

United States Senate

WASHINGTON, DC 20510

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September 16, 2024

The Honorable Gene L. Dodaro
Comptroller General of the United States
U.S. Government Accountability Office
441 G St., N.W.
Washington, D.C. 20548

Dear Comptroller General Dodaro,

We write to ask the Government Accountability Office (GAO) to conduct a retrospective analysis of the deference applied under *Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc.* Specifically, we are attempting to learn more about which cases invoked the *Chevron* framework and how the deference principle impacted final decisions.

As you know, the *Chevron* decision has governed the relationship between agencies and courts for the last 40 years. The longstanding deference applied under *Chevron* has broadened the scope of administrative authority. It is clear the recent *Loper Bright Enterprises v. Raimondo* decision will fundamentally change how courts interpret statutory authority.

The longstanding deference principle has disproportionately impacted rural states. As industries such as agriculture, mining and energy production are increasingly subject to a growing number of agency rules, the private industry has resorted to settling regulatory disputes in court. The expansion of the administrative state has precipitated this trend. To understand the true impact of the recent overturn of *Chevron*, it is necessary to comprehend the past application of agency deference.

Accordingly, I would like to respectfully request GAO to conduct an analysis of key judicial opinions that made use of the *Chevron* doctrine. The review can involve opinions from the Supreme Court and lower courts from the last 20 years. Lastly, I ask you focus such a review on cases involving the below agencies:

- U.S. Department of Agriculture
- U.S. Department of the Interior
- Environmental Protection Agency (EPA)
- Department of Energy (DOE)

Sincerely,



M. Michael Rounds
United States Senator