The Daily Dish

Congress Says No

DOUGLAS HOLTZ-EAKIN | JUNE 5, 2023

It is no secret that the Biden Administration is a regulatory tsunami. To date it has racked up $368 billion in burden costs imposed on the private sector, averaging $628 million per rulemaking. Barack Obama, not exactly a regulatory lightweight, had totals of only $214 billion and $249 million, respectively, to the same point in his tenure. (AAF provides a weekly update to the regulatory costs.

But it might be time to take a hint.

Last week, Congress voted to block the president's signature student loan forgiveness, using its powers under the Congressional Review Act (CRA). This comes on the heels of CRA resolutions regarding investment advisers, Waters of the United States (WOTUS, which the Supreme Court recent addressed), and emissions by heavy-duty trucks. It seems that Congress recognizes on a bipartisan basis the broader economic costs of these regulations. With an economy already struggling with persistent inflation and a softness in business fixed investment, it might be time for the administration to follow suit.

Or, the president can resist these activities.

President Biden has already vetoed three CRA resolutions. With the student loan rule and truck emissions rule headed to his desk, that will bring the total to five. By way of comparison, President Obama had five CRA vetoes and President Trump had just one. With a House Republican majority eager to voice its disapproval of Biden rulemakings and the Senate not guaranteed to oppose, the president's total may be forced to grow.

Press reports indicate that the White House considers the debt ceiling legislation a plus, demonstrating the president's ability to reach agreement across party lines. What does it mean when that same Congress reaches across party lines to block the primary policy initiatives in student loans and climate policy?