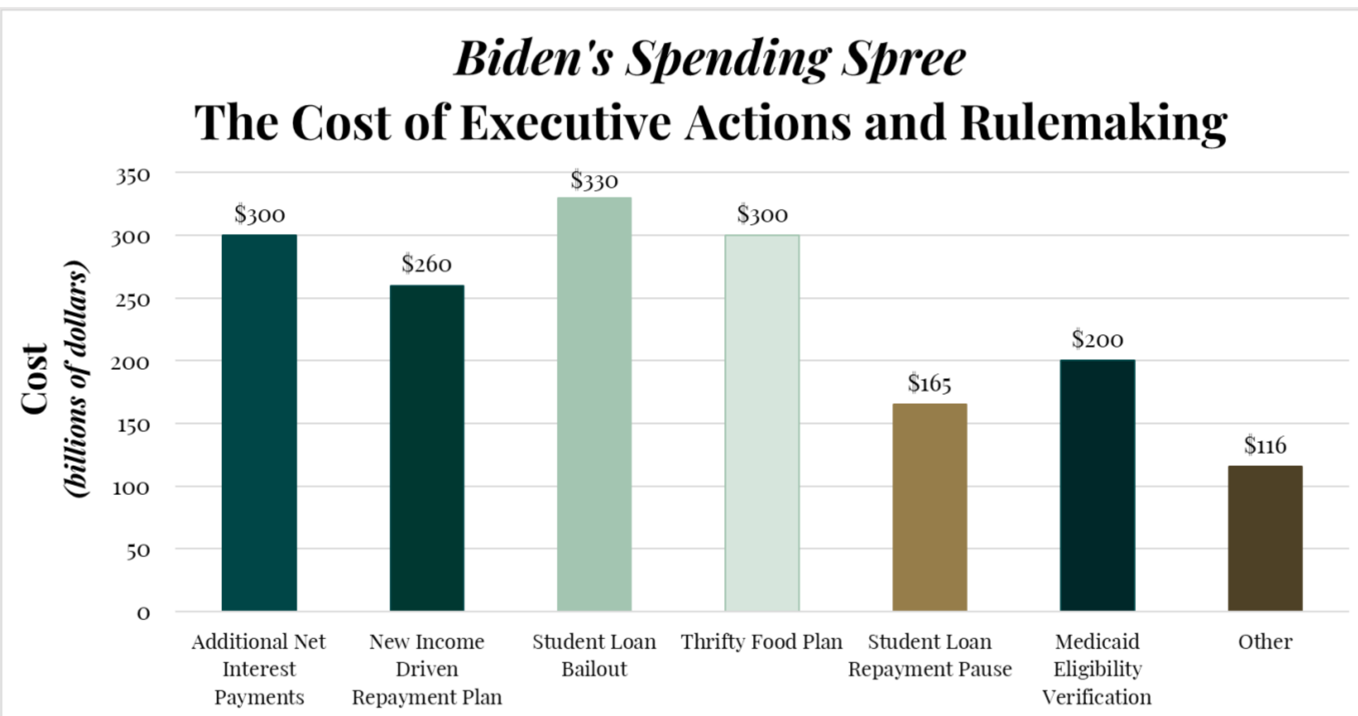
The Cost of…
BIDEN'S EXECUTIVE ACTIONS AND CIRCUMVENTION OF CONGRESS

The Cost Of... breaks down the budgetary and broader fiscal impact of current policies being debated and their implication on our exploding $33.6 trillion national debt.

The Biden Administration has spent an enormous amount of taxpayer money on various initiatives and Congress must ensure transparency, accountability, and stewardship for the American people.

PRESENTING THE PROBLEM

Since taking office, President Biden has overseen **over $11 trillion** in spending – **more than $1.5 trillion** of which has been done unilaterally through various executive actions and rulemaking, marking a clear circumvention of Congress.



The **over $1.5 trillion executive action spending spree** has addressed multiple policy areas across the federal government, including:

Thrifty Food Plan (TFP):

In August 2021, the Department of Agriculture (USDA) increased the TFP[1] without Congressional approval by increasing benefits for the Supplemental Nutrition Assistance Program (SNAP) **by 23 percent, costing up to $300 billion** over the 10-year budgetary window, according to the Congressional Budget Office (CBO).

While the 2018 Farm Bill included a provision for TFP reevaluation by 2022 and at 5-year intervals thereafter, the Government Accountability Office (GAO) determined that USDA defied Congressional intent and conducted this policy without setting "key milestones, goals, and measurable objectives" or a dedicated project manager to ensure a "common understanding of crucial deliverables and the roles and responsibilities of everyone involved."

Furthermore, GAO's legal opinion also found that **USDA violated the Congressional Review Act of 1996**, which requires government agencies to submit major policy updates to Congress.

Student Loans:

Since taking office in January 2021, President Biden has relentlessly and unilaterally attempted to force the 87 percent of American taxpayers without student loans to pay for the 13 percent that do, including:

- Proposing a **$330 billion** unconstitutional student loan bailout, 70 percent of which, according to the Penn Wharton Budget Model (PWBM), would have gone to those in the top half of the income spectrum.
- Perpetuating a **$200 billion**, three-year student loan repayment pause—despite warnings from prominent Democrat economists that doing so would only worsen inflation.
- Overhauling the originally targeted Income Driven Repayment program—projected by PWBM to cost up to **$475 billion**—to make 91 percent of new student debt eligible for eventual forgiveness.

Medicaid Eligibility Verification:

In September 2022, the Centers for Medicare & Medicaid Services (CMS) issued a proposed rule that would weaken Medicaid eligibility verification standards, threatening to increase improper and fraudulent payments. CBO has estimated that this proposal as finalized would cost taxpayers **over $200 billion** over the ten-year window.

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[1] The TFP is used by USDA to calculate benefit levels for SNAP.

Obamacare Subsidy Expansion:

In October 2022, the Department of the Treasury finalized a regulation that expanded eligibility for Obamacare marketplace premium tax credit subsidies as a "fix" to the so-called "family glitch."

However, this policy is not merely a "fix," it is a rewrite of a purposefully constructed provision of Obamacare designed to lower the overall cost of the bill when it was passed in 2010. CBO has estimated that this regulation would **cost $34 billion** over a decade and transition over 600,000 Americans already enrolled in employer coverage onto Obamacare.

Nursing Home Minimum Staffing Standards:

In September 2023, CMS issued a proposed rule that establishes one-size-fits-all minimum staffing requirements and standards for nursing homes. CMS estimated this proposal will create **an unfunded mandate of $40.6 billion** on long-term care providers, with costs falling on taxpayers through increased Medicaid spending.

Independent analysis has suggested that, nationwide, **over 80 percent** of nursing homes would not be able to meet the requirements in the proposed rule. This proposal would lead to significant increases in both state and federal Medicaid spending and could lead to widespread closures of nursing homes, reducing access to care for seniors.

Everything Else:

SNAP Work Requirements — $11 billion over the next decade

- In fiscal year 2024, SNAP's work requirements began applying to able-bodied adults between the ages of 18 and 52 who do not have dependents, in accordance with the Fiscal Responsibility Act of 2023.
- However, for decades, various loopholes have allowed millions of able bodied adults to receive SNAP benefits without working.
- In December 2019, the Trump Administration attempted to address the abuse of geographic waiver loopholes by submitting a final rule that imposed stricter standards for states to issue waivers. However, the rule was held up in the courts and never fully went into effect.

Blocking States' Medicaid Work Requirements — At least $3 billion over the next decade

- Currently, federal law does not impose any work requirements on Medicaid recipients; nonetheless, states have sought waivers from CMS to implement work requirements for able-bodied adults to qualify for Medicaid coverage.
- In 2018, the Trump Administration began approving requests from states to tailor their respective Medicaid programs and implement work requirements as a condition of Medicaid eligibility.
- However, the Biden Administration ultimately rescinded the waiver approvals, adding billions of dollars in entitlement spending.

Public Charge Rule — $20 billion over the next decade

- The public charge rule is a long-standing principle of U.S. immigration law and was first implemented at the federal level in 1882, rendering a noncitizen inadmissible if they are "likely at any time to become a public charge."
    - A "public charge" essentially means an individual dependent on government programs, such as welfare or other entitlements.
- In 2018, the Trump Administration's Department of Homeland Security (DHS) clarified the public charge requirement to reflect the modern landscape of government benefits, insisting that to become a permanent resident in the U.S. with eventual access to citizenship, an individual must not be reliant on, or likely to be reliant on, non-cash welfare benefits like barred Food Stamps, Children's Health Insurance Program, Medicaid, and housing benefits.[2]
- In September 2022, the Biden Administration reversed Trump's rule by explicitly excluding some welfare programs from consideration in determining public charge.
- The Biden Administration's decision is nothing but a cost to the American taxpayer. The public charge rule was common sense — and in the best interest of the United States. Bringing self-sufficient, legal immigrants into the country put forth a net positive impact to the American economy.

Wage Increase for Government Contractors — $3 billion from FY21 to FY26

- On May 25, 2018, President Trump signed Executive Order (EO) 13838, which exempts certain recreational service workers from the minimum wage requirement.
- On April 27, 2021, President Biden issued EO 14026 which overturned EO 13838 and required federal contractors to pay their employees a $15 per hour minimum wage starting in 2022, indexed to inflation for every year thereafter.
- On November 22, 2021, the Department of Labor issued the final rule, "Increasing the Minimum Wage for Federal Contractors," that established implementation and enforcement procedures for EO 14026.
    - Due to inflation, the minimum wage for federal contractors rose to $16.20 per hour in 2023, rather than $15 per hour.
- If bids on federal contracts are inflated because of increased wage costs, taxpayers will be the ones who ultimately pay the higher price.

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[2] There are notable exceptions to the DHS's rule, including humanitarian-based programs, immigrants who served in the U.S. military, pregnant women, and those under the age of 21 who receive Medicaid benefits.