The Biden Administration's Executive Overreach and Its Effect on American Energy Independence

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My name is Diana Furchtgott-Roth. I am the director of the Center for Energy, Climate, and Environment at The Heritage Foundation. The views I express in this testimony are my own and should not be construed as representing any official position of The Heritage Foundation.

Chairman Gosar, Ranking Member Stansbury, Members of the Subcommittee, I am honored to be invited to testify before you today on the subject of, "The Biden Administration's Executive Overreach and Its Effect on American Energy Independence."

In addition to my role at The Heritage Foundation, I am also an adjunct professor of economics at George Washington University. My professional training is in economics. From 2019 to 2021, I was deputy assistant secretary for research and technology at the U.S. Department of Transportation. Previous positions include acting assistant secretary for economic policy at the U.S. Department of the Treasury; chief economist at the U.S. Department of Labor; chief of staff of the Council of Economic Advisers under President George W. Bush; and deputy executive secretary of the Domestic Policy Council under President George H.W. Bush.

In the last State of the Union, President Biden said, "The climate crisis doesn't care if your state is red or blue. It [the climate crisis] is an existential threat."[1] The President has used the so-called existential climate crisis to expand dramatically the power of different executive branch agencies with the object of reducing greenhouse gas emissions.

This creeping overreach, not envisaged by Congress in the original missions or purposes of these agencies, has driven up the price of energy and energy-related products. A runaway government is trying to control our lives for no apparent benefit, but guaranteeing impoverishment of opportunity, safety and security. Government is sticking its fingers into every aspect of our lives, making it more difficult and more expensive to get ahead. By creeping over the limits on its power, government is switching off the power for growth.

Some government agencies noted for mission creep include, but are not limited to: the Environmental Protection Agency, the Council on Environmental Quality, the Office of Comptroller of the Currency, the Securities and Exchange Commission, the Federal Energy Regulatory Commission, and the White House itself.

Overreach is sometimes used when Congress declines to pass a bill into law. Rather than accept the status quo, the president takes matters into his own hands with rules or guidance from executive branch agencies. The result is policies outside of congressional authorization. In this case, poorly-considered policies are forcing all Americans to pay more for electricity and transportation, for little or no benefit—because the new regulations will have a minimal effect on global temperatures. These costs are falling disproportionately on poor and middle-class

[1] President Joe Biden, State of the Union Address, February 7, 2023, https://www.whitehouse.gov/briefing-room/speeches-remarks/2023/02/07/remarks-of-president-joe-biden-state-of-the-union-address-as-prepared-for-delivery/ (accessed May 8, 2023).

Americans, many of whom voted for President Biden, who pay a higher share of their income in food and energy costs.

Sadly, there are many examples of regulatory overreach.

The Environmental Protection Agency's attempt to regulate regional emissions through a novel interpretation of the Clean Air Act, known as the Clean Power Plan,[2] proposed in 2015 under President Barack Obama, was deemed executive overreach by the Supreme Court in *West Virginia* v. *Environmental Protection Agency.* Ruling 6–3 on June 30, 2022, the Supreme Court decided that the Clean Air Act does not allow the EPA to move from regulating individual power plants to regulating regional emissions.

Although the Clean Air Act allows the EPA to set maximum levels of new and existing emissions sources, the Clean Power Plan[3] went further. If emissions exceeded the EPA's requirements, a state, or group of states, would be required to shut down power plants or to install renewable energy sources. The plan was similar to the American Clean Energy and Security Act, introduced by Democratic congressmen Henry Waxman and Edward Markey in 2009, and the American Power Act, introduced by senators John Kerry and Joe Lieberman in 2010. Neither bill became law, despite sizeable Democratic majorities in both chambers.

The opinion in *West Virginia* v. *Environmental Protection Agency,* written by Chief Justice John Roberts, cited the major questions doctrine, according to which Congress must "speak clearly if it wishes to assign to an agency decisions of vast economic and political significance."[4] Writing for the majority, Chief Justice Roberts stated that "EPA claimed to discover an unheralded power representing a transformative expansion of its regulatory authority in the vague language of a long-extant, but rarely used, statute designed as a gap filler. That discovery allowed it to adopt a regulatory program that Congress had conspicuously declined to enact itself."[5] Justice Neil Gorsuch elaborated on the major questions doctrine in a concurring opinion, writing, "The framers believed that the power to make new laws regulating private conduct was a grave one that could, if not properly checked, pose a serious threat to individual liberty."[6]

The case has far-reaching implications for other agencies that could currently be exceeding their statutory limits. The Securities and Exchange Commission, for example, has proposed requirements for companies to disclose their exposure to climate risk and to provide details about the climate effects of their operations. The Office of the Comptroller of the Currency has appointed a chief climate risk officer who has decided to do the same.

Executive overreach could also be occurring in other areas. Courts are in the process of examining whether the Department of Education can unilaterally cancel or reduce student loans. Meantime, the National Labor Relations Board is considering making franchise businesses such

[2] *Federal Register*, Vol. 80, No. 205 (October 23, 2015), pp. 64661–65120, https://www.gpo.gov/fdsys/pkg/FR-2015-10-23/pdf/2015-22842.pdf (accessed May 9, 2023).
[3] Ibid.
[4] *West Virginia et al. v. Environmental Protection Agency et al.*, 597 U.S. (2022).
[5] Ibid.
[6] Ibid.

as McDonald's accountable for the actions of local franchises. Such rules could find themselves on the wrong side of the Court's approach, which found the EPA's rulemaking to be an example of "agencies asserting highly consequential power beyond what Congress could reasonably be understood to have granted."[7] If the Court had found the other way, EPA could have changed the entire vehicle fleet to electric vehicles through a change in a regulation.

When federal agencies exceed their authority, opportunities for ordinary people are stifled. Severe, government-imposed cuts in carbon emissions raise the cost of electricity and American-made goods. Under the Clean Power Plan, some states or groups of states would have had to meet EPA targets by ensuring plants cut emissions or by financing reductions in other ways, such as suppressing consumer demand or investing in more costly renewable energy. In any case, carbon emissions are declining naturally without the plan. Emissions of energy-related carbon dioxide declined by 18 percent from 2007 to 2021, according to the Energy Information Administration.[8] Between 2014, when the Clean Power Plan was proposed, and 2021, four years after the Trump administration rescinded it, these emissions fell by 9 percent.[9]

Creeping executive branch oversight of energy started early in the Administration. On his first day in office, President Biden revoked the permit for the Keystone XL pipeline, which would have brought 850,000 barrels of oil per day from Canada to be refined in U.S. refineries.[10] This reduced energy independence, and higher gasoline prices and inflation soon followed. President Biden the following year asked Saudi Arabia and Venezuela to produce more oil. In addition to eliminating the Keystone XL pipeline, President Biden has reduced oil and gas production[11] by expanding the boundaries of the Grand Staircase-Escalante, Bears Ears, Northeast Canyons, and Seamounts Marine National Monuments, preventing oil and natural gas production in those areas.[12]

On August 5, 2021, President Biden issued an Executive Order[13] setting a goal that by 2030 half of new vehicles sold in the United States must be electric, including fuel cell electric, plug-in hybrids, and full battery electric. According to President Biden,[14] the Executive Order will "improve our economy and public health, boost energy security, secure consumer savings, advance environmental justice, and address the climate crisis." On the contrary, the Executive

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[7] Ibid.

[8] U.S. Energy Information Administration, "U.S. Energy-Related Carbon Dioxide Emissions, 2021," Figure 2, December 14, 2022, https://www.eia.gov/environment/emissions/carbon (accessed May 9, 2023).

[9] Ibid.

[10] Joseph R. Biden, Jr., "Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis," Executive Order 13990, 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/ (accessed May 9, 2023).

[11] *Federal Register*, Vol. 86, No. 14 (January 25, 2021), pp. 7037–7043, http://www.federalregister.gov/documents/2021/01/25/2021-01765/protecting-public-health-and-the-environment-and-restoring-science-to-tackle-the-climate-crisis (accessed May 9, 2023).

[12] Ibid.

[13] Joseph R. Biden, Jr., "Strengthening American Leadership in Clean Cars and Trucks," Executive Order 14037, August 5, 2021, https://www.whitehouse.gov/briefing-room/presidential-actions/2021/08/05/executive-order-on-strengthening-american-leadership-in-clean-cars-and-trucks/ (accessed May 9, 2023).

[14] Ibid.

Order will raise costs for Americans, and poor and middle-class people disproportionately would pay the price.

The president's 2021 announcement coincided with the August 11 meeting of the California Air Resources Board,[15] which discussed draft regulations to implement Governor Gavin Newsom's Executive Order[16] that all new vehicles sold in the Golden State be electric by 2035 and a ban on the sale of diesel trucks by 2036. Through regulations and executive orders, President Biden wants to follow the lead[17] of California and other states seeking to reduce emissions—laws that Congress would not pass.

The Environmental Protection Agency followed with new proposed regulations[18] on automobile emissions from the Environmental Protection Agency would require new car sales to be 60% battery powered electric by 2030 and 67% by 2032, compared to fewer than 6% in 2022. EPA is also planning new rules for power plants,[19] driving up the costs of the electricity needed to charge these vehicles. These rules again would raise driving costs for Americans, and poor and middle-class Americans disproportionately would pay the price.

New electric vehicles cost more than gasoline-powered vehicles. The electric version of the base version of the Ford 150 pickup truck, the best-selling vehicle in America, costs an additional $26,000.[20] Tesla's base prices start at about $40,000 for a Model 3 and go up to almost $100,000 for a Model X.[21] These are staggering costs to impose on American families.

Charging will also cost more. At the same time as EPA issuing new rules for automobile emissions, it is also planning new rules for emissions from power plants, *The New York Times* has reported.[22] According to the reports, EPA will regulate carbon dioxide and other so-called

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[15] California Air Resources Board, "Public Workshop on Advanced Clean Cars II," https://ww2.arb.ca.gov/events/public-workshop-advanced-clean-cars-ii-0 (accessed May 9, 2023).
[16] Executive Department State of California, "Executive Order N-79-20," https://www.gov.ca.gov/wp-content/uploads/2020/09/9.23.20-EO-N-79-20-Climate.pdf (accessed May 9, 2023).
[17] Press Release, "Fact Sheet: President Biden Announces Steps to Drive American Leadership Forward on Clean Cars and Trucks," The White House, August 5, 2021, https://www.whitehouse.gov/briefing-room/statements-releases/2021/08/05/fact-sheet-president-biden-announces-steps-to-drive-american-leadership-forward-on-clean-cars-and-trucks/ (accessed May 9, 2023).
[18] U.S. Environmental Protection Agency, "Notice of Proposed Rulemaking: Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles," https://www.epa.gov/system/files/documents/2023-04/lmdv-multi-pollutant-emissions-my-2027-nprm-2023-04.pdf (accessed April 28, 2023).
[19] Valerie Volcovici, "Biden EPA to Issue Power Plant Rules That Lean on Carbon Capture," Reuters, April 24, 2023, https://www.reuters.com/business/sustainable-business/biden-epa-issue-power-plant-rules-that-lean-carbon-capture-2023-04-23/ (accessed April 28, 2023).
[20] Ford Motor Company, Models & Specs, 2023 F-150 XL, https://www.ford.com/trucks/f150/models/?gnav=vhpnav-specs (accessed April 28, 2023); and Ford motor Company, Models & Specs, 2023 F-150 Lightning PRO, https://www.ford.com/trucks/f150/f150-lightning/models/?gnav=vhpnav-specs (accessed April 28, 2023).
[21] Tesla, Model 3, Purchase Price, https://www.tesla.com/model3/design#overview (accessed April 28, 2023); and Tesla, Model X, Purchase Price, https://www.tesla.com/modelx/design#overview (accessed April 28, 2023).
[22] Coral Davenport and Lisa Friedman, "E.P.A. to Propose First Controls on Greenhouse Gases from Power Plants," *New York Times*, updated April 27, 2023, https://www.nytimes.com/2023/04/22/climate/epa-power-plants-pollution.html (accessed April 28, 2023).

greenhouse gas emissions from both new and existing natural gas and coal-fired power plants, and require carbon capture systems or a switch to hydrogen fuels. These systems for capturing carbon are costly and will be passed on to consumers in the form of higher electricity rates. Drivers will find it more expensive to use electricity for all purposes, including charging their electric vehicles, harming poor and middle-class drivers the most.

Three-quarters of vehicles sold are previously owned cars.[23] In 2019, the last year for which complete data on used car sales are available, Americans bought 41 million used cars and 13 million new cars.[24] But people do not want to buy used electric vehicles, because it is difficult to evaluate how long the battery will last. Replacing an EV battery can cost anywhere from $5,000 to $20,000.[25] The poor and the middle class will suffer most from higher prices for used vehicles, because they cannot afford the new electric vehicles.

Mandating electric vehicles would reduce Americans' standard of living. Back in the early 1900s, when Henry Ford started producing cars, only rich Americans could afford them. Throughout the 20th century cars became less expensive, and many households could afford not one but two. Cars are already becoming more expensive, and the proposed rule accelerates that trend, taking America back a century, when new cars were only for the rich.

Recharging an electric vehicle from empty can take over an hour, compared to 5 minutes to fill up with gas.[26] If there is a line to use the charging station the wait can double. Manufacturers suggest not allowing EV batteries to go below 20%, and the charging rate goes down when it is charged over 80%.[27] Throughout America the poor rarely have access to indoor garages for overnight charging, and in most large cities, such as New York City, the middle-class also have no access to indoor charging. Using charging stations on the street, if available, risks theft of expensive charging cables.

Battery-powered vehicles lack sufficient range to satisfy most customers. Although 60 to 70 miles of range is enough for most trips, people buy cars for all circumstances, including long trips and cold weather. Batteries lose up to 40% of their range in cold climates and manufacturers suggest using heating systems.[28] A study by Autocar[29] shows that electric vehicles lose, on

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[23] Mathilde Carlier, Statista, New and Used Light Vehicle Sales in the United States, 2010 to 2021, https://www.statista.com/statistics/183713/value-of-us-passenger-cas-sales-and-leases-since-1990/ (accessed April 28, 2023).
[24] U.S. Department of Transportation, Bureau of Transportation Statistics, New and Used Passenger Car and Light Truck Sales and Leases Data Set, 1990 to 2021, https://www.bts.gov/content/new-and-used-passenger-car-sales-and-leases-thousands-vehicles (accessed April 28, 2023).
[25] Recurrent, "Updated: Electric Car Battery Replacement Costs," March 26, 2023, https://www.recurrentauto.com/research/costs-ev-battery-replacement (accessed April 28, 2023).
[26] Lazar, "How Long Does It Take to Refuel a Gasoline Car? GasAnswer, https://gasanswer.com/how-long-take-refuel-gasoline-car/ (accessed April 28, 2023).
[27] Sebastian Blanco, "How to Maximize EV Range," J.D. Power, July 20, 2022, https://www.jdpower.com/cars/shopping-guides/how-to-maximize-ev-range (accessed April 28, 2023).
[28] Ellen Edmonds, "Icy Temperatures Cut Electric Vehicle Range Nearly in Half," AAA News Room, February 7, 2019, https://newsroom.aaa.com/2019/02/cold-weather-reduces-electric-vehicle-range/ (accessed April 28, 2023).
[29] Move Electric, "Electric Vehicle Range Test Reveals Up to 20% Drop in Winter," Autocar, March 17, 2022, https://www.autocar.co.uk/car-news/move-electric/electric-vehicle-range-test-reveals-20-drop-winter (accessed April 28, 2023).

average, a third of their range in the winter, which reduces the typical 240-mile range to 160 miles. If a heat pump is added to the car, the loss is less, but still the 240-mile range would shrink to 180.

Car results varied. The Fiat 500 42kWh Icon lost 40% of its range in the winter.[30] The Ford Mustang Mach-E Extended Range RWD lost 35%, and the Porsche Taycan 4S Performance Battery Plus, with heat pump, lost 22% (the Taycan costs between $83,000 and $166,000).[31]

The loss of range in cold weather is one reason why, at the end of 2021, the latest full year available, North Dakota had 380 electric vehicle (EV) registrations, the fewest in the United States, according to the Energy Department.[32] North Dakota will receive $26 million for charging stations, according to the Department of Transportation,[33] or $68,000 per registered EV. Wyoming, with $27 million and 510 EVs, gets $53,000 per EV.[34] South Dakota, with $29 million, had 680 vehicles, and will collect $43,000 per vehicle.[35] Alaska had 1,290 registered electric vehicles (EVs). Alaska will get $52 million[36] of the $7.5 billion that the new Infrastructure Investment and Jobs Act allocates to states for electric charging stations.[37] That works out to more than $40,000 per electric vehicle. These funds could be saved or put to better use.

Minerals such as lithium and cobalt are essential for batteries. Mining for these minerals is energy-intensive, and the Chinese Communist Party (CCP) has substantial access to global mineral sources for battery production, resulting in a loss of American independence. Lithium is mined in western China's Qinghai Province, aided by government funding, and China purchases cobalt for electric batteries from Kisanfu, in the Democratic Republic of Congo.[38] Our federal government makes opening new mines in the United States virtually impossible, even though the jobs generated would help all Americans, particularly the poor and the middle class. Thus, the rule will result in a massive increase in mining in countries that have no respect for the environment or human welfare. The mining of minerals as a result of the rule will be bad for the environment and is frequently performed by child workers.

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[30] Ibid.
[31] Ibid.
[32] U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Electric Vehicle Registrations by State Data Set, updated June 2022, https://afdc.energy.gov/data/10962 (accessed April 28, 2023).
[33] U.S. Department of Transportation, Federal Highway Administration, 5-Year National Electric Vehicle Infrastructure Funding by State Data Set, FY 2022 to FY 2026, updated September 13, 2022, https://www.fhwa.dot.gov/bipartisan-infrastructure-law/evs_5year_nevi_funding_by_state.cfm (accessed April 28, 2023).
[34] Ibid.
[35] Ibid.
[36] Ibid.
[37] News Release, "President Biden, U.S. Department of Transportation Releases Toolkit to Help Rural Communities Build Out Electric Vehicle Charging Infrastructure," U.S. Department of Transportation, February 2, 2022, https://www.transportation.gov/briefing-room/president-biden-us-department-transportation-releases-toolkit-help-rural-communities (accessed April 28, 2023).
[38] Dionne Searcey, Michael Forsythe, and Eric Lipton, "A Power Struggle Over Cobalt Rattles the Clean Energy Revolution," *New York Times*, December 7, 2021, https://www.nytimes.com/2021/11/20/world/china-congo-cobalt.html (accessed April 28, 2023).

The Council on Environmental Quality, part of the Executive Office of the President, issued new guidance[39] on January 9, 2023, requiring federal agencies to use the National Environmental Policy Act (NEPA) process to reduce emissions from greenhouse gases. That means that projects that result in higher greenhouse gas emissions will find it harder to get NEPA approval. The guidance takes effect immediately, without waiting for CEQ to address the comments. Some agencies are including in their compliance with NEPA factors that Congress did not originally intend. This is an example of a harmful, arbitrary, and capricious policy.

Other Executive Branch agencies are deviating from traditional roles of approving investments and instead are slowing production and transportation of oil and natural gas. For instance, the Federal Energy Regulatory Commission proposed a new policy[40] on February 17, 2022, that would have made it even harder to put new pipelines in place to carry oil and gas from the interior of the country to the coasts, where it can be exported. FERC was intending to "consider a proposed project's impacts on existing pipelines" as well as the environmental effects of the new pipeline. The February 2022 policy statement was pulled back and deemed a "draft" in March of 2022 due to public pressure.

Even though the policy statements have been downgraded to "draft" status, they have not been officially withdrawn, and regulatory uncertainty at FERC is slowing the development of pipelines. Last week FERC Commissioner James Danly said at a hearing before the Senate Committee on Energy and Natural Resources,

"The consequences of premature retirements and resource scarcity are even more acute when you consider the constraints on natural gas supply resulting from the underdevelopment of interstate natural gas infrastructure—again, driven by the FERC's maladministration of the Natural Gas Act. Although I am genuinely delighted that the Commission has recently increased the pace of natural gas pipeline reviews, the policies FERC recently sought to promulgate have had the very effects I predicted at last year's hearing: according to the Energy Information Administration, 2022 saw the lowest quantity of additional capacity added to the natural gas pipeline system since 1995, the obvious result of the FERC's slow walking natural gas pipeline applications over the last two years and the chilling effect of the regulatory uncertainty created by the Commission's issuances. Interstate natural gas infrastructure is absolutely critical: as coal, nuclear and hydroelectric generators retire due to subsidies and public policy choices, the need for natural gas to ensure system reliability continues to grow.[41]

The Interior Department has issued a Report on the Federal Oil and Gas Leasing Program,[42] calling for fewer leases, higher royalties from oil and gas leases, and a more thorough bidding process to screen buyers. It proposed that oil and gas drilling not be a priority, and its

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[39] *Federal Register*, Vol. 88, No. 5 (January 9, 2023), pp. 1196–1212, https://www.federalregister.gov/documents/2023/01/09/2023-00158/national-environmental-policy-act-guidance-on-consideration-of-greenhouse-gas-emissions-and-climate (accessed May 9, 2023).
[40] Federal Energy Regulatory Commission, "Fact Sheet: Updated Pipeline Certificate Policy Statement (PL18-1-000)," updated February 17, 2022, http://www.ferc.gov/news-events/news/fact-sheet-updated-pipeline-certificate-policy-statement-pl18-1-000 (accessed May 9, 2023).
[41] James P. Danly, testimony before Committee on Energy and Natural Resources, U.S. Senate, May 4, 2023, https://www.energy.senate.gov/services/files/0A896B12-2895-4F68-A367-74009F2975C4 (accessed May 9, 2023).
[42] *Federal Register*, Vol. 86, No. 14.

recommendations would make it more difficult to drill. This interference with America's energy production makes it more difficult for companies to flourish and consumers to get affordable energy.

In the finance area, outside of its statutory authority, the Securities and Exchange Commission wants to stick its fingers into energy production. SEC Chairman Gary Gensler has proposed rules[43] to require companies to disclose information about the following: governance and management of climate-related risks; how climate related risks will affect companies' strategy and outlook; and the effects of climate events such as hurricanes and wildfires on financial statements. This rule would reduce America's energy independence and make it more difficult to get capital for fossil fuel investments.

The Office of the Comptroller of the Currency, which regulates banks, has appointed a Chief Climate Risk Officer to assess and to monitor climate-driven risks to banks. Dr. Yue Chen does not have a background in risk assessment. She is an engineer, with a bachelor's degree in chemical engineering from Tsinghua University in China and a Ph.D. in chemical engineering from the Massachusetts Institute of Technology.[44] Monitoring climate risks to bank lending and assets will have the effect of discouraging investments in fossil fuels and will allow the investigation of companies and banks that it believes are making the wrong investments.

The Defense Department, whose mission is to defend the United States, wants to use biofuels to make its military vehicles and jets more climate friendly. Such vehicles are less resilient and more costly, so the Pentagon would be able to afford fewer of them, with major effects on national security.

The Federal Trade Commission is considering investigating oil and gas companies for price gouging—even though people know that lower supply always leads to higher prices.

With prices of new and used cars higher, the biggest loser from runaway government is the American consumer, who will purchase fewer new cars, which have additional safety features and better fuel economy. More people will be injured or killed in car crashes. Mandating electrics won't solve problems of environmental justice. Requiring sales of electric vehicles discriminates against low-income Americans who cannot as easily afford expensive electric cars. Upper-income urban Americans buy Teslas; lower-income rural Americans buy pickup trucks and large vehicles. Mandating sales of electrics helps the rich and hurts the poor.

In April Stellantis announced that it would be offering buyouts to 33,500 hourly and white-collar workers in an attempt to cut 3,500 jobs due to its planned transition to electric vehicles.[45] It

[43] Press Release, "SEC Proposes Rules to Enhance and Standardize Climate-Related Disclosures for Investors," U.S. Securities and Exchange Commission, March 21, 2022, https://www.sec.gov/news/press-release/2022-46 (accessed May 9, 2023).
[44] News Release, "OCC Announces Chief Climate Risk Officer," Office of the Comptroller of the Currency, September 12, 2022, https://www.occ.gov/news-issuances/news-releases/2022/nr-occ-2022-110.html (accessed May 9, 2023).
[45] Ryan Felton and Nora Eckert, "Jeep Maker Stellantis to Offer Buyouts to Hourly, Salaried Workers," *The Wall Street Journal*, April 26, 2023, https://www.wsj.com/articles/jeep-maker-stellantis-to-offer-buyouts-to-hourly-salaried-workers-d3c71fdc (accessed May 1, 2023).

closed a plant in Illinois in December. General Motors and Ford are also laying off workers as part of their move to make more battery-powered vehicles.

United Auto Workers president Shawn Fain said in a statement on April 26, "Stellantis' push to cut thousands of jobs while raking in billions in profits is disgusting. This is a slap in the face to our members, their families, their communities, and the American people who saved this company 15 years ago. Even now, politicians and taxpayers are bankrolling the electric vehicle transition, and this is the thanks the working class gets. Shame on Stellantis."[46]

Americans' jobs in the oil and gas fields are being sacrificed to Chinese nationals (sometimes with forced labor) making wind turbines and solar panels. Americans' jobs in auto plants are being sacrificed to Chinese nationals (sometimes with forced labor) making batteries and electric vehicle components.

As well as taking away Americans' choice of cars, the Department of Energy wants to regulate a variety of other appliances, depriving Americans of the ability to have a gas stove.[47] Poor and middle-class people will be disproportionately paying the price for these rules, both proposed and enacted.

Renewables raise the costs of electricity, which disproportionately affects the poor and middle class. President Biden's plan to transition away from fossil fuels is making the United States weaker and China stronger. This will have no noticeable effects on global temperatures, using the Model for the Assessment of Greenhouse Gas Induced Climate Change developed by researchers at the EPA, which is used for such calculations at the Heritage Foundation.

Government overreach is reducing America's energy independence and strengthening China, which makes nearly 80% of the world's electric batteries,[48] over 80% of global solar panels,[49] and almost 60% of wind turbines.[50]

This is especially troubling because the Chinese Communist Party (CCP) is a totalitarian regime which has a poor record both on the environment and on human rights. Beijing is engaged in genocide against the minority Uyghur people of Xinjiang and has imposed draconian restrictions on political freedoms in Hong Kong.[51] The CCP has reduced or eliminated religious liberties for

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[46] United Auto Workers, UAW Statement on Job Cuts at Stellantis, https://uaw.org/uaw-statement-job-cuts-stellantis/#:~:text=%E2%80%9CStellantis'%20push%20to%20cut%20thousands,this%20company%2015%20years%20ago (accessed May 1, 2023).
[47] *Federal Register*, Vol. 88, No. 21 (February 1, 2023) pp. 6818–6904.
[48] International Energy Agency, *Global Supply Chains of EV Batteries*, July 2022, p. 2, https://iea.blob.core.windows.net/assets/4eb8c252-76b1-4710-8f5e-867e751c8dda/GlobalSupplyChainsofEVBatteries.pdf (accessed May 9, 2023).
[49] International Energy Agency, *Special Report on Solar PV Global Supply Chains*, updated August 2022, p. 7, https://iea.blob.core.windows.net/assets/d2ee601d-6b1a-4cd2-a0e8-db02dc64332c/SpecialReportonSolarPVGlobalSupplyChains.pdf (accessed May 9, 2023).
[50] International Energy Agency, "Geographic Concentration by Supply Chain Segment, 2021," updated January 25, 2023, https://www.iea.org/data-and-statistics/charts/geographic-concentration-by-supply-chain-segment-2021 (accessed May 9, 2023).
[51] James J. Carafano et al., "Winning the New Cold War," p. 24.

Christians and Buddhist worshippers of the Dalai Lama throughout Tibet.[52] Empowering the Chinese government is fundamentally at odds with "good corporate governance."

Due to hypocritical, bureaucratic, executive branch mission creep, rather than using its own oil and natural gas resources, America will depend on energy from China. In order to produce supplies of renewables, China is increasing its construction of coal-fired power plants. America has 225 coal-fired power plants, and China has 1,118 (half of all the coal-fired plants in the world).[53] That is one reason why China has increased carbon emissions by over 5,000 million metric tons over the past 16 years.[54] In contrast, America's carbon emissions have declined by over 1,000 million metric tons over the same period due to the use of clean natural gas.[55]

A new report by the Heritage Foundation, *Winning the Cold War: A Plan for Countering China*,[56] shows how America's environmental policies benefit China and harm America.

Heritage issued the report on the same day that the House of Representatives introduced H.R. 1, The Lower Energy Costs Act,[57] sponsored by Majority Leader Steve Scalise (R-LA), Energy and Commerce Committee Chair Cathy McMorris Rodgers (R-WA), Natural Resources Committee Chair Bruce Westerman (R-AR), and Transportation and Infrastructure Committee Chair Sam Graves (R-MO). The bill emphasizes domestic energy production, lower energy costs, and reduction in emissions.

Rather than kowtowing to China, companies should reject environmental policies that raise the costs of doing business and favor the CCP. The rush to a green energy future, driven more by politics and virtue-signaling than economics and emissions reductions, will only enrich China at America's expense and place vital energy supply chains at mercy of Beijing.

China has not committed to reducing emissions until 2027. Research by Dr. Kevin Dayaratna, chief statistician and senior research fellow at The Heritage Foundation, has shown that even completely eliminating all fossil fuels from the United States would result in less than 0.2 degrees Celsius in temperature mitigation by 2100.[58] Americans, particularly poor and middle class, would be bearing major costs in higher electricity prices, higher food prices, and a forced switch to costly electric vehicles without benefits for the environment. They would pay the price for President Biden's energy agenda.

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52 Ibid., p. 3.
53 Jessica Aizarani, Statista, "Global operational coal-fired power stations by country 2022," January 30, 2023, https://www.statista.com/statistics/859266/number-of-coal-power-plants-by-country/ (accessed April 28, 2023).
54 The Heritage Foundation, CO_2 Emissions Trends in Key Countries Data Set, 2005-2021.
55 Ibid.
56 James J. Carafano et al., "Winning the New Cold War: A Plan for Countering China," Heritage Foundation *Special Report* No. 270, March 28, 2023, https://www.heritage.org/sites/default/files/2023-03/SR270_0.pdf (accessed April 28, 2023).
57 Lower Energy Costs Act, H.R. 1, 118th Congress, Session 1, (2023) https://www.congress.gov/118/bills/hr1/BILLS-118hr1ih.pdf (accessed April 28, 2023).
58 Kevin D. Dayaratna, PhD, Katie Tubb, and David Kreutzer, "The Unsustainable Costs of President Biden's Climate Agenda," Heritage Foundation *Backgrounder* No. 3713, June 16, 2022, https://www.heritage.org/sites/default/files/2022-06/BG3713_0.pdf, (accessed May 1, 2023).

Cleaner air and efficient power generation are worthwhile goals. But so is the security that comes from the rule of law. The Supreme Court weighed in on that balance in 2022 and could weigh in further in the years ahead.

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