

Thousands of Pages and Rules in the *Federal Register*

The *Federal Register* is the daily depository of all proposed and final federal rules and regulations. Although its number of pages is an often cited measure of the scope of federal regulations, there are problems with relying on page counts. The wordiness of rules will vary, thus affecting the number of pages and obscuring the real effects of the underlying mandates. A short rule could be costly and a lengthy one relatively cheap. Furthermore, the *Federal Register* contains administrative notices, corrections, rules relating to the governance of federal programs and budgetary operation, presidential statements, and other material. Blank pages sometimes appear—in previous decades, they numbered into the thousands owing to the Government Publishing Office’s imperfect prediction of the number of pages that agencies would require.

Federal Register Pages

Despite these limitations, it remains worthwhile to track the *Federal Register*’s growth according to its page counts, provided the caveats are kept in mind. Tens of thousands of pages stream from America’s departments, agencies, and commissions. As Figure 9 shows, at the end of 2015, the number of *Federal Register* pages stood at 80,260. This count is President Obama’s third-highest level, as well as the third-highest level in the entire history of the *Federal Register*. Both 2010 and 2011 had been the all-time record years, at 81,405 and 81,247, respectively. The 79,435 count in 2008 under President George W. Bush holds the title for fourth-highest level. Of the seven all-time high *Federal Register* page counts, six have occurred during the

Obama administration. (For a history of *Federal Register* page totals since 1936, see Appendix: Historical Tables, Part A.)

Federal Register Pages Devoted to Final Rules

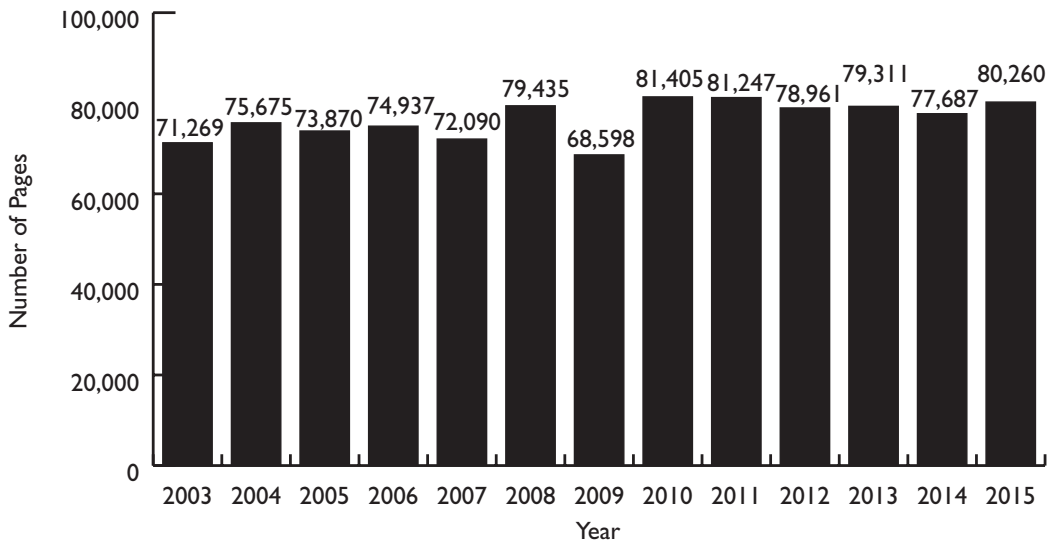
Whereas they may plausibly signify greater governmental activity, gross page counts alone do not reveal whether actual regulatory burdens have increased or decreased, given that a rule of a few pages might impose a significant burden and vice versa. Isolating the pages devoted to *final* rules might be more informative because doing so omits pages devoted to proposed rules, agency notices, corrections, and presidential documents (although those categories have regulatory effects too). From 2014 to 2015, the number of pages devoted to final rules remained relatively flat, moving from 24,861 to 24,694. Following immediately from 2013’s record high of 26,417, these counts maintain high levels that have been the norm during the Obama administration (see Figure 10).

Figure 10 shows that over the decade since 2006, the number of *Federal Register* pages devoted to final rules has increased by 10.5 percent. Meanwhile, pages of proposed rules reached 22,588 in 2015, the second-highest level, which indicates we may see a surge in final rule pages in the future. Pages of proposed rules peaked at 23,193 in 2011 under Obama.

Another way of looking at *Federal Register* trends is by pages per decade (see Figure 11). If page counts hold around the current

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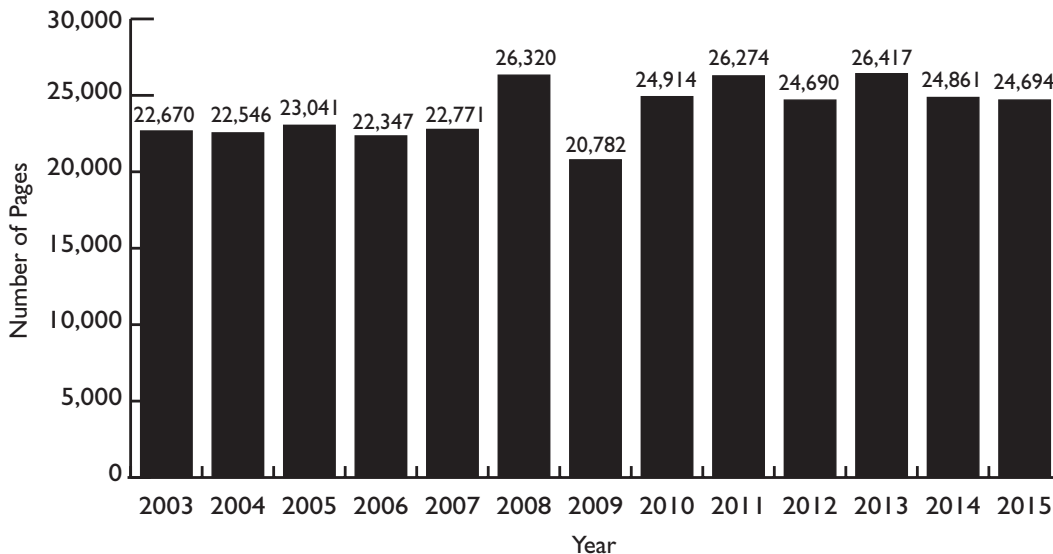
Figure 9. Number of *Federal Register* Pages, 2003–2015



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

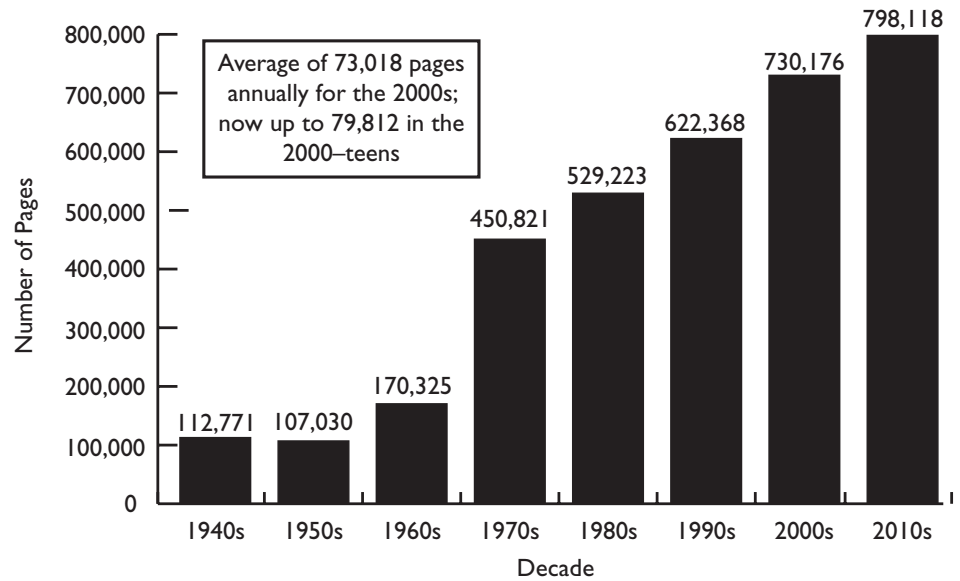
Note: Of seven all-time-high *Federal Register* page counts, six belong to the Obama administration.

Figure 10. *Federal Register* Pages Devoted to Final Rules, 2003–2015



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

Figure 11. *Federal Register* Pages per Decade ...
798,118 Pages Projected for the 2000 “Teens”



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

Note: 2010s is a projection based on the past three years' average. Years 2000–2009 average 73,000 annual pages; this decade averages 80,000 pages yearly.

ranges, we can expect to see a considerable increase for the current decade. The last bar of Figure 11 projects the average of the past six years of 79,812 pages for the decade as a whole. If trends continue, we will end up with nearly 800,000 *Federal Register* pages for the decade (the projection at the moment is 798,118). Decade page counts could easily top 1 million in the 2020s, as a glance at increases since the 1940s makes clear.

Number of Proposed and Final Rules in the *Federal Register*

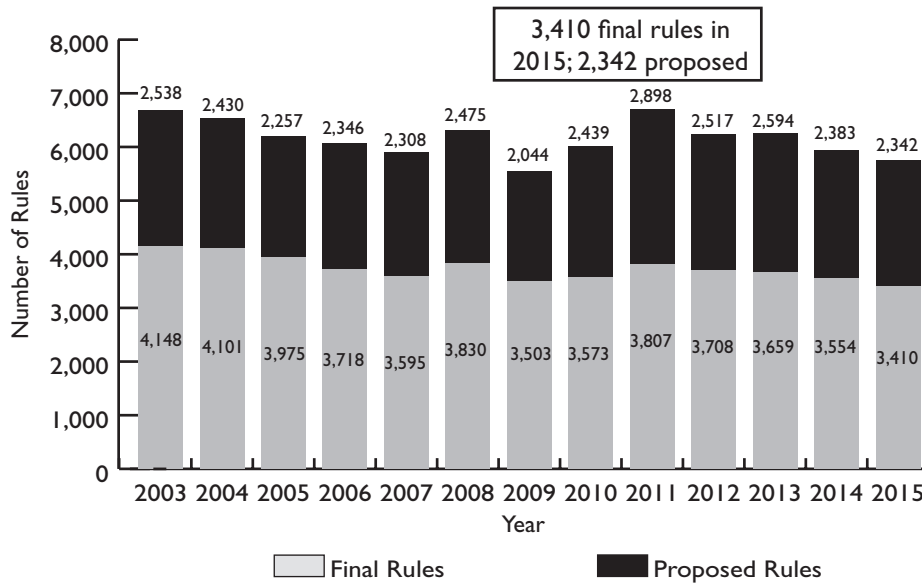
The actual numbers of proposed and final rules—not just the page count—published in the *Federal Register* merit close attention. As Figure 12 shows, final rules in 2015 dipped from 3,554 to 3,410. The following section describes the so-called Unified Agenda of federal regulations and examines some of the possible reasons for such recent declines, such as election year considerations and in-

formal substitutes for formal regulations that may require new forms of monitoring.

Rule impacts vary, but the number of final rules currently being published is lower than it was throughout the 1990s, when the average annual total of final regulations was 4,596, and lower than during the early years depicted in Figure 12. The average for 2000–2009 was 3,948. The decline in rule numbers is a positive trend, one that policy makers should seek to extend. Nonetheless, a pace of more than 3,400 completed rules annually remains significant, compounding the largely ignored cumulative burden.

Also notable is the pace of proposed rules appearing in the *Federal Register*. Proposed rule page counts are relatively high now. Although the 2,342 rules proposed in 2015 are fewer than in recent years, the 2,517 rules proposed in 2012 and the 2,898 proposed in 2011 were on the high side compared with the decade as a whole. Should that pace re-

Figure 12. Number of Proposed and Final Rules in the *Federal Register*, 2003–2015



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

sume, high numbers of proposed rules (and page counts) signify likely future increases in final rules. (For the numbers of proposed and final rules and other documents issued in the *Federal Register* since 1976, see Appendix: Historical Tables, Part B.)

Cumulative Final Rules in the *Federal Register*

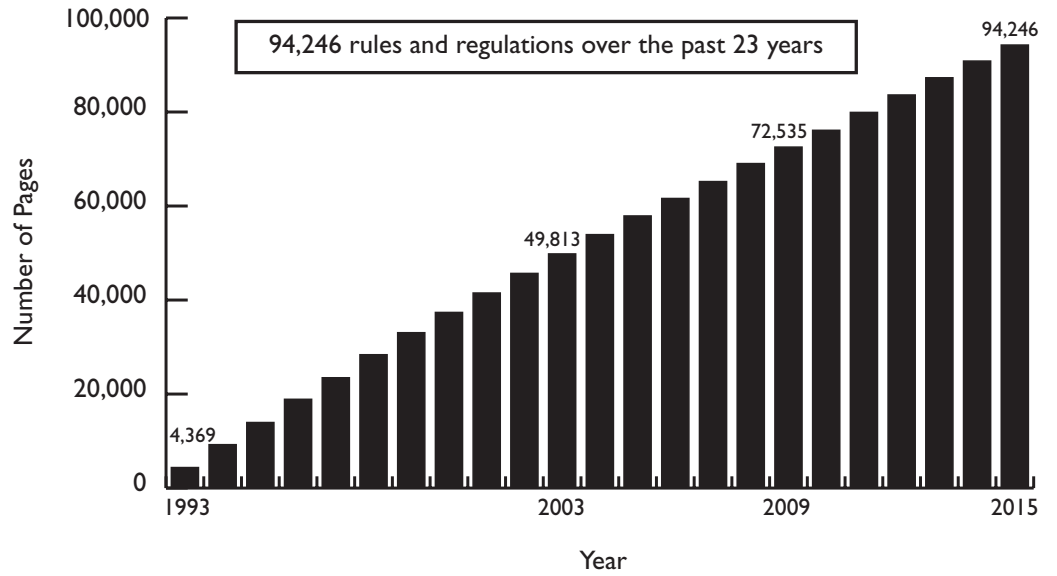
Despite yearly fluctuations, the cumulative effect of regulation can matter a great deal. The bottom line is that the annual outflow of at least 3,400 final rules—and often far more—has meant that 94,246 rules have been issued since 1993, when the first edition of *Ten Thousand Commandments* was published (see Figure 13).

The Expanding Code of Federal Regulations

The page count for final general and permanent rules in the *Code of Federal Regulations* (CFR) is more modest than that of the *Federal Register*, but still considerable. In 1960, the CFR contained 22,877 pages. Since 1975, total pages in the complete CFR have grown from 71,224 to 178,277 at the end of 2015, including the 1,170-page index. That is a 150 percent increase over the period. The number of CFR bound volumes stands at 237, compared with 133 in 1975. Figure 14 depicts the CFR’s pages for the past decade. (For the detailed breakdown numbers of pages and volumes in the CFR since 1975, see Appendix: Historical Tables, Part C.)

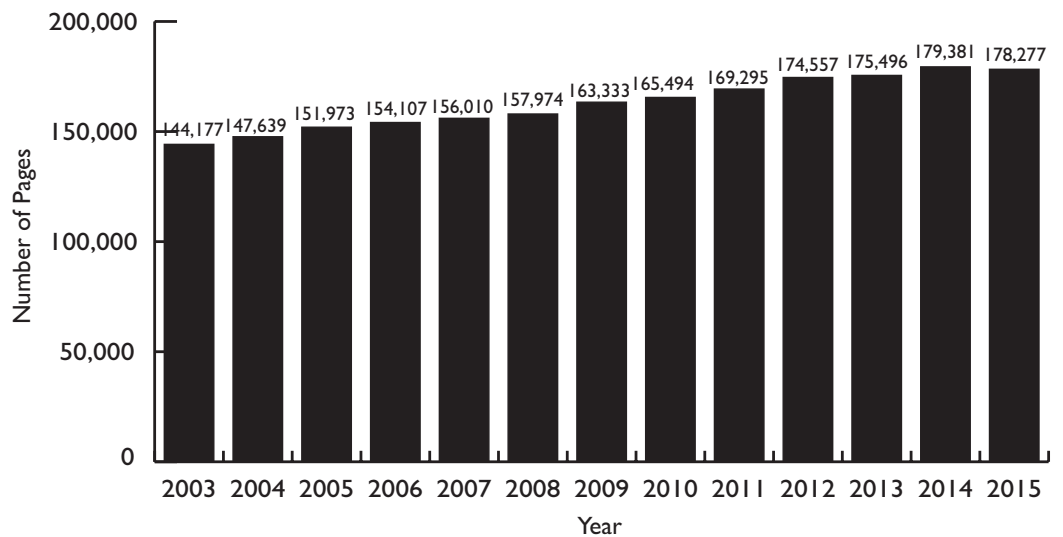
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Figure 13. Cumulative Final Rules Published in the *Federal Register*, 1993–2015



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

Figure 14. *Code of Federal Regulations*, 178,277 Total Pages in 2015, 2003–2015



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