavirus Aid, Relief, and Economic Security (CARES) Act, Public Law 116–136, March 27, 2020, <https://www.govinfo.gov/content/pkg/PLAW-116publ136/pdf/PLAW-116publ136.pdf>.
324. David Autor, David Cho, Leland D. Crane, et al., “The \$800 Billion Paycheck Protection Program: Where Did the Money Go and Why Did It Go There?” (working paper 29669, National Bureau of Economic Research, January 2022), https://www.nber.org/system/files/working_papers/w29669/w29669.pdf. Peter Suderman, “The Federal Government’s Pandemic Jobs Program Was a Resounding Failure,” *Reason*, February 9, 2022, <https://reason.com/2022/02/09>

/the-federal-governments-pandemic-jobs-program-was-a-resounding-failure/.

325. Lauren Egan, “Biden Administration Extends Pause on Federal Student Loan Payments Until May,” NBC News, December 22, 2021, https://www.nbcnews.com/politics/white-house/biden-administration-extends-pause-student-loan-payment-pause-until-may-n1286465?cid=sm_npd_nn_tw_ma. 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>.

326. Clyde Wayne Crews Jr., “Universal Basic Income and the Custodial Administrative State,” Competitive Enterprise Institute, May 4, 2021, <https://cei.org/blog/universal-basic-income-and-the-custodial-administrative-state/>.

327. White House, Statement from Press Secretary Jen Psaki, December 19, 2021, <https://www.whitehouse.gov/briefing-room/statements-releases/2021/12/19/statement-from-press-secretary-jen-psaki-4/>.

328. White House, Press Briefing by Press Secretary Jen Psaki, December 3, 2021, <https://www.whitehouse.gov/briefing-room/press-briefings/2021/12/03/press-briefing-by-press-secretary-jen-psaki-december-3-2021/>. Houston Keene, “Biden White House Claims CBO Doesn’t Have ‘Experience’ to Weigh In on Aspect of Build Back Better Agenda,” Fox News, November 16, 2021, <https://www.foxnews.com/politics/white-house-claims-congressional-budget-office-doesnt-have-experience-to-weigh-in-on-build-back-better-agen>.

329. Office of Management and Budget, Historical Tables, accessed September 21, 2022, <https://www.whitehouse.gov/omb/historical-tables/>.

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

331. 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/wp-content/uploads/legacy_drupal_files/omb/assets/OMB/inforeg/2002_report_to_congress.pdf.

332. Clyde Wayne Crews Jr., “What’s the Difference between ‘Major,’ ‘Significant,’ and All Those Other Federal Rule Categories?,” *Issue Analysis* 2017 No. 8, September 2017, Competitive Enterprise Institute, <https://cei.org/studies/whats-the-difference-between-major-significant-and-all-those-other-federal-rule-categories/>.

333. 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>. For cumulative regulatory analysis, see Mark Febrizio, “Considering Cumulative Regulatory Costs in Economic Analysis,” *Regulatory Review*, June 25, 2019, <https://www.theregreview.org/2019/06/25/febrizio-considering-cumulative-regulatory-costs-economic-analysis/>.

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

335. Office of Management and Budget, *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.

336. 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>.

337. 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*, 2019, https://www.whitehouse.gov/wp-content/uploads/2019/12/2019-CATS-5899-REV_DOC-Draft2018_2019_2020Cost_BenefitReport11_20_2019.pdf. Clyde Wayne Crews Jr., “Trump White House Quietly Releases Overdue Regulatory Cost-Benefit Reports,” *Forbes*, January 6, 2020, <https://www.forbes.com/sites/waynecrews/2020/01/06/trump-white-house-quietly-releases-overdue-regulatory-cost-benefit-reports/#40419bbbb3f8>.

338. 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*.

339. 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.

340. Office of Information and Regulatory Affairs, “Regulatory Reform Results for Fiscal Year 2019,” *Reginfo.gov*, <https://www.reginfo.gov/public/do/eAgendaEO13771>.

341. Office of Management and Budget, *2018, 2019, and 2020 Report to Congress on the Benefits and Costs of Federal Regulations*, January 2021.
342. Clyde Wayne Crews Jr., “An Inaccurate Update on OMB’s Inaccurately Reported Costs of Federal Regulation,” *Open Market*, Competitive Enterprise Institute, November 17, 2021, <https://cei.org/blog/an-inaccurate-update-on-ombs-inaccurately-reported-costs-of-federal-regulation/>.
343. *Ibid.*
344. *Ibid.*, p. 8.
345. *Ibid.*, p. 3.
346. *Ibid.*, p. 11.
347. This represents the draft version of the OMB report compared with final rules as they appeared in the *Federal Register*.
348. Office of Management and Budget, *2018, 2019, and 2020 Report to Congress*, 2021, pp. 3–4.
349. *Ibid.*, p. 10.
350. 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>.
351. Office of Management and Budget, *2018, 2019, and 2020 Report to Congress*, 2021.
352. *Ibid.*, fn. 22, p. 10–11.
353. Crews, “What’s the Difference between ‘Major,’ ‘Significant,’ and All Those Other Federal Rule Categories?”
354. 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/>. Crews, “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%2%A0federal-spending-subsidies-and-stimulus>.
355. 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%2%A0or-transfer-rules>.
356. Crews, “A Look at ‘Modernizing Regulatory Review.’”
357. 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/>.
358. 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://trumpwhitehouse.archives.gov/sites/whitehouse.gov/files/documents/The%20Growth%20Potential%20of%20Deregulation_1.pdf.
359. 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>.
360. *Ibid.*
361. 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/>. White House, “This Is How Much Overregulation Would Cost Your Family Each Year,” July 16, 2020, <https://trumpwhitehouse.archives.gov/articles/this-is-how-much-overregulation-costs-your-family-each-year/>.
362. 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>.
363. 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/>.
364. 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>.

365. 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).

366. 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>.

367. 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>.

368. 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/>. 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://www.ecologylawquarterly.org/wp-content/uploads/2020/03/The-Faux-Scholarship-Foundation-of-the-Regulatory-Rollback-Movement.pdf>.

369. 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##.

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

371. *Ibid.*

372. 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>.

373. 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>.

374. 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>. Clyde Wayne Crews Jr., "Regulatory Costs and the Loss of Liberty," *Open-*

Market, Competitive Enterprise Institute, February 19, 2019, <https://cei.org/blog/regulatory-costs-and-loss-liberty>.

375. 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>.

376. 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>.

377. 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>.

378. 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>.

379. 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>.

380. 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>.

381. 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>.

382. 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>.

383. 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>.

384. 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%20%a0federal-spending-subsidies-and-stimulus>.
385. Crews, “Costs of Deadweight Effects of Federal Spending and of ‘Budget’ or ‘Transfer’ Rules.”
386. 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/#578ad7982ddd>.
387. Clyde Wayne Crews Jr., “Costs of Antitrust Regulation and Institutionalization of Raising Competitors’ Costs,” *OpenMarket*, Competitive Enterprise Institute, May 20, 2019, <https://cei.org/blog/costs-antitrust-regulation-and-institutionalization-raising-competitors-costs>.
388. 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>.
389. 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>.
390. 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>.
391. 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>.
392. 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/#6ad248105269>.
393. John Dearie and Courtney Geduldig, “Regulations Are Killing Us,” in *Where the Jobs Are: Entrepreneurship and the Soul of the American Economy*, ed. John Dearie and Courtney Geduldig (Hoboken, NJ: John Wiley, 2013), pp. 107–118.
394. Bentley Coffey, Patrick A. McLaughlin, and Pietro Peretto, “The Cumulative Cost of Regulations,” (working paper, Mercatus Center of George Mason University, April 2016), <http://mercatus.org/sites/default/files/Coffey-Cumulative-Cost-Regs-v3.pdf>.
395. Patrick McLaughlin, Nita Ghei, and Michael Wilt, “Regulatory Accumulation and Its Costs,” policy brief, Mercatus Center at George Mason University, November 14, 2018, <https://www.mercatus.org/publications/regulation/regulatory-accumulation-and-its-costs>.
396. 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>.
397. Clyde Wayne Crews Jr., OMB-Tallied Social Regulation Subset Costs Up to \$491b Year, “Tip of the Costberg,” 2021, <http://bit.ly/1wpQTrm>.
398. Clyde Wayne Crews Jr., Annual Costs of Untabulated Major Rules Reviewed at OMB, “Tip of the Costberg,” <http://bit.ly/1sp0UkH>. OMB notes regarding this subset that the documentation of costs is “in some cases was only partial.” OMB, 2018, 2019, and 2020 Report to Congress, 2021.
399. 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.
400. Congressional Budget Office, *An Update to the Budget and Economic Outlook: 2020 to 2030*, September 2, 2020, <https://www.cbo.gov/publication/56517>.
401. Douglas W. Allen, “Covid-19 Lockdown Cost/Benefits: A Critical Assessment of the Literature,” *International Journal of the Economics of Business*, Vol. 21, No. 1 (September 29, 2021), <https://www.tandfonline.com/doi/full/10.1080/13571516.2021.1976051>.
402. Pamela Hazelton, “The Costs of Interruptions,” *Medium*, February 1, 2021, <https://medium.com/small-business-strong/the-cost-of-interruptions-ce8a9cf2b6ff>.
403. U.S. Department of Commerce, Bureau of Economic Analysis, “Gross Domestic Product, Fourth Quarter and Year 2021 (Advance Estimate),” news release no. BEA 22-02, December 22, 2021, <https://www.bea.gov/news/2022/gross-domestic-product-fourth-quarter-and-year-2021-advance-estimate>.

404. 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>.
405. Congressional Budget Office, *Budget and Economic Outlook: 2021 to 2031*, February 2021.
406. Congressional Budget Office, *Additional Information about the Updated Budget and Economic Outlook: 2021 to 2031*, July 2021, <https://www.cbo.gov/system/files/2021-07/57263-outlook.pdf>.
407. Congressional Budget Office, *Budget and Economic Outlook: 2021 to 2031*, February 2021.
408. Estimated tax figures from OMB, Historical Tables, Table 2.1, “Receipts by Source: 1934–2026,” <https://www.whitehouse.gov/omb/historical-tables/>.
409. Ibid.
410. 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?reqid=19&step=3&isuri=1&1921=survey&1903=239#reqid=19&step=3&isuri=1&1921=survey&1903=239>.
411. U.S. Department of Commerce, Bureau of Economic Analysis, “Gross Domestic Product, Fourth Quarter and Year 2021 (Advance Estimate).”
412. World Bank, “GDP (Current US\$),” <http://data.worldbank.org/indicator/NY.GDP.MKTP.CD>. World Bank, “Gross Domestic Product 2020,” <http://data.worldbank.org/indicator/NY.GDP.MKTP.CD/countries>, <http://databank.worldbank.org/data/download/GDP.pdf>.
413. Terry Miller, Anthony B. Kim, and James M. Roberts, *2021 Index of Economic Freedom*, Heritage Foundation, <http://www.heritage.org/index/>. James D. Gwartney, Robert A. Lawson, Joshua C. Hall, Ryan Murphy, Justin T. Callais, Rosemarie Fike, Vincent Geloso, Nijdar S. Khalid, Fred McMahon, and Martin van Staden, eds., *Economic Freedom of the World: 2021 Annual Report* (Washington, DC; Fraser Institute/Cato Institute, 2021), <https://www.cato.org/economic-freedom-world/2021>.
414. U.S. Department of Labor, Bureau of Labor Statistics, “Consumer Expenditures—2020,” economic news release, USDL-22-1804, September 8, 2021, <http://www.bls.gov/news.release/cesan.nr0.htm>.
415. Ibid. For the Bureau of Labor Statistics (BLS), “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>.
416. 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/regulators-budget-overall-spending-and-staffing-remain-stable>. 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-202111.pdf>.
417. Mark Febrizio and Melinda Warren, “Regulators’ Budget,” Table A-1, “Agency Detail of Spending on Federal Regulatory Activity: Current Dollars, Selected Fiscal Years,” pp. 16–18.
418. Ibid.
419. 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.
420. “Understanding the Federal Register,” *Federal Register*, 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 <https://www.govinfo.gov/app/collection/fr>.
421. Clyde Wayne Crews Jr., “Joe Biden’s Year in Federal Regulation, 2021,” *Forbes*, December 31, 2021,

<https://www.forbes.com/sites/waynecrews/2021/12/31/joe-bidens-year-in-federal-regulation-2021/?sh=116894656240>.

422. *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>.

423. The *Federal Register* before later corrections ended the year at 87,352 pages, Vol. 85, No. 251 (December 31, 2020), <https://www.govinfo.gov/content/pkg/FR-2020-12-31/pdf/FR-2020-12-31.pdf>.

424. 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/studies/channeling-reagan-by-executive-order/>.

425. 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>.

426. Presidential Memorandum, “Modernizing Regulatory Review.” Crews, “A Look at ‘Modernizing Regulatory Review.’” Crews, “Biden Repudiates Trump Era.”

427. Executive Order 14008 of January 27, 2021, “Tackling the Climate Crisis at Home and Abroad,” *Federal Register*, Vol. 86, No. 19 (February 1, 2021), pp. 7619–7633, <https://www.govinfo.gov/content/pkg/FR-2021-02-01/pdf/2021-02177.pdf>.

428. National Archives document search, <https://www.federalregister.gov/documents/search#advanced>.

429. For example, see Mark Febrizio, “Federal Agencies Are Publishing Fewer but Larger Regulations,” George Washington University Regulatory Studies Center, December 20, 2021, <https://regulatorystudies.columbian.gwu.edu/federal-agencies-are-publishing-fewer-larger-regulations>.

430. The nomenclature is overly complicated. Crews, “What’s the Difference between ‘Major,’ ‘Significant,’ and All Those Other Federal Rule Categories?”

431. These figures are compiled from National Archives data and presented at “Federal Regulation—The Updates,” <http://www.tenthousandcommandments.com/p/federal-regulation-updates.html>. Significant rule counts in the National Archives online database have not remained consistent.

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

433. An interesting project might be to trace the life cycle of these Trump-era significant proposed rules to assess what percentage were deregulatory in character and their fate in general, including if Biden removed them from consideration.

434. Daren Bakst, David Burton, Elizabeth Hanke, Peter St. Onge, John Schoof, Tori Smith, and Katie Tubb, “37 Biden Administration Regulations in the Pipeline that Americans Should Know About,” Special Report No. 250, Heritage Foundation, December 8, 2021, <https://www.heritage.org/sites/default/files/2021-12/SR250.pdf>.

435. Maeve P. Carey and Christopher M. Davis, The Congressional Review Act (CRA): Frequently Asked Questions, Congressional Research Service, Report R43992, updated November 12, 2021, <https://sgp.fas.org/crs/misc/R43992.pdf>.

436. Crews, “Biden Repudiates Trump Era.”

437. 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%20Dark%20Matter.pdf>.

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

439. National Archives, Office of the Federal Register.

440. 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/>.

441. 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/>.

442. 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*, and 78 in 2021. These unexplained adjustments occasionally appear with rule and proposed rule counts.

443. Like some other totals, these tallies are altered occasionally.

444. 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.

445. 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).

446. 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>.

447. Executive Order 12866 of September 30, 1993, “Regulatory Planning and Review,” *Federal Register*, Vol. 58, No. 190 (October 4, 1993), <http://www.archives.gov/federal-register/executive-orders/pdf/12866.pdf>.

448. Executive Order 12291 of February 17, 1981, “Federal Regulation,” *Federal Register*, Vol. 46, No. 33 (February 17, 1981), <http://www.archives.gov/federal-register/codification/executive-order/12291.html>.

449. Executive Order 12866 of September 30, 1993, “Regulatory Planning and Review.”

450. “Executive Orders Disposition Tables Historical Index,” Office of the Federal Register, National Archives, last reviewed April 14, 2021, <http://www.archives.gov/federal-register/executive-orders/disposition.html>. Executive Orders, The American Presidency Project, University of California, Santa Barbara, <http://www.presidency.ucsb.edu/data/orders.php>.

451. Executive Orders, *Federal Register*, National Archives, accessed September 27, 2022, <https://www.federalregister.gov/presidential-documents/executive-orders>.

452. White House, “FACT SHEET: The Biden-Harris Action Plan for a Fairer, More Competitive, and More Resilient Meat and Poultry Supply Chain,” January 3, 2022, <https://www.whitehouse.gov/briefing-room/statements-releases/2022/01/03/fact-sheet-the-biden-harris-action-plan-for-a-fairer-more-competitive-and-more-resilient-meat-and-poultry-supply-chain/>.

453. 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.

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

455. For a description of these portals and the way 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/>.

456. 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, Memorandum for the Heads of Executive Departments and Agencies on 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.

457. 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/1IFgTrTWTEZKm8RB9fM4IW3jfg8rK0Yr0JO9O1aE0gzI/pubhtml>.

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

459. Crews, “Mapping Washington’s Lawlessness,” 2017.

460. 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>.

461. 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.

462. Clyde Wayne Crews Jr., “Biden’s Fall 2021 Unified Agenda of Federal Regulation Heralds Abandonment of Regulatory Oversight Role,” *Open Market*, Competitive Enterprise Institute, December 13, 2021, <https://cei.org/blog/bidens-fall-2021-unified-agenda-of-federal-regulation-heralds-abandonment-of-regulatory-oversight-role/>.

463. White House, “Remarks by President Trump on Deregulation,” December 14, 2017, <https://trumpwhitehouse.archives.gov/briefings-statements/remarks-president-trump-deregulation/>.

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

465. Regulatory expert Leland Beck, as quoted in “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-114hhr20830/CHRG-114hhr20830_djvu.txt.

466. Neomi Rao, Administrator, White House Office of Management and Budget, Office of Information and Regulatory Affairs, “Introduction to the Fall 2018 Regulatory Plan,” *Federal Register*, Vol. 83, No. 222 (November 16, 2018), pp. 57809-57812, <https://www.govinfo.gov/content/pkg/FR-2018-11-16/pdf/2018-24084.pdf>.

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

468. Howard Shelanski, Administrator, Office of Information and Regulatory Affairs, Memorandum for Regulatory Policy Officers at Executive Departments and Agencies and Managing and Executive Directors of Certain Agencies and Commissions on “Fall 2013 Regulatory Plan and Unified Agenda of Federal Regulatory and Deregulatory Actions,” 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>.

469. Dominic J. Mancini, Acting Administrator, Office of Information and Regulatory Affairs, Memorandum for Regulatory Policy Officers at Executive Departments and Agencies

and Managing and Executive Directors of Certain Agencies and Commissions on “Spring 2017 Data Call for the *Unified Agenda of Federal Regulatory and Deregulatory Actions*,” 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.

470. 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.

471. 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.

472. *Ten Thousand Commandments 2021*.

473. For more on the Federal Acquisition Regulation System, see “Federal Acquisition Regulation System,” Office of the Federal Register, accessed September 27, 2022, <https://www.federalregister.gov/agencies/federal-acquisition-regulation-system>.

474. For reference and archival purposes, the percentages of actions at these bodies that were “Deregulatory” for Executive Order 13771 purposes were incorporated into Table 5 of the Trump-era editions of *Ten Thousand Commandments*.

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

476. 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>.

477. 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, *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>.

478. 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>.

479. Office of Information and Regulatory Affairs, Office of Management and Budget, “Transitional Coverage for Emerging Technologies (CMS-3421),” proposed rule, (Fall 2021), <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202110&RIN=0938-AU86>.

480. Department of Health and Human Services, Food and Drug Administration, “Regulations Regarding ‘Intended Uses,’” *Federal Register*, Vol. 86, No. 145 (August 2, 2021), pp. 41383–41402, <https://www.govinfo.gov/content/pkg/FR-2021-08-02/pdf/2021-15980.pdf>.

481. 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,” *Washington Post*, December 18, 2020, <https://www.washingtonpost.com/food/2020/12/18/deregulate-frozen-cherry-pie/>.

482. 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 September 1, 2021, <http://www.fda.gov/TobaccoProducts/Labeling/RulesRegulationsGuidance/ucm394909.htm>.

483. 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>.

484. Department of Homeland Security, “Notification of Document Availability and Reopening of Comment Period on Request for Information: Minimum Standards for Driver’s Licenses and Identification Cards Acceptable by Fed-

eral Agencies for Official Purposes; Mobile Driver’s Licenses,” *Federal Register*, Vol. 86, No. 177 (September 16, 2021), pp. 51625–51626, <https://www.govinfo.gov/content/pkg/FR-2021-09-16/pdf/2021-19812.pdf>.

485. 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.federalregister.gov/documents/2016/12/05/2016-28986/instituting-smoke-free-public-housing>.

486. 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>.

487. Department of Justice, Drug Enforcement Administration, “Regulation of Telepharmacy Practice,” *Federal Register*, Vol. 86, No. 219, (November 17, 2021), pp. 64096–64099, <https://www.govinfo.gov/content/pkg/FR-2021-11-17/pdf/2021-24948.pdf>.

488. Department of Labor, Occupational Safety and Health Administration, “Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings,” *Federal Register*, Vol. 86, No. 205, pp. 59309–59326, <https://www.govinfo.gov/content/pkg/FR-2021-10-27/pdf/2021-23250.pdf>.

489. 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>.

490. 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>.

491. Department of Labor, 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>.

492. The crystalline silica rule 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>.

493. 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>. Department of Transportation, “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>.
494. Department of Transportation, “Refunding Fees for Delayed Checked Bags and Ancillary Services That Are Not Provided,” *Federal Register*, Vol. 86, No. 137 (July 21, 2021), pp. 38420–38433, <https://www.govinfo.gov/content/pkg/FR-2021-07-21/pdf/2021-13736.pdf>.
495. 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>.
496. 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.
497. Department of Transportation, Federal Aviation Administration, “Flight Attendant Duty Period Limitations and Rest Requirements,” *Federal Register*, Vol. 86, No. 209 (November 2, 2021), pp. 60424–60434, <https://www.govinfo.gov/content/pkg/FR-2021-11-02/pdf/2021-23253.pdf>.
498. 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>.
499. 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>.
500. 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>.
501. 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>.
502. Department of Transportation, Pipeline and Hazardous Materials Safety Administration, “Pipeline Safety: Safety of Gas Gathering Pipelines: Extension of Reporting Requirements, Regulation of Large, High-Pressure Lines, and Other Related Amendments,” *Federal Register*, Vol. 86, No. 217 (November 15, 2021), pp. 63266–63299, <https://www.govinfo.gov/content/pkg/FR-2021-11-15/pdf/2021-24240.pdf>.
503. U.S. Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, “New Grape Variety Names Approved,” March 12, 2021, <https://www.ttb.gov/news/grapes>.
504. 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>.
505. 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>.
506. Federal Communications Commission, “Allocation of Spectrum for Non-Federal Space Launch Operations,” *Federal Register*, Vol. 86, No. 121 (June 28, 2021), pp. 33902–33910, <https://www.govinfo.gov/content/pkg/FR-2021-06-28/pdf/2021-13685.pdf>.
507. Federal Communications Commission, “Advanced Methods to Target and Eliminate Unlawful Robocalls, Call Authentication Trust Anchor,” *Federal Register*, Vol. 86, No. 204 (October 26, 2021), pp. 59084–59109, <https://www.govinfo.gov/content/pkg/FR-2021-10-26/pdf/2021-23164.pdf>.
508. Federal Reserve System, “Loans to Executive Officers, Directors, and Principal Shareholders of Member Banks,” *Federal Reserve*, Vol. 86, No. 97 (May 21, 2021), pp. 27507–27509, <https://www.govinfo.gov/content/pkg/FR-2021-05-21/pdf/2021-10711.pdf>.

509. National Transportation Safety Board, “Commercial Space Investigations,” *Federal Register*, Vol. 86, No. 218 (November 16, 2021), pp. 63324–63328, <https://www.govinfo.gov/content/pkg/FR-2021-11-16/pdf/2021-24766.pdf>.

510. Surface Transportation Board, “Reciprocal Switching,” *Federal Register*, Vol. 87, No. 1 (January 3, 2022), pp. 62–65, <https://www.govinfo.gov/content/pkg/FR-2022-01-03/pdf/2021-28396.pdf>.

511. “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>.

512. 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/>.

513. 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.

514. National Council of State Legislatures, Standing Committee on Budgets and Revenue, Policy Directives and Resolutions, 2016 NCSL Legislative Summit, Chicago, August 8–11, 2016, https://www.ncsl.org/documents/standcomm/scbudg/2016_BR_Policies.pdf.

515. 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&lpq=PA61&dq=%E2%80%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.

516. Derived from “CBO’s Activities under the Unfunded Mandates Reform Act,” Congressional Budget Office, accessed September 27, 2022, <https://www.cbo.gov/publication/51335>.

517. Maeve P. Carey, “Cost Benefit and Other Analysis Requirements in the Rulemaking Process,” Congressional Research Service, Report R41974, December 9, 2014, pp. 11–12, <https://fas.org/sgp/crs/misc/R41974.pdf>.

518. “Regulation Identifier Numbers,” Office of the Federal Register blog, accessed September 29, 2022, <https://www.federalregister.gov/reader-aids/office-of-the-federal-register-blog/2011/04/regulation-identifier-numbers>.

519. Maeve P. Carey and Christopher M. Davis, “Congressional Review Act Overview,” <https://www.gao.gov/legal/other-legal-work/congressional-review-act>. “The Congressional Review Act (CRA): Frequently Asked Questions,” Report R43992, Congressional Research Service, updated November 12, 2021, <https://sgp.fas.org/crs/misc/R43992.pdf>.

520. 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.

521. A search by date “effective” yielded 84,963 rules, while a search by date “received” yielded 84,894 rules.

522. As of February 16, 2022.

523. “We track all rules (major and non-major) submitted to us. Your search results will include all rules submitted to us.” Government Accountability Office, Congressional Review Act, Overview, accessed September 1, 2022, <https://www.gao.gov/legal/other-legal-work/congressional-review-act>. Table 9 here includes prior year’s roundups, as well as a “controlling total” based on a search of the database in 2022. Unfortunately, the GAO database of rules at the National Archives and Records Administration has been presented differently over the years. Furthermore, in the newest iteration of the database, when one runs a search of the year’s rules, the displayed population of results fail to name the agency, nor may the dozens of results be displayed at once, only a maximum of 20 per page. The database also used to include a “published” category (referring to the *Federal Register*).

524. The Government Accountability Office formerly would present rules in a scroll window in reverse chronological order. It was not then and is not now unusual for a current year-end tally to change slightly in a subsequent year owing to unknown adjustments presumably made in GAO’s database. A third party might begin a separate process of tracking certain government reporting.

525. Crews, “What’s the Difference between ‘Major,’ ‘Significant,’ and All Those Other Federal Rule Categories?”

526. Ibid.

527. 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>.
528. 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/>.
529. Clyde Wayne Crews Jr., “Congress Should Charter an ‘Office of No’ to Counter Federal Overregulation,” *Forbes*, October 25, 2021, <https://www.forbes.com/sites/waynecrews/2021/10/25/congress-should-charter-an-office-of-no-to-counter-federal-overregulation/?sh=5835224b4928>.
530. Office of Management and Budget, “Circular A-5, Regulatory Analysis,” *Federal Register*, Vol. 68, No. 196 (October 9, 2003), p. 56366, <https://www.govinfo.gov/content/pkg/FR-2003-10-09/pdf/03-25606.pdf>.
531. 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>.
532. A version of the Competitive Enterprise Institute’s major rule categorization and disclosure recommendations noted in Table 11 and Box 6 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 – Restoring Tax and Regulatory Certainty to Small Businesses Act of 2012, 112th Congress, Second Session, <https://www.congress.gov/bill/112th-congress/senate-bill/3572>. Versions of the ALERT Act appeared in later Congresses as well.
533. Crews, “What’s the Difference between ‘Major,’ ‘Significant,’ and All Those Other Federal Rule Categories?”
534. Crews, “Executive Order 13,891 Sub-Regulatory Guidance Document Portal Tops 70,000 Entries.”
535. H. R. 1605 – Guidance out of Darkness Act, 117th Congress, First Session, <https://www.congress.gov/bill/117th-congress/house-bill/1605>. S. 628 – Guidance out of Darkness Act, 117th Congress, First Session, <https://www.congress.gov/bill/117th-congress/senate-bill/628>.
536. Executive Order 14058 of December 13, 2021, “Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government,” *Federal Register*, Vol. 86, No. 239 (December 16, 2021), pp. 71357–71366, <https://www.govinfo.gov/content/pkg/FR-2021-12-16/pdf/2021-27380.pdf>.
537. 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).
538. William A. Niskanen Jr., *Bureaucracy and Representative Government* (Chicago: Aldine-Atherton, 1971).
539. 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/>). “Public Laws,” *Congress.gov*, accessed September 28, 2022, <https://www.congress.gov/public-laws/>. “Public and Private Laws,” *GovInfo*, accessed September 28, 2022, <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=PLAW>. “Advanced Search for Legislation,” *GovTrack*, accessed September 28, 2022, [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](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>.
540. Dan Bosch, “The Consequences of Over-reliance on Executive Action” *Insight*, American Action Forum, March 1, 2021, <https://www.americanactionforum.org/insight/the-consequences-of-over-reliance-on-executive-action/>.
541. H. R. 1776 – Regulations from the Executive in Need of Scrutiny Act of 2021, 117th Congress, First Session, <https://www.congress.gov/bill/117th-congress/house-bill/1776>, S. 68 – Regulations from the Executive in Need of Scrutiny Act of 2021, 117th Congress, introduced January 27, 2021, <https://www.congress.gov/bill/117th-congress/senate-bill/68>.
542. “Regulation Freedom Amendment,” *Ballotpedia*, Administrative State Project, accessed September 27, 2022, https://ballotpedia.org/Regulation_Freedom_Amendment.