

Ten Thousand Commandments

An Annual Policymaker's Snapshot of the Federal
Regulatory State

2001 Edition

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INTRODUCTION: TOWARD ENDING "REGULATION WITHOUT REPRESENTATION"

The federal government primarily funds its programs in three ways. The first is to raise taxes to pay for new programs. The second is to borrow money to pay for them (with a promise to pay back that borrowed money, with interest, from taxes collected in the future). No matter how controversial government spending programs can be, taxpayers can always see how much programs cost by looking at the federal budget, and Congress can be held accountable for programs that are controversial. While not perfect, such accountability is a fundamental, necessary condition for controlling government.

The third way the government can accomplish its goals is to regulate. That is, rather than pay directly and book the expense of a new initiative, it can require that the private sector and lower-level governments pay. By regulating, the government can carry out desired programs but avoid using tax dollars to fund them. This process sometimes allows Congress to escape accountability and to blame agencies for costs. Since disclosure and accountability for regulation are limited, policymakers have little incentive to care about the extent of regulatory costs or where those costs stand in relation to ordinary government spending. Regulatory costs are unbudgeted and lack the formal presentation to the public and media to which ordinary federal spending is subject, and thus regulatory initiatives allow the government to direct private-sector resources to a significant degree without much public fuss. In that sense, regulation can be thought of as off-budget taxation. Figure 1 provides perspective on the level of "hidden regulatory taxation," by presenting summary data for selected topics described in this report. Trends over the past few years are provided where information is available.

*REGULATIONS
CAN BE
REGARDED AS
A FORM OF
OFF-BUDGET
TAXATION.*



Figure 1
The Regulatory State: An Overview

| | 2000 | 1-Year Change | 5-Year Change | 10-Year Change |
|---|---------------|---------------|---------------|----------------|
| Total Regulatory Costs | \$788 billion | 1.7% | 6.5% | 16% |
| Environmental/Social Regulatory Costs | \$292 billion | 3.5% | 15% | 57.8% |
| Economic Regulatory Costs | \$238 billion | -0.4% | -2.8% | -6.7% |
| Agency Enforcement Budgets | \$19 billion | 6.6% | 19.5% | 27.9% |
| Net <i>Federal Register</i> Pages | 74,258 | 4.3% | 15% | 28.1% |
| <i>Federal Register</i> Pages Devoted to Final Rules | 24,482 | 21.2% | 13.2% | 45.8% |
| Total <i>Federal Register</i> Rule Documents | 6,949 | 12.7% | -14.7% | -7.5% |
| <i>Federal Register</i> Final Rule Documents | 4,313 | -7.9% | -12.6% | -2.3% |
| Total Rules in <i>Unified Agenda</i> | 4,699 | 3.5% | 0.4% | -3.4% |
| “Economically Significant” Rules in the Pipeline | 158 | 15.3% | 13.7% | n/a |
| Rules Impacting Small Business | 1,054 | 9.4% | 39.8% | n/a |
| Rules Impacting State Governments | 679 | -7.2% | .7% | n/a |
| Rules Impacting Local Governments | 420 | -7.3% | -1.4% | n/a |
| Major Rules Finalized by Agencies | 75 | 63% | n/a | n/a |
| <u>EPA Spotlight</u> | | | | |
| Total Number of EPA Rules in Unified Agenda | 449 | -1.5% | 3.9% | n/a |
| “Economically Significant” EPA Rules in <i>Agenda</i> | 31 | 10.7% | -32.6% | n/a |
| “Economically Significant” Rules in the Pipeline | 5 | 0% | n/a | n/a |
| Rules Impacting Small Business | 205 | 14.5% | 34.9% | n/a |

The 2001 edition of *Ten Thousand Commandments* is divided into four main sections:

- An overview of the costs and scope of the regulatory state, such as its size in comparison to the federal budget and the gross national product, and its impact on the family budget.
- An analysis of trends in the numbers of regulations issued by agencies, based on data and information provided in the *Federal Register* and the *Unified Agenda of Federal Regulations*.
- Recommendations for regulatory reform that emphasize ending “regulation without representation.” Steps to improve disclosure of regulatory costs and increase congressional accountability for regulations are offered, in contrast to the agency-driven cost-benefit analysis that typical reform proposals emphasize.
- An appendix containing historical tables providing data on regulatory trends over the past several years.



THE REGULATORY STATE AND ITS COST TO AMERICANS

THE SOCIAL AND ECONOMIC COSTS OF REGULATION

The Office of Management and Budget (OMB) released a report on regulatory costs and benefits in June 2000. OMB determined that costs of social regulations (such as environmental quality and health and safety rules) range from \$146 billion to \$229 billion.³ The OMB further estimates that benefits of those rules range from \$254 billion to \$1.8 trillion. As Figure 2 shows, these findings lead OMB to report “net benefits” of federal regulation in the range of \$25 billion to \$1.65 trillion. In the worst case, then, OMB finds regulations produce \$25 billion in net benefits, about \$5 billion less than estimated in OMB’s previous report on the subject. Note, however, that OMB’s cost-benefit breakdown uses only benefits and costs that were both quantified and monetized. Furthermore, cost-benefit analysis will be highly sensitive to basic assumptions made about how regulations translate to health benefits.⁴

THE FEDERAL
SURPLUS
IS SWAMPED
BY THE COSTS
OF REGULATIONS.

Figure 2
Estimates of Total Annual Monetized Benefits and Costs of Social Regulations
(in billions of 1996 dollars, as of 1999)

| | Benefits | Costs |
|----------------------------|-----------------|----------------|
| Environmental Regulations | \$97 to \$1,610 | \$96 to \$170 |
| Transportation Regulations | \$84 to \$110 | \$15 to \$18 |
| Labor | \$28 to \$30 | \$18 to \$19 |
| Other | \$45 to \$49 | \$17 to \$22 |
| Total | \$254 to 1,799 | \$146 to \$229 |
| Net benefit range | | \$25 to 1,653 |

Source: OMB, *Report to Congress on the Costs and Benefits of Federal Regulations*, June 2000.

Another widely cited regulatory survey looks at regulatory costs covering the years 1977 through 2000. Prepared in 1995 for the Small Business Administration by Professor Thomas D. Hopkins of the Rochester Institute of Technology, this report assessed social and environmental costs, just as the OMB report did. But Hopkins also included costs of economic regulations (such as price and entry restrictions), “transfer” costs (such as farm price supports), and paperwork costs (such as tax compliance). Professor Hopkins’s well-known (indeed probably the best-known) estimates projected the total direct compliance costs for federal regulations at some \$788 billion for 2000, the last year for which he provided estimates.⁵



Figure 3
Regulatory Compliance Cost Estimates 1977-2001*
(in billions of 1999 dollars)

| YEAR | SOCIAL | | | ECONOMIC | | | PAPER WORK | TOTAL |
|-------------|------------|--------------|--------------|-----------------|------------|-------------|------------|------------|
| | Environ. | Other Social | Total Social | Efficiency Loss | Transfer | Total Econ. | | |
| 1977 | 51 | 35 | 86 | 163 | 315 | 478 | 151 | 715 |
| 1978 | 57 | 38 | 95 | 155 | 298 | 454 | 152 | 701 |
| 1979 | 61 | 40 | 102 | 146 | 280 | 426 | 152 | 680 |
| 1980 | 66 | 43 | 108 | 137 | 261 | 398 | 156 | 662 |
| 1981 | 69 | 40 | 109 | 129 | 246 | 375 | 161 | 645 |
| 1982 | 71 | 38 | 109 | 124 | 233 | 356 | 157 | 623 |
| 1983 | 78 | 35 | 113 | 118 | 223 | 341 | 176 | 630 |
| 1984 | 83 | 34 | 117 | 113 | 212 | 325 | 178 | 620 |
| 1985 | 89 | 34 | 122 | 108 | 203 | 312 | 180 | 614 |
| 1986 | 95 | 34 | 129 | 104 | 193 | 297 | 180 | 607 |
| 1987 | 102 | 35 | 137 | 98 | 184 | 282 | 190 | 609 |
| 1988 | 107 | 37 | 144 | 94 | 173 | 267 | 189 | 600 |
| 1989 | 115 | 39 | 154 | 93 | 171 | 263 | 197 | 614 |
| 1990 | 122 | 43 | 165 | 91 | 167 | 258 | 225 | 648 |
| 1991 | 141 | 44 | 185 | 90 | 165 | 255 | 239 | 679 |
| 1992 | 150 | 51 | 201 | 90 | 164 | 254 | 247 | 702 |
| 1993 | 163 | 56 | 219 | 89 | 163 | 251 | 232 | 702 |
| 1994 | 166 | 58 | 224 | 87 | 162 | 249 | 235 | 708 |
| 1995 | 184 | 60 | 244 | 87 | 161 | 248 | 238 | 730 |
| 1996 | 190 | 63 | 254 | 86 | 158 | 245 | 242 | 740 |
| 1997 | 197 | 66 | 262 | 86 | 157 | 244 | 246 | 752 |
| 1998 | 205 | 68 | 273 | 85 | 156 | 242 | 250 | 765 |
| 1999 | 211 | 71 | 282 | 84 | 155 | 239 | 254 | 775 |
| 2000 | 218 | 74 | 292 | 84 | 154 | 238 | 258 | 788 |

Source: Data from US Small Business Administration, Office of the Chief Counsel for Advocacy, *The Changing Burden of Regulation, Paperwork, and Tax Compliance on Small Business: A Report to Congress*, Washington, DC, October 1995, Table 3, p. 28. Original 1995 dollars are adjusted by the change in the CPI between 1995 and 1999.

Given that indirect costs—such as the impacts of lost innovation or productivity—are not included in Hopkins’s analysis, he has noted that his figures likely somewhat understate the total regulatory burden.⁶ On the other hand, regulatory benefits are beyond the scope of Hopkins’s analysis, yet those would be recognized to offset some costs (as they certainly are by the OMB).⁷



Figure 3 shows Hopkins's regulatory cost breakdown from 1977 to 2000, adjusted for the change in consumer price index (CPI) since his original calculations.⁸ As noted, Hopkins sorted regulations into three main categories: social (such as environmental rules and health and safety requirements), economic (such as efficiency costs of price and entry controls on business, and losses from economic transfers), and paperwork (largely tax compliance costs). Each category accounts for roughly one-third of total compliance costs, but the growing environmental/social category increasingly comprises a larger share. Note the rise in environmental and social costs and the slight decrease in economic costs.

Figure 3's columns show the decline in the level of economic regulation. On the other hand, paperwork costs have increased, and social regulatory costs have increased dramatically. Economic regulatory reforms caused overall regulatory costs to drop during much of the 1980s, to a 1988 low of \$600 billion. But paperwork-filing costs and increasing environmental and social regulations (such as the Clean Air Act amendments and the Americans with Disabilities Act) began to overwhelm those declines and add to total costs thereafter.

The offsetting movements of economic and social regulatory costs over the past two decades have altered the mix of the regulatory state's main components. The environmental/social component of regulatory costs made up just 12 percent of the total regulatory cost burden in 1977. In 2000, it comprised 37 percent.

REGULATION VS. GOVERNMENT SPENDING

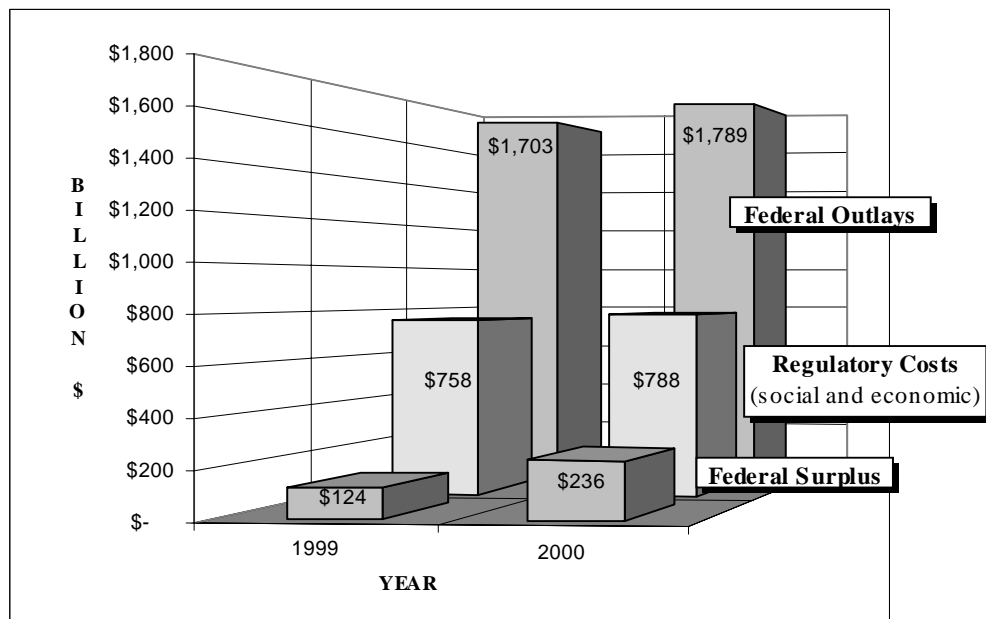
The federal government's budget is finally in balance, having put an end to nearly three decades of deficit spending; indeed, Washington is expected to post a surplus of \$236 billion in 2000.⁹ "Deficit spending," however, lives on in the form of regulatory compliance costs that go largely unacknowledged by the federal government.

As Figure 4 shows, 2000's \$788 billion in regulatory costs is equivalent to 44 percent of on-budget spending of \$1,789 trillion.¹⁰ Note that while there indeed exists a fiscal surplus, it is swamped by the costs of regulations.

*CONGRESS KNOWS
WITH CERTAINTY
THE SIZE OF THE
FEDERAL SURPLUS
AND MAY GROW
NERVOUS AS IT
DWINDES, BUT
SINCE REGULATORY
COSTS ARE HIDDEN,
THE FALLOUT
FROM REGULATING
INSTEAD MAY BE
LESS.*



Figure 4
Off-Budget Regulatory Costs
Compared with Projected Federal Spending
and Expected Surplus
(in billions of dollars, 1999-2000)



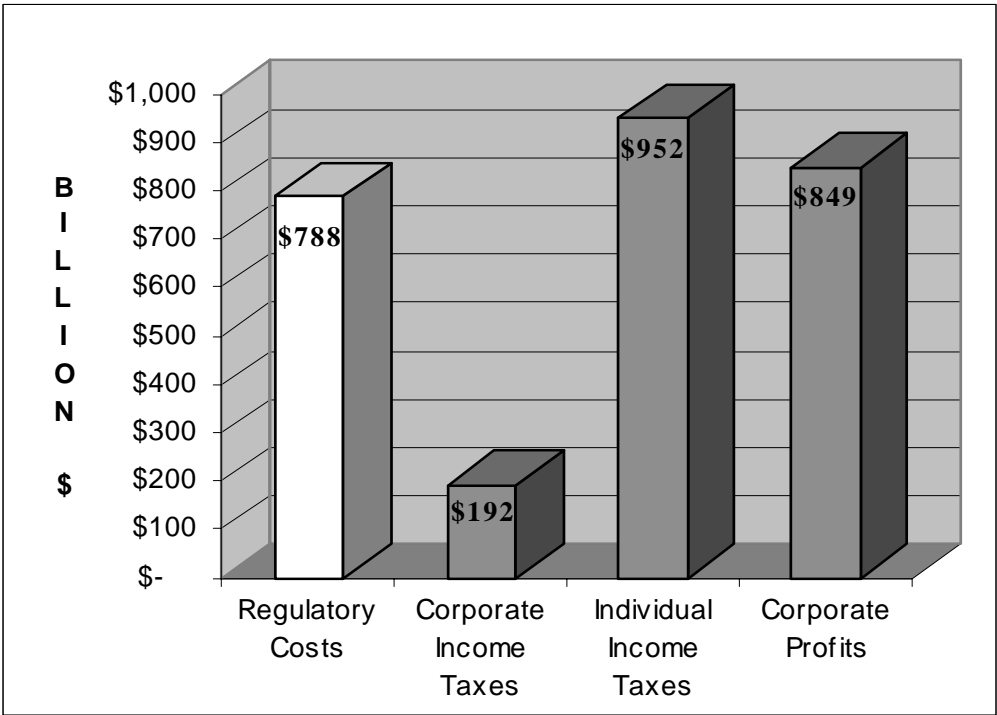
Sources: *The Budget and Economic Outlook: Fiscal Years 2002-2011*, January 2001, Congressional Budget Office; Office of the Chief Counsel for Advocacy, U.S. Small Business Administration, *The Changing Burden of Regulation, Paperwork, and Tax Compliance on Small Business: A Report to Congress*, October 1995. Federal surplus and outlay numbers are by fiscal year; regulatory costs are shown by calendar year.

REGULATORY COSTS VS. INCOME TAXES AND CORPORATE PROFITS

In fact, regulatory costs exceed that of most major taxes. Regulatory costs stand to the shoulder of estimated 2000 individual income taxes, which was \$951.6 billion, as Figure 5 shows.¹¹ Corporate taxes, estimated at \$192.4 billion that year, are far outdistanced by regulatory costs.¹² Even pretax corporate *profits*, \$849 billion in 1999, are rivaled by regulatory costs, as Figure 5 also shows.¹³



Figure 5
**Regulatory Costs Exceed Corporate Income Taxes,
 Rival Individual Income Taxes and Corporate *Pretax* Profits**

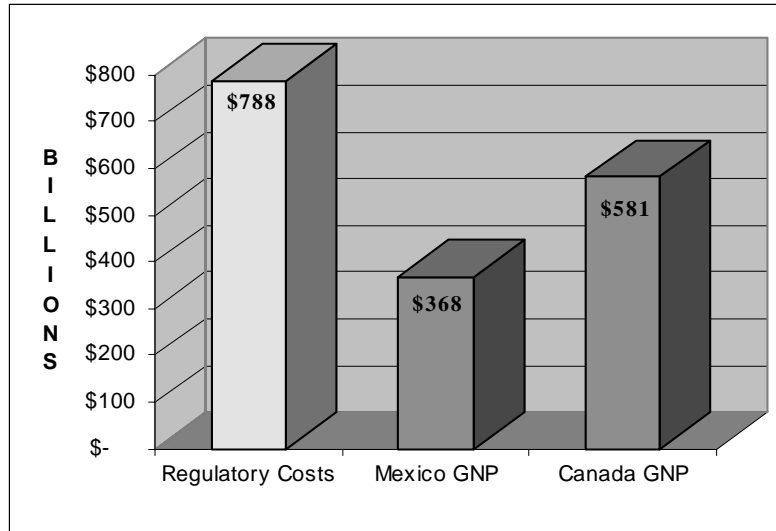


Sources: *Statistical Abstract of the United States 2000*; U.S. Small Business Administration, Office of the Chief Counsel for Advocacy, *The Changing Burden of Regulation, Paperwork, and Tax Compliance on Small Business: A Report to Congress*, Washington, D.C., October 1995, Table 3, p. 28.

To put regulation into further perspective, U.S. regulatory costs of \$788 billion even exceeded the output of many entire national economies. As shown in Figure 6, U.S. regulatory costs exceeded the entire 1998 Gross National Product (GNP) of Canada (the latest figure available), which stood at \$581 billion. The regulatory burden was also more than double the 1998 GNP of Mexico, which totaled \$368 billion.¹⁴



Figure 6
Regulatory Costs Exceed 1998 GNPs
of Canada and Mexico



Sources: *Statistical Abstract of the United States 2000*, Table No. 1364, Gross National Product, by Country: 1998, p. 831; U.S. Small Business Administration, Office of the Chief Counsel for Advocacy, *The Changing Burden of Regulation, Paperwork, and Tax Compliance on Small Business: A Report to Congress*, Washington, D.C., October 1995, Table 3, p. 28.

Total regulatory costs of \$788 billion are substantial—7.9 percent—even when compared to U.S. gross domestic product. (The Congressional Budget Office has estimated GDP at \$9,974 billion for 2000.)¹⁵ Combined with direct federal outlays of \$1,789 billion, the federal government’s share of the economy is some 25.8 percent. (This is a slight decrease from the previous year, when the combined regulatory and outlay share of GDP was 26.6 percent.)

U.S. REGULATORY COSTS EXCEED THE GNPs OF CANADA AND MEXICO.

REGULATORY COSTS EAT INTO THE FAMILY BUDGET

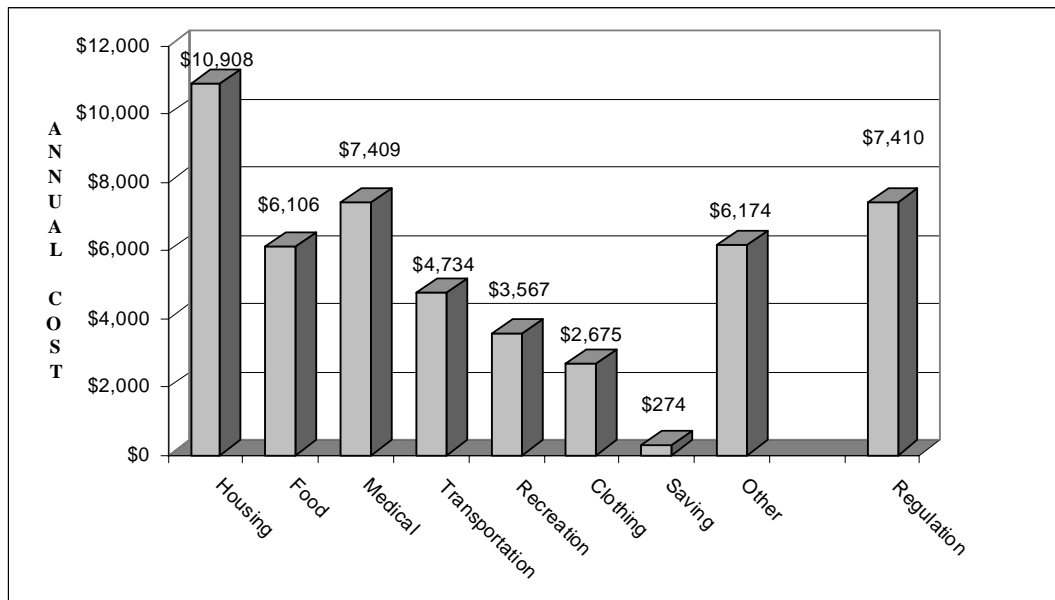
Firms generally pass along to consumers some of the costs of the taxes they are required to pay. Likewise the costs of regulations, although generally imposed on businesses, are passed on to consumers.

So how much of the family budget is absorbed by regulatory costs? For the median two-earner family, 1998 after-tax income (the latest year available) was \$41,846, according to the Tax Foundation.¹⁶ In 1998 dollars, economic, social, and environmental regulatory costs totaled an estimated \$749 billion for that year, which broke out to \$7,410 for the typical family of four.¹⁷ This means embedded regulatory costs absorb 17.7 percent of the typical household’s after-tax income.



Except for housing costs, embedded regulatory costs now exceed spending for every item in the average family's after-tax budget. More is spent on regulation than on medical expenses, food, transportation, recreation, clothing, and savings.

Figure 7
After-Tax Budget for the Two-Earner Family
Contains \$7,410 in Embedded Regulatory Costs



Sources: Tax Foundation, Dr. Thomas D. Hopkins; author arithmetic.

CORPORATE TAXES, AT \$192 BILLION, ARE FAR OUTDISTANCED BY REGULATORY COMPLIANCE COSTS.

THE COSTS OF ADMINISTERING THE REGULATORY STATE

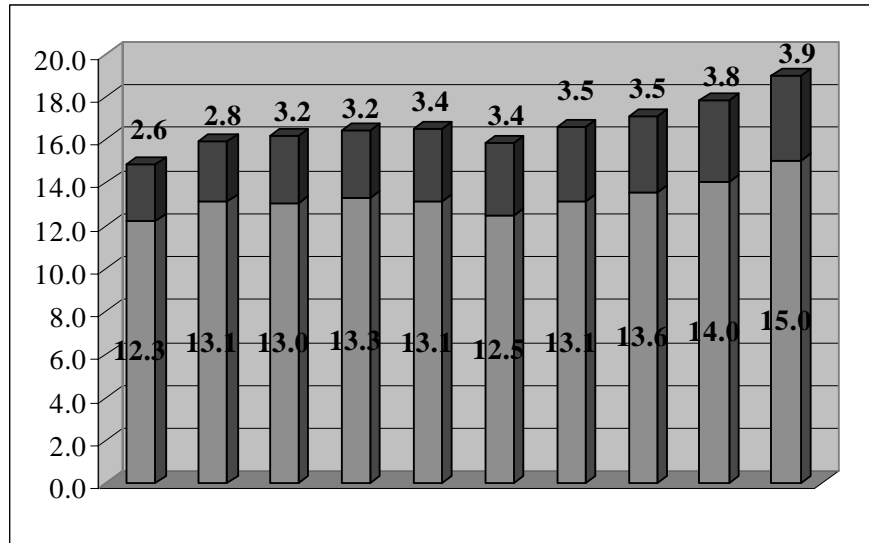
Thomas Hopkins's regulatory cost estimates include compliance costs paid by the public and lower-level governments. But his estimates do not include the costs of administering the regulatory state; these are the on-budget amounts spent by federal agencies to produce rules and police regulatory compliance. Each year the Center for the Study of American Business (CSAB) has studied the federal budget to excerpt and compile the governmental costs of developing and enforcing regulations. It publishes a study surveying the regulatory state's administrative costs. Since these funds represent amounts that taxpayers pay to support agencies' administrative budgets rather than compliance costs, they therefore are disclosed in the federal budget.

Estimates of fiscal year 2000 enforcement costs incurred by 54 departments and agencies reached a record high of \$19 billion (in constant 1999 dollars), an increase of 6.7 percent over the previous year.¹⁸ (See Figure 8.) Of those costs, \$3.9



billion was spent administering economic regulation, a slight increase over the previous year's \$3.8 billion. The larger amount spent for writing and enforcing social and environmental regulations rose from \$14 billion to \$15 billion.

Figure 8
Agency Enforcement Budgets Rising
 (1991-2000, in billions of constant 1999 dollars)



Source: Melinda Warren, *Federal Regulatory Spending Reaches a New Height: An Analysis of the Budget of the United States Government for the Year 2001*, Center for the Study of American Business, Regulatory Budget Report 23, June 2000, Table A-5, p. 18. Original 1996 constant dollars used by CSAB in this report are adjusted by the change in CPI between 1996 and 1999, computed from Table No. 768. "Consumer Price Indexes (CPI-U), by Major Groups: 1980 to 1999," *Statistical Abstract of the United States 2000*, U.S. Department of Commerce, Economics and Statistics Administration, Bureau of the Census, p. 487.
 *estimates

*EVEN CORPORATE
 PRETAX PROFITS—
 \$849 BILLION
 IN 1999—
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 REGULATORY
 COSTS.*

The CSAB numbers help fill in the picture of the regulatory state. Adding the \$19 billion in administrative costs tabulated by CSAB to Hopkins's \$788 billion estimate for compliance costs brings the total 2000 regulatory burden to \$807 billion. As for the current 2001 fiscal year, the CSAB expects total regulatory enforcement costs to be slightly higher at \$19.5 billion.¹⁹

Federal agency staffing employed to write and enforce regulations is also on the rise. Full-time equivalent employment staffing reached 129,815 in fiscal year 2000, according to CSAB, a 3.3 percent increase over 1999.



FEDERAL REGISTER ANALYSIS

TENS OF THOUSANDS OF FEDERAL REGISTER PAGES

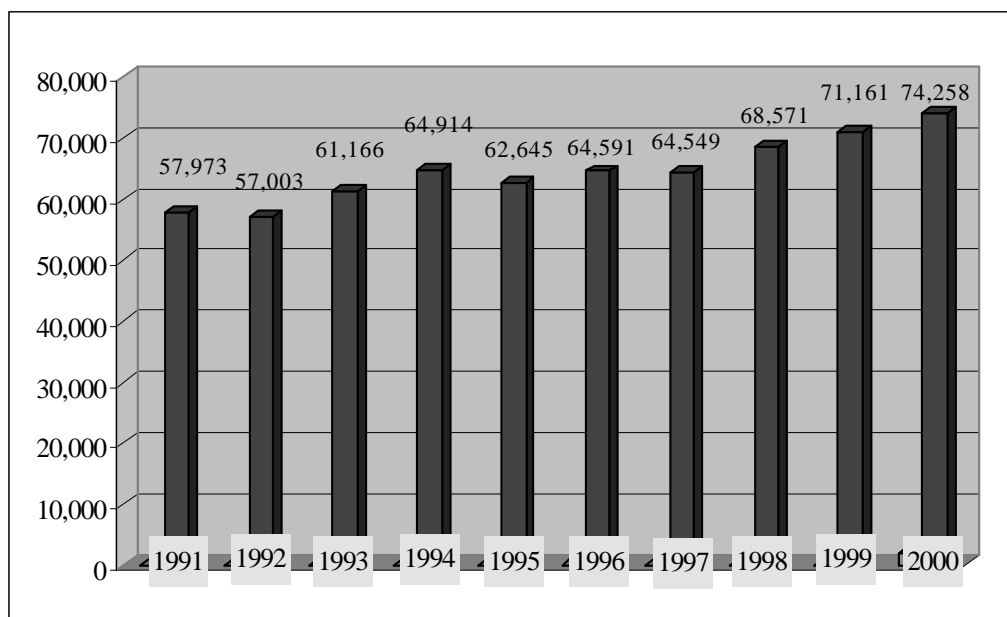
The *Federal Register* is the daily depository of all proposed and final federal rules and regulations. The number of pages in the *Register* is probably the most frequently cited measure of the scope of regulation. There are problems with using page numbers alone as a proxy for the level of regulation, of course. The wordiness of rules will vary, affecting page numbers and obscuring the real impact of the underlying rules. A short rule could be very costly, while a long rule could have not much impact. Administrative notices, corrections, presidential statements, and other material are contained in the *Register* as well. Blank pages also appear as a result of the Government Printing Office's imperfect prediction of agency pages required.

Nonetheless, it is surely worthwhile to track the *Register's* growth via pages, provided the appropriate caveats are kept in mind.

As may be seen, during 2000 the number of pages rose to 74,258, a 4.3 percent increase over the previous year. This new level is easily the highest page count since the Jimmy Carter years. Over the past 10 years, from 1991 to 2000, the page count has increased 28.1 percent. Over the past five years, pages are up 15 percent.²⁰

Figure 9

Federal Register Pages Up 28% Over 10 Years
(1991-2000)



Source: Office of the Federal Register, National Archives and Records Administration.



There is another interesting way of looking at the new record in page numbers. The *Federal Register* averaged 52,922 pages throughout the 1980s, including the record year of 1980. But during the 1990s (the period largely covered in Figure 9) pages averaged 62,237 per year.

It is clear that in terms of page counts, rules are on the rise now despite the Republican takeover of Congress in 1995. What happens now that President George W. Bush is in office remains to be seen. Back in 1995, *Federal Register* pages did fall, probably due in part to the fact that Republican reformers then kept a watchful eye on *Federal Register* pages and cited them frequently as a gauge of regulation. Also accounting for the drop that year is the partial federal government shutdown, which slowed the promulgation of new regulations for a time. But the increase in rules has since resumed its upward march.

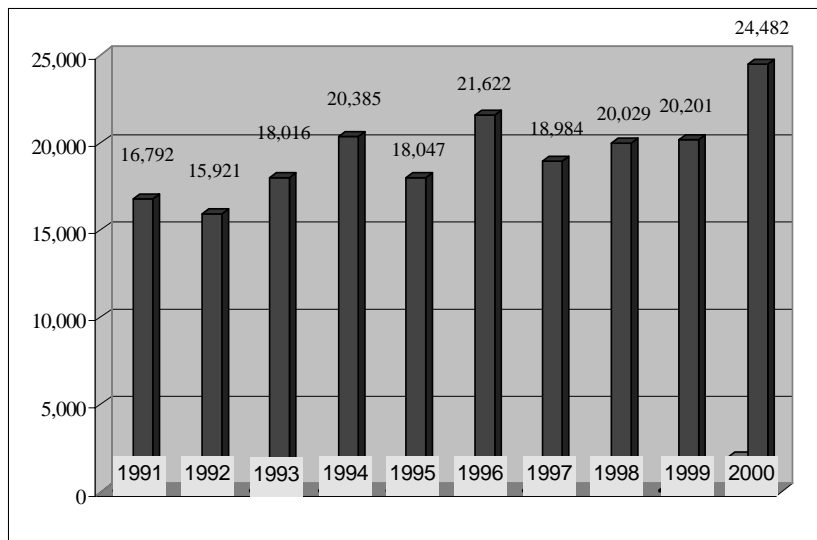
FEDERAL REGISTER PAGES DEVOTED TO FINAL RULES

Although growth in total *Federal Register* pages has ticked upward to a new record-high level, overall page counts alone do not allow one to conclude whether actual regulatory burdens have increased or relaxed. Isolating those pages that are devoted specifically to *final* rules may be a bit more informative. This approach omits pages devoted to proposed rules, agency notices, corrections, and presidential documents.

Pages in the *Federal Register* devoted to final rules have increased 45.8 percent since 1991, from 16,792 to 24,482. (See Figure 10.) This is the highest level of final rules seen since 1976, when the page count was first given by category. The 2000 count of 24,482 is up 21 percent over 1999, a very substantial increase. The increase for 2000 could well be attributable to an effort by President Clinton to push larger rules through before the arrival of the Bush administration.

OFF-BUDGET
REGULATORY
COSTS ARE
EQUIVALENT TO
44 PERCENT
OF FEDERAL
SPENDING.

Figure 10
Federal Register Pages Devoted to Final Rules
(1991-2000)



Source: Office of the Federal Register, National Archives and Records Administration.



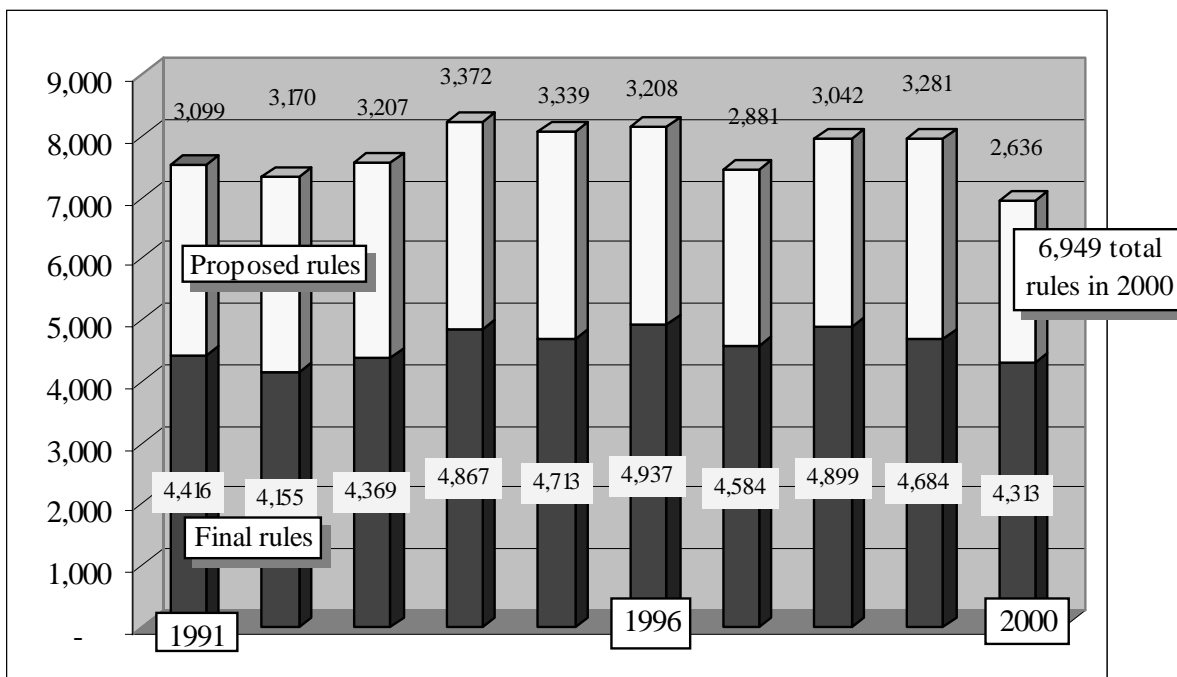
Thus, the aggregate *Federal Register* is bigger in terms of number of pages than it has been in two decades, and the pages devoted to final rules is on the rise, although not at a peak. It must be remembered, though, that the overall number of total or final rule pages can mask true levels of costs. Page reduction, even if it were achieved, is not the same as actually reducing the regulatory burden. It is nonetheless reasonable to suppose that the far higher number of pages devoted to final rules that prevails today genuinely signifies higher levels of final rule costs. To determine whether that is actually the case requires further analysis.

NUMBER OF PROPOSED AND FINAL RULE DOCUMENTS IN THE *FEDERAL REGISTER*

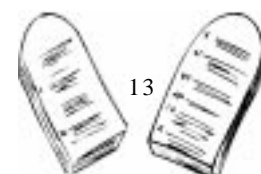
Rather than looking solely at the number of pages in the *Federal Register*, one needs to examine the numbers of proposed and final rules. As can be seen in Figure 11, in 2000 the total number of proposed and final rules published was lower, at 6,949, than at any time during the 1990s. However, this may be no real cause for celebration.

**REGULATIONS
WERE PROJECTED
TO BE ABOUT
\$788 BILLION
IN 2000.**

Figure 11
Number of Rules Published in the *Federal Register*
(1991-2000)



Source: Office of the Federal Register, National Archives and Records Administration.



While the level of these rules has remained relatively flat over the past decade, the cumulative impact of such regulation matters as much as growth in any one particular year. The bottom line is that the annual outflow of well over 4,000 final rules has led to over 45,000 new rules since 1990. Indeed, *over 28,000 final rules have been issued since 1994*—that is, since the Republican takeover of Congress. It must be remembered, however, that the costs of those rules can vary tremendously.²¹

UNIFIED AGENDA OF FEDERAL REGULATIONS ANALYSIS

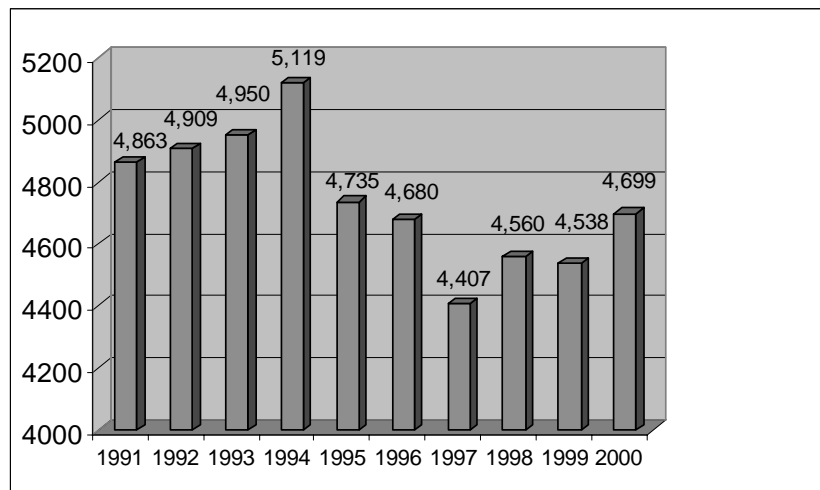
THOUSANDS OF NEW RULES IN THE PIPELINE

The federal Regulatory Information Service Center releases the *Unified Agenda of Federal Regulations* each April and October. The *Agenda* outlines recently completed rules as well as those anticipated within the upcoming 12 months by the roughly 60 federal departments, agencies, and commissions. In this sense the *Agenda* serves as a rough gauge of what's in the regulatory pipeline at a given time. The *Agenda* depicts federal regulatory actions at several stages: pre-rule; proposed and final rules; actions recently completed over the past few months; and anticipated longer-term rule-makings. The *Agenda* is something of a cross-sectional snapshot of rules moving through the pipeline, and therefore the rules it contains may carry over at the same phase from one year to another, or they may reappear in subsequent *Agendas* at a different stage. The *Agenda*'s 4,500-plus rules primarily impact the private sector, but many also impact lower-level governments and the federal government.

The October 2000 *Unified Agenda* finds federal agencies, departments, and commissions at work on 4,699 regulations from the pre-rule to the just-completed stages.²² As Figure 12 shows, rules in the *Unified Agenda* peaked at 5,119 in October 1994 and then declined—although they have topped 4,500 for the past three years. Between 1999 and 2000, the number of rules in the *Agenda* rose 3.5 percent, from 4,538 to 4,699.²³

—————
**THE COST OF
 SOCIAL REGULA-
 TION HAS RISEN
 58 PERCENT
 OVER THE PAST
 DECADE.**
 —————

Figure 12
Total Agency Rules in the *Unified Agenda* Pipeline
 (1991-2000)



Source: Compiled by author from *Unified Agenda of Federal Regulations*, various years, October editions; Regulatory Information Service Center.



Figure 13 breaks down October 2000's 4,699 rules by issuing department, agency, or commission. As is apparent, a relative handful of agencies accounts for a huge chunk of the rules produced, and such is the case each year. The agencies and departments excerpted in Figure 14 were the biggest rule-makers. These "Top Five," with 2,243 rules among them, account for 47.7 percent of all rules in the *Agenda* pipeline.²⁴

Figure 13
***Unified Agenda* Entries by Department and Agency**
(October 2000)

| | Total Rules | | Total Rules |
|---|--------------------|---|--------------------|
| Dept. of Agriculture | 327 | National Science Foundation | 5 |
| Dept. of Commerce | 390 | Office of Fed. Housing Enterprise Oversight | 5 |
| Dept. of Defense | 117 | Office of Government Ethics | 11 |
| Dept. of Education | 21 | Office of Management & Budget | 5 |
| Dept. of Energy | 67 | Office of Personnel Management | 110 |
| Dept. of Health & Human Services | 308 | Office of Special Counsel | 3 |
| Dept. of Housing & Urban Development | 113 | Peace Corps | 8 |
| Dept. of the Interior | 418 | Pension Benefit Guaranty Corporation | 10 |
| Dept. of Justice | 202 | Presidio Trust | 3 |
| Dept. of Labor | 156 | Railroad Retirement Board | 19 |
| Dept. of State | 21 | Selective Service System | 1 |
| Dept. of Transportation | 536 | Small Business Administration | 41 |
| Dept. of Treasury | 450 | Social Security Administration | 82 |
| Dept. of Veterans Affairs | 141 | Tennessee Valley Authority | 3 |
| Advisory Council on Historic Preservation | 1 | Federal Acquisition Regulation | |
| Agency for International Development | 6 | (DOD, GSA, NASA) | 56 |
| Architectural and Transportation Barriers | | Commodity Futures Trading Commission | 21 |
| Compliance Board | 7 | Consumer Product Safety Commission | 20 |
| Commission on Civil Rights | 1 | Farm Credit Administration | 17 |
| Corp. for National & Community Service | 6 | Farm Credit System Insurance Corporation | 3 |
| Environmental Protection Agency | 449 | Federal Communications Commission | 137 |
| Equal Empl. Opportunity Commission | 6 | Federal Deposit Insurance Corporation | 26 |
| Federal Emergency Management Agency | 26 | Federal Energy Regulatory Commission | 18 |
| Federal Mediation and Conciliation Service | 2 | Federal Housing Finance Board | 12 |
| General Services Administration | 40 | Federal Maritime Commission | 9 |
| Udall Inst. for Environmental Conflict Res. | 3 | Federal Reserve System | 33 |
| National Aeronautics & Space Admin. | 11 | Federal Trade Commission | 14 |
| National Archives & Records Admin. | 21 | National Credit Union Administration | 16 |
| Institute of Museum and Library Services | 4 | National Indian Gaming Commission | 14 |
| National Endowment for the Arts | 5 | Nuclear Regulatory Commission | 55 |
| National Endowment for the Humanities | 7 | Securities and Exchange Commission | 77 |
| | | Surface Transportation Board | 3 |
| | | TOTAL | 4,699 |

*REGULATORY
COSTS RIVAL THE
TOTAL AMOUNT
OF INDIVIDUAL
INCOME TAXES
COLLECTED.*

Source: Compiled by author from the *Unified Agenda of Federal Regulations*, Regulatory Information Service Center, October 2000.



Figure 14
The Top Five Rule Producing Agencies

| | |
|-------------------------------------|--------------|
| (1) Department of Transportation | 536 |
| (2) Department of the Treasury | 450 |
| (3) Environmental Protection Agency | 449 |
| (4) Department of the Interior | 418 |
| (5) Department of Commerce | <u>390</u> |
| Total | 2,243 |

Source: Compiled by author from the *Unified Agenda*, October 2000

As examples of forthcoming initiatives, agencies noted the following rules (among many others) as priorities in the October 2000 *Agenda*.

Department of Health and Human Services:

- Standards for Privacy of Individually Identifiable Health Information
- Control of Salmonella Enteritidis in Shell Eggs During Production and Retail
- Fruit and Vegetable Juices: Development of Hazard Analysis Critical Control Points and Label Warning Statements for Juices

Department of Labor:

- Safety and Health Programs (For General Industry and the Maritime Industries)

Department of Energy:

- Energy Efficiency Standards for Water Heaters
- Energy Efficiency Standards for Clothes Washers

Environmental Protection Agency:

- Plywood and Composite Wood Products (national emission standards for hazardous air pollutants)
- Reciprocating Internal Combustion Engine (national emission standards for hazardous air pollutants)
- Groundwater and Pesticide Management Plan
- National Primary Drinking Water Regulations: Radon

Consumer Product Safety Commission:

- Flammability Standard for Upholstered Furniture

20 PERCENT
OF THE FAMILY'S
AFTER-TAX BUD-
GET IS CONSUMED
BY REGULATORY
COSTS.



HIGH-COST, OFF-BUDGET RULES IN THE *AGENDA* WILL COST BILLIONS OF DOLLARS

Some of the *Agenda*'s 4,699 rules are considered "economically significant," meaning that the rules are anticipated to have yearly economic impacts of *at least* \$100 million. These impacts generally mean increased costs, although occasionally an economically significant rule is intended to reduce costs in the economy. As Figure 15 shows, 158 new economically significant rules are under consideration by 21 departments and agencies at the pre-rule, proposed, final, long-term, and recently completed stages. These high-cost rules are scattered among the 4,699 rules in the *Agenda*. Since each will cost at least \$100 million annually, these regulations can be expected to impose, at minimum, total annual costs of \$15.8 billion (158 rules multiplied by \$100 million). This compares to 137 high-cost rules last year, an increase of 15.3 percent.

Figure 15
158 Rules in the Pipeline Expected to Cost Over \$100 Million Annually
(October 2000)

| | Pre-rule | Proposed | Final | Long-term | Completed | TOTAL |
|--|----------|-----------|-----------|-----------|-----------|------------|
| Dept. of Agriculture | 0 | 5 | 9 | 9 | 1 | 24 |
| Dept. of Commerce | 0 | 0 | 3 | 0 | 1 | 4 |
| Dept. of Energy | 0 | 2 | 2 | 5 | 1 | 10 |
| Dept. of Health & Human Services | 0 | 4 | 7 | 10 | 6 | 27 |
| Dept. of Housing & Urban Development | 0 | 0 | 2 | 0 | 0 | 2 |
| Dept. of Transportation | 0 | 3 | 1 | 2 | 2 | 8 |
| Dept. of Justice | 0 | 1 | 0 | 0 | 0 | 1 |
| Dept. of the Interior | 0 | 0 | 1 | 1 | 1 | 3 |
| Dept. of Labor | 3 | 6 | 5 | 8 | 0 | 22 |
| ATBCB | 0 | 0 | 3 | 0 | 0 | 3 |
| Environmental Protection Agency | 0 | 15 | 9 | 3 | 4 | 31 |
| Federal Emergency Management Agency | 0 | 0 | 0 | 1 | 0 | 1 |
| Office of Personnel Management | 0 | 0 | 1 | 0 | 0 | 1 |
| Small Business Administration | 1 | 1 | 0 | 0 | 0 | 2 |
| Social Security Administration | 0 | 1 | 0 | 0 | 0 | 1 |
| Federal Acquisition Regulation | 0 | 1 | 0 | 0 | 0 | 1 |
| Consumer Product Safety Commission | 0 | 1 | 0 | 0 | 0 | 1 |
| Federal Communications Commission | 0 | 1 | 0 | 9 | 2 | 12 |
| Office of Federal Housing Enterprise Oversight | 0 | 0 | 0 | 1 | 0 | 1 |
| Federal Energy Regulatory Commission | 0 | 0 | 0 | 1 | 0 | 1 |
| Nuclear Regulatory Commission | 0 | 0 | 0 | 0 | 2 | 2 |
| TOTAL | 4 | 41 | 43 | 50 | 20 | 158 |

Source: Compiled by the author from the *Unified Agenda of Federal Regulations*, Regulatory Information Service Center, October 2000.

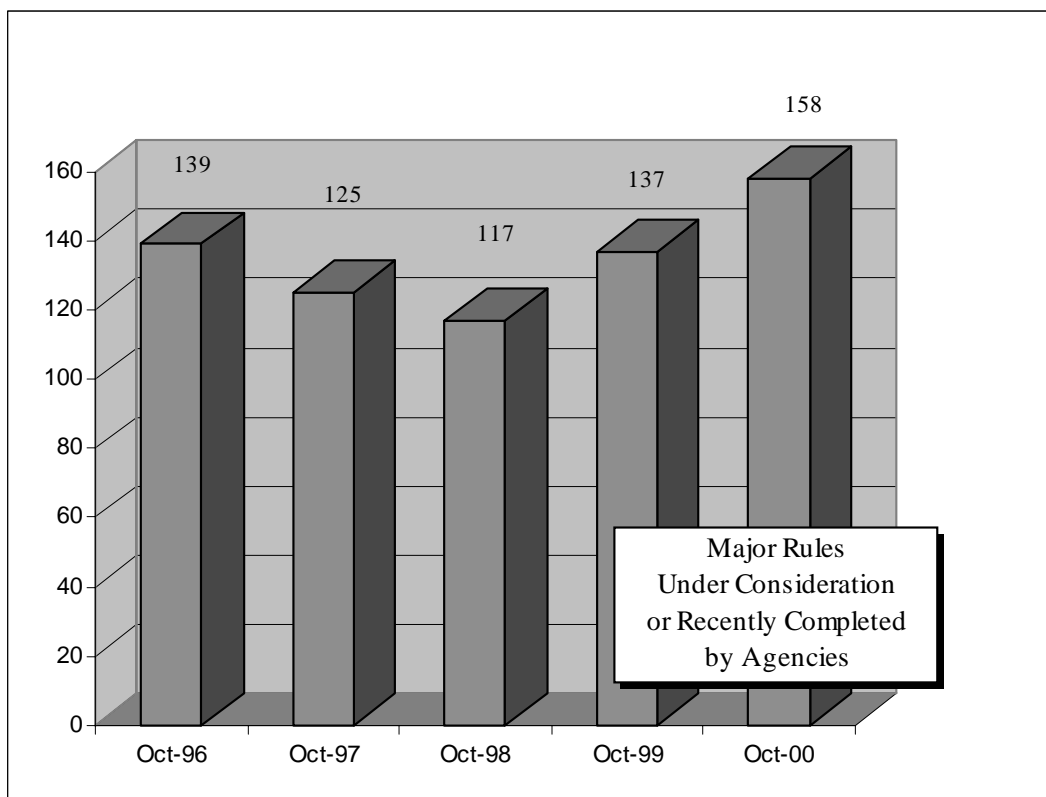


A breakdown of the \$15.8 billion in regulatory costs is never presented directly for each rule in the *Agenda*. The costs represent a floor and are arrived at by combing through the document. Rather than accumulate and summarize regulatory costs for readers' benefit, each *Agenda* entry indicates whether or not a rule is "economically significant" and only occasionally provides additional cost data from agency Regulatory Impact Analyses. Note also that even as the \$15.8 billion in anticipated costs represents a lower boundary for regulatory costs, it is not simply a one-time cost, but a recurring annual cost that must be added to prior years' costs and to costs to come in the future.

**REGULATORY
COSTS EXCEED
ALL EXPENSES IN
THE FAMILY
BUDGET, SAVE
HOUSING.**

Figure 16 shows economically significant rules from the October *Unified Agendas* for 1996–2000.²⁵

Figure 16
Economically Significant Rules in the
***Unified Agenda* Pipeline**
(1996-2000)



Source: Compiled by author from *Unified Agenda of Federal Regulations*, 1996-2000 Editions; Regulatory Information Service Center Center.



Moreover, it should be noted that agencies are not required to limit their activity to what they publish in the *Unified Agenda*, as stated explicitly in the *Agenda*: “The *Regulatory Plan* and the *Unified Agenda* do not create a legal obligation on agencies to adhere to schedules within them or to confine their regulatory activities to those regulations that appear in these publications.”²⁶

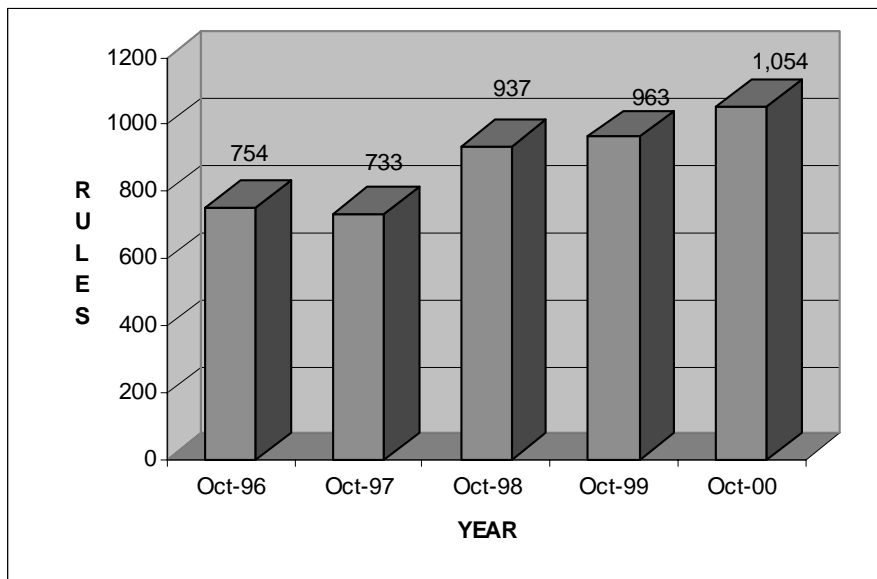
Finally, although economically significant rules receive the bulk of attention from policymakers and analysts, the remaining rules in the yearly pipeline should not be ignored. Consider: In 2000, 4,541 federal rules were *not* considered “economically significant” by the government (4,699 total rules minus the 158 economically significant ones). But that doesn’t mean many of these rules aren’t economically significant in the ordinary sense of the term. Any of these rules may cost up to \$99 million and still evade the “economically significant” label.

PLANNED FEDERAL REGULATIONS EXPECTED TO IMPACT SMALL BUSINESS

The Regulatory Flexibility Act (RFA) requires that federal agencies assess the impact of their rules on small businesses. The *Unified Agenda* notes, “The Regulatory Flexibility Act... requires that agencies publish regulatory agendas identifying those rules that may have a significant economic impact on a substantial number of small entities.”²⁷

As Figure 17 shows, 1,054 rules are anticipated to have significant economic impact on a number of small businesses, according to the 2000 *Unified Agenda*. This is up 9.4 percent from 963 such rules in 1999. Over the past five years, from 1996 to 2000, rules impacting small businesses have risen 39.8 percent, from 754 to 1,054.

Figure 17
Over 1,050 Rules Impact Small Business
 (1996-2000)



Source: Compiled by author from the *Unified Agenda of Federal Regulations*, Regulatory Information Service Center, various years.

*AGENCY
 ENFORCEMENT
 BUDGETS AND
 STAFFING ARE
 AT RECORD
 LEVELS.*

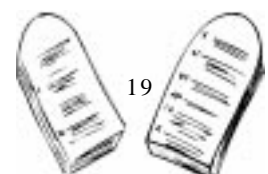
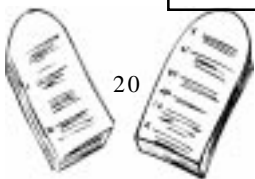


Figure 18 breaks out the October 2000 *Agenda's* 1,054 rules impacting small business by department, agency, and commission.

Figure 18
***Unified Agenda* Entries Impacting Small Business**
by Department, Agency, and Commission
 (October 2000)

| | Total Rules | Number Impacting Small Business | | | % Impacting Small Business |
|--|-------------|---------------------------------|-------------------|-------|----------------------------|
| | | RFA* Required | RFA* Not Required | Total | |
| Dept. of Agriculture | 327 | 26 | 21 | 47 | 14.4% |
| Dept. of Commerce | 390 | 59 | 39 | 98 | 25.1% |
| Dept. of Defense | 117 | 2 | 5 | 7 | 6.0% |
| Dept. of Education | 21 | | | 0 | 0.0% |
| Dept. of Energy | 67 | 1 | | 1 | 1.5% |
| Dept. of Health & Human Services | 308 | 50 | 57 | 107 | 34.7% |
| Dept. of Housing & Urban Development | 113 | | | 0 | 0.0% |
| Dept. of the Interior | 418 | 15 | 3 | 18 | 4.3% |
| Dept. of Justice | 202 | 6 | 8 | 14 | 6.9% |
| Dept. of Labor | 156 | 33 | 7 | 40 | 25.6% |
| Dept. of State | 21 | | 2 | 2 | 9.5% |
| Dept. of Transportation | 536 | 32 | 234 | 266 | 49.6% |
| Dept. of Treasury | 450 | 9 | 22 | 31 | 6.9% |
| Dept. of Veterans Affairs | 141 | 2 | 1 | 3 | 2.1% |
| Advisory Council on Historic Preservation | 1 | | | 0 | 0.0% |
| Agency for International Development | 6 | | | 0 | 0.0% |
| Architectural and Transportation Barriers Compliance Board | 7 | 2 | | 2 | 28.6% |
| Commission on Civil Rights | 1 | | | 0 | 0.0% |
| Corporation for National & Community Service | 6 | | | 0 | 0.0% |
| Environmental Protection Agency | 449 | 19 | 186 | 205 | 45.7% |
| Federal Emergency Management Agency | 26 | | 1 | 1 | 3.8% |
| General Services Administration | 40 | 1 | | 1 | 2.5% |
| National Aeronautics & Space Administration | 11 | | | 0 | 0.0% |
| National Archives & Records Administration | 21 | | | 0 | 0.0% |
| Institute of Museum Services | 4 | | | 0 | 0.0% |
| National Endowment for the Arts | 5 | | | 0 | 0.0% |
| Equal Employment Opportunity Commission | 6 | | | 0 | 0.0% |
| National Endowment for the Humanities | 7 | | | 0 | 0.0% |
| National Science Foundation | 5 | | | 0 | 0.0% |
| Office of Federal Housing Enterprise Oversight | 5 | | | 0 | 0.0% |
| Office of Government Ethics | 11 | | | 0 | 0.0% |
| Office of Management & Budget | 5 | 1 | | 1 | 20.0% |
| Office of Personnel Management | 110 | | | 0 | 0.0% |
| Peace Corps | 8 | | | 0 | 0.0% |
| Pension Benefit Guaranty Corporation | 10 | | | 0 | 0.0% |
| Railroad Retirement Board | 19 | | | 0 | 0.0% |
| Selective Service System | 1 | | | 0 | 0.0% |
| Small Business Administration | 41 | 12 | 12 | 24 | 58.5% |
| Social Security Administration | 82 | | | 0 | 0.0% |
| Tennessee Valley Authority | 3 | | | 0 | 0.0% |
| Federal Acquisition Regulation | 56 | 13 | | 13 | 23.2% |
| Commodity Futures Trading Commission | 21 | | | 0 | 0.0% |



| | Total Rules | Number Impacting Small Business | | | % Impacting Small Business |
|---|--------------|---------------------------------|-------------------|--------------|----------------------------|
| | | RFA* Required | RFA* Not Required | Total | |
| Consumer Product Safety Commission | 20 | | | 0 | 0.0% |
| Farm Credit Administration | 17 | | | 0 | 0.0% |
| Farm Credit System Insurance Corporation | 3 | | | 0 | 0.0% |
| Federal Communications Commission | 137 | 103 | 2 | 105 | 76.6% |
| Federal Energy Regulatory Commission | 18 | | | 0 | 0.0% |
| Federal Housing Finance Board | 12 | | | 0 | 0.0% |
| Federal Maritime Commission | 9 | | 7 | 7 | 77.8% |
| Federal Reserve System | 33 | 7 | 1 | 8 | 24.2% |
| National Credit Union Administration | 16 | | | 0 | 0.0% |
| Nuclear Regulatory Commission | 55 | 3 | | 3 | 5.5% |
| Office of Special Counsel | 3 | | | 0 | 0.0% |
| Securities and Exchange Commission | 77 | 36 | 4 | 40 | 51.9% |
| Federal Trade Commission | 14 | 1 | 8 | 9 | 64.3% |
| Federal Deposit Insurance Corporation | 26 | | | 0 | 0.0% |
| National Indian Gaming Commission | 14 | | | 0 | 0.0% |
| Surface Transportation Board | 3 | | | 0 | 0.0% |
| Federal Mediation and Conciliation Service | 2 | | 1 | 1 | 50.0% |
| Udall Inst. for Environmental Conflict Res. | 3 | | | 0 | 0.0% |
| Presidio Trust | 3 | | | 0 | 0.0% |
| TOTAL | 4,699 | 433 | 621 | 1,054 | 22.4% |

Source: Compiled by author from the *Unified Agenda of Federal Regulations*, Regulatory Information Service Center, October 2000.

*Regulatory Flexibility Analysis

The Department of Transportation (DOT) and the Environmental Protection Agency (EPA) far outstrip other agencies in issuing rules that affect small businesses; of the 1,054 small business rules, the DOT issued 266, the EPA, 205. The runners-up are the Department of Health and Human Services, with 107 rules affecting small business, the Federal Communications Commission, with 105, and the Department of Commerce, with 98. These five agencies together account for 781, or 74.1 percent, of the total number of rules that will affect small businesses.²⁸

Overall, the proportion of total rules affecting small business has increased, not decreased, since the passage of the RFA amendments. As noted in Figure 18, the 1,054 small-business rules in 2000 comprise 22.4 percent of the total of 4,699. This level is 5.7 percent higher than the 21.2 percent of rules impacting small business in 1999; in 1996 the level was 16.1 percent.

FEDERAL REGULATIONS IMPACTING STATE AND LOCAL GOVERNMENTS

Ten Thousand Commandments primarily tracks regulations imposed on the private sector. However, a key development that generated interest in regulatory reform during the 1990s was the realization by state and local officials that their own priorities were being overridden by federal mandates.

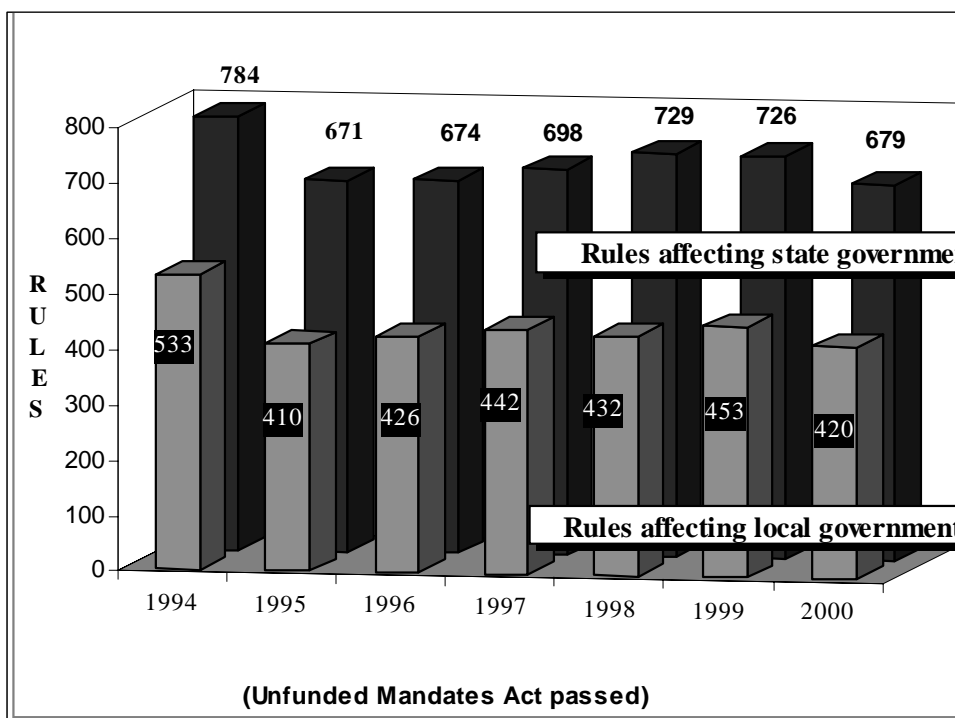
**COSTS TO POLICE
THE REGULATORY
STATE BRING
THE TOTAL
BURDEN TO
\$807 BILLION.**



As Figure 19 shows, of the 4,699 rules in the October 2000 *Unified Agenda*, 420 have reportable impacts on local governments. Over the past six years (since 1995), the number of rules impacting local governments has been relatively stable, ranging from 410 to 420. Figure 19 also shows that the total number of regulatory actions impacting state governments has been rather stable as well, rising and then falling while going from 671 to 679. Over the past year, local government rules fell from 453 to 420, while rules impacting state governments dropped from 726 to 679.²⁹

(Note that overlap exists between the state and local rules in Figure 19: Many rules impact governments at both the local and state levels, so simply adding together the state and local rules would lead to double-counting. Most of these rules affect the private sector as well.)

Figure 19
Rules Impacting
State and Local Governments
(1994-2000)



Source: Compiled by author from the *Unified Agenda of Federal Regulations*, Regulatory Information Service Center, 1994-2000.

FEDERAL REGISTER PAGES ARE AT LEVELS NOT SEEN SINCE THE CARTER ADMINISTRATION.

GAO DATABASE ON REGULATIONS

The various existing regulatory measures serve different purposes. The *Federal Register* shows the aggregate number of proposed and final rules. The *Unified Agenda* reveals the number of rules at various stages in the regulatory pipeline. Under



the 1996 Congressional Review Act (CRA), agencies are required to submit reports to Congress on their “major” rules (those costing \$100 million or more). Thanks to these reports, of the thousands of final rules that agencies issue each year, one can now rather easily see which among them are major and, perhaps most importantly, which agencies are producing the rules.

Under the CRA, the Government Accounting Office (GAO) reports offer Congress a chance to review a rule for 60 legislative days and, if desired, to pass a resolution of disapproval to reject the rule. But despite the issuance of thousands of rules since the CRA’s passage—among them many dozens of major ones—only one (the Labor Department’s ergonomics rule) has been rejected.

As can be seen in Figure 20, the number of final major rules issued by agencies grew over the past year from 46 to 75—a 63 percent increase. The Department of Health and Human Services, the Department of Agriculture, and the Department of the Interior issued the most major rules in 2000.

Figure 20
GAO Reports on Major Rules
1997-2000

| | 2000 | 1999 | 1998 | 1997 |
|--------------------------------------|-----------|-----------|-----------|-----------|
| Environmental Protection Agency | 5 | 5 | 9 | 6 |
| Department of the Interior | 10 | 4 | 5 | 4 |
| Federal Communications Commission | 7 | 5 | 17 | 13 |
| Health and Human Services | 13 | 7 | 18 | 6 |
| Department of Energy | 3 | 0 | 0 | 2 |
| Securities and Exchange Commission | 6 | 5 | 5 | 8 |
| Department of Agriculture | 12 | 5 | 4 | 7 |
| Nuclear Regulatory Commission | 2 | 1 | 2 | 1 |
| Department of Transportation | 3 | 4 | 1 | 2 |
| Department of Justice | 0 | 0 | 1 | 2 |
| Federal Reserve | 1 | 0 | 0 | 1 |
| Social Security Administration | 1 | 3 | 0 | 2 |
| Department of Housing and Urban Dev. | 2 | 1 | 0 | 2 |
| Department of Labor | 5 | 0 | 2 | 2 |
| Department of Commerce | 0 | 2 | 1 | 1 |
| Pension Benefit Guaranty Corp. | 0 | 0 | 1 | 0 |
| Department of Treasury | 0 | 0 | 2 | 1 |
| Department of Defense | 0 | 1 | 1 | 0 |
| Department of Education | 0 | 1 | 0 | 0 |
| National Credit Union Administration | 0 | 1 | 0 | 0 |
| Emergency Steel Guarantee Loan Board | 0 | 1 | 0 | 0 |
| Small Business Administration | 1 | 0 | 1 | 0 |
| Federal Emergency Management Agency | 2 | 0 | 0 | 0 |
| Federal Trade Commission | 1 | 0 | 0 | 0 |
| Office of Personnel Management | 1 | 0 | 0 | 0 |
| TOTAL | 75 | 46 | 70 | 60 |

Source: Compiled by author from GAO data.



REGULATION AND THE EPA

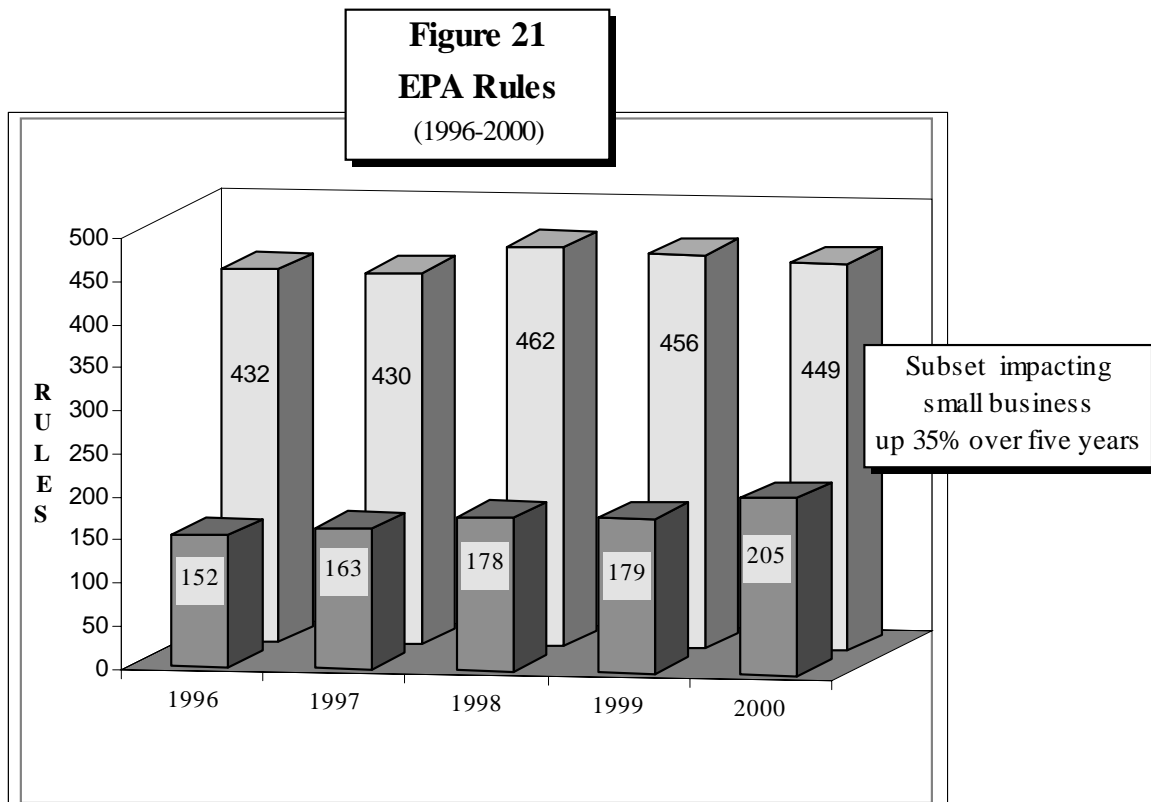
This report has taken a broad look at the extent of government regulation. Also useful is a look at a single agency in isolation to get a feel for regulatory trends. As tales of regulatory excess and abuse go, the EPA always gets its share of the spotlight.

THE 2000 FEDERAL REGISTER CONTAINED 74,258 PAGES, THE HIGHEST LEVEL SINCE 1980 AND A 4 PERCENT JUMP OVER 1999.

By several measures, the EPA is a prominent regulator. For example, the EPA spends more than any other agency to enforce regulations. The Center for the Study of American Business reports that the EPA, with \$4.8 billion expected to be spent to enforce regulation during fiscal year 2001, accounts for 24 percent of the \$19.8 billion (in current dollars) expected to be spent by all the regulatory agencies.³⁰

TOTAL RULE GROWTH AND SMALL BUSINESS IMPACTS AT THE EPA

Of the 4,699 rules in the pipeline for 2000, 449, or 9.5 percent, were in the works at the EPA. The number recently has dropped slightly: from 1999 to 2000, the number of EPA rules fell faintly—from 456 to 449. (See Figure 21.) Between 1996 and 1999, the EPA's total number of entries in the *Unified Agenda* pipeline remained rather stable. The agency's total number of economically significant rules in the *Agenda*, as shown back in Figure 15, rose slightly to 31 in 2000, up from 28 the previous year.³¹ The EPA's major rules finalized, as compiled from the GAO data and shown above in Figure 20, stayed level at five.



Source: Compiled by author from the *Unified Agenda of Federal Regulations*, Regulatory Information Service Center, 1996-2000.



Overall, EPA rule growth has fallen over the past two years. But this should be weighed against high enforcement costs and the thrust of certain highly costly rules. EPA rules on air quality and lead abatement, for example, are among the costliest ever proposed. The lesson, as noted, is that, while fewer rules are a welcome development, fewer rules do not necessarily mean lower costs.

In contrast to the flatness of the level of EPA rules and the fall in the number of major rules, it is worth noting the punch the EPA delivers to small businesses. Also shown in Figure 21 is the subset of the EPA's rules that have some impact on small business. Since 1996, this category of rules has risen from 152 to 205, an increase of 34.9 percent. In addition, the proportion of all EPA rules that affect small business has increased. Of EPA's 449 rules, 205, or 45.6 percent, affect small business. In 1996, 35 percent of the EPA's rules had such impacts.

THE IMPACT OF EPA RULES ON STATE AND LOCAL GOVERNMENTS

Figure 19 earlier showed that, overall, federal agency rules impacting state and local governments have edged upward over the past five years but stand at a lower level than they did in 1994 (prior to the Unfunded Mandates Act). Figure 22 shows that EPA rules impacting state and local governments rose steadily after 1995 but then dropped markedly in the past year.

Interestingly the EPA's rules led to many of the complaints that led to passage of the Unfunded Mandates Act in the first place.

ENDING "REGULATION WITHOUT REPRESENTATION": IMPROVING DISCLOSURE AND ENSURING CONGRESSIONAL ACCOUNTABILITY FOR ALL REGULATIONS

STEPS TOWARD IMPROVING REGULATORY DISCLOSURE

Federal regulatory compliance costs total hundreds of billions of dollars every year, as the earlier descriptions of the OMB and Hopkins studies showed. While it is certainly true that some regulations may produce overall benefits that exceed overall costs, costs and benefits are known for relatively few regulations. Without any official regulatory accounting it is difficult to know whether society wins or loses from regulations, rendering OMB's estimates of overall net benefits from the regulatory state highly unwieldy. This is why, to the extent possible and on an official basis, regulatory data should be summarized and publicly disclosed. Simultaneously, elected representatives should assume responsibility and put an end to off-budget "regulation without representation" altogether.

While disclosure of regulatory costs should be a priority of regulatory reformers, engaging in a protracted legislative fight over comprehensive reform, such as requiring more net-benefit and risk assessment analysis, should be avoided. A better



incremental step would be to require the publication of a summary of already available, but scattered, data. This simple step alone would help transform today’s regulatory culture from one of nondisclosure and bureaucratic brush-off to one of maximum regulatory disclosure.

As noted, today’s regulations fall into two classes: those that are “economically significant” (cost over \$100 million annually) and those that are not. An obvious problem with this threshold is that reformers can point not to what the regulatory state actually costs but only to a *minimum* level of such costs. Today, agencies need not specify whether any or all of their economically significant rules cost only \$100 million or something far beyond.

To improve disclosure a simple intermediate step would be to redefine the notion of economically significant rules such that they reflect increasing levels of costs. Agencies should be required to break up their economically significant rules into categories that represent increasing costs. Figure 23 presents one alternative that assigns economically significant rules into one of five categories:

Figure 23
Proposed Breakdown of “Economically Significant” Rules

| | |
|------------|----------------------------------|
| Category 1 | > \$100 million, < \$500 million |
| Category 2 | > \$500 million, < \$1 billion |
| Category 3 | > \$1 billion, < \$5 billion |
| Category 4 | > \$5 billion, < \$10 billion |
| Category 5 | > \$10 billion |

FEDERAL REGIS-
 TER PAGES DE-
 VOTED TO FINAL
 RULES ARE UP
 46 PERCENT
 OVER THE PAST
 10 YEARS.

Agencies could then categorize their rules based on cost information provided in the Regulatory Impact Analyses accompanying many economically significant rules or in separate internal or external estimates. While modest, this step toward greater disclosure could be highly important.

Other steps can be easily taken. Today, to learn about regulatory trends and accumulate information on rules—such as numbers produced by each agency, their costs and benefits (if available), and so on—interested citizens must typically comb through the *Unified Agenda*’s 1,000-plus pages of small, multicolumn print. Useful regulatory information is often available but too tedious to accumulate.

There is no reason for the *Unified Agenda* to be such an unfriendly document. One modest reform would require that data from the *Agenda* be officially summarized in charts each year. The information could be presented as a chapter in the federal budget, the *Unified Agenda* itself, or in the *Economic Report of the President*.



One way to set up the report would be in the form of a “Regulatory Report Card” like that shown in Figure 24. Information could be added to the report as deemed necessary—for instance, successes or failures of any special initiative, such as the Clinton administration’s Reinventing Government effort. Providing five-year historical data would tremendously enhance the usefulness of the *Unified Agenda*. Paradoxically, one of the virtues of a Regulatory Report Card is that it would reveal more clearly what we *don’t* know about the regulatory state.

Figure 24
Regulatory Report Card
 Recommended Official Summary Data by *Program, Agency, and Grand Total*
 with five-year historical tables

- “Economically significant” rules by category (see Figure 23) and minor rules by department, agency, and commission
- Numbers/percentages impacting small business and lower-level governments
- Numbers/percentages featuring numerical cost estimates
- Tallies of existing cost estimates, with subtotals by agencies and grand total
- Numbers/percentages lacking cost estimates
- Short explanation for lack of cost estimates
- Percentage of rules reviewed by the OMB, and action taken
- Analysis of the Federal Register: number of pages, proposed and final rule breakdowns by agency
- Numbers of major rules reported on by the GAO in its database of reports on regulations
- Most active rule-making agencies
- Rules that are deregulatory rather than regulatory
- Rules that affect internal agency procedures alone
- Rollover: number of rules new to the *Unified Agenda*; number carried over from previous years
- Numbers/percentages required by statute vs. rules agency discretionary rules
- Numbers/percentages facing statutory or judicial deadlines
- Rules for which weighing costs and benefits is statutorily prohibited

Detailed cost-benefit data are not necessary to begin producing a Regulatory Report Card. While relatively easy to compile, trends in this data would prove vital to scholars, third-party researchers, and Congress. By making agency activity more explicit, a Regulatory Report Card would help ensure that the growth of the regulatory state is taken seriously on an official level.

“NO REGULATION WITHOUT REPRESENTATION!”

Years of unbudgeted regulatory growth should be of concern: Rules can do more harm than good, but most often we simply don’t know whether regula-



tory benefits exceed costs. But the real culprits are not the agencies: Congress, our body of elected representatives, shirks its duty to make the tough calls and delegates too much of its lawmaking power to nonelected agencies, and then fails to require that they guarantee net benefits. Thus, agencies can hardly be faulted for not guaranteeing optimal regulation or for not ensuring that only “good” rules get through. Agencies face overwhelming incentives to expand their turf by regulating even in the absence of demonstrated need, since the only measure of an agency’s productivity—other than growth in its budget and number of employees—is the number of regulations. One needn’t waste time blaming agencies for emphasizing the very regulating they were set up to do in the first place. Better to point the finger at Congress.

Since agencies are inherently unaccountable to voters, an annual Regulatory Report Card is a start, but it is not enough. Nor are regulatory reforms—including the comprehensive reforms proposed by some Republicans—that rely on agencies policing themselves. Instead, making Congress directly answerable to the voters for the costs agencies impose on the public is necessary for fully accountable regulation. The way to control regulation is not merely to require agencies to perform cost-benefit analysis but also to require Congress to vote on agencies’ final rules before they are binding on the public.

Congressional accountability for regulatory costs assumes new importance in today’s new era of budget surpluses. If Congress’s alternatives are to spend or to issue new regulations, a balanced budget constraint invites Congress to regulate rather than to increase government spending on a program to accomplish its ends. For example, suppose Congress wanted to create a job training program or otherwise fulfill some promise to the voters. Funding such a program would require approval of a new appropriation through the Department of Labor, and would appear in the *Federal Budget* and reduce the government surplus. On the other hand, Congress could simply pass a law requiring Fortune 500 companies to fund job training. That law, of course, would be carried out through new regulations issued by the Labor Department. The latter option would not add significantly to federal spending but would nonetheless let Congress take credit for good deeds.

By regulating instead of spending, government can expand almost indefinitely without explicitly taxing anyone a single penny. Making Congress accountable for regulation in the same manner it is accountable for ordinary government spending is the only way to head off this sort of manipulation.

Requiring explicit approval of all proposed regulations would ensure that Congress bore direct responsibility to the voters for every dollar of new regulatory costs. As for the concern that Congress will become bogged down approving agency rules, there is no reason why agency regulations cannot be voted on in bundles. Additionally, congressional approval of new regulation can also be given by voice vote rather than by tabulated roll call votes.

*75 major rules
were enacted
in 2000, a
63 percent
increase
over the year
before.*



Whatever improvements in disclosure are made, however, congressional approval—rather than agency approval—of both regulations and regulatory costs should be the goal of regulatory reform. When Congress ensures transparency and disclosure and finally assumes responsibility for the growth of the regulatory state, it will have put into place a fairer and more rational regulatory system.



Historical Tables

Historical Tables, Part A:

Federal Register Page History (1936-2000)*

| Year | Unadjusted Page Count | Jumps/Blanks | Adjusted Page Count | Year | Unadjusted Page Count | Jumps/Blanks | Adjusted Page Count |
|------|-----------------------|---------------------|---------------------|------|-----------------------|--------------|---------------------|
| 1936 | 2,620 | not available (n/a) | 2,620 | 1973 | 35,592 | n/a | 35,592 |
| 1937 | 3,450 | n/a | 3,450 | 1974 | 45,422 | n/a | 45,422 |
| 1938 | 3,194 | n/a | 3,194 | 1975 | 60,221 | n/a | 60,221 |
| 1939 | 5,007 | n/a | 5,007 | 1976 | 57,072 | 6,567 | 50,505 |
| 1940 | 5,307 | n/a | 5,307 | 1977 | 65,603 | 7,816 | 57,787 |
| 1941 | 6,877 | n/a | 6,877 | 1978 | 61,261 | 5,565 | 55,696 |
| 1942 | 11,134 | n/a | 11,134 | 1979 | 77,498 | 6,307 | 71,191 |
| 1943 | 17,553 | n/a | 17,553 | 1980 | 87,012 | 13,754 | 73,258 |
| 1944 | 15,194 | n/a | 15,194 | 1981 | 63,554 | 5,818 | 57,736 |
| 1945 | 15,508 | n/a | 15,508 | 1982 | 58,494 | 5,390 | 53,104 |
| 1946 | 14,736 | n/a | 14,736 | 1983 | 57,704 | 4,686 | 53,018 |
| 1947 | 8,902 | n/a | 8,902 | 1984 | 50,998 | 2,355 | 48,643 |
| 1948 | 9,608 | n/a | 9,608 | 1985 | 53,480 | 2,978 | 50,502 |
| 1949 | 7,952 | n/a | 7,952 | 1986 | 47,418 | 2,606 | 44,812 |
| 1950 | 9,562 | n/a | 9,562 | 1987 | 49,654 | 2,621 | 47,033 |
| 1951 | 13,175 | n/a | 13,175 | 1988 | 53,376 | 2,760 | 50,616 |
| 1952 | 11,896 | n/a | 11,896 | 1989 | 53,842 | 3,341 | 50,501 |
| 1953 | 8,912 | n/a | 8,912 | 1990 | 53,620 | 3,825 | 49,795 |
| 1954 | 9,910 | n/a | 9,910 | 1991 | 67,716 | 9,743 | 57,973 |
| 1955 | 10,196 | n/a | 10,196 | 1992 | 62,928 | 5,925 | 57,003 |
| 1956 | 10,528 | n/a | 10,528 | 1993 | 69,688 | 8,522 | 61,166 |
| 1957 | 11,156 | n/a | 11,156 | 1994 | 68,108 | 3,194 | 64,914 |
| 1958 | 10,579 | n/a | 10,579 | 1995 | 67,518 | 4,873 | 62,645 |
| 1959 | 11,116 | n/a | 11,116 | 1996 | 69,368 | 4,777 | 64,591 |
| 1960 | 14,479 | n/a | 14,479 | 1997 | 68,530 | 3,981 | 64,549 |
| 1961 | 12,792 | n/a | 12,792 | 1998 | 72,356 | 3,785 | 68,571 |
| 1962 | 13,226 | n/a | 13,226 | 1999 | 73,880 | 2,719 | 71,161 |
| 1963 | 14,842 | n/a | 14,842 | 2000 | 83,294 | 9,036 | 74,258 |
| 1964 | 19,304 | n/a | 19,304 | | | | |
| 1965 | 17,206 | n/a | 17,206 | | | | |
| 1966 | 16,850 | n/a | 16,850 | | | | |
| 1967 | 21,088 | n/a | 21,088 | | | | |
| 1968 | 20,072 | n/a | 20,072 | | | | |
| 1969 | 20,466 | n/a | 20,466 | | | | |
| 1970 | 20,036 | n/a | 20,036 | | | | |
| 1971 | 25,447 | n/a | 25,447 | | | | |
| 1972 | 28,924 | n/a | 28,924 | | | | |

Source: Office of the Federal Register, National Archives and Records Administration.

*Proposed rules were not required to be published prior to the Administrative Procedure Act of 1946.

Rule preambles published only to a limited extent prior to the 1970s.



Historical Tables, Part B:

Number of *Federal Register* Documents Published (1976-2000)

| Year | Final Rules | Proposed Rules | Other* | Total | Year | Final Rules | Proposed Rules | Other* | Total |
|------|-------------|----------------|--------|--------|------|-------------|----------------|--------|--------|
| 1976 | 7,401 | 3,875 | 27,223 | 38,499 | 1989 | 4,714 | 3,194 | 22,218 | 30,126 |
| 1977 | 7,031 | 4,188 | 28,381 | 39,600 | 1990 | 4,334 | 3,041 | 22,999 | 30,374 |
| 1978 | 7,001 | 4,550 | 28,705 | 40,256 | 1991 | 4,416 | 3,099 | 23,427 | 30,942 |
| 1979 | 7,611 | 5,824 | 29,211 | 42,646 | 1992 | 4,155 | 3,170 | 24,063 | 31,388 |
| 1980 | 7,745 | 5,347 | 33,670 | 46,762 | 1993 | 4,369 | 3,207 | 24,017 | 31,593 |
| 1981 | 6,481 | 3,862 | 30,090 | 40,433 | 1994 | 4,867 | 3,372 | 23,669 | 31,908 |
| 1982 | 6,288 | 3,729 | 28,621 | 38,638 | 1995 | 4,713 | 3,339 | 23,133 | 31,185 |
| 1983 | 6,049 | 3,907 | 27,580 | 37,536 | 1996 | 4,937 | 3,208 | 24,485 | 32,630 |
| 1984 | 5,154 | 3,350 | 26,047 | 34,551 | 1997 | 4,584 | 2,881 | 26,260 | 33,725 |
| 1985 | 4,843 | 3,381 | 22,833 | 31,057 | 1998 | 4,899 | 3,042 | 26,313 | 34,254 |
| 1986 | 4,589 | 3,185 | 21,546 | 29,320 | 1999 | 4,684 | 3,281 | 26,074 | 34,039 |
| 1987 | 4,581 | 3,423 | 22,052 | 30,056 | 2000 | 4,313 | 2,636 | 24,976 | 31,925 |
| 1988 | 4,697 | 3,240 | 22,047 | 29,984 | | | | | |

Source: Office of the Federal Register, National Archives and Records Administration.

*"Other" documents consist of presidential documents, agency notices, and corrections.

Historical Tables, Part C:

Unified Agenda Rules History (1983-2000)

Total Number of Rules Under Consideration

| 1980s | | | 1990s | | |
|-------|---------|-------|-------|---------|-------|
| 1983 | April | 2,863 | 1990 | April | 4,332 |
| | October | 4,032 | | October | 4,470 |
| 1984 | April | 4,114 | 1991 | April | 4,675 |
| | October | 4,016 | | October | 4,863 |
| 1985 | April | 4,265 | 1992 | April | 4,186 |
| | October | 4,131 | | October | 4,909 |
| 1986 | April | 3,961 | 1993 | April | 4,933 |
| | October | 3,983 | | October | 4,950 |
| 1987 | April | 4,038 | 1994 | April | 5,105 |
| | October | 4,005 | | October | 5,119 |
| 1988 | April | 3,941 | 1995 | April | 5,133 |
| | October | 4,017 | | October | 4,735 |
| 1989 | April | 4,003 | 1996 | April | 4,570 |
| | October | 4,187 | | October | 4,680 |
| | | | 1997 | April | 4,417 |
| | | | | October | 4,407 |
| | | | 1998 | April | 4,504 |
| | | | | October | 4,560 |
| | | | 1999 | April | 4,524 |
| | | | | October | 4,568 |
| | | | 2000 | October | 4,699 |

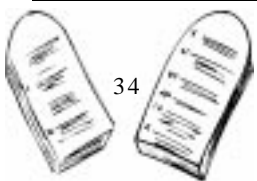
Source: *Unified Agenda of Federal Regulations*, various years; Regulatory Information Service Center.



Historical Tables, Part D:

Unified Agenda Rules History by Department and Agency (1996-2000 and 1993)

| | Oct-00 | Oct-99 | Oct-98 | Oct-97 | Oct-96 | Oct-93 |
|---|---------------|---------------|---------------|---------------|---------------|---------------|
| Dept. of Agriculture | 327 | 345 | 384 | 398 | 450 | 460 |
| Dept. of Commerce | 390 | 366 | 344 | 283 | 289 | 283 |
| Dept. of Defense | 117 | 121 | 142 | 142 | 136 | 135 |
| Dept. of Education | 21 | 32 | 20 | 29 | 49 | 94 |
| Dept. of Energy | 67 | 64 | 63 | 75 | 81 | 85 |
| Dept. of Health & Human Services | 308 | 300 | 351 | 299 | 283 | 384 |
| Dept. of Housing & Urban Development | 113 | 128 | 102 | 98 | 98 | 221 |
| Dept. of the Interior | 418 | 309 | 337 | 321 | 386 | 307 |
| Dept. of Justice | 202 | 201 | 186 | 185 | 203 | 136 |
| Dept. of Labor | 156 | 151 | 149 | 132 | 119 | 129 |
| Dept. of State | 21 | 27 | 22 | 24 | 18 | 16 |
| Dept. of Transportation | 536 | 539 | 518 | 510 | 551 | 541 |
| Dept. of Treasury | 450 | 400 | 438 | 458 | 444 | 637 |
| Dept. of Veterans' Affairs | 141 | 130 | 118 | 108 | 145 | 152 |
| Advisory Council on Historic Preservation | 1 | 1 | 1 | 1 | 1 | 2 |
| Agency for International Development | 6 | 5 | 7 | 8 | 4 | 3 |
| Architectural and Transportation Barriers Compliance Board | 7 | 8 | 9 | 9 | 7 | 7 |
| Commission on Civil Rights | 1 | 1 | 1 | 1 | 1 | 1 |
| Corporation for National & Community Service | 6 | 4 | 6 | 2 | 1 | 0 |
| Environmental Protection Agency | 449 | 456 | 462 | 430 | 432 | 362 |
| Federal Emergency Management Agency | 26 | 33 | 25 | 22 | 23 | 36 |
| General Services Administration | 40 | 51 | 49 | 52 | 42 | 44 |
| National Aeronautics & Space Administration | 11 | 7 | 11 | 17 | 34 | 26 |
| National Archives & Records Administration | 21 | 21 | 19 | 17 | 17 | 16 |
| Institute of Museum Services | 4 | 1 | 1 | 2 | 0 | 0 |
| National Endowment for the Arts | 5 | 5 | 5 | 7 | 4 | 6 |
| Equal Employment Opportunity Commission | 6 | 9 | 10 | 10 | 9 | 7 |
| National Endowment for the Humanities | 7 | 6 | 6 | 7 | 5 | 6 |
| National Science Foundation | 5 | 4 | 5 | 7 | 3 | 6 |
| Office of Federal Housing Enterprise Oversight | 5 | 5 | 4 | 4 | 4 | 0 |
| Office of Government Ethics | 11 | 12 | 12 | 13 | 13 | 11 |
| Office of Management & Budget | 5 | 9 | 11 | 16 | 15 | 29 |
| Office of Personnel Management | 110 | 112 | 101 | 92 | 91 | 89 |
| Panama Canal Commission | 0 | 4 | 5 | 6 | 5 | 5 |
| Peace Corps | 8 | 5 | 5 | 5 | 6 | 4 |
| Pension Benefit Guaranty Corporation | 10 | 12 | 12 | 10 | 11 | 20 |
| Railroad Retirement Board | 19 | 16 | 17 | 20 | 21 | 18 |
| Selective Service System | 1 | 1 | 1 | 1 | 1 | 1 |
| Small Business Administration | 41 | 35 | 25 | 15 | 18 | 77 |
| Social Security Administration | 82 | 67 | 70 | 72 | 73 | 0 |
| Tennessee Valley Authority | 3 | 1 | 1 | 0 | 1 | 6 |
| U.S. Information Agency | 0 | 0 | 1 | 4 | 3 | 4 |
| Federal Acquisition Regulation | 56 | 49 | 42 | 49 | 102 | 65 |
| Commodity Futures Trading Commission | 21 | 19 | 12 | 9 | 13 | 21 |
| Consumer Product Safety Commission | 20 | 17 | 15 | 14 | 15 | 19 |
| Farm Credit Administration | 17 | 19 | 15 | 17 | 21 | 28 |
| Farm Credit System Insurance Corporation | 3 | 3 | 3 | 4 | 4 | 0 |
| Federal Communications Commission | 137 | 128 | 121 | 98 | 104 | 57 |



| | Oct-00 | Oct-99 | Oct-98 | Oct-97 | Oct-96 | Oct-93 |
|---|---------------|---------------|---------------|---------------|---------------|---------------|
| Federal Energy Regulatory Commission | 18 | 20 | 12 | 10 | 14 | 29 |
| Federal Housing Finance Board | 12 | 18 | 17 | 17 | 18 | 22 |
| Federal Maritime Commission | 9 | 9 | 6 | 3 | 7 | 11 |
| Federal Reserve System | 33 | 22 | 30 | 36 | 40 | 38 |
| Federal Trade Commission | 14 | 16 | 16 | 19 | 17 | 12 |
| National Credit Union Administration | 16 | 26 | 14 | 14 | 12 | 21 |
| Federal Deposit Insurance Corporation | 26 | 25 | 26 | 31 | 34 | 35 |
| National Indian Gaming Commission | 14 | 14 | 17 | 16 | 6 | 3 |
| National Labor Relations Board | 0 | 0 | 0 | 3 | 5 | 0 |
| Nuclear Regulatory Commission | 55 | 57 | 63 | 62 | 55 | 93 |
| Office of Special Counsel | 3 | 2 | 1 | 0 | 0 | 0 |
| Overseas Private Investment Corporation | 0 | 0 | 2 | 0 | 0 | 0 |
| Securities and Exchange Commission | 77 | 80 | 83 | 79 | 102 | 86 |
| Surface Transportation Board | 3 | 3 | 8 | 13 | 13 | 0 |
| Federal Mediation and Conciliation Service | 2 | 1 | 1 | 1 | 0 | 0 |
| Thrift Depositor Protection Board | 0 | 0 | 0 | 0 | 0 | 4 |
| Resolution Trust Corporation | 0 | 0 | 0 | 0 | 0 | 8 |
| Interstate Commerce Commission | 0 | 0 | 0 | 0 | 0 | 20 |
| ACTION | 0 | 0 | 0 | 0 | 0 | 8 |
| Merit Systems Protection Board | 0 | 0 | 0 | 0 | 0 | 2 |
| Presidio Trust | 3 | 3 | 0 | 0 | 0 | 0 |
| Udall Institute for Environmental Conflict Res. | 3 | 3 | 0 | 0 | 0 | 0 |
| Pennsylvania Ave. Development Corp. | 0 | 0 | 0 | 0 | 0 | 2 |
| TOTAL | 4,699 | 4,538 | 4,560 | 4,407 | 4,679 | 4,950 |

Source: Compiled by author from the *Unified Agenda of Federal Regulations*, Regulatory Information Service Center, various years.



Historical Tables, Part E:

Agency Major Rules by Category (1996-1999)

| October 1999 | Pre-rule | Proposed | Final | Long Term | Completed | TOTAL |
|--|-----------------|-----------------|--------------|------------------|------------------|--------------|
| Dept. of Agriculture | 0 | 6 | 6 | 5 | 1 | 18 |
| Department of Commerce | 0 | 1 | 0 | 1 | 0 | 2 |
| Department of Defense | 0 | 0 | 0 | 0 | 1 | 1 |
| Dept. of Energy | 1 | 3 | 0 | 5 | 0 | 9 |
| Dept. of Health & Human Services | 0 | 8 | 6 | 3 | 4 | 21 |
| Dept. of Housing & Urban Development | 0 | 1 | 1 | 0 | 1 | 3 |
| Dept. of the Interior | 0 | 0 | 0 | 1 | 1 | 2 |
| Dept. of Labor | 2 | 5 | 3 | 8 | 0 | 18 |
| Dept. of Transportation | 0 | 3 | 2 | 1 | 4 | 10 |
| ATBCB | 0 | 3 | 1 | 0 | 0 | 4 |
| Environmental Protection Agency | 0 | 11 | 9 | 6 | 2 | 28 |
| Small Business Administration | 0 | 1 | 0 | 0 | 1 | 2 |
| Social Security Administration | 0 | 1 | 0 | 0 | 2 | 3 |
| Federal Acquisition Regulation | 0 | 0 | 0 | 0 | 2 | 2 |
| Consumer Product Safety Commission | 0 | 1 | 0 | 0 | 0 | 1 |
| Federal Communications Commission | 0 | 0 | 0 | 9 | 1 | 10 |
| Office of Federal Housing Enterprise Oversight | 0 | 1 | 0 | 0 | 0 | 1 |
| Nuclear Regulatory Commission | 0 | 1 | 0 | 0 | 1 | 2 |
| TOTAL | 3 | 46 | 28 | 39 | 21 | 137 |

| October 1998 | Pre-rule | Proposed | Final | Long Term | Completed | TOTAL |
|--------------------------------------|-----------------|-----------------|--------------|------------------|------------------|--------------|
| Dept. of Agriculture | 0 | 7 | 7 | 1 | 2 | 17 |
| Dept. of Energy | 2 | 2 | 0 | 5 | 0 | 9 |
| Dept. of Health & Human Services | 0 | 2 | 1 | 6 | 0 | 9 |
| Dept. of Housing & Urban Development | 0 | 0 | 2 | 0 | 0 | 2 |
| Dept. of the Interior | 0 | 0 | 0 | 1 | 1 | 2 |
| Dept. of Labor | 1 | 8 | 3 | 3 | 0 | 15 |
| Dept. of Transportation | 0 | 4 | 1 | 0 | 1 | 6 |
| ATBCB | 0 | 0 | 1 | 0 | 0 | 1 |
| Environmental Protection Agency | 0 | 14 | 13 | 9 | 2 | 38 |
| Small Business Administration | 0 | 5 | 1 | 0 | 1 | 7 |
| Social Security Administration | 0 | 0 | 0 | 0 | 1 | 1 |
| Federal Acquisition Regulation | 0 | 0 | 0 | 1 | 0 | 1 |
| Consumer Product Safety Commission | 0 | 1 | 0 | 0 | 0 | 1 |
| Federal Communications Commission | 0 | 0 | 0 | 7 | 0 | 7 |
| Nuclear Regulatory Commission | 0 | 0 | 0 | 0 | 1 | 1 |
| TOTAL | 3 | 43 | 29 | 33 | 9 | 117 |



| October 1997 | Pre-rule | Proposed | Final | Long Term | Completed | TOTAL |
|--|-----------------|-----------------|--------------|------------------|------------------|--------------|
| Dept. of Agriculture | 0 | 5 | 4 | 3 | 3 | 15 |
| Department of Commerce | 0 | 0 | 1 | 0 | 0 | 1 |
| Dept. of Energy | 1 | 2 | 2 | 5 | 3 | 13 |
| Dept. of Health & Human Services | 0 | 1 | 1 | 0 | 3 | 5 |
| Dept. of Housing & Urban Development | 0 | 0 | 3 | 0 | 0 | 3 |
| Dept. of the Interior | 0 | 0 | 0 | 1 | 0 | 1 |
| Dept. of Justice | 0 | 1 | 0 | 0 | 0 | 1 |
| Dept. of Labor | 2 | 10 | 1 | 3 | 0 | 16 |
| Dept. of Transportation | 0 | 5 | 3 | 0 | 0 | 8 |
| Environmental Protection Agency | 1 | 9 | 11 | 12 | 5 | 38 |
| Small Business Administration | 0 | 2 | 1 | 0 | 2 | 5 |
| Social Security Administration | 0 | 0 | 1 | 0 | 0 | 1 |
| Federal Acquisition Regulation | 0 | 0 | 0 | 2 | 0 | 2 |
| Consumer Product Safety Commission | 0 | 1 | 0 | 0 | 0 | 1 |
| Federal Communications Commission | 0 | 0 | 0 | 7 | 2 | 9 |
| Office of Federal Housing Enterprise Oversight | 0 | 0 | 0 | 0 | 3 | 3 |
| Federal Reserve System | 0 | 0 | 1 | 0 | 0 | 1 |
| Nuclear Regulatory Commission | 0 | 1 | 0 | 0 | 1 | 2 |
| TOTAL | 4 | 37 | 29 | 33 | 22 | 125 |

| October 1996 | Pre-rule | Proposed | Final | Long Term | Completed | TOTAL |
|--------------------------------------|-----------------|-----------------|--------------|------------------|------------------|--------------|
| Dept. of Agriculture | 0 | 5 | 7 | 3 | 10 | 25 |
| Department of Commerce | 0 | 0 | 0 | 0 | 1 | 1 |
| Dept. of Energy | 1 | 2 | 3 | 7 | 0 | 13 |
| Dept. of Health & Human Services | 0 | 2 | 2 | 0 | 2 | 6 |
| Dept. of Housing & Urban Development | 0 | 0 | 3 | 0 | 0 | 3 |
| Dept. of the Interior | 0 | 1 | 0 | 0 | 1 | 2 |
| Dept. of Labor | 1 | 8 | 1 | 1 | 0 | 11 |
| Dept. of Transportation | 2 | 2 | 1 | 0 | 1 | 6 |
| Dept. of Veterans Affairs | 0 | 1 | 0 | 0 | 0 | 1 |
| Environmental Protection Agency | 3 | 13 | 14 | 10 | 6 | 46 |
| Federal Emergency Management Agency | 0 | 0 | 0 | 1 | 0 | 1 |
| Small Business Administration | 0 | 4 | 0 | 0 | 0 | 4 |
| Social Security Administration | 0 | 0 | 2 | 0 | 0 | 2 |
| Consumer Product Safety Commission | 0 | 1 | 0 | 0 | 0 | 1 |
| Federal Acquisition Regulation | 0 | 0 | 0 | 0 | 1 | 1 |
| Federal Communications Commission | 0 | 0 | 0 | 8 | 2 | 10 |
| Federal Energy Regulatory Commission | 0 | 0 | 0 | 0 | 1 | 1 |
| Federal Housing Finance Board | 0 | 2 | 0 | 0 | 0 | 2 |
| Federal Reserve System | 0 | 0 | 1 | 0 | 1 | 2 |
| Nuclear Regulatory Commission | 0 | 1 | 0 | 0 | 0 | 1 |
| TOTAL | 7 | 42 | 34 | 30 | 26 | 139 |

Source: Compiled by author from *Unified Agenda of Federal Regulations*, Regulatory Information Service Center, various years.





Historical Tables, Part F:

Federal Rules Impacting Small Business (1993-99)

| | 1993 | 1994 | 1995 | 1996 | 1997 | October 1998 | | | October 1999 | | |
|---|------|------|------|------|------|------------------|----------------------|------------|------------------|----------------------|------------|
| | | | | | | RFA* Required | RFA* Not Required | 1998 Total | RFA* Required | RFA* Not Required | 1999 Total |
| Dept. of Agriculture | 62 | 54 | 54 | 56 | 58 | 46 | 17 | 63 | 27 | 22 | 49 |
| Dept. of Commerce | 33 | 46 | 43 | 46 | 29 | 47 | 5 | 52 | 65 | 23 | 88 |
| Dept. of Defense | 20 | 22 | 27 | 22 | 15 | 2 | 19 | 21 | 2 | 13 | 15 |
| Dept. of Education | 3 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dept. of Energy | 9 | 4 | 2 | 2 | 2 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dept. of Health & Human Services | 73 | 63 | 59 | 89 | 100 | 52 | 36 | 88 | 45 | 30 | 75 |
| Dept. of Housing & Urban Development | 34 | 33 | 17 | 9 | 7 | 1 | 0 | 1 | 0 | 1 | 1 |
| Dept. of the Interior | 9 | 26 | 21 | 17 | 28 | 28 | 1 | 29 | 28 | 5 | 33 |
| Dept. of Justice | 16 | 17 | 23 | 27 | 26 | 9 | 1 | 10 | 8 | 6 | 14 |
| Dept. of Labor | 30 | 40 | 33 | 51 | 39 | 41 | 0 | 41 | 37 | 1 | 38 |
| Dept. of State | 1 | 1 | 0 | 2 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dept. of Transportation | 30 | 14 | 24 | 31 | 44 | 30 | 178 | 208 | 33 | 213 | 246 |
| Dept. of Treasury | 70 | 69 | 59 | 52 | 50 | 59 | 1 | 60 | 3 | 12 | 15 |
| Dept. of Veterans' Affairs | 3 | 3 | 3 | 3 | 7 | 6 | 0 | 6 | 5 | 1 | 6 |
| Agency for International Development | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Architectural and Transportation Barriers Compliance Board | 0 | 0 | 0 | 0 | 0 | 3 | 0 | 3 | 2 | 0 | 2 |
| Corporation for National & Community Service | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Environmental Protection Agency | 85 | 123 | 140 | 152 | 163 | 23 | 155 | 178 | 17 | 162 | 179 |
| Federal Emergency Management Agency | 1 | 1 | 3 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| General Services Administration | 6 | 7 | 5 | 6 | 3 | 2 | 0 | 2 | 2 | 0 | 2 |
| National Aeronautics & Space Agency | 1 | 1 | 1 | 1 | 0 | 1 | 0 | 1 | 0 | 0 | 0 |
| National Archives & Records Administration | 1 | 1 | 1 | 1 | 1 | 1 | 0 | 1 | 0 | 0 | 0 |
| Equal Employment Opportunity Commission | 0 | 0 | 0 | 0 | 1 | 2 | 0 | 2 | 0 | 0 | 0 |
| National Endowment for the Humanities | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| National Science Foundation | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Office of Management & Budget | 5 | 3 | 4 | 2 | 1 | 1 | 0 | 1 | 2 | 0 | 2 |
| Railroad Retirement Board | 1 | 1 | 2 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| Small Business Administration | 60 | 44 | 62 | 17 | 13 | 20 | 0 | 20 | 12 | 16 | 28 |

| | 1993 | 1994 | 1995 | 1996 | 1997 | October 1998 | | | October 1999 | | |
|---|------------|------------|------------|------------|------------|------------------|----------------------|------------|------------------|----------------------|------------|
| | | | | | | RFA* Required | RFA* Not Required | 1998 Total | RFA* Required | RFA* Not Required | 1999 Total |
| Social Security Administration | 0 | 0 | 4 | 1 | 0 | 0 | 0 | 0 | 0 | 2 | 2 |
| US Information Agency | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Federal Acquisition Regulation | 7 | 9 | 16 | 20 | 15 | 9 | 2 | 11 | 12 | 4 | 16 |
| Commodity Futures Trading Commission | 1 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 0 |
| Consumer Product Safety Commission | 3 | 2 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Federal Communications Commission | 47 | 47 | 52 | 75 | 70 | 80 | 2 | 82 | 91 | 0 | 91 |
| Federal Energy Regulatory Commission | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| Federal Housing Finance Board | 1 | 1 | 1 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 |
| Federal Maritime Commission | 0 | 0 | 0 | 0 | 0 | 0 | 5 | 5 | 1 | 3 | 4 |
| Federal Reserve System | 10 | 9 | 6 | 4 | 2 | 2 | 3 | 5 | 1 | 1 | 2 |
| Federal Trade Commission | 2 | 2 | 5 | 7 | 11 | 1 | 9 | 10 | 0 | 10 | 10 |
| Interstate Commerce Commission | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| National Credit Union Administration | 2 | 1 | 2 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| Nuclear Regulatory Commission | 9 | 8 | 5 | 8 | 9 | 8 | 0 | 8 | 5 | 0 | 5 |
| Resolution Trust Corporation | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Securities and Exchange Commission | 29 | 32 | 34 | 48 | 34 | 22 | 5 | 27 | 35 | 4 | 39 |
| TOTAL | 666 | 686 | 711 | 754 | 733 | 497 | 440 | 937 | 433 | 530 | 963 |

Source: Compiled by CEI from the *Unified Agenda of Federal Regulations*, Regulatory Information Service Center, various years.

*Regulatory Flexibility Analysis



Historical Tables, Part G:

Federal Rules Impacting Lower-Level Governments (1994-2000)

| | Oct-2000 | | Oct-1999 | | Oct-1998 | | Oct-1997 | | Oct-1996 | | Oct-1995 | | Oct-94 | |
|--|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| | State | Local | State | Local | State | Local | State | Local | State | Local | State | Local | State | Local |
| Dept. of Agriculture | 51 | 43 | 67 | 58 | 65 | 54 | 70 | 58 | 84 | 72 | 74 | 61 | 83 | 64 |
| Dept. of Commerce | 36 | 13 | 21 | 10 | 18 | 9 | 16 | 9 | 15 | 8 | 12 | 6 | 24 | 17 |
| Dept. of Defense | 2 | 2 | 2 | 1 | 4 | 3 | 4 | 3 | 4 | 2 | 8 | 6 | 6 | 6 |
| Dept. of Education | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 3 | 3 | 3 | 8 | 5 | 19 | 9 |
| Dept. of Energy | 15 | 15 | 13 | 12 | 15 | 14 | 18 | 18 | 18 | 16 | 19 | 16 | 18 | 12 |
| Dept. of Health & Human Services | 76 | 26 | 71 | 23 | 88 | 23 | 82 | 30 | 47 | 24 | 62 | 20 | 93 | 34 |
| Dept. of Housing & Urban Development | 9 | 19 | 8 | 13 | 25 | 28 | 24 | 29 | 25 | 29 | 26 | 33 | 66 | 83 |
| Dept. of the Interior | 54 | 21 | 55 | 21 | 61 | 20 | 78 | 11 | 98 | 9 | 108 | 8 | 112 | 15 |
| Dept. of Justice | 25 | 20 | 31 | 24 | 28 | 22 | 26 | 20 | 32 | 26 | 26 | 22 | 22 | 18 |
| Dept. of Labor | 31 | 24 | 34 | 25 | 32 | 24 | 29 | 15 | 33 | 17 | 22 | 11 | 28 | 14 |
| Dept. of State | 2 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 0 | 0 | 2 | 2 | 2 | 2 |
| Dept. of Transportation | 49 | 31 | 50 | 33 | 47 | 29 | 34 | 22 | 42 | 25 | 38 | 26 | 24 | 17 |
| Dept. of Treasury | 16 | 8 | 11 | 7 | 16 | 12 | 22 | 16 | 12 | 9 | 13 | 11 | 28 | 23 |
| Dept. of Veterans Affairs | 6 | 1 | 9 | 3 | 7 | 2 | 5 | 0 | 2 | 0 | 2 | 0 | 2 | 1 |
| Advisory Council on Historic Preserv. | 1 | 0 | 1 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Agency for International Development | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| Architectural and Transportation Barriers Compliance Board | 4 | 4 | 4 | 4 | 2 | 2 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Environmental Protection Agency | 228 | 136 | 281 | 173 | 250 | 147 | 228 | 165 | 209 | 148 | 197 | 140 | 190 | 157 |
| Federal Emergency Management Agency | 5 | 6 | 5 | 4 | 5 | 3 | 1 | 3 | 3 | 4 | 3 | 4 | 6 | 7 |
| General Services Administration | 4 | 1 | 2 | 1 | 5 | 2 | 5 | 4 | 3 | 2 | 5 | 4 | 1 | 4 |
| National Aeronautics & Space Admin. | 1 | 1 | 0 | 0 | 2 | 2 | 1 | 2 | 5 | 3 | 5 | 3 | 5 | 2 |
| National Archives & Records Admin. | 5 | 5 | 4 | 4 | 2 | 2 | 2 | 2 | 0 | 0 | 1 | 1 | 4 | 2 |
| National Endowment for the Arts | 1 | 1 | 1 | 1 | 1 | 1 | 2 | 2 | 0 | 0 | 0 | 0 | 2 | 2 |
| Equal Employment Opportunity Comm. | 3 | 3 | 3 | 3 | 4 | 4 | 2 | 2 | 1 | 2 | 0 | 2 | 0 | 0 |
| National Endowment for the Humanities | 1 | 1 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 2 | 2 |
| National Science Foundation | 1 | 1 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 1 | 1 |
| Office of Management & Budget | 0 | 0 | 0 | 1 | 1 | 2 | 4 | 4 | 2 | 2 | 2 | 2 | 5 | 4 |
| Peace Corps | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 2 | 1 |
| Railroad Retirement Board | 1 | 0 | 1 | 0 | 1 | 0 | 1 | 0 | 1 | 0 | 1 | 0 | 2 | 1 |
| Small Business Administration | 1 | 1 | 0 | 0 | 2 | 0 | 1 | 0 | 1 | 0 | 1 | 1 | 4 | 4 |
| Social Security Administration | 7 | 3 | 11 | 3 | 9 | 3 | 3 | 0 | 2 | 0 | 3 | 1 | 0 | 0 |
| Tennessee Valley Authority | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| U.S. Information Agency | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 2 | 2 | 2 | 2 | 1 | 2 | 2 |
| Federal Communications Commission | 27 | 20 | 30 | 22 | 30 | 21 | 21 | 17 | 25 | 21 | 16 | 14 | 10 | 10 |
| Federal Energy Regulatory Commission | 2 | 2 | 2 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 4 | 4 | 3 | 3 |
| Federal Reserve System | 1 | 0 | 1 | 0 | 1 | 0 | 3 | 1 | 0 | 0 | 0 | 0 | 0 | 3 |
| Federal Trade Commission | 2 | 0 | 2 | 0 | 2 | 0 | 2 | 0 | 2 | 0 | 3 | 1 | 2 | 1 |
| National Credit Union Administration | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 4 | 0 |
| National Indian Gaming Commission | 1 | 0 | 1 | 0 | 1 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Nuclear Regulatory Commission | 2 | 2 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 2 | 2 |
| Securities and Exchange Commission | 1 | 1 | 2 | 2 | 1 | 0 | 1 | 0 | 0 | 0 | 1 | 1 | 3 | 2 |
| Resolution Trust Corporation | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| FMCS | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 1 | 1 |
| Consumer Product Safety Commission | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| CNCS | 4 | 4 | 1 | 1 | 1 | 1 | 0 | 0 | 0 | 0 | 1 | 1 | 2 | 2 |
| Institute of Museum and Library Services | 2 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| ACTION | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| State and Local Totals | 679 | 420 | 726 | 453 | 729 | 432 | 698 | 442 | 674 | 426 | 671 | 410 | 784 | 533 |

Source: Compiled by CEI from the *Unified Agenda of Federal Regulations*, Regulatory Information Service Center, 1994-1999.



Notes

¹ *A Blueprint for New Beginnings: A Responsible Budget for America's Priorities*, Section X. Summary Tables, Table S-11, Outlay Totals by Function. Available on the Internet at <http://www.whitehouse.gov/news/usbudget/blueprint/budx.html>.

² *The Budget and Economic Outlook: Fiscal Years 2002–2011*, January 2001, Congressional Budget Office. Available on the Internet at <http://www.cbo.gov/showdoc.cfm?index=2727&sequence=0&from=7>.

³ *Report to Congress on the Costs and Benefits of Federal Regulations*, U.S. Office of Management and Budget, Office of Information and Regulatory Affairs, June 2000, Table 4, attachment. Available on the Internet at <http://www.whitehouse.gov/omb/inforeg/2000fedreg-charts.pdf>.

⁴ “Regulation: Costs and Benefits,” *The Budget of the United States Government for Fiscal Year 2000*, Office of Management and Budget, February 1, p. 280.

⁵ Thomas D. Hopkins, *Regulatory Costs in Profile*, Center for the Study of American Business, Policy Study Number 132, August 1996, p. 10. Also see U.S. Small Business Administration, Office of Advocacy, *The Changing Burden of Regulation, Paperwork, and Tax Compliance on Small Business: A Report to Congress*, October 1995, p. 28. Original 1995 dollars are adjusted by the change in CPI between 1995 and 1999, computed from Table No. 768, “Consumer Price Indexes (CPI-U), by Major Groups: 1980 to 1999,” *Statistical Abstract of the United States 2000*, U.S. Department of Commerce, Economics and Statistics Administration, Bureau of the Census, p. 487. Available on the Internet at <http://www.census.gov/prod/2001pubs/statab/sec15.pdf>.

⁶ Prepared Statement of Thomas D. Hopkins, Rochester Institute of Technology, Rochester, New York, Before the House Government Reform and Oversight Committee, National Economic Growth, Natural Resources, and Regulatory Affairs Subcommittee, May 16, 1996. See also Hopkins, August 1996, p. 4.

⁷ See Hopkins, August 1996, p. 5.

⁸ These breakdowns are available in Hopkins, August 1996, p. 10; U.S. Small Business Administration, October 1995, Table 3, p. 28; and also Thomas D. Hopkins, *Profiles of Regulatory Costs: Report to the Small Business Administration*, November 1995, Appendix A, Table A-1. Hopkins’s original data appear in 1995 dollars; Figure 3 in this paper adjusts them by the change in the CPI between 1995 and 1999.

⁹ *The Budget and Economic Outlook*. Available at <http://www.cbo.gov/showdoc.cfm?index=2727&sequence=2>.

¹⁰ *The Budget and Economic Outlook*. Available at <http://www.cbo.gov/showdoc.cfm?index=2727&sequence=2>.

¹¹ Individual income tax figures from Table No. 534, “Federal Receipts by Source: 1990 to 2000,” *Statistical Abstract of the United States 2000*, p. 341.

¹² *Ibid.*

¹³ Corporate profits from Table No. 897, “Corporate Profits, Taxes, and Dividends: 1990 to 1999,” *Statistical Abstract of the United States 2000*, p. 559. Available on the Internet at <http://www.census.gov/prod/2001pubs/statab/sec17.pdf>.

¹⁴ GNP figures for Canada and Mexico are from Table No. 1364, “Gross National Product by Country: 1998,” *Statistical Abstract of the United States 2000*, p. 831.

¹⁵ *The Budget and Economic Outlook*. Figures available at <http://www.cbo.gov/showdoc.cfm?index=2727&sequence=3>.

¹⁶ “New Study Profiles Total Tax Burden of Median American Family,” Tax Foundation press release, March 9, 2000. Available on the Internet at <http://www.taxfoundation.org/prmedianfamily.html>.

¹⁷ Hopkins, 1995, Appendix A, Table A-2, “Federal Receipts and Regulatory Costs Per Household in 1995 Dollars, Case A.” Since 1998 tax figures are the latest available, Hopkins’s 1995 dollars are adjusted by the change in the CPI between 1995 and 1998.

¹⁸ Melinda Warren, *Federal Regulatory Spending Reaches a New Height: An Analysis of the Budget of the United States Government for the Year 2001*, Center for the Study of American Business, Regulatory Budget Report 23, June 2000, Table A-5, p. 18. Original 1996 constant dollars used by CSAB are in this report adjusted by the change in CPI between 1996 and 1999, computed from Table No. 768, “Consumer Price Indexes (CPI-U), by Major Groups: 1980 to 1999,” *Statistical Abstract of the United States 2000*, p. 487.

¹⁹ *Ibid.* This figure is also inflated by the change in CPI.

²⁰ For a history of *Federal Register* page totals going all the way back to 1936, see Historical Tables, Part A: *Federal Register* Page History [1936–2000].

²¹ For the numbers of proposed and final rules and other documents issued in the *Federal Register* since 1976, see Historical Tables, Part B: Number of *Federal Register* Documents Published [1976–2000].



²² *The Regulatory Plan and the Unified Agenda of Federal Regulatory and Deregulatory Actions*, Regulatory Information Service Center, reprinted from *Federal Register* of Thursday, November 30, 2000, Volume 65, No. 231, October 2000.

²³ Though the *Agenda* is published twice a year, this document tracks each year's October edition. The Historical Tables found in the appendices contain data for April of certain years. For a history of numbers of rules in the *Unified Agenda* since 1983, see Historical Tables, Part C: *Unified Agenda* Rules History [1983–2000].

²⁴ For numbers of rules by department and agency from previous editions of the *Unified Agenda*, see Historical Tables, Part D: *Unified Agenda* Rules History by Department and Agency [1996–2000 and 1993].

²⁵ For breakdowns of economically significant rules by agency and category for recent years, see Historical Tables, Part E: Agency Major Rules by Category [1996–1999].

²⁶ *The Regulatory Plan and the Unified Agenda of Federal Regulatory and Deregulatory Actions*, Regulatory Information Service Center, October 1997, p. 57006.

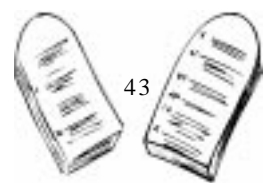
²⁷ *The Regulatory Plan and the Unified Agenda of Federal Regulatory and Deregulatory Actions* Regulatory Information Service Center, October 1998, p. 62813.

²⁸ For the numbers of rules impacting small business broken down by department and agency for October *Agendas* since 1993, see Historical Tables, Part F: Rules Impacting Small Business [1993–1999].

²⁹ For breakdowns of the numbers of rules impacting state and local governments by department and agency over the past several years' October *Agendas*, see Historical Tables, Part G: Federal Rules Impacting Lower-Level Governments [1994–2000].

³⁰ Calculated from Melinda Warren, Table A-1, pp. 9-10.

³¹ See Historical Tables, Part E, for 1999 major rule data on EPA and other agencies.



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