

## No More GOP Whining about Overregulation

by *Richard W. Rahn*

### REPUBLICANS COULD BE BLOCKING AGENCY OVERREACH, BUT AREN'T

The Supreme Court last week ruled against the Environmental Protection Agency (EPA) in a unanimous decision. The EPA had charged a couple with violating the Clean Water Act. It claimed their property was a "wetland" and said it would fine them up to \$75,000 per day - but there was no water on the property and there had been no judicial review of the charge. Where are the members of Congress whose funding enables the EPA to engage in this tyranny?

We are used to various government agencies overreaching and then seeing members of Congress go on TV and complain about what the government agencies are doing. The fact is, Congress (both parties are guilty) has failed in its oversight responsibilities and continues to fund agencies that ignore both the Constitution and the law.

Republicans whine that they cannot control spending because they only control one half of Congress. But the plain fact is that the Constitution is very specific. Any spending bill must be passed by both houses of Congress and signed into law by the president. Setting aside for the moment the budget agreements that House Republicans, Senate Democrats and the president made about the overall level of spending and funding of the entitlements, there is still much House Republicans can do through the appropriations process to prevent many of the excesses of government.

For instance, there is nothing to prevent the House Republicans from refusing to fund the EPA's desired budget until the agency puts procedures in place to guarantee the

basic constitutional rights of all Americans, including independent judicial review, before any fines or criminal charges are levied. These same rules also should apply to the Securities and Exchange Commission (well-known for its incompetence and overreaching), the Internal Revenue Service (IRS) and other agencies that have a record of abusing citizens.

Most federal agencies are required to do a cost-benefit analysis before issuing any major rule or regulation, normally defined as having an impact of \$100 million. Many agencies only pay lip service to the requirement, rarely having truly independent and competent staff to do the required analysis. Another stunt used by bureaucrats to avoid doing cost-benefit studies is always to assume that the cost of the proposed regulation is under the \$100 million threshold by ignoring many of the indirect costs of the regulation.

Some agencies claim they are not required to comply with the cost-benefit requirements - the IRS being one example. The IRS is now writing rules for the Foreign Account Tax Compliance Act (FATCA). The rules could drive out much of the more than \$10 trillion foreign portfolio investment in the United States, which would cost millions of jobs. Has the IRS done an independent cost-benefit analysis of the regulation? No. Has the IRS looked at the impact of the regulation on Americans living abroad? No. Has the IRS done an assessment of the impact of the regulation on our relations with friendly foreign countries? No. Has the Republican House banned the IRS from spending funds on enforcing what is likely to be a very destructive regulation until a thorough and independent cost-benefit study on the regulation is done? No.

Wake up, congressional Republicans. When the foreign investments stop flowing freely next year and millions of Americans are losing jobs as a result, you are going to be blamed - and properly so - because you did nothing to stop it. You have the power to stop it and many other outrages. You don't need Senate Majority

Leader Harry Reid and Senate Democrats or the president to give you permission to stop this.

House Republicans, when are you going to find the guts to stop funding National Public Radio (NPR)? Much of its taxpayer-funded but liberally biased programming attacks only you and your base, but you sit there just waiting to be hit. The folks at NPR know that you are all talk and no action so they continue to misuse public funds to promote a Democrat-only agenda.

Many Republicans continue to vote for appropriations for international outfits such as the Organization for Economic Co-operation and Development, which has an anti-tax competition agenda and global minimum-tax agenda, and the International Monetary Fund, which indirectly helped fund the Greek bailout. Both organizations damage American interests. Members of Congress, please explain why U.S. taxpayers should have some of their hard-earned money spent to help the Greeks. The administration and members of Congress argue that no U.S. taxpayer money was directly used, but money is fungible. Just because it goes through several pockets does not mean that U.S. taxpayers did not contribute.

Tea Partiers and others who are concerned about the growth of abusive government need to pay attention and make it clear they will oppose those, including Republicans who call themselves fiscal conservatives, who vote to fund these abusive agencies and activities.

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