

Ten Thousand Commandments

2025 Edition

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Introduction

Record federal debt is contributing to record-setting regulatory burdens. While new spending programs show up in budget figures, new regulations requiring the private sector to do similar things at its own expense do not. Off-budget regulations have grown common despite congressional attempts to limit them. And politicians' Biden-era appetites for mandates in energy and climate, and equity initiatives such as family leave and child care, have not disappeared with the return of Donald J. Trump.

Off-budget or not, these regulatory costs drag down the economy, much as overspending can. Just as consumers shoulder much of the corporate income tax and tariff burden, regulatory compliance costs and mandates borne by businesses percolate through the economy and materialize as higher prices, lost jobs, and lower output.

The Congressional Budget Office's 2025 *Budget and Economic Outlook*, covering fiscal year (FY) 2024 with projections for FY 2025 to FY 2035, depicts discretionary, entitlement, and interest spending of \$6.750 trillion in FY 2024. Spending is projected to top \$7 trillion in 2025 and exceed \$10 trillion in 2033. The deficit stood at \$1.832 trillion in 2024 and is expected to top \$2 trillion by 2030 and remain well above that level. Total national debt now exceeds \$36 trillion, up from almost \$20 trillion when Donald Trump first assumed office in 2017. Interest payments alone for 2025 are projected to reach \$1 trillion in 2026.

Regulations lack such precise quantification but should set off similar alarms. When the administrative state began its march over a century ago, few imagined the tangle of hundreds of thousands of rules and guidance

documents it would produce and preserve. Even modest liberalizations during the Trump administration were reversed by Joe Biden, who changed the Office of Management and Budget's mission away from oversight and toward the promotion of the administration's regulatory initiatives.

Prior editions of *Ten Thousand Commandments* detailed Trump's streamlining effort (2021) and Biden's reversals. The reports outlined the latter's pursuit of ambitious whole-of-government spending and regulatory initiatives spanning climate, equity, economic, and social matters, as well as an appetite for censorship and surveillance. This 2025 edition sets a new mark of \$2.155 trillion in regulatory costs. While most previous estimates had the annual total cost of federal regulations below \$2 trillion, those reports also explained why that figure was certainly an undercount.

Congress should be held accountable for such large regulatory actions. Cost-benefit analyses are few, not aggregated by the government, and merely self-reported by agencies. Delegation of lawmaking power to this unelected bureaucracy allows Congress to blame others for unpopular spending and rules. For that reason, first among the reforms outlined in the conclusion of this report is congressional approval of costly or controversial agency rules before they are considered binding.

Other reforms include regulatory sunset and budgeting; a regulatory reduction commission; and the limitation, streamlining, and inventorying of guidance documents. Annual regulatory transparency report cards could document progress.

Takeaways

- ▶ **Federal regulation's total compliance costs and economic effects are at least \$2.155 trillion annually** in *Ten Thousand Commandments'* estimate, and almost certainly higher. Last year's total was \$2.117 trillion.
- ▶ An October 2023 National Association of Manufacturers (NAM) report models regulatory compliance at \$3.079 trillion annually.
- ▶ **US households pay on average \$16,016 annually in a hidden regulatory tax**, which consumes 16 percent of income and 21 percent of household expenses.
- ▶ These household outlays exceed expenditures on health care, food, transportation, entertainment, apparel, services, and savings. Only the costs of housing, which stand at \$25,436 annually, exceed regulation.
- ▶ The higher NAM figure implies \$22,883 per household, or 30 percent of the household expense budget.
- ▶ **The regulatory tax of \$2.155 trillion rivals individual income tax costs estimated at \$2.176 trillion** for 2023 and stands at nearly four

times the corporate income tax of \$419 billion.

- ▶ The NAM cost figure of \$3.079 trillion annually would exceed the sum of both (\$2.6 trillion).
- ▶ **If it were a country, US regulation would be the world's 8th-largest economy, ranking behind the Russian Federation and ahead of Canada.**
- ▶ The 10.5 billion hours Washington says it took to complete federal paperwork in 2023, according to the *Information Collection Budget*, translate to the equivalent of 14,983 human lifetimes.
- ▶ Agencies issued 3,248 new final regulations in 2024. Trump's total of 2,964 new final regulations in 2019 is the lowest on record.
- ▶ The *Federal Register* containing those rules surged to 106,109 pages, the highest tally on record and a 19 percent rise over 2023.
- ▶ Congress enacted 175 laws in calendar year 2024. Thus, **agencies issued 19 rules for every law enacted by Congress.**
- ▶ This Unconstitutionality Index—the ratio of regulations issued by agencies to laws passed by Congress and signed by the president—underlines how much agency lawmaking has replaced that of elected officials. The average ratio over the past 10 years is 29 rules for every law.
- ▶ **Since the *Federal Register* first began itemizing final rules in 1976, 220,813 have been issued.** Since 1993, when the first edition of *Ten Thousand Com-*

mandments appeared, agencies have issued 123,723 final rules.

- ▶ A 2024 draft version of the White House *Report to Congress on the Benefits and Costs of Federal Regulations* covers fiscal year 2023. **The report for fiscal year 2024 has not been released.**
- ▶ **A total of only 19 “major” rules had both benefits and costs quantified. These add \$16.1 billion to the annual regulatory cost bill;** another 10 rules with costs but not benefits quantified add another \$1.94 billion to annual costs.
- ▶ A \$2.155 trillion regulatory burden amounts to 7.3 percent of US gross domestic product (GDP), reported by the Commerce Department at \$29.37 trillion in 2024. The NAM regulatory figure of \$3.079 trillion implies 10 percent of GDP.
- ▶ **Regulatory costs are equivalent to over 61 percent of the level of total 2022 corporate pretax profits of \$3.523 trillion.** The NAM figure would take that to over 80 percent.
- ▶ When regulatory costs of \$2.155 trillion are combined with 2024 federal outlays of \$6.750 trillion, the federal government's share of the \$29.37 trillion economy reaches 30 percent. State and local spending and regulation add to these costs.
- ▶ Until April 2023, a subset of each year's 3,000-plus rules was labeled as economically significant, referring to annual economic effects of \$100 million or more. Biden's Executive Order

14094 (“Modernizing Regulatory Review”) eliminated that category and initiated a higher \$200 million “Section 3(f)(1) Significant” category. **In 2025, Trump revoked Biden’s order, restoring the \$100 million threshold for upcoming years.**

- ▶ In the year-end 2024 edition of the twice-yearly “Unified Agenda of Federal Regulatory and Deregulatory Actions,” 69 federal departments, agencies, and commissions present 3,331 regulatory actions then-currently flowing through the pipeline as follows:
 - ▷ 2,233 rules in the active (prerule, proposed, final) phase
 - ▷ 453 recently completed rules
 - ▷ 645 long-term rules
- ▶ The five most active rule-producing executive branch entities in the Unified Agenda—the departments of the Interior, the Treasury, Transportation, Commerce, and Health and Human Services—account for 1,449 rules, or 44 percent of all rules in the pipeline. The five most active independent agencies account for another 303 rules.
- ▶ Of the 3,331 regulations in the fall 2024 Unified Agenda’s pipeline, 222 are Section 3(f)(1) Significant category rules (at least \$200 million in economic impact), as follows:
 - ▷ 126 rules in the active (prerule, proposed, final) phase
 - ▷ 37 completed rules
 - ▷ 59 long-term rules
- ▶ Despite his own higher \$200 million threshold, high-significance rules in

the Biden pipeline outnumber those during the Bush, Obama, and Trump years when the lower \$100 million threshold applied.

- ▶ Major rules as defined in the Congressional Review Act left intact a \$100 million threshold despite Biden’s executive order. **The Government Accountability Office database contains 164 finalized major rules for 2024. Biden’s average of 126 easily exceeds Trump’s 86 and Obama’s 84.**
- ▶ Final rules affecting small business appear to be mounting. **Biden’s four years averaged 846 rules annually in the *Federal Register* affecting small business**, compared with 694 and 701 for Obama and Trump, respectively.
- ▶ Of the 3,331 rules and regulations in the fall 2024 Unified Agenda pipeline, 647 affect small businesses; of those, 320 required an official “regulatory flexibility analysis.”
- ▶ Rules in the Unified Agenda pipeline affecting state governments stand at 424, while rules affecting local governments stand at 301.
- ▶ From the nation’s founding through Biden, presidents issued 15,661 executive orders. Biden’s 18 executive orders in 2024 were well below his peak of 77 in 2021. Biden’s presidential memoranda outstripped averages of recent predecessors.
- ▶ Public notices in the *Federal Register* always exceed 22,000 annually, with uncounted guidance documents and

other proclamations having potential regulatory effect among them, whereas other guidance documents issued do not appear in the *Federal*

Register at all. **In 2024, public notices surged to 25,506.** There have been 740,069 public notices since 1994 and over a million since the 1970s.

Biden's whole-of-government push

Let's be clear, Kamala and I came into office determined to transform how the economy works—change the way it literally functions.¹

—Joe Biden, September 23, 2023

Prior editions of *Ten Thousand Commandments* extensively surveyed the Biden administration's whole-of-government campaigns and the role of executive actions, rules, and memoranda in their pursuit, which the Trump administration is now in the process of reversing. The whole-of-government philosophy advocates using every possible lever of government to advance certain policy objectives. In practice, that means that agencies, instead of being guided solely by their core missions, also pursue goals such as equity, environmental

justice,² climate change, and rallying transformations like the care economy. This management approach consolidates power in Washington, further undermining the federalist system of government.

Under Biden, a “Modernizing Regulatory Review” executive order raised cost review thresholds and instigated a rewrite of Circular A-4 guidance for cost-benefit analysis. Such developments weakened the Office of Management and Budget's watchdog role.

New National Environmental Policy Act guidelines³ and the launch of the American Climate Corps⁴ expanded environmental regulation and activism, an agenda amplified by transforming financial agencies like the Securities

and Exchange Commission into environmental regulators pursuing radical climate objectives with costly reporting requirements.⁵ Biden competition policy interventions⁶ included price controls, junk fees,⁷ targeting of online user reviews,⁸ and more. In whole-of-government fashion, federal subsidies were weaponized to impel compliance actions not demanded in statute⁹ and to rationalize even more stringent regulation.¹⁰

Public-private partnerships expanded in fields ranging from communications to electric vehicle charging stations, the latter leading to minimal construction.¹¹ Hundreds of billions of dollars of defense spending¹² were repurposed toward Buy American regulations,¹³ foreign investments,¹⁴ and escalation of cross-agency supply-chain interference.¹⁵

Biden invoked emergency powers to manage the likes of supply chains¹⁶ and artificial intelligence.¹⁷ Anti-privacy and domestic surveillance escapades are ongoing, via Department of Homeland Security shadowing,¹⁸ data collection on small-business credit applications,¹⁹ heightened screening at airports,²⁰ and mandates to allow government to remotely disable automobiles.²¹ The Federal Reserve launched its FedNow²² instant payment system in competition with the private actors it regulates and worked to undermine the anonymity enabled by cryptocurrencies.²³

Under Biden, censorship took the form of funding suppression of what the federal government regarded as mis-, dis-, or mal-information²⁴ and the restriction of access to government databases, such as at the National Institutes of Health, if research is suspected of not adhering to official narratives on health, climate, or other policies.²⁵

Alongside these are traditional nanny-style proposals to ban menthol cigarettes, hair relaxers, and the Red No. 3 food dye. Some others are touched on in the rules, executive actions, and guidance documents surveyed in the following pages.

Intentionally or not, Congress enabled Biden's agenda. Biden's consolidations and cartelization were amplified by sweeping multi-trillion-dollar legislation. Funds from those bills are still being handed out, and those dollars still come with regulatory strings attached. Washington boasts of being the world's largest purchaser of goods and services,²⁶ not infrequently benefiting foreign firms,²⁷ as well as politically connected and politically popular groups, as recent revelations from the Department of Government Efficiency confirm. Congress and the president also collaborate on an enormous volume of grants-in-aid to states and exploit emergency powers at every opportunity.²⁸

In this setting, governance by guidance and nudges can replace much traditional lawmaking. This may explain

some of the recent dips in rulemaking counts, even as regulatory costs and *Federal Register* page counts grow. Having made progressive initiatives so numerous and crosscutting, Biden's whole-of-government approach means that even the demise of an agency would not derail the underlying agenda.

Policymakers must appreciate that minor rollbacks or traditional administrative state reforms are no match for the regulatory seeds that have already been planted, awaiting future fertilization. This may be a reason Trump's immediate abolition of diversity, equity, and inclusion offices and positions was so thorough, as far as attempted executive actions go. But a future executive could flip the script again. Along with slashing spending to the bone, Congress must follow through and terminate entire departments, agencies, commissions and programs. It must also restore state, local and community sovereignty, not merely reform federal regulation.

Biden and Congress's regulatory liberalizations were minimal compared to

the additions. Liberalizations include permission for hearing aids and blood glucose monitors to be sold over the counter, the termination of the Board of Tea Experts,²⁹ certain extensions of COVID-19 telemedicine flexibilities for practitioners and patients,³⁰ potential authorization of ownership of certain non-releasable or captive-bred migratory birds and eagles for teaching purposes³¹ (albeit amid crackdowns on ownership and display of big cats³²), the removal of certain restrictions on introducing experimental populations of endangered and threatened species beyond their historical range,³³ and the removal of the Nelson's checker-mallow from the Endangered Species List.³⁴

Biden also signed the Providing Accountability Through Transparency Act of 2023, now Public Law 118-9.³⁵ This law requires that agencies, "in providing notice of a rulemaking . . . include a link to a 100-word plain language summary of the proposed rule."

Why we need a regulatory budget

The federal government publicly discloses its fiscal costs. It does not disclose most of its regulatory costs. Federal spending programs are funded either by taxes or by borrowing, with interest, from future tax collections. The public can readily inspect the costs of programs and agencies in Congressional Budget Office publications and in a formal federal budget with historical tables. That disclosure holds representatives accountable for spending,

Regulation is different. Although spending and regulation are both mechanisms by which governments act or even compel, regulatory costs are less transparent and less disciplined. That means Congress might sometimes find it easier to act via off-budget regulation rather than raising spending or taxes.

And even when regulatory compliance costs do prove burdensome and attract criticism, Congress can escape accountability by blaming agencies.

Disclosure of federal spending obviously has not restrained deficits and runaway debt. Yet transparency is vital for wrestling the budget back under control. In similar fashion, policymakers should publicly disclose regulatory costs, burdens, and vital information to the fullest extent possible despite leadership that is more open to a carbon budget than a regulatory one.³⁶ Table 1 provides an overview of the 2024 federal regulatory enterprise discussed in the following pages, as well as a flavor of the kinds of components to embed in a “regulatory report card” and transparency that should come from officialdom.

Table 1. The regulatory state: An overview for 2025

	Year-end 2024	1-year change (2023–2024)	5-year change (2020–2024)	10-year change (2015–2024)
Total regulatory costs	\$2.155 trillion	n/a	n/a	n/a
Federal outlays	\$6.750 trillion			
Federal deficit	\$1.832 trillion			
Individual income taxes (estimated)	\$2.3 trillion			
Corporate income taxes (estimated)	\$546 billion			
Corporate pretax profits	\$3.523 trillion			
Gross domestic product	\$29.37 trillion			
<i>Federal Register</i> pages	106,109	18.7%	2.9%	32.2%
Devoted to final rules*	45,028	71.3%	39.8%	79.2%
<i>Federal Register</i> final rules	3,248	7.6%	–3.1%	–4.8%
Significant final rules	342	18.0%	–22.0%	0.0%
<i>Federal Register</i> proposed rules	1,769	–15.8%	–17.7%	–24.5%
Significant proposed rules	175	–39.0%	–49.0%	–54.0%
<i>Federal Register</i> , small business final rules	770	–1.7%	–8.1%	26.9%
Subset of significant final rules	76	–5.0%	–18.0%	–34.0%
Proposed rules	548	–24.0%	–18.8%	–3.9%
Subset of significant proposed rules	35	–49.0%	–53.0%	–74.0%
“Notices” in <i>Federal Register</i>	25,506	10.0%	11.8%	5.0%
<i>Code of Federal Regulations</i> pages*	188,346	0.9%	1.0%	7.9%
Total rules in Unified Agenda pipeline	3,331	–7.4%	–13.5%	1.0%
Completed	453	5.1%	–28.1%	–18.2%
Active	2,233	–11.5%	–15.3%	–0.5%
Long term	645	0.2%	10.1%	29.3%
Section 3(f)(1) Significant rules in the year-end pipeline	222	–27.0%	–14.9%	1.8%
Completed	37	–9.8%	–36.2%	2.8%
Active	126	–45.9%	–27.2%	–15.4%
Long term	59	96.7%	96.7%	78.8%

	Year-end 2024	1-year change (2023–2024)	5-year change (2020–2024)	10-year change (2015–2024)
“Economically significant” rules completed in spring and fall 2023	68	–23.6%	–2.9%	–1.4%
S3F1 completed, spring plus fall 2024	116	70.6%	19.6%	90.2%
Rules affecting small business	647	–6.2%	1.9%	–4.0%
Regulatory flexibility analysis required	320	–13.2%	–8.6%	–17.1%
Regulatory flexibility analysis not required	327	2.2%	14.7%	13.5%
Rules affecting state governments	424	–16.4%	3.7%	3.7%
Rules affecting local governments	301	–13.8%	16.7%	18.0%
GAO Congressional Review Act reports on major rules	164	95.2%	15.5%	131.0%
Executive orders	18	–25.0%	–73.1%	–37.9%
Executive memoranda	42	–23.5%	–14.3%	25.5%

Note: n/a = not applicable; GAO = Government Accountability Office. Some years fiscal, some years calendar—see text for more information.

* year-end 2021; 2024 not yet available as of this compilation.

About this \$2.155 trillion estimate

A regulatory budget would be a great idea to keep Congress and the executive branch honest about the costs they are offloading to the private sector. However, the reality is that total regulatory costs are immeasurable, often unfathomed, and have not and cannot be truly calculated. It has been a quarter century since the federal government even tried.

There are no objective metrics to assess, apart from raw outlays on the likes of equipment and personnel.³⁷ The subjective and internally felt opportunity costs

of regulation cannot be calculated by an outsider any more than economies can be centrally planned.³⁸ Make no mistake: There is no agreement on the costs and benefits of regulation, whether individually or in the aggregate, and there never will be.

Nonetheless, demanding some aggregate regulatory cost baseline is a reasonable ask of officialdom. In the wake of Biden’s Executive Order (EO) 14094 on modernizing regulatory review, the official narrative in large part denies that interventions are costs at all. It also makes questionable claims of savings, such as the Biden White House assertion that water heater regulation and forced

replacement are “going to help consumers save about \$11 billion a year.”³⁹

For purposes of maintaining a conservative accounting, *Ten Thousand Commandments* has employed a roughly \$2 trillion estimate annually for years. This approach is based largely but not entirely on the federal government’s own reckonings that emerged from the mid- to late 1990s reform era encompassing compliance costs, economic and gross domestic product (GDP) losses, and social and other costs, supplemented with irregular White House updates of select costs and benefits.⁴⁰

The Office of Management and Budget (OMB) estimate of \$954 billion in 2002 (in 2001 dollars) would translate to over \$1.64 trillion now (see Table 2).⁴¹ Of course, a lot has happened since then, including the addition of such rulemaking engines as the Department of Homeland Security, the Dodd-Frank financial law, the Affordable Care Act, federal pushes against fossil fuels⁴² and functional household appliances,⁴³ and more.

The recent four years of lockdown, infrastructure, inflation, and technology spending and control redirected private-sector resources toward government-chosen ends via direct spending, contracting, procurement, and attendant regulation that mostly go unquantified.

Notable Biden-era examples include the Federal Communications Commission’s

(FCC) attempted 2023–2024 resurrection of net neutrality regulations,⁴⁴ as well as broadband social-policy schemes such as the Infrastructure Investment and Jobs Act (IIJA)-rooted rule on “Prevention and Elimination of Digital Discrimination”⁴⁵ and its build-out mandates and price controls.⁴⁶ Similar IIJA-rooted digital-welfare campaigns stem from the Commerce Department’s National Telecommunications and Information Administration that—alongside endorsing the FCC in its “digital discrimination” regulatory proceeding⁴⁷—boasts its own haphazard allocation of over \$42 billion in BEAD (Broadband Equity, Access, and Deployment) funding with social agenda strings not contained in the IIJA legislation itself.⁴⁸

A recent National Association of Manufacturers (NAM) report, titled *The Cost of Federal Regulation to the U.S. Economy, Manufacturing and Small Business*, finds regulatory costs of \$3.079 trillion for 2022 (in 2023 dollars).⁴⁹ Employing bottom-up approaches and top-down regression modeling rooted in “academic literature finding that macroeconomic performance and living standards are systematically linked to regulatory policies,” the NAM assesses regulatory costs this way:

- ▶ Economic: \$2.067 trillion
- ▶ Environmental: \$588 billion
- ▶ Occupational safety/health and homeland security: \$124 billion
- ▶ Tax compliance: \$300 billion

Table 2. Legacy official assessments of federal regulation: Late 20th century, early 21st century (millions of dollars)

	Hopkins 1992 (1991 dollars)	GAO Office 1995 (1995 dollars)	Hopkins 1995 (1995 dollars)	SBA 2001 (2001 dollars)	OMB 2002 (2001 dollars)	SBA 2005 (2004 dollars)	SBA 2010 (2001 dollars)	NAM 2014 (2012 dollars)
Environmental	115		168	197	203	221	281	330
Other social	36		55		30			
Transportation					22			
Labor					22			
Economic regulation						591	1,236	1,448
Efficiency	73		80		150			
Transfers	130		147		337			
Efficiency— domestic				101				
Transfers— domestic				202				
Efficiency— international trade				44				
Transfers— international trade				88				
Workplace and homeland security				82		106	75	92
Paperwork/ process/ information collection (tax compliance)	189		218	129	190	195	160	159
Totals	\$543.00	\$647.00	\$668.00	\$843.00	\$954.00	\$1,113.00	\$1,752.00	\$2,029.00
Legacy totals, in 2013 dollars		\$1,019.03	\$1,052.10	1,142.27	1,292.67			

Sources: Thomas D. Hopkins, “Costs of Regulation: Filling the Gaps,” report prepared for the Regulatory Information Service Center, Washington, DC, August 1992, <http://www.thecre.com/pdf/COST%20OF%20REGULATION%20FILLING%20THE%20GAPS.pdf>; General Accounting Office, “Regulatory Reform: Information on Costs, Cost Effectiveness, and Mandated Deadlines for Regulations,” GAO/PEMD 95 18BR, briefing report to the Ranking Minority Member, Committee on Governmental Affairs, US Senate, March 1995, <http://archive.gao.gov/t2pbat1/153774.pdf>; Thomas D. Hopkins, “The Changing Burden of Regulation, Paperwork, and Tax Compliance on Small Business: A Report to Congress,” Office of the Chief Counsel for Advocacy, US Small Business Administration, Washington, DC, October 1995; Office of Management and Budget, “Draft Report to Congress on the Costs and Benefits of Federal Regulations,” *Federal Register*, March 28, 2002, pp. 15037–38, <https://obamawhitehouse.archives.gov/sites/default/files/omb/assets/omb/inforeg/cbreport.pdf>; W. Mark Crain and Thomas D. Hopkins, “The Impact of Regulatory Costs on Small Firms,” report prepared for the Small Business Administration, Office of Advocacy, RFP No. SBAHQ-00-R-0027, October 2001, <https://www.govinfo.gov/content/pkg/GOVPUB-SBA-PURL-LPS95322/pdf/GOVPUB-SBA-PURL-LPS95322.pdf>; W. Mark Crain, “The Impact of Regulatory Costs on Small Firms,” report prepared for the Small Business Administration, Office of Advocacy, Contract No. SBHQ-03-M-0522, September 2005, <https://www.sba.gov/sites/default/files/files/rs264tot.pdf>; W. Mark Crain and Nicole V. Crain, “The Cost of Federal Regulation to the U.S. Economy, Manufacturing and Small Business,” National Association of Manufacturers, September 10, 2014, <http://www.nam.org/~media/A7A8456F33484E498F40CB46D6167F31.ashx>.

Note: Some figures are here adjusted to 2016 by the change in the consumer price index between 2001 and 2016, and between 1995 and 2016, derived from “CPI Detailed Report Data for January 2017,” Bureau of Labor Statistics, Washington, DC, Table 24. Historical Consumer Price Index for All Urban Consumers, U.S. City Average, All Items. GAO = Government Accountability Office; NAM = National Association of Manufacturers; OMB = Office of Management and Budget; SBA = Small Business Administration.

According to the report, the \$2 trillion economic component encompasses rules affecting decision-making in, for example, “markets for final goods and services, markets for physical and human resources, credit markets and markets for the transport and delivery of products and factors of production.” Such interventions “affect who can produce, what can (or cannot) be produced, how to produce, where to produce, where to sell, input and product pricing and what product information must be or cannot be provided.”

Direct compliance outlays by firms, which understate the whole, include “investments in capital equipment, expenditures on O&M [operations and maintenance], payments to outside consultants, in-house employees devoted to compliance activities and so forth.” For reference, the last column of Table 2 also depicts the NAM’s 2014 estimate of \$2.029 trillion.

Other assessments in recent years find regulatory costs even higher than the NAM’s new reckoning.⁵⁰ Others look at components. For example, a report using 2002–2014 data on occupational tasks and firms’ wage spending finds that the “average US firm spends between 1.3 and 3.3 percent of its total wage bill on regulatory compliance” and that the “wage bill devoted to regulatory compliance workers in 2014 was between \$79 billion and \$239 billion, depending on the stringency of the regulatory compliance

measure employed, and up to \$289 billion when capital is also added.”⁵¹

In law but not in practice, OMB is supposed to publish an annual survey of a subset of regulatory costs and benefits, the *Report to Congress on the Benefits and Costs of Federal Regulations and Agency Compliance with the Unfunded Mandates Reform Act*. The report invokes the Regulatory Right-to-Know Act, but **the mandatory aggregate reports that the law requires have not appeared in two decades**. Those have been replaced by a 10-year lookback (thereby conveniently omitting the first years of the 21st century and the entire 20th), which has itself lapsed despite the nearly unlimited resources at the federal government’s command.

In 2023, the White House released three catch-up draft editions of the *Report to Congress* in a composite format encompassing fiscal years 2020–2022.⁵² Like its predecessors, the *Report to Congress* contains a limited overview of executive agency major rules and partial monetary quantification of some costs and benefits. As the first three rows of Table 3 show, only 31 major rules featured both benefits and costs quantified and monetized. This category is what administrations typically point to when touting net benefits of the regulatory enterprise. However, another 56 major rules had costs alone quantified, which historically OMB does not sum up. Next, in a fiscal year (FY) 2023 report issued in November

Table 3. Number of rules with and without cost–benefit analysis (billions of dollars)

Draft report	# of rules with costs and benefits	Annual costs	# of rules with costs only	Annual costs
FY 2020	9	–\$16.123	27	\$16.4
FY 2021	8	–\$0.341	20	\$23.2
FY 2022	14	\$29.463	9	\$6.7
FY 2023	19	\$16.113	10	\$1.94
TOTAL	50	\$29.112	66	\$48.2
	Grand total, number of rules with costs	Costs absent	Total rules	“Budget” rules
FY 2020	36	39	75	35
FY 2021	28	30	58	39
FY 2022	23	10	33	30
FY 2023	29	1	30	30
TOTAL	116	80	196	134
	Total OMB major rule reviews	*Federal Register final rules	“Costed” rules as % of major rule flow	“Costed” rules as % of finalized* rule flow
FY 2020	110	3,353	32.73%	1.07%
FY 2021	97	3,257	28.87%	0.86%
FY 2022	63	3,168	36.51%	0.73%
FY 2023	60	3,018	48.33%	0.96%
TOTAL	330	12,796	35.15%	0.91%

Source: Compiled by C. W. Crews from OMB, various fiscal years’ editions of *Report to Congress on Benefits and Costs of Regulation*, <https://bidenwhitehouse.archives.gov/omb/information-regulatory-affairs/reports/>.

Note: *Federal Register final rules are presented by calendar year; other data by fiscal year. Budget rules are “regulations implement[ing] or adjusting Federal budgetary programs, which primarily caused income transfers, usually from taxpayers to program beneficiaries.”

2024, 19 rules featured both costs and benefits, and another 10, costs only.⁵³

All in all, OMB has reviewed 330 major rules over the 2020–2023 “roaring 20s” period covered in Table 3. This is out of 12,796 rules finalized in the *Federal Register* during the same time frame.

Although the *Report to Congress* covers agencies’ compliance with the Unfunded Mandates Reform Act, the independent agencies, which include formidable regulators such as the FCC and some financial regulatory bodies, are exempt from OMB cost–benefit review. Overall, as Table 3 also shows,

about 35 percent of the reviewed major rule subset features quantitative cost estimates so far in the decade. Beyond the designated major rules, the proportion of rules with cost analysis averages less than 1 percent. Historically, the ratios are similar.

The 2022 edition of *Ten Thousand Commandments* employed an estimate of \$1.927 trillion for annual regulatory costs that had incorporated OMB *Report(s) to Congress* through FY 2019, making it a touchpoint of sorts for the first two decades of the 21st century and the incremental costs that OMB is revealing.⁵⁴ Additional official reporting since then allowed us to adjust the 2024 estimate to \$2.117 trillion, which is our starting point for 2025.

Table 3 shows the composite report containing the first four years of the 2020s. Those years had 50 rules with both benefits and costs quantified, adding \$29.1 billion to annual regulatory costs. Those rules, presented in Appendix A, cover vehicle fuel efficiency, building energy conservation, and industrial admissions standards, as well as deregulatory Trump-era moves on “waters of the United States.” That \$29.1 billion was added during this time frame is noteworthy, given that the first two of the four fiscal years represented Trump savings, and given that the first 20 years of the century found OMB noting \$151 billion in annual costs added, averaging around \$7 billion annually.

The 66 rules noted for 2020–2023 in Table 3’s fourth column with costs alone quantified add \$48.2 billion to ongoing annual costs. Appendix B details this category of rules for fiscal years 2020–2022, which includes rules such as COVID-19 paid leave.

During the 2002–2019 period, there were dozens of such cost-only rule disclosures, with high-end cost estimates of \$53.71 billion.⁵⁵ This underscores that the first four years of this decade alone have added nearly that amount, indicative yet again of rising rulemaking costs. Recent costs are even higher, however, since FY 2024 is not yet officially incorporated into an OMB Draft Report, despite our being in FY 2025 now. During 2024, the OMB issued rules with total costs exceeding \$1 trillion: The 2026 edition of this report will contain the annualized figures if they are made official.

To this \$77 billion in quantified rules of 2020–2023 from the *Report to Congress*, we also incorporate a small annual paperwork cost component for independent agencies. In addition to the tardy *Report to Congress*, five laggard *Information Collection Budget of the U.S. Government* (ICB) volumes appeared in 2023 in belated compliance with the Paperwork Reduction Act of 1980. An FY 2023 edition followed in July 2024. The FY 2023 update reported that 10.5 billion hours were required to complete mandatory paperwork from 39 departments, agencies, and commissions.⁵⁶ Paperwork is

also tracked online: As of January 23, 2024, OMB's website reported that government-wide totals for "Active Information Collections" imposed a "total annual cost" of \$188,443,374,126 (up from \$143,731,031,418 a year earlier) and take up 12,340,821,785 hours.⁵⁷ One might note with amusement the pseudo-precision of \$126. Until January 2024, hours were presented to three-quarters-of-an-hour precision on time consumed.⁵⁸

The 10.5 billion hours Washington says it takes to complete federal paperwork in its *Information Collection Budget* snapshot translates into the equivalent of 14,983 human lifetimes.⁵⁹ For our purposes, executive branch agencies' paperwork costs are assumed to have been incorporated into the *Report to Congress*. However, since independent agencies' costs are not, the release of paperwork reports allows the incorporation of a small amount of incremental costs here. Assuming \$35 per hour, independent agency costs that were \$28.05 billion at the time of the 2024 *Ten Thousand Commandments* now stand at \$32.49 billion.⁶⁰ Interestingly, in keeping with the OMB shift from regulatory streamlining to greasing the pursuit of net benefits, the new *Information Collection Budget* was repackaged under Biden in his final two years as "Tackling the Time Tax," wherein the thrust is not reducing paperwork burdens on the regulated public but increasing access to taxpayer-provided benefits via

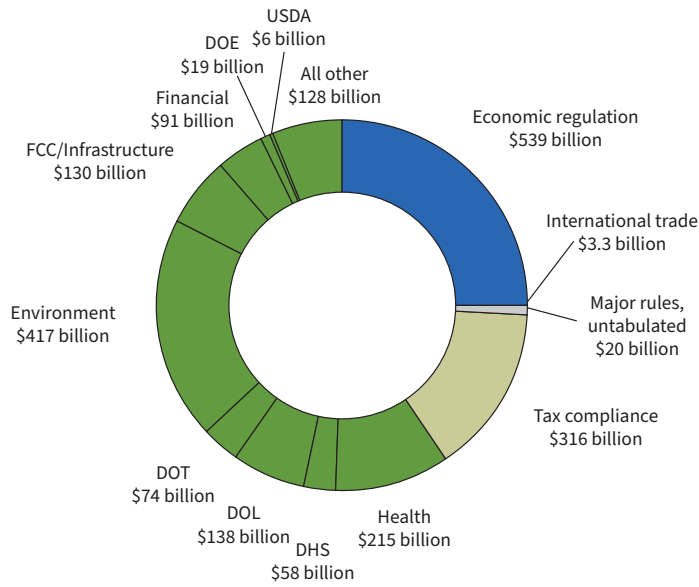
the likes of automatic eligibilities and partnerships with community-based organizations.

We can make a slight adjustment to legacy economic costs as well. Given that the NAM report's economic cost component alone exceeds \$2 trillion and building from the legislative interventions of the past two decades, it is appropriate to cautiously recognize that the higher economic costs that we have pointedly left flat since OMB referenced some \$487 billion in 2001 dollars (Table 2). This is in keeping with the imperative to have official federal reports occupy center stage and to have their own inadequacy spur upgrades and reform.

In yet another bow to conservatism, rather than \$487 billion, this report until 2023 had used a far more cautious \$399 billion baseline in 2013 dollars.⁶¹ Updating that government-rooted but downsized figure to 2024 dollars yields a \$539 billion marker we shall use.⁶² That's still far below the NAM's figure for economic regulation, but it serves our purpose of setting a legacy baseline and of appealing to Congress to insist on compliance with the Regulatory Right-to-Know Act.

Incorporating higher economic costs brings the total to \$2.155 trillion, as reflected in Figure 1.⁶³ Marking a \$38 billion increase over the \$2.117 trillion employed in this report's 2024 edition, this does not yet capture the tens of billions in

Figure 1. Annual cost of federal regulation and intervention, 2024 estimate



Sources: Clyde Wayne Crews Jr., *Tip of the Costberg: On the Invalidity of All Cost of Regulation Estimates and the Need to Compile Them Anyway*, 2017 edition, available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2502883, and editions of *OMB Reports to Congress* on regulatory costs and benefits, <https://bidenwhitehouse.archives.gov/omb/information-regulatory-affairs/reports/>.

Note: DHS = Department of Homeland Security; DOE = Department of Education; DOL = Department of Labor; DOT = Department of Transportation; FCC = Federal Communications Commission; USDA = US Department of Agriculture.

regulatory costs imposed in FY 2024, as OMB has not yet officially documented in a new *Report to Congress*. We do not claim accuracy to four significant figures but present them in the same spirit as OMB in its paperwork assessments, which presented dollar values to the one's place and time-spent precision to the quarter hour. This figure serves as a baseline to compare with metrics such as federal spending aggregates.

Inflating figures from a quarter century ago is a sketchy exercise. Critics of cost-benefit analysis also claim that many

old rules like those in the legacy federal reports no longer impose costs because of technological change or adaptation. The distortions of regulation over time make that assertion untrue, but nonetheless the NAM shows how keeping government estimates intact can illuminate the inadequacy of official government reporting and spur improvement. For example, this report embeds a \$418 billion annual estimate for environmental costs, also below the NAM \$588 billion tabulation for that category, so we could have also updated that figure and may elect to do so in future editions of this report.

Much federal economic and social intrusion is not captured as costs of regulation or coercive intervention in any of the formats that purport to address or score them. Even mere numbers of rules were not tabulated before 1976. Like the NAM report, other assessments acknowledge regulatory costs far beyond official reckonings, including former White House Council of Economic Advisers chief economist Casey Mulligan's report, "Burden Is Back: Comparing Regulatory Costs Between Biden, Trump, and Obama."⁶⁴ These exercises to broaden understanding are appropriate since OMB reports do not entail third-party objectivity but, as OMB acknowledges in recent editions of the *Report to Congress*, "All estimates presented . . . are agency estimates of benefits and costs, or minor modifications of agency information performed by OMB."⁶⁵

In that vein, this report's Appendix C presents more than a century and a half of economic consolidations and administrative state escalations. As the Competitive Enterprise Institute's founder Fred L. Smith Jr. framed this dilemma, "The genius of the Progressives in the late 19th century was to preempt or push large sectors of the emerging future (the environment, schools, electromagnetic spectrum, infrastructure, welfare, the medical world) into the political world."⁶⁶

These outside-the-framework costs include antitrust regulation, public-private partnerships in electric vehicle

charging networks, clean hydrogen hubs,⁶⁷ regional technology hubs,⁶⁸ and other top-down subsidies, common carriage,⁶⁹ resource-use restrictions on western lands, and the "too big to fail" stance toward large financial institutions, just to name a few.

Administrative state convention routinely disregards political failure, underplays the importance of private property, and fails to appreciate its own role in aggravating inequality.⁷⁰ Even transfer and budget rules like the 134 noted in Table 3 can displace what would have been private activity in, for example, retirement and health care funding, distorting those markets in perpetuity. Washington's inducement of dependency on federal government transfers is as fundamental as social regulation and the custodial administrative state can get, yet it is not counted among costs. And of course, costs of subregulatory materials, such as agency memoranda, guidance documents, bulletins, circulars, and manuals, do not appear in OMB's annual assessments.

Abundant, therefore, are the routes for getting to \$2 trillion and beyond in costs of regulatory intervention, displacement, and consolidation. Equally abundant is the official inclination to disregard the scale and scope of such encumbrances. Regulatory costs have only compounded since the government bothered to tabulate aggregate social, environmental, and economic costs two

decades ago. Table 3 and Appendixes A and B depict tens of billions of dollars added in only the most recent four years by a handful of more than 400 federal agencies and subunits.⁷¹

Regulation, spending, and deficit

Comparing regulatory costs with federal taxation and spending helps provide perspective. According to the newly released Congressional Budget Office (CBO) *Budget and Economic Outlook*, covering FY 2024 and projections for FY 2025–FY 2035, the federal government posted \$6.750 trillion in outlays on revenues of \$4.918 trillion in 2024, for a deficit of \$1.832 trillion.⁷²

According to the CBO, outlays are expected to cross the \$7 trillion mark in 2025 and top \$10 trillion annually by 2033. Deficits exceeding today's \$1.8 trillion are then projected to grow as far as the eye can see, passing \$2 trillion in 2030.

Figure 2 compares deficits and outlays for fiscal years 2023 and 2024, and projected amounts for FY 2025, along with regulation. Regulation now stands at about 32 percent of outlays and easily exceeds 2024's \$1.832 trillion deficit. For additional perspective, the NAM regulatory aggregate cost figure of \$3.079 trillion equals 46 percent of 2024 outlays.

Although spending and debt are tracked, official measurements likely do not

capture increased regulatory costs from recent major spending legislation. Unremitting projected deficits can also increase pressure to regulate instead of spend.

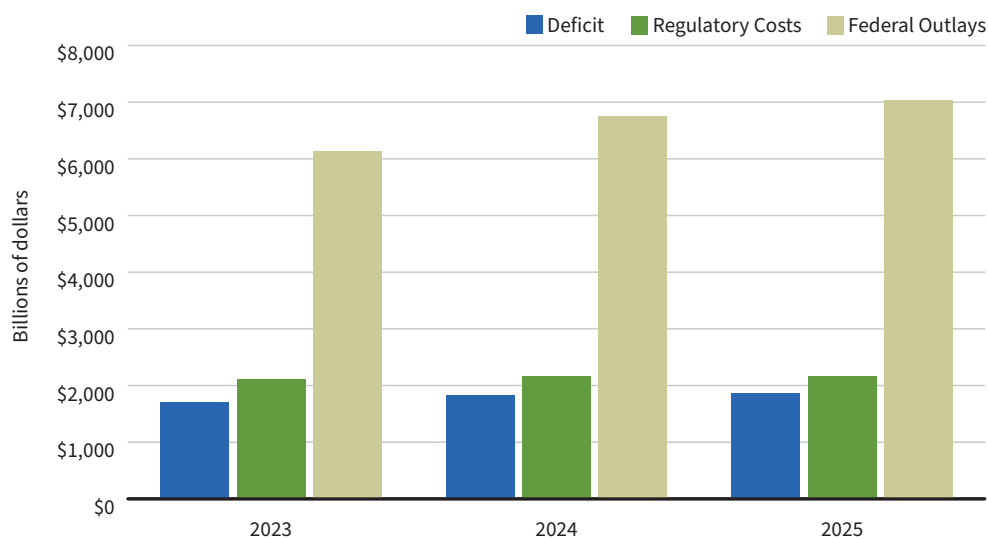
Regulatory costs compared with taxes and profits

Figure 3 provides a snapshot of the US \$2.155 trillion regulatory burden compared with taxes and corporate profits. **Income tax revenues were an estimated \$2.5 trillion for FY 2024, while corporate income tax revenue was estimated at \$613 billion for FY 2024.**⁷³ Regulatory costs are three and a half times corporate income taxes and approach the level of individual income taxes. The NAM cost figure of \$3.1 trillion exceeds both combined (\$2.6 trillion). This study's \$2.155 trillion regulatory cost estimate equals more than 61 percent of corporate pretax profits of \$3.5 trillion, while the NAM's \$3.1 trillion estimate would consume nearly all corporate profits.

Regulatory costs compared with US GDP

In January 2024, the Commerce Department's Bureau of Economic Analysis estimated 2023's US current-dollar GDP at \$29.37 trillion.⁷⁴ Our highly conservative \$2.155 trillion regulatory cost figure is equivalent to approximately 7 percent of GDP, or 11 percent of the NAM's \$3.067 trillion reckoning. Combining \$2.155 trillion in regulatory costs with

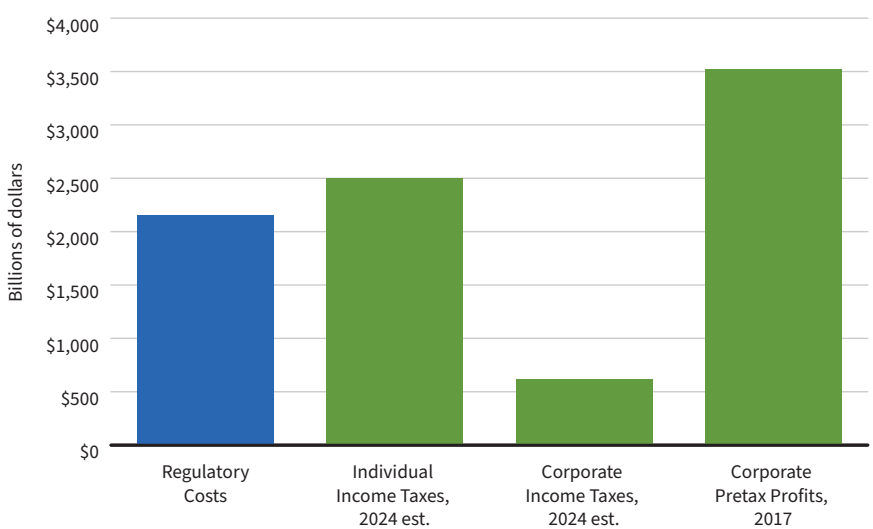
Figure 2. Federal outlays and deficits compared with federal regulation



Sources: Deficit and outlays and projected outlays from Congressional Budget Office, *The Budget and Economic Outlook*, Table 1-1, “CBO’s Baseline Budget Projections, by Category,” various years, <https://www.cbo.gov>. Deficit and outlays also from Office of Management and Budget, Historical Tables, Table 1.1—Summary of Receipts, Outlays, and Surpluses or Deficits (-): 1789–present, <https://bidenwhitehouse.archives.gov/omb/budget/>. Regulatory cost estimate from C. W. Crews, *Tip of the Costberg*.

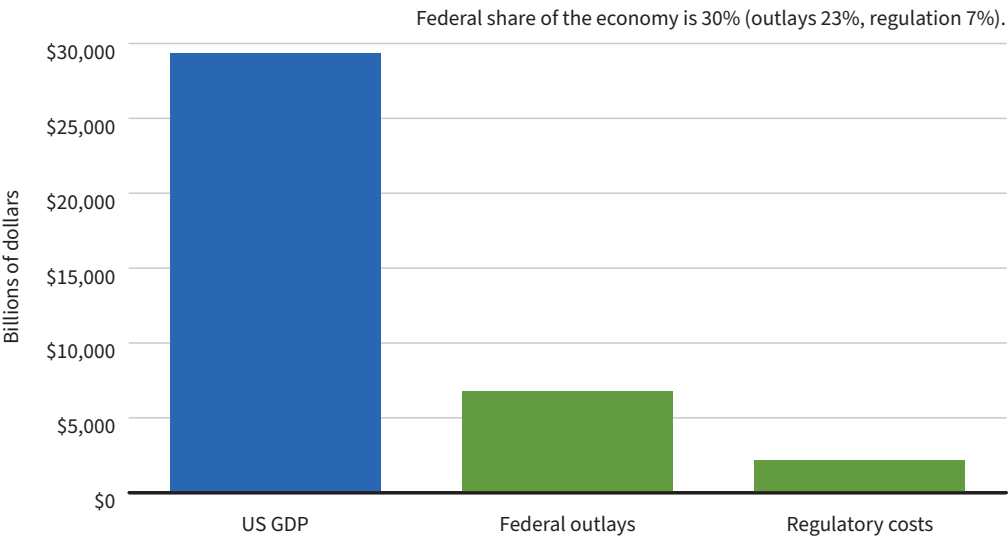
Note: Federal deficit and outlay numbers are by fiscal year; regulatory costs by calendar year. Amounts for 2025 outlays and deficit are projected.

Figure 3. Regulation compared with individual income taxes, corporate income taxes, and corporate pretax profits



Sources: Regulatory cost estimate from text and C. W. Crews, *Tip of the Costberg*; 2024 estimated tax figures from OMB, Historical Tables, Table 2.1, “Receipts by Source,” <https://bidenwhitehouse.archives.gov/omb/budget/>; 2017 Corporate pretax profits (domestic and international) from Bureau of Economic Analysis, National Income and Product Accounts Tables, Table 6.17D, “Corporate Profits Before Tax by Industry.”

Figure 4. Estimated 2024 GDP compared with federal outlays and regulation



Sources: C. W. Crews, *Tip of the Costberg*, and 2017–2020 editions of OMB Report to Congress on regulatory costs and benefits as compiled by the author in OMB-Tallied Social Regulation Subset, <http://bit.ly/1wpQTrm>, and Annual Costs of Untabulated Major Rules Reviewed at OMB—by Fiscal Year, <http://bit.ly/1sp0UkH>. GDP from US Department of Commerce, Bureau of Economic Analysis. Outlays from Congressional Budget Office and Office of Management and Budget.

federal FY 2024 outlays of \$6.750 trillion, the federal government’s share of the economy stood at \$8.9 trillion in 2024, or 30 percent of GDP (see Figure 4). None of these metrics include state and local spending and regulation.

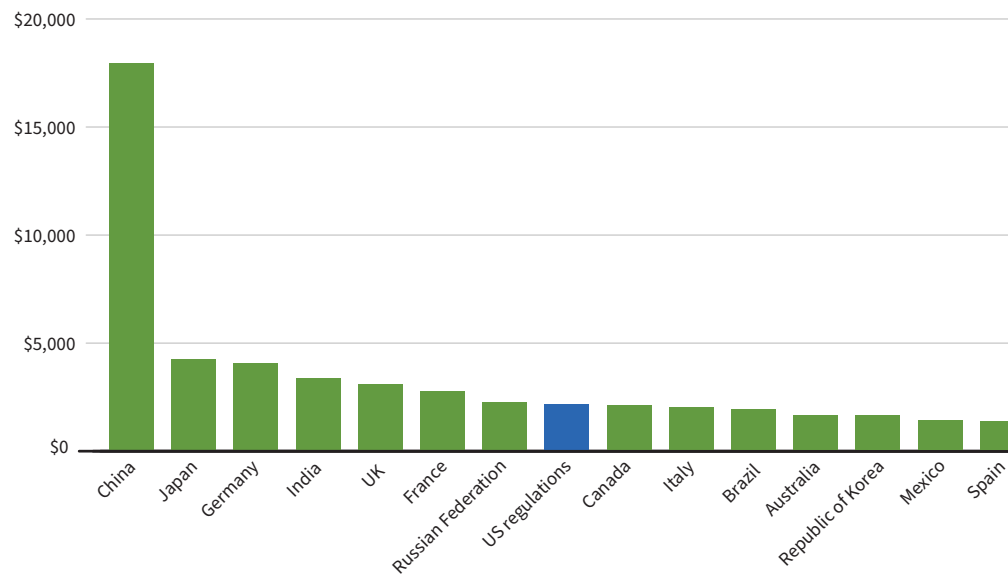
US regulation compared with global economies

If US regulatory costs of \$2.155 trillion were a country, it would be the world’s eighth-largest economy, ranking just ahead of Canada, with its \$2.14 trillion 2022 GDP, and behind the Russian Federation at \$2.24 trillion (see Figure 5).⁷⁵ Using the NAM’s cost estimate, federal

regulation would be the fifth-largest country, just ahead of the United Kingdom’s \$3.071 GDP.

The US regulatory figure of \$2.155 trillion not only exceeds the output of many of the world’s major economies, but also greatly outstrips even those ranked as the freest economically by two prominent annual surveys of global economic liberty. Figure 6 depicts the 2022 GDPs of the five nations ranked in the top 10 common to both the Heritage Foundation *Index of Economic Freedom* and the Fraser Institute/Cato Institute *Economic Freedom of the World* report.⁷⁶ The Fraser/Cato index ranks the United States 5th,

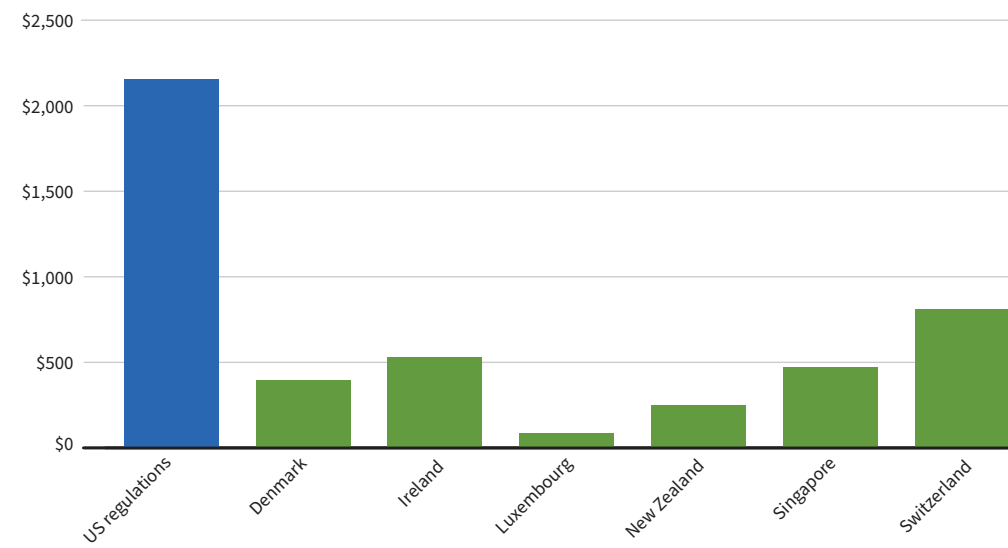
Figure 5. 2024 US regulatory costs compared to 2022 GDP of the world’s largest economies



Sources: C. W. Crews, *Tip of the Costberg*. Gross domestic product data from World Bank, “GDP (Current US\$),” <http://data.worldbank.org/indicator/NY.GDP.MKTP.CD/countries> and <https://databank.worldbank.org/data/download/GDP.pdf>.

Note: US 2022 GDP of \$25.462 trillion per World Bank not shown.

Figure 6. 2024 US regulation compared with 2022 GDP of world economies regarded as most free



Sources: C. W. Crews, *Tip of the Costberg*. Gross domestic product data from World Bank, “GDP (Current US\$),” <http://data.worldbank.org/indicator/NY.GDP.MKTP.CD/countries>.

Note: “Free” economies consist of those in the top 10 of both the Heritage Foundation *Index of Economic Freedom* and the Fraser Institute/Cato Institute *Economic Freedom of the World* reports.

whereas the Heritage report ranks the United States 25th.

A hidden tax on household budgets

Regulations are sometimes called a “hidden” tax for good reason. Ordinary income and FICA taxes are itemized on pay stubs and calculated on tax returns. Most regulatory costs are embedded in prices of goods and services, and never show up on a receipt or an annual statement. Regulations can affect households directly, or they can occur indirectly. Businesses pass regulatory costs on to consumers just as they do the corporate income tax.⁷⁷ Other regulatory costs find their way to households in the form of lower returns on retirement funds and other investments, as well as fewer investment opportunities and more paperwork.

The true incidence of regulatory costs is of course impossible to precisely calculate. But by assuming a full pass-through of all regulatory costs to consumers, one can look at American households’ share of regulatory costs and compare it with total annual expenditures at the household level, such as the ones from the Department of Labor’s Bureau of Labor Statistics.⁷⁸

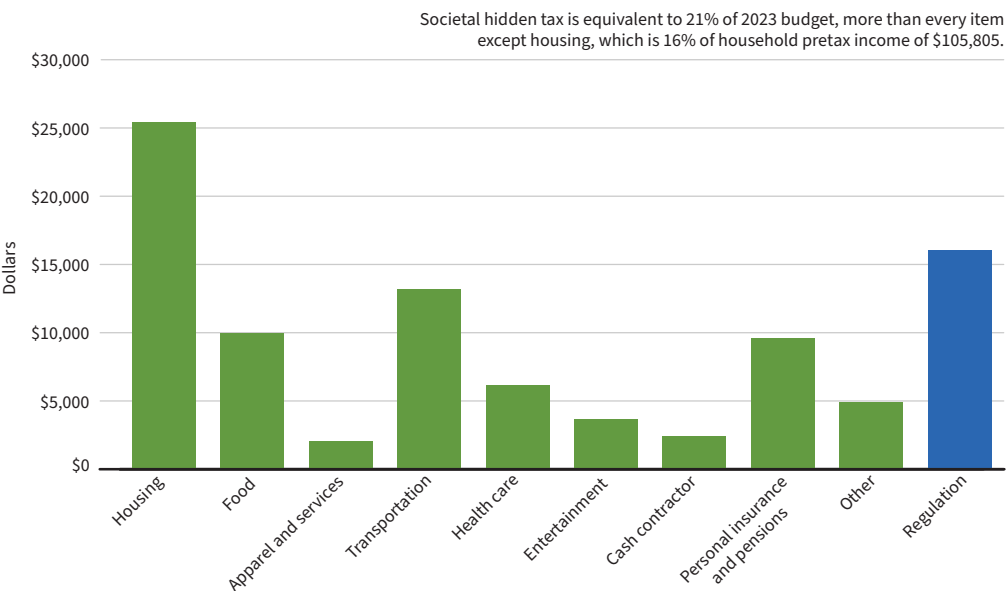
For America’s 134.556 million households, average 2023 pretax income

was \$101,805 (compared with the prior year’s \$94,003).⁷⁹ If one were to allocate annual regulatory costs, assuming the full pass-through of costs to consumers, US households pay \$16,016 annually in embedded costs (\$2.155 trillion in regulation divided by 134,556,000 consumer units), or 16 percent of an average income before taxes (and of course more as a share of after-tax income). The NAM’s \$3.079 trillion regulatory assessment would imply costs of \$22,883 per household, or 22 percent of income.

Using the \$2.155 trillion baseline, the hidden regulatory tax exceeds every annual household expenditure item except housing (see Figure 7). Regulatory costs amount to up to 21 percent of the typical household’s expenditure budget of \$77,280 (up from \$72,967 in 2022). That means the average US household spends more on hidden regulation than on health care, food, transportation, entertainment, apparel, services, or savings. The NAM’s \$3.079 trillion regulatory cost of \$22,962 amounts to fully 30 percent of household expenditures, still not exceeding housing costs but coming uncomfortably close.

Examining costs is one way to assess the size and scope of federal regulation. Another is to assess the amount of regulatory material that agencies publish each year in sources like the *Federal Register*.

Figure 7. US household expense budget compared with regulatory burdens



Sources: Bureau of Labor Statistics (BLS); author calculations.

Note: Proxy for households here is BLS depiction of 134,090,000 “consumer units,” which comprise “families, single persons living alone or sharing a household with others but who are financially independent, or two or more persons living together who share expenses.” Other consists of “personal care products and services,” “education,” and “all other expenditures.”

Numbers of rules and page counts in the *Federal Register*

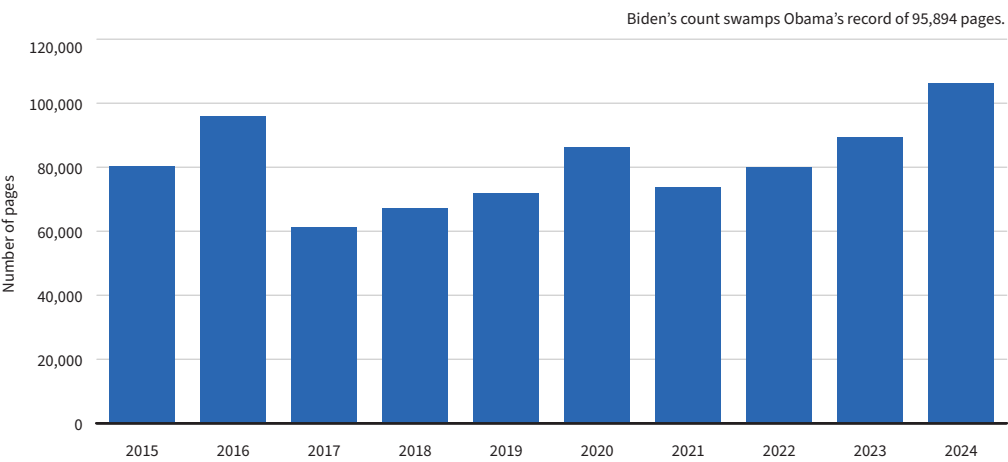
The *Federal Register* is the daily repository of all proposed and final federal rules and regulations. Although its page counts are often cited as a measure of regulatory activity, that is not a perfect measure. A short rule may be costly, whereas a lengthy one may be relatively cheap. The *Federal Register* also contains many administrative notices, corrections, rules relating to the governance of federal programs and budgets, presidential statements, and other materials. These contribute bulk and bear some relation to the flow of regulation but are not strictly regulations. Blank pages, skips, and corrections also affect page counts. Shortcomings notwithstanding, it remains worthwhile to

track the *Federal Register*'s page counts as a proxy for federal activism.

The 2024 *Federal Register* closed out at 106,109 pages, the highest count ever, and up 19 percent over 2023 (see Figure 8).⁸⁰ Counts are up 23 percent over the past 5 years, and 32 percent over the past 10 years.

One can compare Biden's *Federal Register* tally with two extremes. At the end of 2016, Obama's final calendar year, the number of pages reached a then-record 95,894. Conversely, the first calendar year of the Trump administration concluded with 61,314 pages.⁸¹

Figure 8. 106,109 *Federal Register* pages at end of Biden’s fourth year



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

The last time the annual page count had been lower than 2017 was in 1992 during the Bush administration, at 57,003 pages. A drop in page counts between administrations is typical, as incoming presidents freeze the pipeline temporarily and launch their own priorities. Figure 8, for example, depicts a substantial drop between Trump and Biden, even though over 6,000 pages between January 1, 2021, and Biden’s inauguration on January 20 belonged to Trump. (Similarly, Biden added 7,641 pages in January 2025 before Trump was inaugurated.⁸²)

Of the 20 all-time high *Federal Register* page counts, 7 occurred during the Obama administration, as Table 4 shows. Biden has 3 in the top 10. For the history of *Federal Register* page totals since 1936, see Appendix D.

Federal Register pages devoted to final rules

Isolating the pages devoted to final rules rather than gross page counts removes pages dedicated to proposed rules, agency notices, corrections, and presidential documents, although those can also have regulatory effects. Such counts tend to surge as presidential terms near their end and “midnight rules” are issued.

Biden’s fourth year concluded with 45,028 pages devoted to final rules, the highest on record and a 71 percent increase over 2023. Final-rule page bulk is up 40 percent over 5 years and 79 percent over 10 years (see Figure 9).

The previous record was 38,639 pages in 2016, Obama’s final year. By contrast,

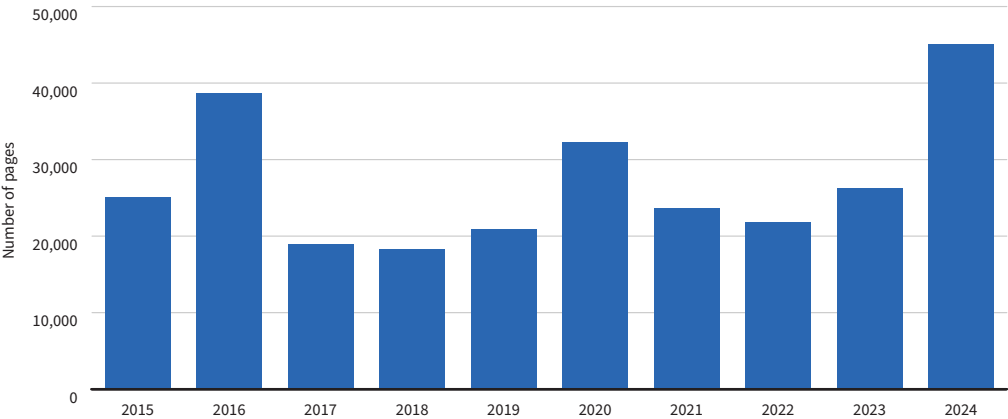
Table 4. Top 20 Federal Register page counts

Rank	Year	Count	POTUS	Rank	Year	Count	POTUS
1	2024	106,109	Biden	11	2012	78,961	Obama
2	2016	95,894	Obama	12	2014	77,687	Obama
3	2023	89,368	Biden	13	2004	75,675	Bush
4	2020	86,356	Trump	14	2002	75,606	Bush
5	2010	81,405	Obama	15	2006	74,937	Bush
6	2011	81,247	Obama	16	2000	74,258	Clinton
7	2015	80,260	Obama	17	2005	73,870	Bush
8	2022	79,856	Biden	18	2021	73,771	Biden
9	2008	79,435	Bush	19	1980	73,258	Carter
10	2013	79,311	Obama	20	2007	72,090	Bush

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

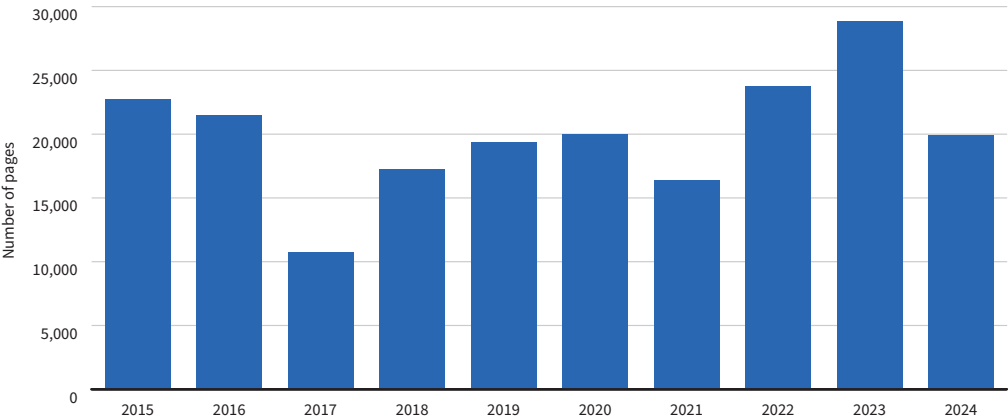
Note: Values sometimes fluctuate. POTUS = president of the United States.

Figure 9. Number of Federal Register pages devoted to final rules



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

Figure 10. Number of *Federal Register* pages devoted to proposed rules



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

2018’s 18,214 pages of final rules was the lowest count since 1993. Obviously, some rules are bulkier than others and affect tallies like these. Trump’s streamlining-oriented Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for model years 2021–2026, for example, clocked in at 1,105 pages.

Alongside these final-rule pages, the page counts for proposed rules in the regulatory pipeline are noteworthy given their implications for future regulatory costs. They are also a leading indicator for possible growth or decline in future final rules.

Federal Register pages devoted to proposed rules surged 21 percent between 2022 and 2023 to an all-time high of 28,892 (see Figure 10), even though, as we’ll see, Biden’s number of proposed rules is relatively low. Before Biden, the

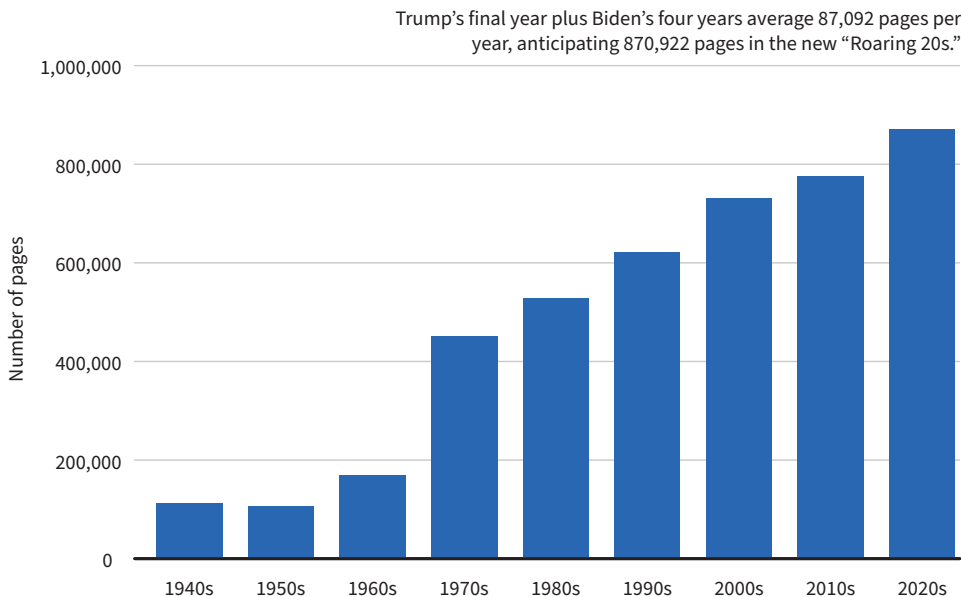
number of pages devoted to proposed rules peaked at 23,102 in 2011 under Obama. The 10,704 in 2017 under Trump was the lowest since 1981.

Federal Register pages published by decade

Calculating *Federal Register* pages per decade provides one more way to characterize the *Federal Register* and longer-term trends (see Figure 11). The results suggest that a million pages per decade may become normal.

During the 2010s, 775,734 pages were added to the *Federal Register* (a simple average of 77,573 pages each year). Five years into the 2020s, which includes Trump’s final calendar year and Biden’s four, the average is 87,092 annually. Figure 11’s extrapolation for the remainder of the 2020s shows an expected

Figure 11. *Federal Register* pages per decade



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

inventory of 870,922 pages, approaching twice the level of the 1970s, when over-regulation was a concern and liberalization in transportation and financial services occurred.

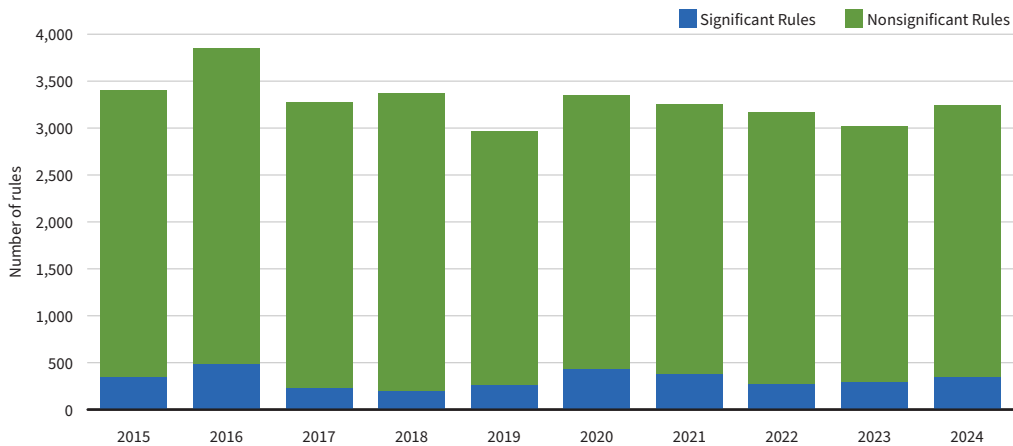
***Federal Register* final/ significant rules**

A trend toward fewer but costlier larger rules may be underway, perhaps supplemented by guidance documents and subregulatory decrees that can substitute for formal rulemaking. The previous two editions of this report detail this “regulatory dark matter” phenomenon. For the year 2023, Biden could freely claim that he has the lowest final

rule count of any president apart from Trump. But that is not the same as being less of a regulator than his predecessors. As will his eventual progressive successors, Biden sported an affinity for antitrust, trade and tech interventions, family leave policies, and other pursuits that may not appear as rules in the *Federal Register* at all and that are not readily tracked in OMB rule reviews.

The 106,109-page *Federal Register* contained 3,248 final rules in 2024, an 8 percent increase over 3,018 final rules in 2023. Biden’s 2023 count is the lowest on record apart from Trump’s 2,964 in 2019 (see Figure 12), which stands as the only count below 3,000 since recordkeeping

Figure 12. Number of final and significant final rules in the *Federal Register*



Source: Compiled by the author using the National Archives. Current-year total final rule tally and all years' significant rule tallies from [FederalRegister.gov](https://www.federalregister.gov) online database, which fluctuates. Prior years' total final rules come from National Archives compilations maintained under "Federal Register Statistics" at <https://www.federalregister.gov/reader-aids/understanding-the-federal-register>.

began in the 1970s. In 2016, the final full year of the Obama administration, the number of final rules reached 3,853, the highest count since 2005. The average for the prior decade (2000–2009) was 3,945. Rule counts were routinely higher in the past: Before 2005, rule counts exceeded 4,000 for all years. The annual average in the 1990s was 4,596, and even higher in the decades prior. Final rule counts now stand well below these levels. The seeming paradox of fewer rules but a fatter *Federal Register* may be explained in part by rules getting longer or more detailed, proposed rules in particular, as may be observed in Appendix E.

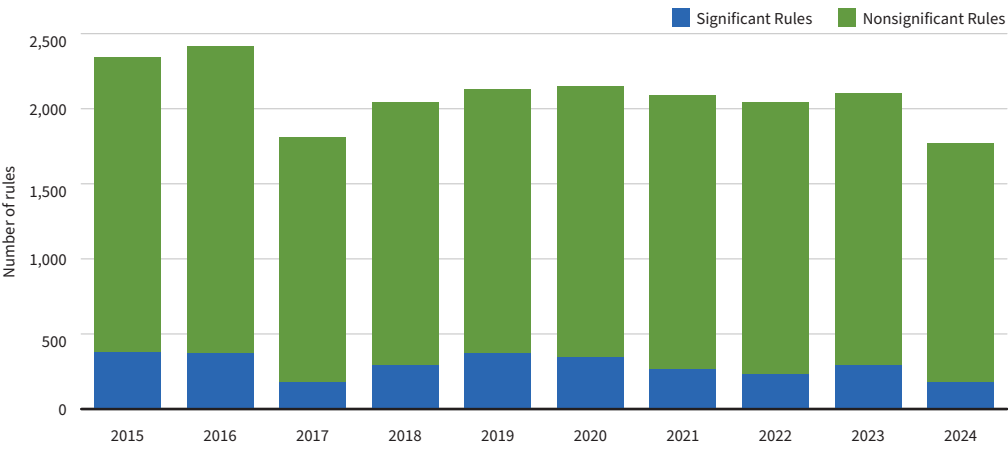
The subset of the total final rules deemed significant under EO 12866 is also presented in Figure 12. Biden had 342

significant final rules in 2023, a jump of 18 percent from 289 in 2023. Biden's significant rules clearly exceed those of Trump; however, they did not resume Obama-era levels, when significant rules topped 400 three times, including the peak of 486 in 2016. (See Appendix E for earlier years.)

In recognition that overlap occurs in transition years, here are calendar-year breakdowns of final and significant final rules published in the *Federal Register* during recent administrations:

- ▶ Barack Obama (eight years): 3,037 significant rules, average 380 per year
- ▶ Donald Trump (four years): 1,121 significant rules, average 280 per year (some deregulatory)

Figure 13. Number of proposed and significant proposed rules in the *Federal Register*



Source: Compiled by the author using the National Archives.

► Joe Biden (four years): 1,274 significant rules, average 319 per year

Box 1 in a later section will inventory the costliest tier of these significant rules for 2024.

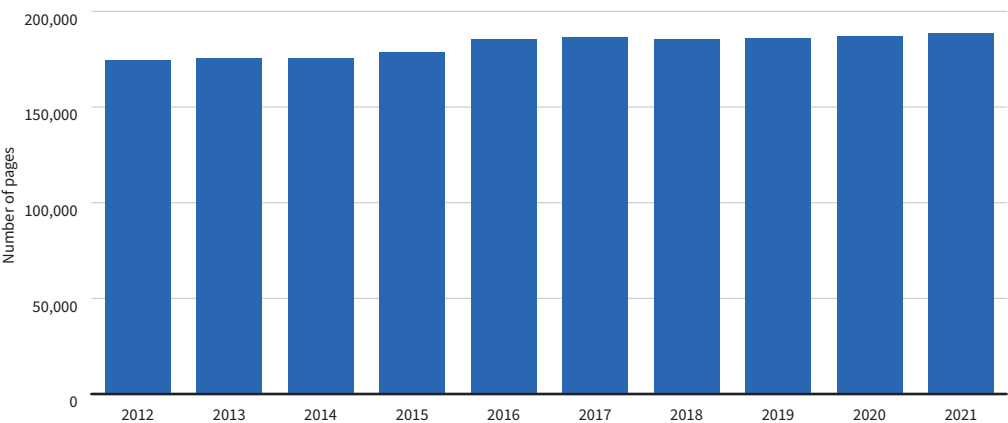
Cumulative final rules in the *Federal Register*

The annual outflow of over 3,000 final rules (except for Trump’s 2,964 rules in 2019) has resulted in 123,723 total new rules since 1993, when the first edition of *Ten Thousand Commandments* was published, through the end of 2024. Since 1976, when the *Federal Register* first began itemizing rules, 220,813 final rules have been issued. Since 1996, the year

the Congressional Review Act (CRA) was passed, 104,837 rules have been issued. (See again Appendix E.) Fewer than two dozen CRA resolutions of disapproval have succeeded.

Proposed rules also sit at historic lows, as Biden’s overall proposed rule flows never attained pre-Trump levels. In fact, the 1,769 proposed rules in the record-breaking 2024 *Federal Register* are actually an all-time low, though 175 were deemed significant (see Figure 13). Trump’s first-year tally of 1,809 proposed rules is notable as the previous all-time low, despite including over 150 issued by Obama during the first weeks of 2017. As observable in Appendix E, the average in the 1990s was 3,164 per

Figure 14. *Code of Federal Regulations*



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

year. The average from 2000 to 2010 was 2,662 annually.

The expanding *Code of Federal Regulations*

The page count in the *Code of Federal Regulations* (CFR)—where the *Federal Register’s* rules come to rest in small print in bound volumes of magenta, teal, and fuchsia—is not as dramatic as the yearly count of tens of thousands of pages in the *Federal Register*. It is still a sight to behold.

In 1960, the CFR contained 22,877 pages. By 1975, that count (including the CFR’s index) had surged to 71,224. As of year-end 2021 (2022–2024 figures have not been logged yet at the National Archives), the count stood at 188,343, as seen in

Figure 14. That is a 164 percent increase in the CFR since 1975. In 2008, George W. Bush’s final full year in office, the count stood at 157,974.

The number of CFR bound volumes now stands at 243, compared with 133 in 1975. The expansion since George W. Bush, not including Biden’s recent two years, is 9 percent. (Appendix F has a detailed breakdown of numbers of pages and volumes in the CFR since 1975.)

The CFR archives agency rulemakings, just as the *United States Code* does for statutes. But it does not account for executive actions and subregulatory guidance documents. These have no fixed archive since the revocation of Trump’s 2020 EO 13981, “Promoting the Rule of Law Through Improved Agency Guidance Documents.”

Regulatory dark matter

Although executive actions are typically supposed to deal with the internal operations of the federal government, they increasingly can have binding effect and influence private behavior. Executive orders, presidential memoranda, notices, “fact sheets,” and other proclamations make up a substantial component of policymaking. This may explain some of the counterintuitive decline in rule counts even as federal scope expands in spending, contracting and procurement, greater economic intervention, public-private partnerships, supply chains,⁸³ hydrogen hubs,⁸⁴ and blueprints for artificial intelligence. Presidents of both parties routinely threaten unilateral executive actions if Congress fails to act on their agenda.

Executive orders

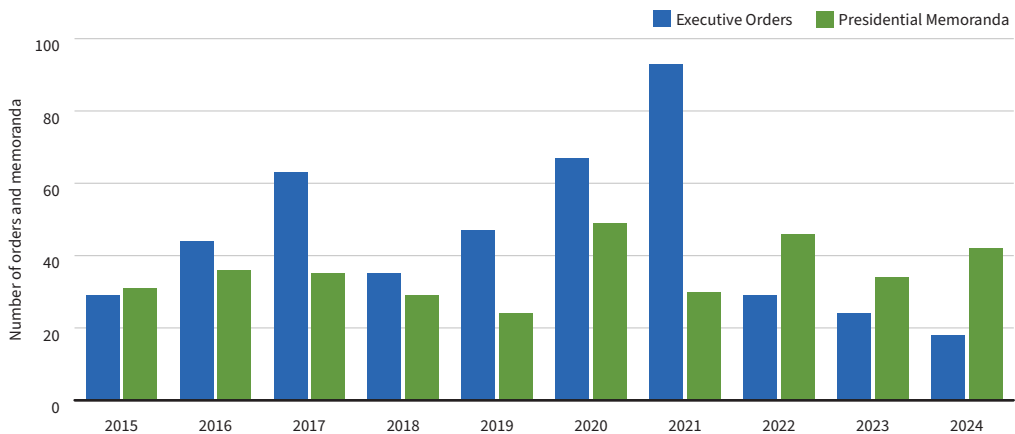
Executive orders (EOs) date back to George Washington’s administration,

but their numerical cataloging and archiving has not been consistent until recent decades. Since the nation’s founding, presidents have issued at least 15,661 of them (see Appendix G).

The United States was several decades old before a president issued more than two dozen executive orders as did President Franklin Pierce (1853–1857). Orders numbered in the single digits or teens until President Abraham Lincoln’s federal consolidations and the subsequent Reconstruction period. President Ulysses S. Grant’s total of 217 set a 19th-century record.

From the 20th century onward, executive orders have numbered over 100 during every presidency and have sometimes soared into the thousands. President Franklin D. Roosevelt—the longest-serving president in history,

Figure 15. Number of executive orders and presidential memoranda



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

elected to four terms and serving a full three—issued 3,467 executive orders.

The 93 executive orders in 2021 stand out in Figure 15. Joe Biden issued 77 of that total, whereas Trump issued 16. Biden’s total fell to 24 in 2023 and 18 in 2024. Recognizing that overlap occurs in transition years (Biden issued 14 in 2025 before Trump’s inauguration), the following are calendar-year breakdowns of total and average annual executive orders published in the *Federal Register* during recent administrations. (Calendar-year counts are provided to preserve comparisons with annual rules counts. Full dispositions in Appendix G will differ slightly.)

- ▶ Bill Clinton years (1993–2000): 364 executive orders, average 46 per year
- ▶ George W. Bush years (2001–2008): 302 executive orders, average 38 per year

- ▶ Barack Obama years (2009–2016): 291 executive orders, average 36 per year
- ▶ Donald Trump years (2017–2020): 212 executive orders, average 53 per year
- ▶ Joe Biden’s years (2021–2024): 164 executive orders, average 41 per year

Biden’s 18 executive orders from 2024 reflect the his whole-of-government efforts and include the following:

- ▶ Adjustments of Certain Rates of Pay, 12/30/2024
- ▶ Amendments to Executive Orders Relating to Certain Certificates and Badges, 12/27/2024
- ▶ Combating Emerging Firearms Threats and Improving School-Based Active-Shooter Drills, 10/02/2024
- ▶ Investing in America and Investing in American Workers, 09/11/2024
- ▶ Establishing an Emergency Board to Investigate a Dispute Between New

Jersey Transit Rail Operations and Its Locomotive Engineers Represented by the Brotherhood of Locomotive Engineers and Trainmen, 07/29/2024

- ▶ White House Initiative on Advancing Educational Equity, Excellence, and Economic Opportunity Through Hispanic-Serving Institutions, 07/22/2024
- ▶ White House Council on Supply Chain Resilience, 06/21/2024
- ▶ COVID-19 and Public Health Preparedness and Response, 04/17/2024
- ▶ Recognizing and Honoring Women's History, 04/01/2024
- ▶ Advancing Women's Health Research and Innovation, 03/21/2024
- ▶ Scaling and Expanding the Use of Registered Apprenticeships in Industries and the Federal Government and Promoting Labor-Management Forums, 03/11/2024
- ▶ Preventing Access to Americans' Bulk Sensitive Personal Data and United States Government-Related Data by Countries of Concern, 03/01/2024
- ▶ Amending Regulations Relating to the Safeguarding of Vessels, Harbors, Ports, and Waterfront Facilities of the United States, 02/26/2024

Executive orders sometimes aim at regulatory review in addition to their popularity for implementing policy. Bill Clinton's 1993 EO 12866 retained the OMB central regulatory review function established by Ronald Reagan's EO 12291 but sought "to reaffirm the primacy of Federal agencies in the regulatory decision-making

process." Joe Biden's "Modernizing Regulatory Review" (EO 14094) of 2023 eliminated the streamlining of Trump's EO 13771, Reducing Regulation and Controlling Regulatory Costs.⁸⁵

Although superficially retaining the Clinton review structure, Biden's EO 14094 raised the threshold for a significant regulatory action from \$100 million annually to \$200 million, a floor that will ratchet upward alongside increases in GDP. Even more significantly, EO 14094 transformed OMB's Circular A-4 and subsequent guidance on regulatory review to soften oversight and bias OMB's methodology to make it find more regulations net-beneficial. The Trump administration will address these.

Presidential memoranda

Presidential memoranda and notices are trickier to tally than executive orders. They may or may not be published in the *Federal Register* or other readily accessible sources depending on a given administration's own determination of "general applicability and legal effect."⁸⁶ Nor are memoranda, determinations, notices, proclamations, presidential orders, and other documents reliably classified or numbered the way executive orders are.

These decrees can range from minor declarations celebrating events or people to the more consequential, like a 2022 continuation of the national emergency

concerning COVID-19,⁸⁷ proclamations expanding national monuments by hundreds of thousands of acres (thereby prohibiting any form of private industrial or commercial activity in those lands),⁸⁸ or actions affecting gun dealers involving background checks and serial numbers.⁸⁹

As Figure 15 shows, Joe Biden issued 42 memoranda in 2024, compared to 46 in 2022, and 34 in 2023. Apart from Trump's 49 in 2020, 2022 marks the highest single-year count to appear in the *Federal Register* database, which records totals back to 1994. Appendix M (The Unconstitutionality Index), discussed later, depicts annual totals of both executive orders and memoranda over the past two decades.

Recognizing that overlap occurs in transition years, here are calendar-year breakdowns of total and average memoranda published in the *Federal Register* by recent administrations:

- ▶ George W. Bush years (2001–2008): 129 memoranda, average 16 per year.
- ▶ Barack Obama years: (2009–2016): 255 memoranda, average 32 per year.
- ▶ Donald Trump (2017–2020): 137 memoranda, average 34 per year.
- ▶ Joe Biden (2021–2024): 137 memoranda, average 38 per year.

The following are among Biden's 42 memoranda from 2024:

- ▶ Establishment of the China Censorship Monitor and Action Group, 12/17/2024.
- ▶ Establishment of the Countering Economic Coercion Task Force, 12/17/2024.
- ▶ Delegation of Certain Sanctions-Related Authorities Under Public Law 118-50, 09/24/2024.
- ▶ Delegation of Certain Functions and Authorities Under the Rebuilding Economic Prosperity and Opportunity for Ukrainians Act, 07/25/2024.
- ▶ Establishment of the Economic Diplomacy Action Group and Delegation of Certain Functions and Authorities Under the Championing American Business Through Diplomacy Act of 2019, 07/12/2024.
- ▶ Actions by the United States Related to the Statutory 4-Year Review of the Section 301 Investigation of China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation, 05/20/2024.
- ▶ Delegation of Authority Under the Protecting Americans from Foreign Adversary Controlled Applications Act, 07/29/2024.

The pertinent question regarding federal intervention is what these executive orders and memoranda do, and the authority or lack thereof used to justify them.

Well over 20,000 agency public notices annually

Presidents issue a few dozen memoranda and other proclamations each year. Departments and agencies issue thousands. These include guidance documents, notices, memoranda, letters, bulletins, action plans, and policy statements. They can use these to signal expectations for, specify parameters for, and influence policy for health care, retirement, education, energy production, finance, land and resource management, science and research, and manufacturing.

Prominent examples in recent years have included post-CARES Act eviction moratorium extensions by both the Trump and the Biden administrations; Biden's student loan forgiveness and the Department of Education's changing of

eligibility rules on a website;⁹⁰ Federal Trade Commission guidance on disclosures for social media influencers⁹¹ and its "Policy Statement Regarding the Scope of Unfair Methods of Competition Under Section 5 of the Federal Trade Commission Act";⁹² and similar "Guidance Regarding Interpretation of Unfair and Deceptive Practices" from the Department of Transportation.⁹³

The year 2023 brought a joint Dear Colleague and Q and A from the Departments of Justice and Education addressing college admissions criteria and navigating "lived experience with race" in the wake of the Supreme Court's decision in *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College* and *Students for Fair Admissions, Inc. v.*

University of North Carolina et al., in a manner leveraging investigations into universities' legacy admissions.⁹⁴ A *Federal Register* notice from the Securities and Exchange Commission issued at the behest of the New York Stock Exchange allowed exchange listing of Natural Asset Companies. It was subsequently withdrawn after public outcry.⁹⁵

Some overarching “meta” guidance operates across agency and amplifies Biden’s whole-of-government progressive pursuits. Examples include OMB’s reworking of Circular A-4 and supporting materials to bias cost-benefit analysis, OMB’s proposed guidance on ecosystem services,⁹⁶ the joint Federal Trade Commission and Department of Justice *Merger Guidelines*,⁹⁷ emergent artificial intelligence policy,⁹⁸ and the social engineering of equity action plans transformed into an annual requirement on the part of federal agencies,⁹⁹ since revoked by Trump.

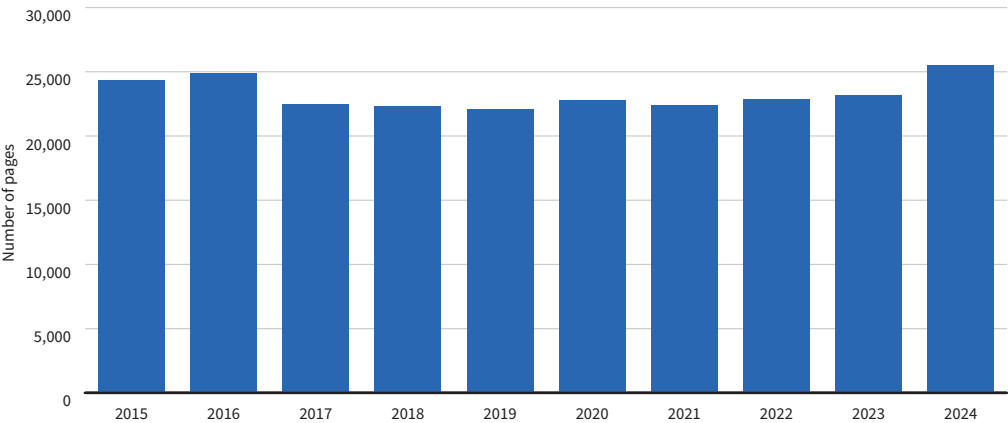
Even though rooted in public laws, new initiatives like federally directed electric vehicle charging networks and drone airspace management will likely be significantly governed by guidance, not proper rulemaking. Written guidance increasingly may not even be necessary. Emergent automobile passive monitoring and disengagement, a central bank digital currency, and government-run payment systems are likely to be administered by less formal means.

Tens of thousands of public notices appear in the *Federal Register* every year, in addition to annual final and proposed rules. These typically consist of non-rulemaking documents, such as meeting and hearing announcements and agency organizational material. But they can also include memoranda, bulletins, guidance documents, alerts, and other proclamations that may be more consequential to the public like some of the big-ticket items noted previously. Figure 16 depicts notices published annually between 2015 and 2024. Standing at 25,506 in 2024, notices peaked at over 26,000 in 2010 and 2011 (tallies of notices and the related “other” also appear in Appendixes E and M). Although many notices are trivial, there have been 740,069 since 1994 and well over a million since the 1970s.

Finding the substantive guidance amid this haystack remains a challenge. A 2018 House Oversight Committee report titled “Shining Light on Regulatory Dark Matter” found that agencies had issued at least 13,000 guidance documents since 2008, of which at least 536 were significant.¹⁰⁰ Recognizing such concerns, Donald Trump’s 2019’s EO 13891, “Promoting the Rule of Law Through Improved Agency Guidance Documents,” established online inventories at agency websites and required formal rulemakings on public-fairness procedures.

Biden reversed these, so that at this point most of the 32 departments and

Figure 16. Notices in the *Federal Register*



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

agencies that adopted formal guidance document public-fairness and transparency procedures wrote new rules to affirmatively disavow and eliminate the nascent disclosures, as shown in Table 5. The haste of repudiation and boilerplate language conforms well with the vision of the Circular A-4 rewrite.¹⁰¹ Trump will reinstate much of his streamlining apparatus.

Surveying the remnants of the EO 13891 portals, this author’s 2024 compilation of guidance documents topped 108,000 across departments, agencies, subagencies, and commissions.¹⁰² These revelations were possible only because of EO 13891, which points to the power of increasing disclosure and shining more such sunlight across the entire administrative state apparatus.

Table 5. Trump-era final rules on guidance document procedures and Biden revocations

	32 Final Rules on Guidance (FROGs)	Biden FROG stampings (22 to date)
Department of Agriculture	https://www.govinfo.gov/content/pkg/FR-2020-06-03/pdf/2020-09886.pdf	https://www.govinfo.gov/content/pkg/FR-2023-05-04/pdf/2023-09531.pdf
Department of Commerce	https://www.govinfo.gov/content/pkg/FR-2020-09-28/pdf/2020-18604.pdf	
Department of Defense	https://www.govinfo.gov/content/pkg/FR-2020-05-29/pdf/2020-11551.pdf	

	32 Final Rules on Guidance (FROGs)	Biden FROG stampings (22 to date)
Department of Education	https://www.govinfo.gov/content/pkg/FR-2020-10-05/pdf/2020-20799.pdf	https://www.govinfo.gov/content/pkg/FR-2021-09-29/pdf/2021-20992.pdf
Department of Energy	https://www.govinfo.gov/content/pkg/FR-2021-01-06/pdf/2020-27875.pdf	https://www.govinfo.gov/content/pkg/FR-2021-06-04/pdf/2021-11753.pdf
Department of Health and Human Services	https://www.govinfo.gov/content/pkg/FR-2020-12-07/pdf/2020-26832.pdf	https://www.govinfo.gov/content/pkg/FR-2022-07-25/pdf/2022-15567.pdf
Department of Housing and Urban Development	https://www.govinfo.gov/content/pkg/FR-2020-11-10/pdf/2020-23982.pdf	https://www.govinfo.gov/content/pkg/FR-2021-07-06/pdf/2021-14019.pdf
Department of the Interior	https://www.govinfo.gov/content/pkg/FR-2020-10-26/pdf/2020-22238.pdf	https://www.govinfo.gov/content/pkg/FR-2021-04-15/pdf/2021-07685.pdf
Department of Justice	https://www.govinfo.gov/content/pkg/FR-2020-10-07/pdf/2020-19030.pdf	https://www.govinfo.gov/content/pkg/FR-2021-07-16/pdf/2021-14480.pdf
Department of Labor	https://www.govinfo.gov/content/pkg/FR-2020-08-28/pdf/2020-18500.pdf	https://www.govinfo.gov/content/pkg/FR-2021-01-27/pdf/2021-01746.pdf
Department of Transportation	https://www.govinfo.gov/content/pkg/FR-2019-12-27/pdf/2019-26672.pdf	https://www.govinfo.gov/content/pkg/FR-2021-04-02/pdf/2021-06416.pdf
Department of Veterans Affairs	https://www.govinfo.gov/content/pkg/FR-2020-11-13/pdf/2020-25121.pdf	https://www.govinfo.gov/content/pkg/FR-2021-06-07/pdf/2021-11835.pdf
Environmental Protection Agency	https://www.govinfo.gov/content/pkg/FR-2020-10-19/pdf/2020-20519.pdf	https://www.govinfo.gov/content/pkg/FR-2021-05-18/pdf/2021-10269.pdf
Agency for International Development	https://www.govinfo.gov/content/pkg/FR-2021-01-05/pdf/2020-26352.pdf	https://www.govinfo.gov/content/pkg/FR-2021-04-09/pdf/2021-07314.pdf
Compliance Board (Access Board)	https://www.govinfo.gov/content/pkg/FR-2020-09-21/pdf/2020-18411.pdf	
Corporation for National and Community Service	https://www.govinfo.gov/content/pkg/FR-2020-07-23/pdf/2020-13940.pdf	
Council on Environmental Quality	https://www.govinfo.gov/content/pkg/FR-2021-01-08/pdf/2020-28881.pdf	https://www.govinfo.gov/content/pkg/FR-2021-04-13/pdf/2021-07398.pdf
Court Services/Offender Supervision, DC	https://www.govinfo.gov/content/pkg/FR-2020-05-19/pdf/2020-09152.pdf	

	32 Final Rules on Guidance (FROGs)	Biden FROG stampings (22 to date)
Equal Employment Opportunity Commission	https://www.govinfo.gov/content/pkg/FR-2020-11-02/pdf/2020-22542.pdf	
Federal Deposit Insurance Corporation	https://www.govinfo.gov/content/pkg/FR-2021-03-02/pdf/2021-01537.pdf	
Federal Mediation and Conciliation Service	https://www.govinfo.gov/content/pkg/FR-2020-04-20/pdf/2020-07523.pdf	https://www.govinfo.gov/content/pkg/FR-2021-06-01/pdf/2021-11204.pdf
National Aeronautics and Space Administration	https://www.govinfo.gov/content/pkg/FR-2020-03-24/pdf/2020-05675.pdf	https://www.govinfo.gov/content/pkg/FR-2021-08-09/pdf/2021-16772.pdf
National Archives and Records Administration	https://www.govinfo.gov/content/pkg/FR-2020-05-28/pdf/2020-09353.pdf	https://www.govinfo.gov/content/pkg/FR-2022-04-11/pdf/2022-07580.pdf
National Endowment for the Arts	https://www.govinfo.gov/content/pkg/FR-2020-08-28/pdf/2020-18459.pdf	https://www.govinfo.gov/content/pkg/FR-2021-10-25/pdf/2021-23135.pdf
National Endowment for the Humanities	https://www.govinfo.gov/content/pkg/FR-2020-09-14/pdf/2020-18481.pdf	
Office of Government Ethics	https://www.govinfo.gov/content/pkg/FR-2020-08-20/pdf/2020-16474.pdf	https://www.govinfo.gov/content/pkg/FR-2021-05-11/pdf/2021-09954.pdf
Office of Personnel Management	https://www.govinfo.gov/content/pkg/FR-2020-10-16/pdf/2020-21393.pdf	
Peace Corps	https://www.govinfo.gov/content/pkg/FR-2020-11-18/pdf/2020-24915.pdf	
Pension Benefit Guaranty Corporation	https://www.govinfo.gov/content/pkg/FR-2020-08-26/pdf/2020-17952.pdf	https://www.govinfo.gov/content/pkg/FR-2021-04-01/pdf/2021-06734.pdf
Railroad Retirement Board	https://www.govinfo.gov/content/pkg/FR-2020-08-28/pdf/2020-18861.pdf	https://www.govinfo.gov/content/pkg/FR-2021-04-30/pdf/2021-09036.pdf
Social Security Administration	https://www.govinfo.gov/content/pkg/FR-2020-08-20/pdf/2020-17878.pdf	https://www.govinfo.gov/content/pkg/FR-2021-04-21/pdf/2021-08113.pdf
Tennessee Valley Authority	https://www.govinfo.gov/content/pkg/FR-2020-09-24/pdf/2020-19546.pdf	https://www.govinfo.gov/content/pkg/FR-2021-05-27/pdf/2021-10059.pdf

Source: Compiled by the author from agency websites and the *Federal Register*.

A note on rule reviews at OMB

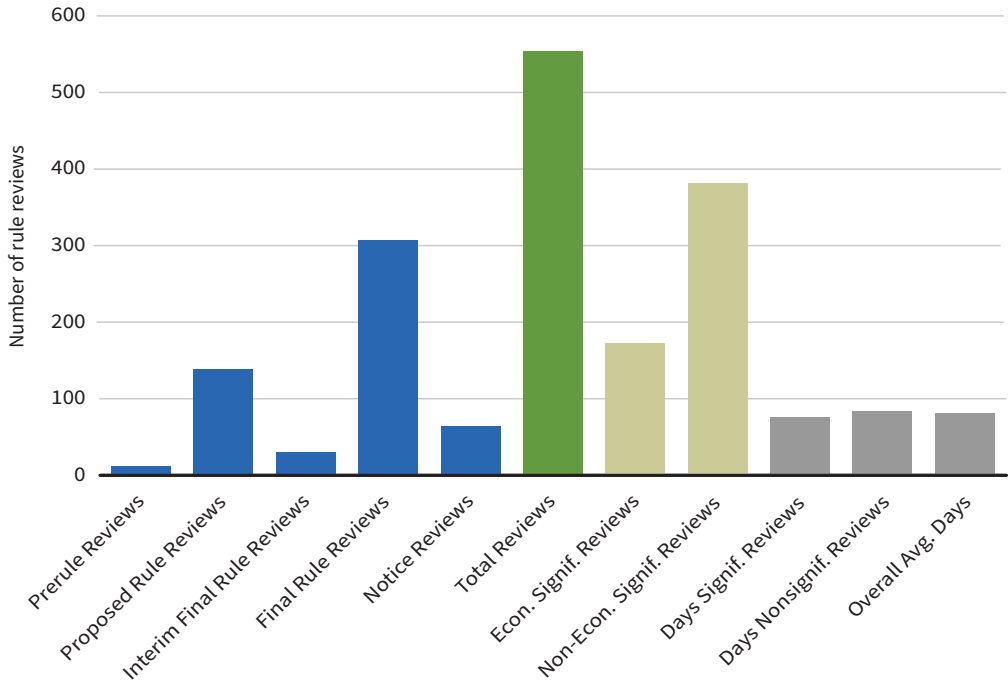
OMB's Biden-era shift to regulatory advocacy, particularly since the Circular A-4 rewrite, diminishes what can be gleaned from EO 12866 rule reviews.

Nonetheless, like pages and rule counts, rule review is one of the few variables available to examine. Figure 17 depicts 554 rule reviews conducted by OMB during calendar year 2024 (compared with 575 and 483 in 2023 and 2022). These are broken down by stage and by economic significance. There were 503 total reviews in Biden's first year and 669 in Trump's final year.

Under Biden, economically significant rules have yielded to the higher-threshold Section 3(f)(1) Significant rules (or

S3F1 rules for short). There were 172 S3F1 rule reviews, compared with 2023's 114 S3F1 reviews and with 2022's 161 economically significant rules reviewed. Figure 17 also presents the number of days OMB took to review significant and nonsignificant rules and regulations, a process that tends to take roughly two and a half months. During the pre-EO 12866 years of 1991–1993, rule review times were shorter than today, despite considerably higher rule counts then. Of thousands of notices, OMB reviewed 119 during calendar year 2024. A history of the number of rules and notices reviewed annually by type and by average days for review from 1991 through 2024 appears in Appendix H.

Figure 17. Number of OMB rule reviews and average days under review, 2024



Source: Author search on RegInfo.gov, “Review Counts” database search engine under Regulatory Review heading.

Unified Agenda of regulatory actions

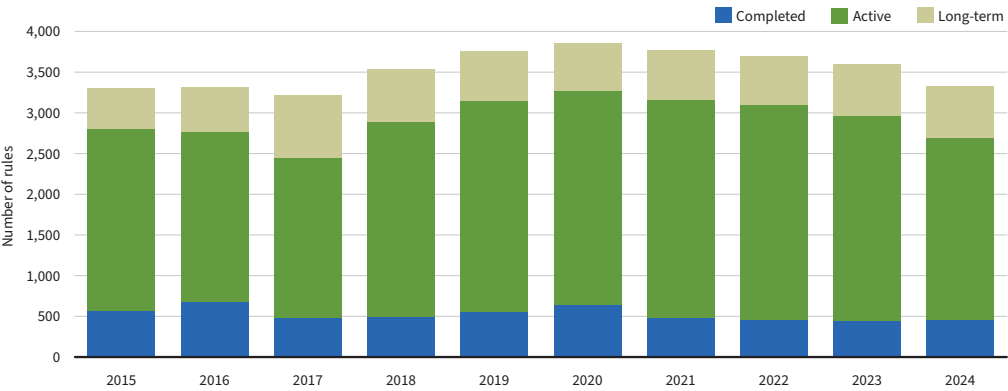
Along with the *Report to Congress*, *Federal Register*, and *Code of Federal Regulations*, another vehicle for regulatory disclosure is the spring and fall editions of the “Regulatory Plan and Unified Agenda of Federal Regulatory and Deregulatory Actions.” Agencies outline regulatory goals and intentions in the Unified Agenda, particularly in the fall Regulatory Plan component.

The Unified Agenda is not a complete compendium of all rules like the *Federal Register*. Instead, it presents a cross-section of regulatory priorities from over 60 federal departments, agencies, and commissions along three categories:

- ▶ **Active actions:** prerule measures and proposed and final rules in the production process
- ▶ **Completed actions:** rules finalized (or withdrawn) during the previous (roughly) six months since the prior Unified Agenda
- ▶ **Long-term actions:** rulemakings anticipated to take place beyond a 12-month horizon

The Unified Agenda reflects administrations’ different priorities in different years, such as a rulemaking pause during the 2012 election season.¹⁰³ Agencies are not required to limit their regulatory activity to the material published in the Unified Agenda unless an administration instructs otherwise.¹⁰⁴ Rather, the Unified Agenda “reflect[s] what the agency wants to make public, not necessarily all activity under consideration, and some highly controversial issues may be withheld.”¹⁰⁵ The Biden

Figure 18. Agency rules in the fall Unified Agenda pipeline



Source: Compiled by the author from “The Regulatory Plan and Unified Agenda of Federal Regulatory and Deregulatory Actions,” *Federal Register*, fall edition, consecutive years, and database at <http://reginfo.gov>.

Note: “Active” rules consist of rules at the prerule, proposed, and final stages.

administration’s pursuit of regulatory net benefits contrasts with the “one-in, two-out” streamlining mindset reflected in the semiannual Unified Agendas between 2017 and 2020, when hundreds of entries were deemed deregulatory.

Most rules in the Unified Agenda are not new but are carryovers from prior editions as they advance through stages, sometimes slowly. In the fall 2024 edition, 275 active rulemaking actions appeared for the first time, compared with 320 the previous fall (and over 400 in both Biden’s first year and Trump’s last).

The fall 2024 “Regulatory Plan and Unified Agenda of Regulatory and Deregulatory Actions” found 69 departments, agencies, and commissions listing 3,331 rules in the active (prerule, proposed,

and final), recently completed, and long-term stages (Figure 18). Most of the active rules have been in the pipeline for some time.¹⁰⁶ This compares to 3,599 in fall 2023. Table 6 breaks out by department, agency, and commission the 3,599 rules in the active, completed, and long-term stages.

Biden continued a longstanding tradition of reporting well over 2,000 rules in the active phase. The only recent exception was a dip in 2017 under Trump to 1,977 rules, that also contained among them 448 rules deemed deregulatory. Notably, as the top bar of Figure 18 hints, Biden’s long-term rule planning resumed Obama-era levels. Historically, through 2013, the Unified Agenda often exceeded 4,000 active, completed, and long-term rules. Unified Agenda counts were highest in the 1990s, peaking at 5,119 rules

Table 6. Unified Agenda entries by department and agency, fall 2024

Department and Agency	Number of Rules	Active	Completed	Long Term
Department of Agriculture	157	107	21	29
Department of Commerce	245	159	68	18
Department of Defense	123	101	19	3
Department of Education	31	23	4	4
Department of Energy	79	58	18	3
Department of Health and Human Services	216	153	31	32
Department of Homeland Security	115	68	14	33
Department of Housing and Urban Development	47	41	4	2
Department of the Interior	318	268	23	27
Department of Justice	114	55	6	53
Department of Labor	91	63	9	19
Department of State	49	33	10	6
Department of Transportation	298	222	35	41
Department of the Treasury	372	258	45	69
Department of Veterans Affairs	74	49	13	12
Environmental Protection Agency	190	120	28	42
Agency for International Development	13	12	1	
Architectural and Transportation Barriers Compliance Board	5	4	1	
Chemical Safety and Hazard Investigation Board	1			1
Committee for Purchase from People Who Are Blind or Severely Disabled	4	4		
Commodity Futures Trading Commission	27	20	7	
Commodity Futures Trading Commission	21	13	3	5
Consumer Financial Protection Bureau	27	25		2
Consumer Product Safety Commission	11	10	1	
Corporation for National and Community Service	2	1	1	
Council on Environmental Quality	4	3		1
Court Services/Offender Supervision, DC	5		1	4
Defense Nuclear Facilities Safety Board	1		1	

Department and Agency	Number of Rules	Active	Completed	Long Term
Equal Employment Opportunity Commission	8	6	2	
Federal Acquisition Regulation	51	41	4	6
Farm Credit Administration	11	11		
Federal Communications Commission	113		1	112
Federal Deposit Insurance Corporation	26	19	3	4
Federal Energy Regulatory Commission	20	16	4	
Federal Financial Institutions Examination Council Appraisal Subcommittee	1	1		
Federal Housing Finance Agency	27	19	2	6
Federal Maritime Commission	7	4	2	1
Federal Mediation and Conciliation Service	6	6		
Federal Mine Safety and Health Review Commission	1	1		
Federal Permitting Improvement Steering Council	3	2		1
Federal Reserve System	29	2	10	17
Federal Trade Commission	26	21	5	
General Services Administration	32	19	10	3
Inter-American Foundation	2			2
National Aeronautics and Space Administration	2			2
National Archives and Records Administration	3	2	1	
National Credit Union Administration	15	12	3	
National Endowment for the Arts	24	16	1	7
National Endowment for the Humanities	4	4		
National Indian Gaming Commission	1			1
National Labor Relations Board	2			2
National Mediation Board	2		1	1
National Science Foundation	1	1		
National Transportation Safety Board	5	4	1	
Nuclear Regulatory Commission	8	5	1	2
Office of Government Ethics	58	28	10	20
Office of Management and Budget	7	6	1	

Department and Agency	Number of Rules	Active	Completed	Long Term
Office of National Drug Control Policy	1	1		
Office of Personnel Management	37	30	6	1
Peace Corps	2	1		1
Pension Benefit Guaranty Corporation	8	7	1	
Postal Regulatory Commission	7	4	2	1
Railroad Retirement Board	5	1	3	1
Securities and Exchange Commission	42	30	6	6
Selective Service System	2	1	1	
Small Business Administration	61	23	6	32
Social Security Administration	21	9	2	10
Surface Transportation Board	5			5
Tennessee Valley Authority	1	1		
US Agency for Global Media	4	3		1
TOTAL	3,599	2,524	431	644

in fall 1994 before a series of mid-1990s regulatory reforms. The fall 2017 Unified Agenda pipeline of 3,209 contained the fewest rules since 1983, even without counting that Trump edition's 540 deregulatory entries. (For a history of the total numbers of rules in the Unified Agenda from 1983 to the present, see Appendix I.)

A relative handful of executive branch agencies each year account for the greatest number of rules in the pipeline. In the fall 2024 Unified Agenda, the Departments of the Treasury, the Interior, Transportation, Commerce, and Health and Human Services are the most active (see Table 7). These top five, with 1,449 rules among them, account for 44 percent of the 3,331 rules in the

pipeline. The Environmental Protection Agency, with 190 rules, takes sixth place. The FCC, with 113 rules, leads the pack among the independent agencies.

The top five independent agencies in the Unified Agenda pipeline by rule count (excluding the multiagency Federal Acquisition Regulations System's 61 and the Office of Personnel Management and the General Services Administration) are the FCC, Small Business Administration, Nuclear Regulatory Commission, Securities and Exchange Commission, and the Federal Reserve System. Their total of 303 rules accounts for 9 percent of the 3,331 rules in the fall Unified Agenda. Combined, the top five executive and independent agencies, numbering 1,752, make up 53 percent of the total.

Table 7. Top rule-producing executive and independent agencies, fall 2023

Executive Agency	Number of Rules
1. Department of the Interior	372
2. Department of the Treasury	318
3. Department of Transportation	298
4. Department of Commerce	245
5. Department of Health and Human Services	216
TOTAL	1,449
% of Total Agenda Pipeline of 3,331	44

Independent Agency	Number of Rules
1. Federal Communications Commission	113
2. Small Business Administration	61
3. Securities and Exchange Commission	58
4. Nuclear Regulatory Commission	42
5. Federal Reserve System	29
TOTAL	303
% of Total Agenda Pipeline of 3,331	9

Top 5 Executives plus Top 5 Independents	1,752
% of Total Agenda Pipeline	53

Source: Compiled by the author from “The Regulatory Plan and Unified Agenda of Federal Regulatory and Deregulatory Actions,” *Federal Register*, fall edition, and database, <http://www.reginfo.gov>.

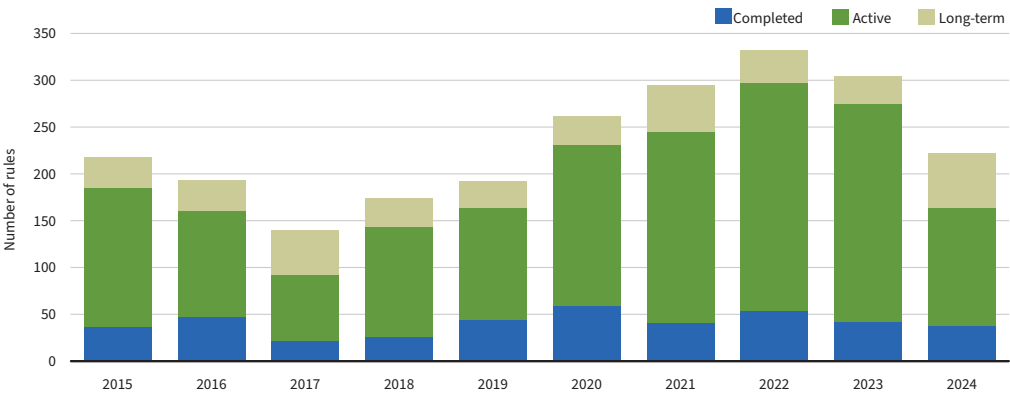
Biden’s new \$200 million rules

From 1993 until April 2023, rules with economic effects of at least \$100 million in a year were classified as economically significant. Biden’s EO 14094 raised the cost threshold for a significant regulatory action to \$200 million and changed its name to a Section 3(f)(1) Significant

designation (or S3F1).¹⁰⁷ Until Trump’s revocation of Biden’s EO 14094, OMB referred to economically significant in the past tense:

This term [economically significant] was used for regulatory actions reviewed between September 30, 1993, when EO 12866 was issued, and April 6, 2023, when the Modernizing

Figure 19. Section 3(f)(1) Significant (S3F1) rules in the fall Unified Agenda



Source: Compiled by the author from “The Regulatory Plan and Unified Agenda of Federal Regulatory and Deregulatory Actions,” *Federal Register*, fall edition, various years.

EO was issued. The term referred to a regulatory action as determined under Section 3(f)(1) of EO 12866, that will have an annual effect on the economy of \$100 million or more or will adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.¹⁰⁸

As Figure 19 shows, 222 rules in the pipeline are designated as having \$200 million in annual economic impact (compared to 304 in fall 2023). That implies eventual combined annual effects of more than \$44 billion, which is notable in the context of the \$77 billion in annualized regulatory costs being added over the past four fiscal years (Table 3). Of these, 126 are active, 37 recently completed, and 59 long-term (a surge from 3

in fall 2023). Table 8 presents an inventory of these 222 rules by the 25 issuing departments and agencies. Of the completed, 9 were from the Department of Energy, 10 from HHS.

Figure 19’s depiction of fall 2024’s 222 S3F1 rules includes those designated economically significant through fall 2022. Although a marked drop might be expected given the higher \$200 million rather than \$100 million threshold, the new count nonetheless matches earlier years depicted, despite a large drop in the “active” component over the past year. Appendix J contains the full list of S3F1 rules—233 active and 30 long-term—that agencies affirm to be in production as of fall 2024.

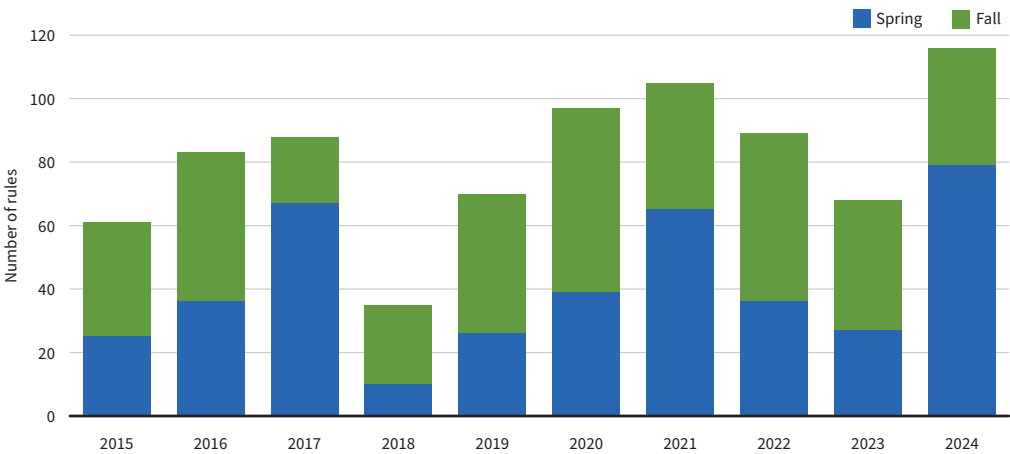
Recognizing that overlap occurs in transition years after elections (for example, Biden issued 68 significant, under

Table 8. Fall 2024 S3F1 rules breakdown by department, agency, and commission

	Rules	Active			Completed	Long Term
		Prerule	Proposed	Final		
Department of Agriculture	7		2		2	3
Department of Commerce	3			2	1	
Department of Defense	1				1	
Department of Education	8		5	1		2
Department of Energy	22		1	11	9	1
Department of Health and Human Services	49		18	12	10	9
Department of Homeland Security	8		1	3		4
Department of the Interior	5		4		1	
Department of Justice	3			2		1
Department of Labor	16	1	7	5	2	1
Department of State	1		1			
Department of Transportation	14	2	4	6	2	
Department of the Treasury	11		3	4	4	
Department of Veterans Affairs	11		4	7		
Consumer Product Safety Commission	2			2		
Environmental Protection Agency	11		2	6	3	
Federal Acquisition Regulation	2			1		1
Federal Communications Commission	6					6
Federal Deposit Insurance Corporation	2		1	1		
Federal Energy Regulatory Commission	1				1	
Federal Trade Commission	3			2	1	
Nuclear Regulatory Commission	2		1			1
Office of Personnel Management	1			1		
Small Business Administration	31			1		30
Social Security Administration	2		1	1		
TOTAL	222	3	55	68	37	59

Source: Compiled from “The Regulatory Plan and the Unified Agenda of Federal Regulatory and Deregulatory Actions.”

Figure 20. Annual completed high-significance rules in the Unified Agenda



Source: Compiled by the author from “The Regulatory Plan and Unified Agenda of Federal Regulatory and Deregulatory Actions,” *Federal Register*, various years.

EO 12866, rules in the interval between the fall Unified Agenda and Trump’s inauguration), here are calendar-year breakdowns of yearly average high-significance active rules in play under recent administrations in their fall Unified Agendas. Note that Biden showed considerably more activity despite the higher threshold he himself established in 2023:

- ▶ George W. Bush (eight years): average 87 in fall Unified Agendas.
- ▶ Barack Obama (eight years): average 133 per year.
- ▶ Donald Trump (four years): average 120 per year.
- ▶ Joe Biden (four years): average 202 per year.

Figure 19 represents flows of the fall Unified Agendas. While this creates a

thorough year-end snapshot as far as active and long-term rules are concerned, incorporating the spring Unified Agendas is necessary for the full picture of the completed subset during any given year. Figure 20 captures the 79 completed economically significant rules in the spring of 2024, plus fall 2024’s 37 completed S3F1 rules. Despite the higher \$200 million threshold compared to the \$100 million one of earlier years, high-significance completed rules surged to a total of 116 in 2024 in the Biden administration. There were 285 additional Biden rules between the December 13 Unified Agenda publication date and the Trump inauguration.

Again recognizing transition year overlap, here are calendar-year breakdowns of completed highly significant rules under recent administrations. Biden’s

average is highest at 95 completed per year, even with the shift to the higher \$200 million threshold.

- ▶ George W. Bush (eight years): average 49 completed economically significant rules per year.
- ▶ Barack Obama (eight years): average 69 completed economically significant rules per year.
- ▶ Donald Trump (four years): average 73 economically significant rules per year (includes over 50 deregulatory during the term).
- ▶ Joe Biden (four years): average 95 highly significant rules per year.

Despite Biden’s EO 14094, major rules retain the \$100 million threshold specified in the Congressional Review Act. Box 1 inventories the combined spring and fall S3F1 completed actions for 2024, plus that wider set of major rules to be discussed shortly.¹⁰⁹ An S3F1 rule is automatically major, bringing the total number of 2024’s recognized high-dollar rules to 146.

The emphasis on the high-cost rule subsets should not distract policymakers and analysts from the remaining bulk of rules in the annual pipeline. Many of these can and do have substantial costs or effects in their own right.

Box 1. Inventory of 146 Spring and Fall 2024 Completed Major Actions

SPRING 2024: 97 COMPLETED MAJOR ACTIONS
(79 are “Section 3(f)1 Significant”
under Biden’s Modernizing Regulatory Review, EO 14094)

DEPARTMENT OF AGRICULTURE

1. USDA/AgSEC, Partnerships with Faith-Based and Neighborhood Organizations, 0503-AA73
2. USDA/APHIS, AQI User Fees, 0579-AE71
3. USDA/FNS, Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Revisions in the WIC Food Packages, 0584-AE82
4. USDA/FNS, Child Nutrition Programs: Meal Patterns Consistent with the 2020–2025 Dietary Guidelines for Americans, 0584-AE88

DEPARTMENT OF COMMERCE

5. DOC/NIST, Preventing the Improper Use of CHIPS Act Funding, 0693-AB70

DEPARTMENT OF EDUCATION

6. ED/OPE, Improving Use of Deferments and Forbearances, 1840-AD88

DEPARTMENT OF ENERGY

7. DOE/EE, Energy Conservation Standards for Residential Non-Weatherized Gas Furnaces and Mobile Home Gas Furnaces, 1904-AD20
8. DOE/EE, Energy Conservation Standards for Consumer Clothes Washers, 1904-AD98

9. DOE/EE, Energy Conservation Standards for Clothes Dryers, 1904-AD99
10. DOE/EE, Energy Conservation Standards for Dishwashers, 1904-AE32
11. DOE/EE, Energy Conservation Standards for Miscellaneous Residential Refrigeration, 1904-AF00
12. DOE/EE, Energy Conservation Program: Energy Conservation Standards for General Service Lamps, 1904-AF43
13. DOE/EE, Energy Conservation Standards for Consumer Refrigerators, Freezers, and Refrigerator-Freezers, 1904-AF56
14. DOE/EE, Energy Conservation Standards for Consumer Conventional Cooking Products, 1904-AF57
15. DOE/EE, Determination of Energy Savings for Commercial Buildings Based on ANSI/ASHRAE/IES Standard 90.1-2022, 1904-AF52
16. DOE/EE, Petroleum-Equivalent Fuel Economy Calculation, 1904-AF47

DEPARTMENT OF HEALTH AND HUMAN SERVICES

17. HHS/FDA, Direct-to-Consumer Prescription Drug Advertisements: Presentation of the Major Statement in a Clear, Conspicuous, Neutral Manner in Advertisements in Television and Radio Format, 0910-AG27
18. HHS/FDA, Medical Devices; Quality System Regulation Amendments, 0910-AH99
19. HHS/FDA, Medical Devices; Laboratory Developed Tests, 0910-AI85
20. HHS/SAMHSA, Medications for the Treatment of Opioid Use Disorder, 0930-AA39
21. HHS/CMS, Streamlining the Medicaid, CHIP, and BHP Application, Eligibility Determination, Enrollment, and Renewal Processes (CMS-2421), 0938-AU00
22. HHS/CMS, Ensuring Access to Medicaid Services (CMS-2442), 0938-AU68
23. HHS/CMS, Interoperability and Prior Authorization for MA Organizations, Medicaid and CHIP Managed Care and State Agencies, FFE QHP Issuers, MIPS Eligible Clinicians, Eligible Hospitals and CAHs (CMS-0057), 0938-AU87
24. HHS/CMS, Medicaid and Children's Health Insurance Program (CHIP) Managed Care Access, Finance, and Quality (CMS-2439), 0938-AU99
25. HHS/CMS, Disproportionate Share Hospital (DSH) Third Party Payer (CMS-2445), 0938-AV00
26. HHS/CMS, CY 2024 Revisions to Payment Policies Under the Physician Fee Schedule and Other Revisions to Medicare Part B (CMS-1784), 0938-AV07
27. HHS/CMS, CY 2024 Hospital Outpatient PPS Policy Changes and Payment Rates and Ambulatory Surgical Center Payment System Policy Changes and Payment Rates (CMS-1786), 0938-AV09
28. HHS/CMS, HHS Notice of Benefit and Payment Parameters for 2025 (CMS-9895), 0938-AV22
29. HHS/CMS, Contract Year 2025 Policy and Technical Changes to the Medicare Advantage, Medicare Prescription Drug Benefit, and Medicare Cost Plan Programs, and PACE (CMS-4205), 0938-AV24
30. HHS/CMS, Minimum Staffing Standards for Long-Term Care Facilities and Medicaid Institutional Payment Transparency Reporting (CMS-3442), 0938-AV25
31. HHS/CMS, Federal Independent Dispute Resolution Process Fees (CMS-9890), 0938-AV39
32. HHS/OCR, Rulemaking on Discrimination on the Basis of Disability in Health and Human Services Programs or Activities, 0945-AA15
33. HHS/OCR, Nondiscrimination in Health Programs and Activities, 0945-AA17
34. HHS/OCR, Safeguarding the Rights of Conscience as Protected by Federal Statutes, 0945-AA18
35. HHS/OCR, Proposed Modifications to the HIPAA Privacy Rule to Support Reproductive Health Care Privacy, 0945-AA20
36. HHS/ONC, Health Data, Technology, and Interoperability: Certification Program Updates, Algorithm Transparency, and Information Sharing, 0955-AA03
37. HHS/ACF, Foster Care Legal Representation, 0970-AC89
38. HHS/ACF, Unaccompanied Children Program Foundational Rule, 0970-AC93

- 39. HHS/ACF, Improving Child Care Access, Affordability, and Stability in the Child Care and Development Fund (CCDF), 0970-AD02

DEPARTMENT OF HOMELAND SECURITY

- 40. DHS/OS, Partnerships with Faith-Based and Neighborhood Organizations, 1601-AB02
- 41. DHS/USCIS, U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements, 1615-AC68
- 42. DHS/USCIS, Exercise of Time-Limited Authority to Increase the Numerical Limitation for FY 2023 for the H-2B Temporary Nonagricultural Worker Program and Portability Flexibility for H-2B Workers Seeking to Change, 1615-AC82
- 43. DHS/USCIS, Exercise of Time-Limited Authority to Increase the Numerical Limitation for FY 2024 for the H-2B Temporary Nonagricultural Worker Program and Portability Flexibility for H-2B Workers, 1615-AC89

DEPARTMENT OF THE INTERIOR

- 44. DOI/BLM, Rights-of-Way, Leasing and Operations for Renewable Energy, 1004-AE78
- 45. DOI/BLM, Fluid Mineral Leases and Leasing Process, 1004-AE80
- 46. DOI/BOEM, Renewable Energy Modernization Rule, 1010-AE04
- 47. DOI/BOEM, Risk Management and Financial Assurance for OCS Lease and Grant Obligations, 1010-AE14

DEPARTMENT OF JUSTICE

- 48. DOJ/CRT, Nondiscrimination on the Basis of Disability: Accessibility of Web Information and Services of State and Local Government Entities, 1190-AA79

DEPARTMENT OF LABOR

- 49. DOL/EBSA, Retirement Security Rule: Definition of an Investment Advice Fiduciary, 1210-AC02
- 50. DOL/EBSA, Definition of ‘Employer’ Under Section 3(5) of ERISA-Association Health Plans, 1210-AC16
- 51. DOL/EBSA, Federal Independent Dispute Resolution (IDR) Process Administrative Fee and Certified IDR Entity Fee Ranges, 1210-AC24
- 52. DOL/MSHA, Respirable Crystalline Silica, 1219-AB36
- 53. DOL/WHd, Nondisplacement of Qualified Workers Under Service Contracts, 1235-AA42
- 54. DOL/WHd, Employee or Independent Contractor Classification Under the Fair Labor Standards Act, 1235-AA43

DEPARTMENT OF TRANSPORTATION

- 55. DOT/NHTSA, Federal Motor Vehicle Safety Standard (FMVSS) 150—Vehicle to Vehicle (V2V) Communication, 2127-AL55

DEPARTMENT OF THE TREASURY

- 56. TREAS/FINCEN, Beneficial Ownership Information Access and Safeguards, 1506-AB59
- 57. TREAS/OCC, Community Reinvestment Act Regulations, 1557-AF15

DEPARTMENT OF VETERANS AFFAIRS

- 58. Schedule for Rating Disabilities: The Digestive System, 2900-AQ90
- 59. Update and Clarify Regulatory Bars to Benefits Based on Character of Discharge, 2900-AQ95
- 60. Reevaluation of Claims for Dependency and Indemnity Compensation Based on Public Law 117-168, 2900-AR76

ENVIRONMENTAL PROTECTION AGENCY

- 61. EPA/OW, Supplemental Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category, 2040-AG23

- 62. EPA/OW, PFAS National Primary Drinking Water Regulation Rulemaking, 2040-AG18
- 63. EPA/OLEM, Accidental Release Prevention Requirements: Risk Management Program Under the Clean Air Act; Safer Communities by Chemical Accident Prevention, 2050-AH22
- 64. EPA/OLEM, Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals from Electric Utilities; Legacy Surface Impoundments, 2050-AH14
- 65. EPA/OLEM, Designating Perfluorooctanoic Acid (PFOA) and Perfluorooctanesulfonic Acid (PFOS) as CERCLA Hazardous Substances, 2050-AH09
- 66. EPA/OAR, National Emission Standards for Hazardous Air Pollutants: Gasoline Distribution Technology Reviews and New Source Performance Standards Review for Bulk Gasoline Terminals, 2060-AU97
- 67. EPA/OAR, NSPS for GHG Emissions from New, Modified, and Reconstructed Fossil Fuel-Fired EGUs; Emission Guidelines for GHG Emissions from Existing Fossil Fuel-Fired EGUs; and Repeal of the ACE Rule, 2060-AV09
- 68. EPA/OAR, Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review, 2060-AV16
- 69. EPA/OAR, Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles, 2060-AV49
- 70. EPA/OAR, Greenhouse Gas Emissions Standards for Heavy-Duty Vehicles—Phase 3, 2060-AV50
- 71. EPA/OAR, National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units Review of the Residual Risk and Technology Review, 2060-AV53
- 72. EPA/OAR, NSPS for the Synthetic Organic Chemical Manufacturing Industry and NESHAP for the Synthetic Organic Chemical Manufacturing Industry and Group I & II Polymers and Resins Industry, 2060-AV71
- 73. EPA/OCSP, Methylene Chloride; Regulation Under the Toxic Substances Control Act (TSCA), 2070-AK70
- 74. EPA/OCSP, Asbestos Part 1; Chrysotile Asbestos; Regulation of Certain Conditions of Use Under the Toxic Substances Control Act (TSCA); Correction, 2070-AK86

CONSUMER FINANCIAL PROTECTION BUREAU

- 75. Credit Card Penalty Fees, 3170-AB15

COUNCIL ON ENVIRONMENTAL QUALITY

- 76. National Environmental Policy Act Implementing Regulations Revisions Phase 2, 0331-AA07

EQUAL OPPORTUNITY EMPLOYMENT COMMISSION

- 77. Regulations to Implement the Pregnant Workers Fairness Act, 3046-AB30

PENSION BENEFIT GUARANTY CORPORATION

- 78. Community Reinvestment Act, 3064-AF81
- 79. Special Assessments Pursuant to Systemic Risk Determination, 3064-AF93

FEDERAL ENERGY REGULATORY COMMISSION

- 80. Improvements to Generator Interconnection Procedures and Agreements, 1902-AG00

FEDERAL HOUSING FINANCE AGENCY

- 81. Enterprise Regulatory Capital Framework—Commingled Securities, Multifamily Government Subsidy, Derivatives, and Other Enhancements, 2590-AB27
- 82. Fair Lending, Fair Housing, and Equitable Housing Finance Plans, 2590-AB29

- 83. Exception to Restrictions on Private Transfer Fee Covenants for Loans Meeting Certain Duty to Serve Shared Equity Loan Program Requirements, 2590-AB30

NUCLEAR REGULATORY COMMISSION

- 84. Revision of Fee Schedules: Fee Recovery for Fiscal Year 2024 [NRC-2022-0046], 3150-AK74

OFFICE OF PERSONNEL MANAGEMENT

- 85. Prescription Drug and Health Care Spending, 3206-AO27
- 86. Postal Service Reform Act; Establishment of the Postal Service Health Benefits Program, 3206-AO43

SECURITIES AND EXCHANGE COMMISSION

- 87. Prohibition Against Conflicts of Interest in Certain Securitizations, 3235-AL04
- 88. The Enhancement and Standardization of Climate-Related Disclosures for Investors, 3235-AM87
- 89. Special Purpose Acquisition Companies, Shell Companies, and Projections, 3235-AM90
- 90. Regulation S P: Privacy of Consumer Financial Information and Safeguarding Customer Information, 3235-AN26
- 91. Standards for Covered Clearing Agencies for U.S. Treasury Securities and Application of the Broker-Dealer Customer Protection Rule with Respect to U.S. Treasury Securities, 3235-AN09
- 92. Further Definition of “As Part of a Regular Business” in the Definition of Dealer and Government Securities Dealer in Connection with Certain Liquidity Providers, 3235-AN10
- 93. Disclosure of Order Execution Information, 3235-AN22

SOCIAL SECURITY ADMINISTRATION

- 94. Omitting Food from In-Kind Support and Maintenance Calculations, 0960-AI60
- 95. Expand the Definition of a Public Assistance (PA) Household, 0960-AI81
- 96. Nationwide Expansion of the Rental Subsidy Policy for SSI Recipients, 0960-AI82
- 97. Intermediate Improvement to the Disability Adjudication Process, Including How We Consider Past Work, 0960-AI83

FALL 2024: 49 COMPLETED MAJOR ACTIONS
(37 are “Section 3(f)1 Significant”
under Biden’s Modernizing Regulatory Review, EO 14094)

DEPARTMENT OF AGRICULTURE

- 98. USDA/FNS, SNAP: Employment and Training Program Monitoring, Oversight and Reporting Measures, 0584-AE33
- 99. USDA/FNS, Supplemental Nutrition Assistance Program: Standard Utility Allowances Based on the Receipt of Energy Assistance Payments, 0584-AE43
- 100. USDA/FNS, Supplemental Nutrition Assistance Program (SNAP): Standardization of State Heating and Cooling Standard Utility Allowances, 0584-AE69

DEPARTMENT OF COMMERCE

- 101. DOC/ITA, Procedures Covering Suspension of Liquidation, Duties and Estimated Duties in Accord with Presidential Proclamation 10414, 0625-AB21
- 102. DOC/PTO, Setting and Adjusting Trademark Fees During Fiscal Year 2025, 0651-AD65

DEPARTMENT OF DEFENSE

- 103. DOD/DARC, Architect and Engineering Service Fees (DFARS Case 2024-D019), 0750-AM16
- 104. DOD/OS, Cybersecurity Maturity Model Certification (CMMC) Program, 0790-AL49

DEPARTMENT OF ENERGY

- 105. DOE/ENDEP, Statutory Updates to the Advanced Technology Vehicles Manufacturing Incentive Program, 1901-AB60
- 106. DOE/EE, Energy Conservation Standards for Circulator Pumps, 1904-AD61
- 107. DOE/EE, Energy Conservation Standards for Distribution Transformers, 1904-AE12
- 108. DOE/EE, Energy Conservation Standards for Air-Cooled Commercial Unitary Air Conditioners and Heat Pumps, 1904-AF34
- 109. DOE/EE, Energy Conservation Standards for Residential Clothes Washers, 1904-AF58
- 110. DOE/EE, Energy Conservation Standards for Consumer Clothes Dryers, 1904-AF59
- 111. DOE/EE, Energy Conservation Standards for Dishwashers, 1904-AF60
- 112. DOE/EE, Energy Conservation Standards for Miscellaneous Refrigeration Products, 1904-AF62
- 113. DOE/EE, Clean Energy for New Federal Buildings and Major Renovations of Federal Buildings, 1904-AB96

DEPARTMENT OF HEALTH AND HUMAN SERVICES

- 114. HHS/CMS, Misclassification of Drugs, Program Administration and Program Integrity Updates Under the Medicaid Drug Rebate Program (CMS-2434), 0938-AU28
- 115. HHS/CMS, Mental Health Parity and Addiction Equity Act and the Consolidated Appropriations Act, 2021 (CMS-9902), 0938-AU93
- 116. HHS/CMS, CY 2025 Changes to the End-Stage Renal Disease (ESRD) Prospective Payment System and Quality Incentive Program (CMS-1805), 0938-AV27
- 117. HHS/CMS, CY 2025 Home Health Prospective Payment System Rate Update and Home Infusion Therapy and Home IVIG Services Payment Update (CMS-1803), 0938-AV28
- 118. HHS/CMS, FY 2025 Hospice Wage Index, Payment Rate Update, and Quality Reporting Requirements (CMS-1810), 0938-AV29
- 119. HHS/CMS, FY 2025 Skilled Nursing Facility (SNFs) Prospective Payment System and Consolidated Billing and Updates to the Value-Based Purchasing and Quality Reporting Programs (CMS-1802), 0938-AV30
- 120. HHS/CMS, FY 2025 Inpatient Rehabilitation Facility (IRF) Prospective Payment System Rate Update and Quality Reporting Program (CMS-1804), 0938-AV31
- 121. HHS/CMS, CY 2025 Revisions to Payment Policies Under the Physician Fee Schedule and Other Revisions to Medicare Part B (CMS-1807), 0938-AV33
- 122. HHS/CMS, CY 2025 Hospital Outpatient PPS Policy Changes and Payment Rates and Ambulatory Surgical Center Payment System Policy Changes and Payment Rates (CMS-1809), 0938-AV35
- 123. HHS/ACF, Supporting the Head Start Workforce and Other Quality Improvements, 0970-AD01
- 124. HHS/ACF, Increase Flexibility for Tribes in Child Care and Development Fund (CCDF) Eligibility, 0970-AD11

DEPARTMENT OF THE INTERIOR

- 125. DOI/FWS, Migratory Bird Hunting; 2024–25 Migratory Game Bird Hunting Regulations, 1018-BG63

DEPARTMENT OF LABOR

- 126. DOL/EBSA, Mental Health Parity and Addiction Equity Act and the Consolidated Appropriations Act, 2021, 1210-AC11
- 127. DOL/OSHA, COVID-19 Vaccination and Testing Emergency Temporary Standard Rulemaking, 1218-AD42

DEPARTMENT OF TRANSPORTATION

- 128. DOT/FAA, Applying the Flight, Duty, and Rest Requirements to Ferry Flights That Follow Commuter or On-Demand Operations (FAA Reauthorization), 2120-AK26

129. DOT/NHTSA, Light Vehicle Automatic Emergency Braking (AEB) with Pedestrian AEB, 2127-AM37

130. DOT/NHTSA, Light Vehicle CAFE Standards Beyond MY 2026, 2127-AM55

DEPARTMENT OF THE TREASURY

131. TREAS/DO, Notice of Benefit and Payment Parameters for 2025, 1505-AC87

132. TREAS/FINCEN, Anti-Money Laundering/Countering the Financing of Terrorism Program and Suspicious Activity Report Filing Requirements for Registered Investment Advisers and Exempt Reporting Advisers, 1506-AB58

133. TREAS/IRS, Returns of Information of Brokers in Virtual Currency Transactions, 1545-BP71

134. TREAS/IRS, Short-Term, Limited-Duration Insurance and Independent, Non-Coordinated Excepted Benefits Coverage, 1545-BQ28

135. TREAS/IRS, Mental Health Parity and Addiction Equity Act and the Consolidated Appropriations Act, 2021, 1545-BQ29

ENVIRONMENTAL PROTECTION AGENCY

136. EPA/OAR, Waste Emissions Charge for Petroleum and Natural Gas Systems; Procedures for Facilitating Payment, Including Netting and Exemptions, 2060-AW02

137. EPA/OAR, Federal “Good Neighbor Plan” for the 2015 Ozone National Ambient Air Quality Standards; Response to Judicial Stay, 2060-AW30

138. EPA/OCSP, Reconsideration of the Dust-Lead Hazard Standards and Dust-Lead Post Abatement Clearance Levels, 2070-AK91

139. EPA/OCSP, Decabromodiphenyl Ether and Phenol, Isopropylated Phosphate (3:1); Revision to the Regulations of Persistent, Bioaccumulative, and Toxic Chemicals Under the Toxic Substances Control Act (TSCA), 2070-AL02

CONSUMER FINANCIAL PROTECTION BUREAU

140. Required Rulemaking on Personal Financial Data Rights, 3170-AA78

141. Registry of Nonbank Covered Persons Subject to Certain Agency and Court Orders, 3170-AB13

FEDERAL ENERGY REGULATORY COMMISSION

142. Building for the Future Through Electric Regional Transmission Planning and Cost Allocation and Generator Interconnection, 1902-AF87

FEDERAL TRADE COMMISSION

143. Trade Regulation Rule on the Use of Consumer Reviews and Testimonials, 3084-AB76

SECURITIES AND EXCHANGE COMMISSION

144. Form N-PORT and Form N-CEN Reporting; Guidance on Open-End Fund Liquidity Risk Management Programs, 3235-AM98

145. Registration for Index-Linked Annuities and Registered Market Value Adjustment Annuities; Amendments to Form N-4 for Index-Linked Annuities, Registered Market Value Adjustment Annuities, and Variable, 3235-AN30

146. Regulation NMS: Minimum Pricing Increments, Access Fees, and Transparency of Better Priced Orders, 3235-AN23

Federal regulations affecting small business

The aforementioned National Association of Manufacturers (NAM) report found that average annual per-employee regulatory costs to firms vary by firm size. The smaller the firm, the larger the per-employee regulatory costs, particularly in manufacturing. As shown in Table 9, the NAM found that per-employee

regulatory costs for firms with fewer than 50 workers can be far greater than those for larger firms—\$50,100 for smaller firms, compared with \$24,800 for larger ones.

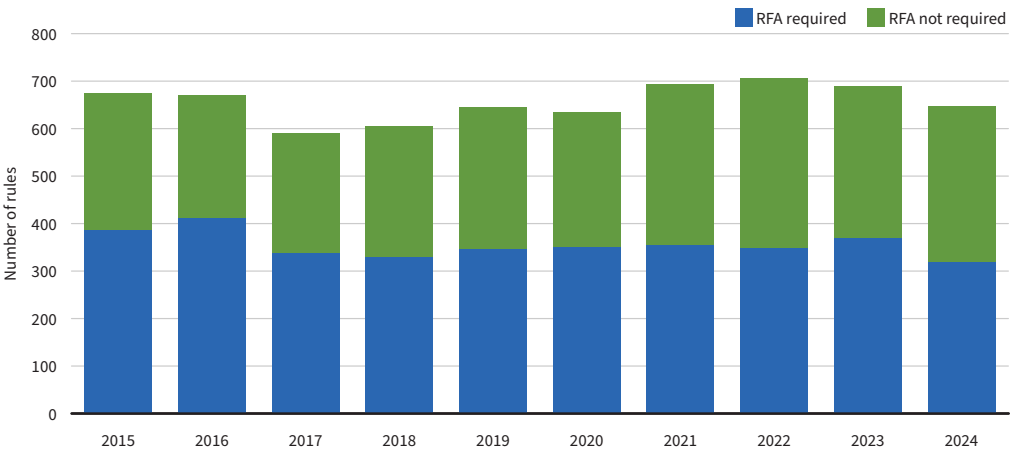
The Regulatory Flexibility Act (RFA) directs federal agencies to consider their

Table 9. Distribution of regulatory costs in small, medium, and large manufacturing firms, 2022

	All firms	< 50 employees	50–99 employees	> 100 employees
All federal regulations	\$29,100	\$50,100	\$28,000	\$24,800
Economic	\$10,400	\$7,600	\$10,900	\$11,000
Environmental	\$17,200	\$40,700	\$15,200	\$12,500
Tax compliance	\$500	\$500	\$800	\$400
Occupational/homeland security	\$1,000	\$1,300	\$1,100	\$900

Source: Nicole V. Crain and W. Mark Crain, “The Cost of Federal Regulation to the U.S. Economy, Manufacturing and Small Business,” National Association of Manufacturers, October 2023.

Figure 21. Rules in the Unified Agenda pipeline affecting small business



Source: Compiled by the author from “The Regulatory Plan and Unified Agenda of Federal Regulatory and Deregulatory Actions,” *Federal Register*, fall edition, various years.
Note: RFA = regulatory flexibility analysis.

rules’ effects on small entities.¹¹⁰ Figure 21 depicts rules in active, completed, and long-term stages in the fall Unified Agenda that require RFA analysis, as well as rules that presumably do not rise to the level of requiring RFA scrutiny but that agencies still believe will affect small businesses. Of the 647 rules affecting small business in 2024, 320 required an RFA, down from 370 in 2023. Obama tallies were higher, occasionally exceeding 800.¹¹¹ The count fell to 590 in 2017 in the Trump administration.

Here are averages of the number of rules requiring RFA analysis in fall Unified Agenda snapshots of completed, active, and long-term rules during recent administrations:

- ▶ George W. Bush: average of 377 rules requiring small-business RFA.
- ▶ Barack Obama: average of 406 rules.
- ▶ Donald Trump: average of 341 rules (included dozens deemed deregulatory).
- ▶ Joe Biden: average of 348 rules.

Table 10 breaks out the fall 2024 Unified Agenda’s 647 rules affecting small business by department, agency, and commission. The top five—the FCC; the Departments of Health and Human Services, Commerce, and the Treasury; and the multiagency Federal Acquisition Regulation system—are the standouts, accounting for 339 rules, or 52 percent of the 647 rules affecting small business.

Table 10. Rules in the Unified Agenda that affect small business by department, agency, and commission

	Total Rules	Number Affecting Small Business							Affecting Small Business	Top 5
		RFA Required			RFA Not Required			Total		
		Active	Completed	L-T	Active	Completed	L-T			
Dept. of Agriculture	157	5		7	9		1	22	14.0%	
Dept. of Commerce	245	23	7	3	19	10	1	63	25.7%	63
Dept. of Defense	123	1	1		14	1		17	13.8%	
Dept. of Education	31				1			1	3.2%	
Dept. of Energy	79	2	4		1	1		8	10.1%	
Dept. of Health and Human Services	216	20	8	9	28	2	5	72	33.3%	72
Dept. of Homeland Security	115	10	1	5	2		2	20	17.4%	
Dept. of Housing and Urban Development	47							0	0.0%	
Dept. of the Interior	318	4	1		12	1	2	20	6.3%	
Dept. of Justice	114				8		9	17	14.9%	
Dept. of Labor	91	12			4	1	4	21	23.1%	
Dept. of State	49				9	2	1	12	24.5%	
Dept. of Transportation	298	6	5	1	14	4	3	33	11.1%	
Dept. of the Treasury	372	5	6	5	30	5	6	57	15.3%	57
Dept. of Veterans Affairs	74							0	0.0%	
Agency for International Development	13				3			3	23.1%	
Architectural and Transportation Barriers Compliance Board	5				1			1	20.0%	
Committee for Purchase from People Who Are Blind or Severely Disabled	4							0	0.0%	
Chemical Safetey and Hazard Investigation Board	1							0	0.0%	
Commodity Futures Trading Commission	27		1					1	3.7%	
Consumer Financial Protection Bureau	21	1	2					3	14.3%	
Consumer Product Safety Commission	27	8		1				9	33.3%	
Corporation for National and Community Service	11							0	0.0%	

	Total Rules	Number Affecting Small Business							Affecting Small Business	Top 5
		RFA Required			RFA Not Required			Total		
		Active	Completed	L-T	Active	Completed	L-T			
Council on Environmental Quality	2							0	0.0%	
Court Sevices/Offender Supervision, DC	4							0	0.0%	
Defense Nuclear Facilities Safety Board	1							0	0.0%	
Environmental Protection Agency	190	6	1		8	1	6	22	11.6%	
Equal Employment Opportunity Commission	8				3	1		4	50.0%	
Federal Acquisition Regulation	51	7		3	32	3	3	48	94.1%	48
Farm Credit Administration	11							0	0.0%	
Federal Communications Commission	113		1	94			4	99	87.6%	99
Federal Deposit Insurance Corporation	26				1			1	3.8%	
Federal Energy Regulatory Commission	20							0	0.0%	
Federal Financial Institutions Examination Council Appraisal Subcommittee	1							0	0.0%	
Federal Housing Finance Agency	21							0	0.0%	
Federal Maritime Commission	27							0	0.0%	
Federal Mediation and Conciliation Service	7							0	0.0%	
Federal Mine Safety and Health Review Commission	6				3			3	50.0%	
Federal Permitting Improvement Steering Committee	1							0	0.0%	
Federal Reserve System	3				1			1	33.3%	
Federal Trade Commission	26	1			18	5		24	92.3%	
General Services Administration	32	9	3	3	9	7		31	96.9%	
Inter-American Foundation	2							0	0.0%	
National Aeronautics and Space Administration	3							0	0.0%	
National Archives and Records Administration	15							0	0.0%	

	Total Rules	Number Affecting Small Business							Affecting Small Business	Top 5
		RFA Required			RFA Not Required			Total		
		Active	Completed	L-T	Active	Completed	L-T			
National Credit Union Administration	24				1			1	4.2%	
National Endowment for the Arts	4				2			2	50.0%	
National Endowment for the Humanities	1							0	0.0%	
National Indian Gaming Commission	2							0	0.0%	
National Labor Relations Board	2							0	0.0%	
National Mediation Board	1							0	0.0%	
National Science Foundation	5							0	0.0%	
National Transportation Safety Board	8							0	0.0%	
Nuclear Regulatory Commission	58	2	1	2				5	8.6%	
Office of Government Ethics	7							0	0.0%	
Office of Management and Budget	7							0	0.0%	
Office of the National Cyber Director	1							0	0.0%	
Office of Personnel Management	37							0	0.0%	
Peace Corps	2							0	0.0%	
Pension Benefit Guaranty Corporation	8							0	0.0%	
Postal Regulatory Commission	7							0	0.0%	
Railroad Retirement Board	5							0	0.0%	
Securities and Exchange Commission	42	14	2					16	38.1%	
Selective Service System	2							0	0.0%	
Small Business Administration	61	4	2					6	9.8%	
Social Security Administration	21					1		1	4.8%	
Surface Transportation Board	5			1				1	20.0%	
Tennessee Valley Authority	1				1			1	100.0%	

	Total Rules	Number Affecting Small Business							Affecting Small Business	Top 5
		RFA Required			RFA Not Required			Total		
		Active	Completed	L-T	Active	Completed	L-T			
US Agency for Global Media	4							0	0.0%	
TOTAL	3,331	140	46	134	234	45	48	647	19.4%	339
		320			327					52% of total
		RFA Required			RFA Not Required					
		Active	Completed	L-T	Active	Completed	L-T			
“Section 3(f)(1) Significant” subset		36	14	13	9	3	1	76		

Source: Compiled from “The Regulatory Plan and Unified Agenda of Federal Regulatory and Deregulatory Actions,” and from the online edition at <http://www.reginfo.gov>.

Note: L-T = long term; RFA = regulatory flexibility analysis.

The FCC alone contributes 94 long-term rules deemed to require RFA analysis (up from 80 the prior year). The overall proportion of total rules affecting small business in the Unified Agenda stands at 19 percent but varies widely among agencies. Of the 647 rules affecting small business, 76 are deemed Section 3(f)(1) Significant (compared to 105 the prior year). These are broken out at the bottom of Table 10. Dips in major rulemaking are common in election years.

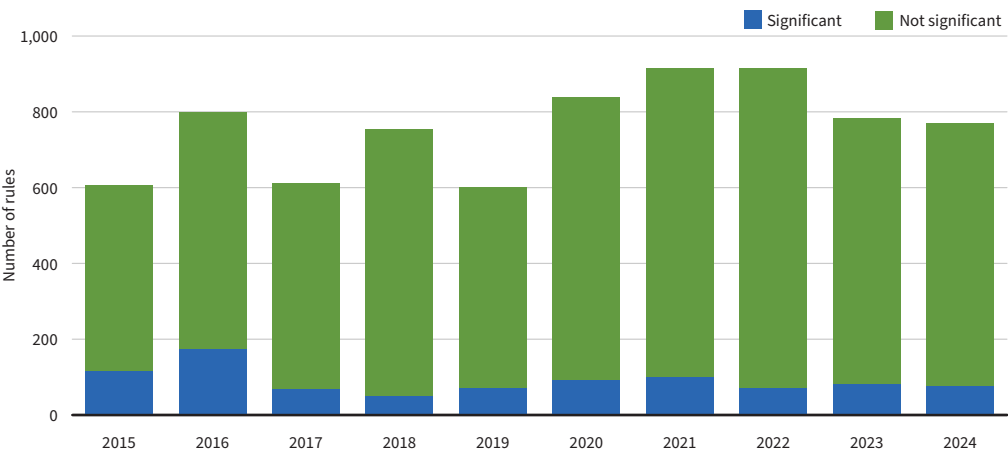
To complement the fall Unified Agenda snapshots, we return for a moment to the *Federal Register* and its calendar-year depictions of finalized small-business rules. Figure 22 depicts the larger universe of final rules and the “significant” subset completed in the *Federal Register* deemed to affect small business since 2015. Overall counts stand above

pre-Trump levels, whereas at the moment the significant subset stands below Obama heights.¹¹² However, again, Biden’s Section 3(f)(1) criteria leaves out rules costing between \$100 million and \$200 million. The 2024 *Federal Register* contains 76 significant final small-business rules among the total of 770, which might be compared with the 14 completed small-business rules in the fall Unified Agenda recognized as S3F1 Significant (bottom of Table 10).

With the transition-year overlap caveat once again in mind, here are calendar-year averages of the number of final and final significant rules in the *Federal Register* affecting small business during recent administrations:

- Barack Obama (eight years): average 694 rules per year affecting small business, 117 significant.

Figure 22. Number of final and significant final rules in the *Federal Register* affecting small business



Source: Compiled by the author from “The Regulatory Plan and Unified Agenda of Federal Regulatory and Deregulatory Actions,” *Federal Register*, fall edition, various years.

- ▶ Donald Trump (four years): average 701 rules per year affecting small business, 70 significant (including deregulatory).
- ▶ Joe Biden (four years): average 846 rules per year, 82 significant.

Just Biden had higher averages than Trump and Obama for total final rules affecting small business, he was doing the same for total proposed rules in the *Federal Register* affecting small business, despite dropping to 548 in 2024. This category recently peaked at 823 in 2021, as seen in Figure 23. Counts for proposed rules deemed to affect small business classified as significant are considerably lower, however.

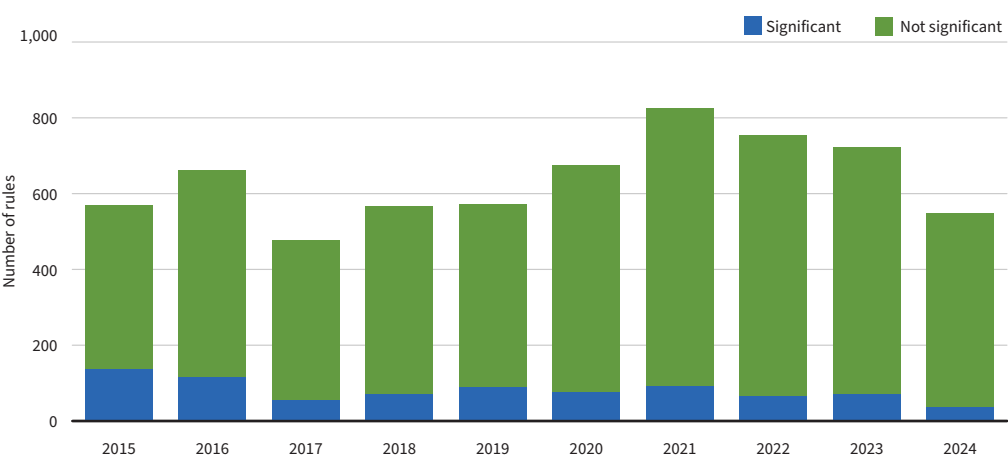
Transition caveat in mind yet again, here are calendar-year averages of the

number of proposed and significant proposed rules affecting small business during recent administrations:

- ▶ Barack Obama (eight years): average 612 proposed rules per year affecting small business, 128 significant.
- ▶ Donald Trump (four years): average 572 proposed rules per year, 72 significant (includes deregulatory).
- ▶ Joe Biden (four years): average 711 rules per year, 66 significant.

The legislative foundations of regulations affecting small business are without doubt substantial. Appendix K presents a partial list of non-sector-specific laws whose regulations affect growing businesses.

Figure 23. Number of proposed and significant proposed rules in the *Federal Register* affecting small business



Source: Compiled by the author from “The Regulatory Plan and Unified Agenda of Federal Regulatory and Deregulatory Actions,” *Federal Register*, fall edition, various years.

Federal rules affecting state and local governments

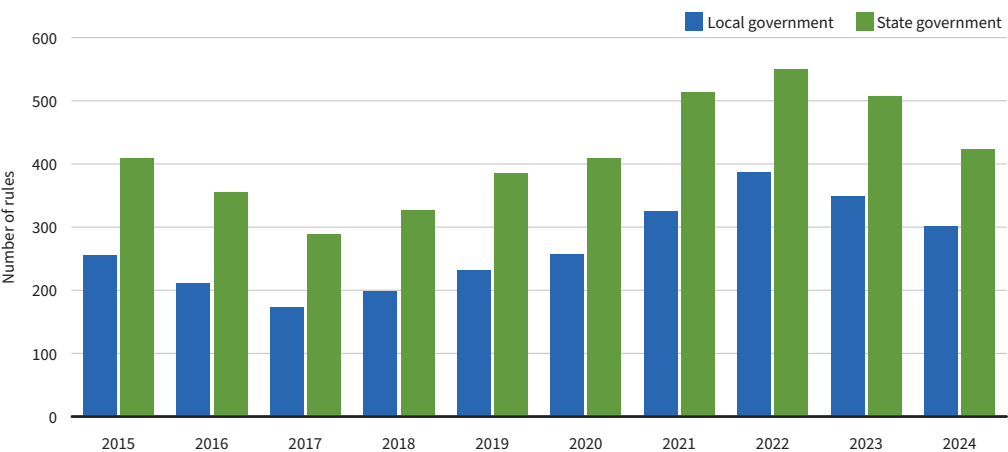
State and local officials' concerns over federal mandates' overriding their own priorities resulted in the Unfunded Mandates Reform Act (UMRA) of 1995. It requires Congressional Budget Office cost estimates for mandates affecting state, local, and tribal governments above the then-threshold of \$50 million. (The threshold stands at \$100 million today.) While the federal government continues to impose mandates on state and local governments, after UMRA these are now usually funded.¹¹³

As Figure 24 shows, agencies report that 31 of the 3,331 rules in the fall 2023 Unified Agenda pipeline affect local

governments and 424 affect state governments.¹¹⁴ Although a decline from Biden's earlier years, Figure 24 shows that rules affecting state and local governments are higher than five and 10 years ago.

Of the 2,233 active rules in the fall 2024 Unified Agenda, only 6 of them (4 from the Department of Health and Human Services and 2 from the Environmental Protection Agency) are acknowledged to inflict unfunded mandates on state, local, or tribal governments. Of long-term actions, two Food and Drug Administration rules related to tobacco flavoring are noted to contain unfunded mandates.

Figure 24. Rules affecting state and local governments



Source: Compiled by the author from “The Regulatory Plan and Unified Agenda of Federal Regulatory and Deregulatory Actions,” *Federal Register*, various years’ editions, and from online edition at <http://www.reginfo.gov>.

So long as money flows unimpeded from Washington, lower-level governments may remain content. However, Section 3(f)(1) (S3F1) rules affect state and local governments, too, and federal rulemaking will overrule local decision-making as such strictures have done

before, funded or not. Eleven S3F1 rules affecting state and local governments have been completed since the spring Unified Agenda; across all lower-level governments, 31 S3F1 rules are in the active phase, with 13 planned for the longer term.

GAO database on rules and major rules

The federal government’s regulatory reports and databases serve different purposes. The *Federal Register* presents all proposed and final rules, along with numerous presidential documents and notices. The Unified Agenda presents agency priorities with details about rules at various stages in the production pipeline and their economic significance.

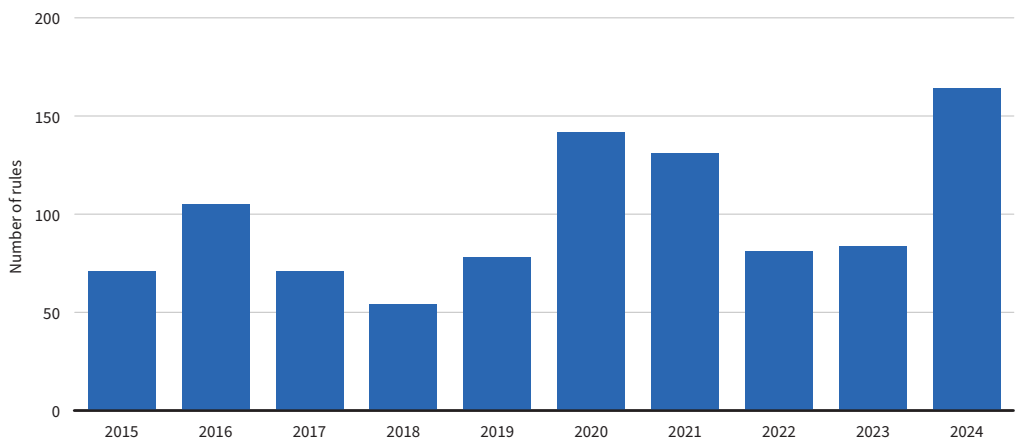
The Government Accountability Office (GAO) compiles regulatory information as well. The 1996 Congressional Review Act (CRA) requires agencies to submit rules to both houses of Congress, as well as to the GAO, and for the GAO to prepare reports to Congress on the major ones—typically those with annual estimated effects of \$100 million or more. Major rules can add burdens, reduce burdens, delay policy implementation,

or set rates and standards for major government programs like Medicaid. Major guidance documents are also subject to the CRA but are rarely presented to the GAO or to Congress in a readily trackable way. The submission form provided to agencies until 2024 made no note of them apart from an “Other” checkbox.¹¹⁵

Interestingly for policymakers, given the CRA, the \$100 million threshold that prevailed before Biden’s “Modernizing Regulatory Review” executive order remained intact. Trump’s revocation of Biden’s order restored the \$100 million threshold recognized in Clinton-era EO 12866.

The CRA provides Congress a window of 60 legislative days to review a received rule and pass a resolution of

Figure 25. Major rules in the GAO database



Source: Government Accountability Office.

disapproval.¹¹⁶ Despite the issuance of thousands of rules since the CRA’s passage, it was invoked only once before the Trump administration, against a Clinton-era ergonomics rule. Even today, fewer than two dozen regulations have been overturned by CRA actions, the bulk of them during the Trump administration.

Thanks to the CRA, one can monitor the thousands of final rules archived at the GAO each year, as well as track reports on those regarded as major. GAO’s database contained 90,481 rules through January 31, 2025.¹¹⁷ For comparison, the *Federal Register* and National Archives repository indicate 104,837 rules since the CRA’s passage (Appendix E). The GAO database is important, but incomplete, as not all regulations are being reported, despite CRA requirements.¹¹⁸

For the year 2024, the GAO database contains 944 rules (major and non-major) received from departments and agencies. There is a lag, so that rules landing in GAO’s database after this compilation will add to the ultimate total (for example, GAO reports 2,072 for 2023). Figure 25 depicts the number of major rules between 2015 and 2024 that policymakers might compare with final significant and completed S3F1 rules presented earlier, with the caveat that recent years do swing in the GAO report before converging on a stable cardinal number. Paralleling the surge in high-significance S3F1 rules, the 168 major rules depicted in 2024 are a 94 percent increase over 2023. This report’s Appendix L presents agency detail on these major rules back to 2003.

With transition overlap in mind, totals and calendar-year averages of the

number of major rules during recent administrations follow. Biden's average annual number of major rules substantially exceeds those of his three predecessors.

- ▶ George W. Bush (eight years): 492 major rules, average 62 rules per year.
- ▶ Barack Obama (eight years): 675 major rules, average 84 rules per year.
- ▶ Donald Trump (four years): 345 major rules, average 86 rules per year (includes deregulatory).
- ▶ Joe Biden (four years): 464 major rules, average 116 rules per year.

2025 Unconstitutionality Index: 19 rules for every law

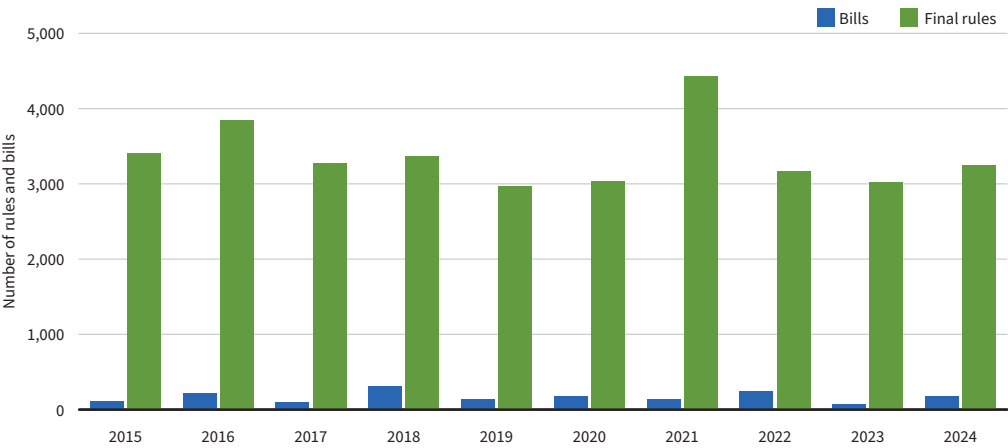
Article I of the Constitution notwithstanding, administrative agencies, not Congress, do most of America's law-making.¹¹⁹ Congress enacts weighty legislation but delegates the details to agencies. Agencies welcome this delegation and can use it to add to their powers in ways that often go beyond congressional intent.¹²⁰

This imbalance gives rise to the Unconstitutionality Index. The index is the ratio of rules issued by agencies to laws Congress passes. During 2024, federal regulatory agencies issued 3,248 final rules, compared with the 118th Congress passing 175 bills. That means 19 rules were issued for every law passed

in 2024. The ratio obviously can and does easily fluctuate with changes in the numerator or denominator; such as the uncharacteristically high Index of 44 in 2023 owing to the unusually small number of laws passed. Congress passed 68 laws in 2023, with 34 each from the outgoing 117th Congress during January 2023, and the first session of the incoming 118th Congress.¹²¹ (See Figure 26 for the 2024 Unconstitutionality Index.) The average over the past decade has been 23 agency rules for every congressional law.

Federal agency rules in any given year are not likely to be associated with laws passed that same year. For example,

Figure 26. The 2024 Unconstitutionality Index



Sources: *Federal Register* data from National Archives and Records Administration and from author calculations at <https://tenthousandcommandments.blogspot.com>. Public laws data compiled by the author from Government Printing Office, Public and Private Laws, <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=PLAW> and from <https://www.congress.gov/public-laws/>. Figures also available at National Archives, Previous Sessions: Public Law Numbers, <http://www.archives.gov/federal-register/laws/past/index.html>.

regulations coming to the fore now are and will be the fruit of legislation like the inflation and infrastructure laws passed in recent years. Appendix M

provides a look back over the past three decades of rules and laws, and it also depicts executive orders and memoranda for comparison.

An agenda for rightsizing Washington

Rule counts regularly topped 4,000 in the 1990s. That is the wrong comparison for Biden-era lower rule counts. Those fewer rules have higher costs, are less transparent, have less congressional oversight, and coordinate multiple agencies on whole-of-government campaigns having little to do with the agencies' missions. Had Biden continued in office, the near future would likely have been even more activity.

We close with an appeal to restore enumerated powers. Reform should give Congress tighter oversight over a smaller administrative state, while limiting Congress's own overreach. This report also includes a "regulatory report card" template that gives an example for improved transparency. Such disclosure is as necessary to regulatory oversight

as the federal budget is to spending oversight.

Overdelegation is rampant but only a secondary concern when compared with recent debt-fueled legislation that flouts Congress's own enumerated powers. The CARES Act, Families First Coronavirus Response Act, American Rescue Plan, Infrastructure Investment and Jobs Act, Inflation Reduction Act, CHIPS and Science Act, and even lesser-known new laws like the Airport and Airway Extension Act reaffirm policymakers' top-down stance toward economic planning. As the inventories in Box 1 (completed high-significance actions of 2024) and Appendix J (active and long-term actions in the pipeline) imply, much rulemaking and guidance will be rooted in the actions of the 117th and

118th Congresses. So, a streamlining job awaits the 119th.

Congress should make it hard to both spend and regulate. And it should do this with the zeal it once showed about requirements for a two-thirds majority vote for revenue increases.¹²² Had that effort succeeded, Washington may have been rightsized by now.

In today's setting, rightsizing will require Congress to repeal or amend statutes that sustain the massive regulatory enterprise. It must abolish, downsize, slash the budgets of, and deny appropriations to agencies, subagencies, and programs. Much of the antitrust regulatory apparatus should be repealed, for example, along with the Federal Trade Commission's and Federal Communications Commission's acts in their current form.¹²³ Abuses of crises and national emergency declarations require sweeping privatization and localization of federal functions and ending grants and subsidies of all kinds that fuel regulation.¹²⁴ Such steps are necessary to abolish the custodial state's whole-of-government forays into climate, equity, competition policy, censorship, and social engineering now undermining the nation's stability, productivity, and fairness.

Recent editions of this report surveyed the 118th Congress's primary regulatory reform bills.¹²⁵ This time, we recap some of the underlying concepts and newer

options, which can be carried out—to a lesser extent if Congress fails to act—by a new administration committed to administrative streamlining that goes well beyond one-in, two-out.

Foremost, Congress should enforce the regulatory controls it now ignores, such as ensuring on-time publication of the annual *Information Collection Budget*, the cost-benefit *Report to Congress*, and the accompanying aggregate cost assessment required by the 1999 Regulatory Right-to-Know Act. Congress needs to verify and document that rules and guidance are submitted to both houses of Congress and to the GAO as required by the CRA, and to affirm a stance that rules and guidance not reported are void.

Federal agencies cannot reliably perform cost-benefit analysis, for the same reason that students should not grade their own tests. Creative regulators, who enjoyed OMB support under Biden, can alternate between maximizing suspect net benefits as the Biden's rewrite of Circular A-4 allowed, or they can simply claim that benefits justify costs, as specified in EO 12866. Congress must stop the Circular A-4 regime's fueling of indefinite regulatory expansion and redefine oversight guardrails in such a way that the executive branch cannot erode them again.

If OMB is compromised in such a way that it can no longer perform its supervisory function, it needs to be reformed

or replaced.¹²⁶ Alternatively, a tough and skeptical Congressional Office of Regulatory Analysis could be established.¹²⁷ A pilot project of sorts had been instituted at the turn of the century but was defunded.

Congress should take direct responsibility and approve all costly or controversial regulations before they become binding. Along with reaffirming constitutional norms, that approach forces Congress to internalize costs of nonquantifiable interventions like those outlined in Appendix C. The current incarnation of this principle is the REINS Act (Regulations from the Executive in Need of Scrutiny Act). Its forerunner is the better-named Congressional Responsibility Act, which would “prohibit a regulation from taking effect before the enactment of a bill comprised solely of the text of the regulation.”¹²⁸ A related step toward democratic accountability is requiring a Senate-confirmed official to sign off on new rules.

Routine review and rule purging could be enabled by a Regulatory Reduction Commission modeled after the military Base Realignment and Closure Commission. This body would assemble regular reports on outdated, unnecessary, and duplicative rules that Congress would eliminate by joint resolution.¹²⁹ In a related fiscal policy development that might open the door to some cross-fertilization, the House Budget Committee during the 118th Congress pondered a bipartisan Fiscal Commission Act to address the national debt.¹³⁰

With containments like the foregoing in place, a limited regulatory budget could help assess, disclose, and cap costs of regulations and guidance documents individually and in aggregate.

Congress must address guidance document abuse, starting with requiring that guidance documents uniformly attest to their nonbinding nature. No *Code of Federal Regulations*-style database yet exists for guidance. Even the nascent portals Trump established by executive order were cast aside by the Biden administration (see Table 5).

Congress needs to formalize guidance document disclosure. The Guidance Out of Darkness (GOOD) Act to establish public portals where agencies must post their guidance documents has been the primary vehicle here. It has strong bipartisan support, passing the House Committee on Oversight and Accountability with a 41–0 vote in summer 2023. Further steps beyond the GOOD Act are needed, such as requiring a single portal rather than individual agency portals and implementing a “GIN” or Guidance Information Number classification system mirroring the Regulation Identifier Number for rules.¹³¹ Guidance has risen in significance and should be coordinated and cross-referenceable with *Federal Register* and Unified Agenda rule reporting. As noted earlier, even numerical cataloging for rules and executive orders is relatively new, and guidance can catch up to them.

Box 2. Regulatory transparency report card: Suggested official summary data by program, agency, and grand total

- ▶ Tallies of high-significance rules and minor rules by department, agency, and commission, by cost tier (an ALERT Act component)

Breakdown of High-Significance Rules

Category 1	> \$50 million, < \$500 million
Category 2	> \$500 million, < \$1 billion
Category 3	> \$1 billion
Category 4	> \$5 billion
Category 5	>\$10 billion

- ▶ Tallies of regulatory and guidance cost estimates, including subtotals by agency and grand total by category. These could include paperwork hours, economic costs, and social, health and safety, environmental costs
- ▶ Aggregate cost estimates of regulation and guidance
- ▶ Numbers and percentages of regulations that contain these numerical cost estimates
- ▶ Numbers and percentages of rules lacking cost estimates, with explanations
- ▶ Number and percentage of interim final rule enactments and reviews
- ▶ Tallies of significant and other guidance documents, memoranda, and other regulatory dark matter by department, agency, and commission
- ▶ Rankings of most active rule-making agencies
- ▶ Identification of which agencies most increased rule output in absolute and percentage terms
- ▶ Numbers and percentages of executive and independent agency rules deemed deregulatory
- ▶ Numbers and percentages of rules affecting small business by significance, with RFA-required and non-required; deregulatory component
- ▶ Depictions of how regulations and guidance accumulate as small businesses grow
- ▶ Traditional *Federal Register* analysis, including number of pages and proposed and final rule breakdowns by agency, and reconciliations with other reporting vehicles, such as numbers of rules new to the Unified Agenda; numbers carry over from previous years
- ▶ Number of major rules reported on by the GAO in its database of reports on regulations
- ▶ Number and percentage of agency rules and guidance documents presented properly to Congress in accordance with the Congressional Review Act
- ▶ Assessment of rules that purportedly affect internal agency procedures alone
- ▶ Numbers and percentages of rules facing statutory or judicial deadlines that limit executive branch ability to restrain them, or for which weighing costs and benefits is statutorily prohibited
- ▶ Percentages of rules and guidance documents reviewed, and not reviewed, by the OMB, and any actions taken

Online databases like Regulations.gov make it far easier than in the pre-internet era to learn about regulatory trends and acquire information on rules. But more can be done to reinforce the foregoing reforms. Vital information should be

summarized for the public, researchers, and Congress in annual regulatory transparency report cards and historical tables, components of which might resemble Box 2. Possible venues include the federal budget, the Unified Agenda,

and the *Economic Report of the President*; Regulations.gov; or as part of a resurrected Regulatory Program of the US Government.

Large-scale rules boast bewildering terminology. Various terms each have their own boutique definitions and requirements, including significant, major, S3F1 Significant, and, until April 2023, economically significant. None of this includes guidance documents. A report card might inspire some consolidation and easier mapping between the Unified Agenda, the GAO, and the *Federal Register*. In addition to revealing burdens, impacts, and trends, a report card can help reveal what policymakers

do not know or appreciate about the regulatory state, such as making more obvious how few rules receive proper cost-benefit analysis.

Congress needs to take spending policy and regulatory policy alike very seriously. It needs to emphasize regulatory oversight and transparency, and clamp down on guidance document abuse and other regulatory dark matter that dodges protections against rogue executive rulemaking. Congress needs to limit not only executive power, but its own power as well. It has increasingly ignored those limits, but it does not have to be that way.

Appendixes

Appendix A. Estimated incremental annual costs of regulations in the 2020s (subset for which the OMB presented both costs and benefits)

RIN	Title of rule	Billions of dollars		
DEPARTMENT OF AGRICULTURE				
0581-AD82	(AMS) Establishment of a Domestic Hemp Program			0.021
	USDA 2020(b) increment	0.021		
0581-AD82	(AMS) Establishment of a Domestic Hemp Program			0.004
	USDA 2021 increment	0.004		
TOTAL—Department of Agriculture			0.025	
DEPARTMENT OF EDUCATION				
1840-AD57	Education 2023, Gainful Employment			0.338
	Education 2023 increment	0.338		
TOTAL—Department of Education			0.338	
DEPARTMENT OF ENERGY				
1904-AC11	(EE) Energy Conservation Standards for Manufactured Housing			0.247

RIN	Title of rule	Billions of dollars		
1904-AE44	(EE) Energy Efficiency Standards for New Federal Commercial and Multi-Family High-Rise Residential Buildings Baseline Standards Update			-0.037
1904-AF09	(EE) Backstop Requirement for General Service Lamps			0.199
1904-AF22	(EE) Definitions for General Service Lamps			0.230
	Department of Energy 2022 increment	0.639		
1904-AD97	Energy Conservation Standards for Room Air Conditioners			0.220
1904-AF46	Energy Conservation Standards for Air Cleaners			0.021
1904-AD49	Energy Conservation Standards for Pool Heaters			0.079
1904-AD20	Energy Cons Stds for Residential Non-Weatherized Gas Furnaces and Mobile Home Gas Furnaces			0.511
1904-AD34	Energy Conservation Standards for Commercial Water Heating Equipment			0.072
1904-AF27	Energy Conservation Standards for Dedicated-Purpose Pool Pump Motors			0.221
1904-AE63	Energy Conservation Standards for Electric Motors			0.066
	Department of Energy 2023 increment	1.190		
TOTAL—Department of Energy			1.829	
DEPARTMENT OF HEALTH AND HUMAN SERVICES				
0955-AA01	(ONC & CMS) Interoperability and Patient Access (CMS-9115-F)			0.138
0938-AT79	(ONC & CMS) 21st Century Cures Act: Interoperability, Information Blocking, and the ONC Health IT Certification Program			1.027
	HHS 2020(b) increment	1.165		
0938-AT97	(CMS) Contract Year 2022 Policy and Technical Changes to the Medicare Advantage Program, Medicare Prescription Drug Benefit Program, Medicaid Program, Medicare Cost Plan Program, and PACE (CMS-4190)			0.025
0938-AU02	(CMS) Organ Procurement Organizations (OPOs) (CMS-3380)			0.012
0955-AA02	(ONC) Information Blocking and the ONC Health IT Certification Program: Extension of Compliance Dates and Timeframes in Response to the COVID-19 Public Health Emergency			-0.057
	HHS 2021 increment	-0.020		
0910-AI21	(FDA) Medical Devices; Ear, Nose and Throat Devices; Establishing Over-the-Counter Hearing Aids and Aligning Other Regulations			0.001

RIN	Title of rule	Billions of dollars		
0970-AC90	(ACF) Head Start COVID-19 Vaccine Mandate			0.055
	HHS 2022 increment	0.056		
0910-AI44	Requirements for Additional Traceability Records for Certain Foods			0.695
0910-AH04	Mammography Quality Standards Act			0.041
	HHS 2023 increment	0.736		
TOTAL—Department of Health and Human Services			1.937	
DEPARTMENT OF HOMELAND SECURITY				
1615-AC64	(USCIS) Deferred Action for Childhood Arrivals			0.537
	DHS 2022 increment	0.537		
Total—Department of Homeland Security			0.537	
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT				
2502-AJ59	Increased 40-Year Term for Loan Modifications (FR-6263)			0.011
	HUD 2023 increment	0.011		
TOTAL—Department of Housing and Urban Development			0.011	
DEPARTMENT OF JUSTICE				
1117-AB45	Partial Filling of Prescriptions for Schedule II Controlled Substances			0.013
	DOJ 2023 increment	0.013		
TOTAL—Department of Justice			0.013	
DEPARTMENT OF TRANSPORTATION				
2126-AC25	(FMCSA) Extension of Compliance Date for Entry Level Driver Training			-0.226
2127-AL76	(NHTSA) The Safer Affordable Fuel-Efficient (Safe) Vehicles Rule for Model Years 2021–2026 Passenger Cars and Light Trucks			-16.599
	DOT 2020(b) increment	-16.825		
2127-AK95	(NHTSA) Establish Side Impact Performance Requirements for Child Restraint Systems (MAP-21)			0.008
2127-AM06	(NHTSA) Occupant Protection for Automated Driving Systems			0.069

RIN	Title of rule	Billions of dollars		
2127-AM34	(NHTSA) Passenger Car and Light Truck Corporate Average Fuel Economy Standards			7.954
	DOT 2022 increment	8.031		
2105-AE89	Accessible Lavatories on Single-Aisle Aircraft: Part II			0.229
	DOT 2023 increment	0.229		
TOTAL—Department of Transportation			–8.565	
ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD				
3014-AA26	Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way			0.211
	ATBCB increment 2023	0.211		
TOTAL—Architectural and Transportation Barriers Compliance Board			0.211	
ENVIRONMENTAL PROTECTION AGENCY				
2040-AF75	(OW) Revised Definition of “Waters of the United States” (Step 2)			–0.126
2040-AF77	(OW) Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category—Reconsideration			–0.176
2060-AU48	(OAR) NESHAP: Coal- and Oil-Fired Electric Utility Steam Generating Units—Review of Acid Gas Standards for Certain Existing Eastern Bituminous Coal Refuse-Fired Units			–0.049
2060-AT54	(OAR) Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration			–0.132
	EPA 2020(b) increment	–0.483		
2040-AF15	(OW) National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions			0.201
2060-AU84	(OAR) Cross-State Air Pollution Rule (CSAPR) Update Remand for the 2008 Ozone NAAQS			0.030
2060-AV17	(OAR) Phase Down of Hydrofluorocarbons under the American Innovation and Manufacturing Act			–0.559
2070-AK50	(OCSP) Review of Dust-Lead Post-Abatement Clearance Levels			0.003
	EPA 2021 increment	–0.325		
2008-AA03	(RODENVER) Federal Implementation Plan for Oil and Natural Gas Sources; Uintah and Ouray Indian Reservation in Utah			0.100
2060-AU20	(OAR) National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters: Amendments			0.053

RIN	Title of rule	Billions of dollars		
2060-AV11	(OAR) Renewable Fuel Standard (RFS) Program: RFS Annual Rules			3.907
2060-AV13	(OAR) Revised 2023 and Later Model Year Light-Duty Vehicle Greenhouse Gas Emissions Standards			16.138
	EPA 2022 increment	20.198		
2060-AV45	Phasedown of Hydrofluorocarbons: Allowance Allocation Methodology for 2024 & Later Yrs			0.030
2060-AV14	Volume Requirements for 2023 and Beyond Under the Renewable Fuel Standard Program			8.189
2060-AV51	Federal Implementation Plan Addressing Regional Ozone Transport for the 2015 Ozone National Ambient Air Quality Standards			0.925
2060-AU41	Control of Air Pollution from New Motor Vehicles: Heavy-Duty Engine and Vehicle Standards			4.483
	Restrictions on Certain Uses of Hydrofluorocarbons Under Subsection (i) of the American Innovation and Manufacturing Act			-0.241
	EPA 2023 increment	13.386		
TOTAL—Environmental Protection Agency			32.776	
GRAND TOTAL, ALL DEPARTMENTS AND AGENCIES, Third Decade, 20th Century			29.112	29.112

Source: OMB figures through 2016 presented in 2001 dollars are here adjusted to 2013 by the change in the Consumer Price Index (1.316) between 2001 and 2013, derived from “CPI Detailed Report Data for April 2014,” Bureau of Labor Statistics, Washington, DC (Table 24. Historical Consumer Price Index for All Urban Consumers - (CPI-U), U.S. City Average, All Items.); Other post 2016 figures provided by OMB 0938-AQ12 Administrative Simplification: Adoption of Authoring Organizations for Operating Rules and Adoption of Operating Rules for Eligibility and Claims Status (CMS-0032- IFC) from the 2012 report appeared to have been entered twice in the 2017 rounding appendix.

Note: While this table specifies the annual OMB Benefits and Costs report in which the rule appeared, the numbers from more recent editions (Table 1-6(a)) are used.

Appendix B. Estimated incremental annual costs of major rules, FY 2020–2023 (subset for which the OMB presented costs only)

OMB 2020(b), Table 1-6(b), 27 rules (2022 \$ millions)		
ED 1870-AA14	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance	\$14
HHS 0910-AI39	Required Warnings for Cigarette Packages and Advertisements	\$132
HHS 0938-AT68	CY 2020 Home Health Prospective Payment System Rate Update and Quality Reporting Requirements (CMS-1711-F)	\$196
HHS 0938-AU22	CY 2020 Hospital Outpatient PPS Policy Changes: Price Transparency Requirements for Hospitals to Make Standard Charges Public (CMS-1717-F2)	\$45
HHS 0938-AT53	Exchange Program Integrity (CMS-9922-F)	\$344
HHS 0938-AU33	Clinical Laboratory Improvement Amendments and Patient Protection and Affordable Care Act; Additional Policy and Regulatory Revisions in Response to the COVID-19 Public Health Emergency (CMS-3401)	\$870
HHS 0945-AA11	Nondiscrimination in Health and Health Education Programs or Activities	(\$285)
DOJ 1117-AB55	Implementation of the SUPPORT Act: Dispensing and Administering Controlled Substances for Medication-Assisted Treatment	(\$653)
DOL 1205-AB85	Apprenticeship Programs, Labor Standards for Registration, Amendment of Regulations	\$54
DOL 1210-AB90	Default Electronic Disclosures by Employee Pension Benefit Plans under ERISA	(\$414)
DOL 1210-AB20	Pension Benefit Statements—Disclosure Regarding Lifetime Income, SECURE Act	\$14
DOL 1235-AA26	Joint Employer Status Under the Fair Labor Standards Act	\$49
DOL 1235-AA35	Paid Leave Under the Families First Coronavirus Response Act	\$638
TREAS 1545-BP04	Qualified Opportunity Funds	\$0

DOC 0648-BB38	Taking and Importing Marine Mammals: Taking Marine Mammals Incidental to Geophysical Surveys Related to Oil and Gas Activities in the Gulf of Mexico	\$35
CEQ 0331-AA03	Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act	(\$94)
DHS 1615-AC19	Removal of 30-Day Processing Provision for Asylum Applicant-Related Form I-765 Employment Authorization Applications	\$433
DHS 1615-AC27	Asylum Application, Interview, and Employment Authorization for Applicants	\$2,533
EPA 2040-AF77	Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category—Reconsideration	(\$176)
EPA 2060-AM75	Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act	(\$80)
DOT 2126-AC19	Hours of Service of Drivers	(\$315)
VA 2900-AQ48	Program of Comprehensive Assistance for Family Caregivers Amendments Under the VA MISSION Act of 2018	\$96
ED 1840-AD38	Ensuring Student Access to High Quality and Innovative Postsecondary Educational Programs	\$0
DoD 0750-AJ81	Defense Federal Acquisition Regulation Supplement: Assessing Contractor Implementation of Cybersecurity Requirements (DFARS Case 2019-D041)	\$7,819
FAR 9000-AN65	FAR Case 2018-004; Increased Micro-Purchase and Simplified Acquisition Thresholds	(\$243)
FAR 9000-AN92	FAR Case 2019-009, Prohibition on Contracting with Entities Using Certain Telecommunications and Video Surveillance Services or Equipment	\$6,483
FAR 9000-AN92	FAR Case 2019-009, Prohibition on Contracting with Entities Using Certain Telecommunications and Video Surveillance Services or Equipment	(\$1,118)
	Fiscal year total:	\$16,377

OMB 2021, Table 1-6(b), 20 rules (second columnn 2022 \$ millions)		
DOC/ADMIN 0605-AA51	Securing the Information and Communications Technology and Services Supply Chain	\$11,599
DOC/NOAA 0648-BB38	Taking and Importing Marine Mammals: Taking Marine Mammals Incidental to Geophysical Surveys Related to Oil and Gas Activities in the Gulf of Mexico	\$35
DOC/NOAA 0648-BK51	Framework Adjustment 33 to the Atlantic Sea Scallop Fishery Management Plan	\$116
DOD/OS 0790-AK85	National Industrial Security Program Operating Manual (NISPOM)	\$17

HHS/OIG 0936-AA08	Removal of Safe Harbor Protection for Rebates to Plans or PBMs Involving Prescription Pharmaceuticals and Creation of New Safe Harbor Protection	\$425
HHS/CMS 0938-AU04	Transparency in Coverage (CMS-9915)	\$4,561
HHS/CMS 0938-AU12	CY 2021 Hospital Outpatient PPS Policy Changes and Payment Rates and Ambulatory Surgical Center Payment System Policy Changes and Payment Rates (CMS-1736)	\$134
HHS/CMS 0938-AU57	COVID-19 Vaccine Immunization Requirements for LTC Residents and Staff (CMS-3414)	\$178
HHS/CMS 0938-AU60	Patient Protection and Affordable Care Act; Updating Payment Parameters and Improving Health Insurance Markets for 2022 and Beyond (CMS-9906)	(\$300)
HHS/CMS 0938-AU63	Requirements Related to Surprise Billing; Part I (CMS-9909)	\$2,409
HHS/CMS 0938-ZB64	Basic Health Program; Federal Funding Methodology for Program Year 2022 (CMS-2438)	(\$270)
DOJ/DEA 1117-AB55	Implementation of the SUPPORT Act: Dispensing and Administering Controlled Substances for Medicated-Assisted Treatment	(\$653)
DOL/EBSA 1210-AC00	Requirements Related to Surprise Billing, Part 2	\$392
DOL/EBSA 1210-ZA29	Improving Investment Advice for Workers and Retirees Exemption	\$91
DOL/OSHA 1218-AD36	Subpart U—Emergency Temporary Standard—COVID-19	\$4,281
DOL/WHD 1235-AA34	Independent Contractor Status Under the Fair Labor Standards Act	\$502
TREAS/IRS 1545-BO67	Rules for Denial of Deduction for Certain Fines, Penalties, and Other Amounts	(\$84)
TREAS/IRS 1545-BO99	Section 4960 Excise Tax on Tax-Exempt Organization Compensation	\$4
DOT/FAA 2120-AK85	Operations of Small Unmanned Aircraft over People	(\$88)
DOT/PHMSA 2137-AF36	Pipeline Safety: Gas Pipeline Regulatory Reform	(\$147)
	Fiscal year total:	\$23,202

OMB 2022, Table 1-6(b), 9 rules (second columnn 2022 \$ millions)		
USDA/FNS 0584-AE81	Child Nutrition Programs: Temporary Standards for Milk, Whole Grains, and Sodium	(\$928)
HHS/CMS 0938-AU65	HHS Notice of Benefit and Payment Parameters for 2023 (CMS-9911)	(\$127)
HHS/CMS 0938-AU66	Prescription Drug and Health Care Spending (CMS-9905)	\$392

HHS/CMS 0938-AU75	Omnibus COVID-19 Health Care Staff Vaccination (CMS-3415)	\$1,543
DOL/WHD 1235-AA21	Tip Regulations under the Fair Labor Standards Act (FLSA); Partial Withdrawal	\$208
TREAS/FINCEN 1506-AB49	Section 6403. Corporate Transparency Act	\$8,482
DHS/USCIS 1615-AC67	Procedures for Credible Fear Screening and Consideration of Asylum, Withholding of Removal and Cat Protection Claims by Asylum Officers	\$504
DHS/USCIS 1615-AC78	Temporary Increase of the Automatic Extension Period of Employment Authorization and Documentation for Certain Renewal Applicants	(\$3,454)
DOT/FAA 2120-AL41	Flight Attendant Duty Period Limitations and Rest Requirements	\$72
	Fiscal year total:	\$6,692

OMB (2023), Table 1-6(b), 10 rules (2022 \$ millions)		
HHS/CMS 0938-AU77	CY 2023 Home Health Prospective Payment System Rate Update and Home Infusion Therapy Services Payment Update (CMS-1766)	\$267
HHS/CMS 0938-AU97	HHS Notice of Benefit and Payment Parameters for 2024 (CMS-9899)	\$677
HHS/CMS 0938-AU75	Omnibus COVID-19 Health Care Staff Vaccination (CMS-3415)	(\$691)
DOJ/ATF 1140-AA55	Factoring Criteria for Firearms with an Attached Stabilizing Brace	\$286
DOL/EBSA 1210-AB97	Implement SECURE Act and Related Revisions to Employee Benefit Plan Annual Reporting on the Form 5500	(\$95)
EPA/OCSP 2070-AK67	TSCA Section 8(a)(7) Reporting and Recordkeeping Requirements for Perfluoroalkyl and Polyfluoroalkyl Substances	\$802
EPA/OCSP 2070-AK99	Asbestos; Reporting and Recordkeeping Requirements Under the Toxic Substances Control Act	\$342
FAR 9000-AO13	Federal Acquisition Regulation (FAR); FAR Case 2020-011, Imple. of FASC Exclusion Orders	\$113
VA 2900-AR25	Presumptive Service Connection for Resp Conditions Due to Exposure to Particulate Matter	\$179
OPM 3206-AO43	Postal Service Health Benefits Program	\$56
	Fiscal year 2023 total:	\$1,936
FY 2020(b)-23 total check:		\$48,207
TOTAL		\$48,207

Source: OMB Draft Reports to Congress; the OMB had issued two reports cover-dated 2020, first for FY2019; hence the “(b)” designation herein. Online updates at <http://tinyurl.com/2ayaybp5>.

Note: OMB “primary” estimate at 7 percent.

Appendix C. A partial compilation of unmeasured and disregarded costs of federal intervention¹³²

I. Unmeasured costs of shortcomings in Administrative Procedure Act oversight

A. Rule cost categories prone to escaping measurement and disclosure

- ▶ Costs of high-significance rules that agencies do not classify as such
- ▶ Costs of independent agency regulations
- ▶ Costs of unfunded mandates on states and localities
- ▶ Costs of interpretive rules and guidance documents
- ▶ Indirect costs
- ▶ Jobs lost and not created because of regulation¹³³

B. Process/oversight shortcomings generating unknown financial and societal costs¹³⁴

- ▶ Costs of abandonment of formal rulemaking

- ▶ Costs of agencies' failure to issue a notice of proposed rulemaking for a significant portion of rules
- ▶ Costs of agency-gamed notice-and-comment processes
- ▶ Costs of agencies' undermining the Congressional Review Act by failing to submit final rules to Congress and to the Government Accountability Office for consideration
- ▶ Costs of pro-regulatory bias
- ▶ Costs of economically disruptive policy uncertainty
- ▶ Costs of regulation by sue-and-settle agreements
- ▶ Costs of regulatory accumulation
- ▶ Costs of differential effects of rules on businesses

II. Unmeasured costs of the loss of liberty¹³⁵

- ▶ Costs of regulatory takings and property value destruction¹³⁶
- ▶ Costs of abandoning negative rights for a positive rights framework that treats citizens unequally under the law¹³⁷
- ▶ Costs of delegation of lawmaking power to the executive branch and to unelected administrators¹³⁸

- ▶ Costs of lack of agency accountability to Congress through agency self-funding¹³⁹
- ▶ Costs of normalizing dependency
- ▶ Costs of imposing regulation based on secret or creatively leveraged data¹⁴⁰
- ▶ Costs of abandoned federalism¹⁴¹
- ▶ Costs of overcriminalization¹⁴²
- ▶ Costs of loss of anonymity owing to state surveillance¹⁴³

III. Costs of spending and legislative programs with sweeping regulatory effect

- ▶ Costs of top-down national plans, agendas, and treaties¹⁴⁴
- ▶ Costs of distortions created by ordinary federal spending, subsidies, and stimulus¹⁴⁵
- ▶ Costs of deadweight effects of federal spending¹⁴⁶
- ▶ Costs and distortions of government spending to steer investment in science and technology

IV. Costs of the derailment of market institutions

- ▶ Costs of the false presumption of agency expertise¹⁴⁷
- ▶ Costs of disregard of government failure
- ▶ Costs of interference with price, distribution, and access mechanisms

- ▶ Costs of antitrust regulation and the institutionalization of raising competitors' costs¹⁴⁸
- ▶ Costs of blurring corporate and government roles with government-sponsored enterprises and public-private partnerships¹⁴⁹
- ▶ Costs of government steering by direct ownership or control of resources¹⁵⁰
- ▶ Costs of eroded property rights and failure to extend them into new sectors
- ▶ Costs of regulatory public utility, siloed-infrastructure models
- ▶ Costs of top-down approaches to environmental amenities and concerns¹⁵¹
- ▶ Costs of permission-seeking and excessive occupational licensing
- ▶ Costs of cronyism through rent-seeking¹⁵²
- ▶ Costs of permanent bureaucracy¹⁵³

V. Costs of lethality

- ▶ Costs of the precautionary principle and the derailment of normal evolutionary risk-management innovation
- ▶ Costs of selective expression of benefits
- ▶ Costs of wealth and health loss induced by regulation
- ▶ Health costs of rent-seeking
- ▶ Costs of undermining markets in information

Appendix D. *Federal Register* page history

Year	Unadjusted page count	Jumps/blanks	Adjusted page count
1936	2,620	n/a	2,620
1937	3,450	n/a	3,450
1938	3,194	n/a	3,194
1939	5,007	n/a	5,007
1940	5,307	n/a	5,307
1941	6,877	n/a	6,877
1942	11,134	n/a	11,134
1943	17,553	n/a	17,553
1944	15,194	n/a	15,194
1945	15,508	n/a	15,508
1946	14,736	n/a	14,736
1947	8,902	n/a	8,902
1948	9,608	n/a	9,608
1949	7,952	n/a	7,952
1950	9,562	n/a	9,562
1951	13,175	n/a	13,175
1952	11,896	n/a	11,896
1953	8,912	n/a	8,912
1954	9,910	n/a	9,910
1955	10,196	n/a	10,196
1956	10,528	n/a	10,528
1957	11,156	n/a	11,156
1958	10,579	n/a	10,579
1959	11,116	n/a	11,116
1960	14,479	n/a	14,479
1961	12,792	n/a	12,792

Year	Unadjusted page count	Jumps/blanks	Adjusted page count
1962	13,226	n/a	13,226
1963	14,842	n/a	14,842
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
1973	35,592	n/a	35,592
1974	45,422	n/a	45,422
1975	60,221	n/a	60,221
1976	57,072	6,567	50,505
1977	65,603	7,816	57,787
1978	61,261	5,565	55,696
1979	77,498	6,307	71,191
1980	87,012	13,754	73,258
1981	63,554	5,818	57,736
1982	58,494	5,390	53,104
1983	57,704	4,686	53,018
1984	50,998	2,355	48,643
1985	53,480	2,978	50,502
1986	47,418	2,606	44,812
1987	49,654	2,621	47,033
1988	53,376	2,760	50,616
1989	53,842	3,341	50,501
1990	53,620	3,825	49,795
1991	67,716	9,743	57,973
1992	62,928	5,925	57,003
1993	69,688	8,522	61,166

Year	Unadjusted page count	Jumps/blanks	Adjusted page count
1994	68,108	3,194	64,914
1995	67,518	4,873	62,645
1996	69,368	4,777	64,591
1997	68,530	3,981	64,549
1998	72,356	3,785	68,571
1999	73,880	2,719	71,161
2000	83,294	9,036	74,258
2001	67,702	3,264	64,438
2002	80,332	4,726	75,606
2003	75,798	4,529	71,269
2004	78,852	3,177	75,675
2005	77,777	3,907	73,870
2006	78,724	3,787	74,937
2007	74,408	2,318	72,090
2008	80,700	1,265	79,435
2009	69,644	1,046	68,598
2010	82,480	1,075	81,405
2011	82,415	1,168	81,247
2012	80,050	1,089	78,961
2013	80,462	1,151	79,311
2014	78,796	1,109	77,687
2015	81,402	1,142	80,260
2016	97,069	1,175	95,894
2017	61,703	636	61,067
2018	67,593	815	66,778
2019	72,566	840	71,726
2020	87,349	993	86,356
2021	74,532	761	73,771
2022	80,757	901	79,856
2023	90,402	1,034	89,368
2024	107,262	1,153	106,109

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

Note: Publication of proposed rules was not required before the Administrative Procedures Act of 1946. Preambles to rules were published only to a limited extent before the 1970s. n/a = not available at time of writing.

Appendix E. Number of documents by type published in the *Federal Register*

Year	Final rules	Sig. subset	Proposed rules	Sig. subset	Other*	Total	Final rule pages	Average pages per final rule	Proposed rule pages	Average pages per proposed rule
1976	7,401		3,875		27,223	38,499	12,589	1.7	9,325	2.4
1977	7,031		4,188		28,381	39,600	14,572	2.1	9,620	2.3
1978	7,001		4,550		28,705	40,256	15,452	2.2	11,885	2.6
1979	7,611		5,824		29,211	42,646	19,366	2.5	18,091	3.1
1980	7,745		5,347		33,670	46,762	21,092	2.7	16,276	3.0
1981	6,481		3,862		30,090	40,433	15,300	2.4	10,433	2.7
1982	6,288		3,729		28,621	38,638	15,222	2.4	12,130	3.3
1983	6,049		3,907		27,580	37,536	16,196	2.7	12,772	3.3
1984	5,154		3,350		26,047	34,551	15,473	3.0	11,972	3.6
1985	4,843		3,381		22,833	31,057	15,460	3.2	13,772	4.1
1986	4,589		3,185		21,546	29,320	13,904	3.0	11,816	3.7
1987	4,581		3,423		22,052	30,056	13,625	3.0	14,181	4.1
1988	4,697		3,240		22,047	29,984	16,042	3.4	13,883	4.3
1989	4,714		3,194		22,218	30,126	16,489	3.5	13,220	4.1
1990	4,334		3,041		22,999	30,374	14,179	3.3	12,692	4.2
1991	4,416		3,099		23,427	30,942	16,792	3.8	16,761	5.4
1992	4,155		3,170		24,063	31,388	15,921	3.8	15,156	4.8
1993	4,369		3,207		24,017	31,593	18,016	4.1	15,410	4.8
1994	4,867		3,372		23,669	31,908	20,385	4.2	18,183	5.4
1995	4,713		3,339	222	23,133	31,185	18,047	3.8	15,982	4.8
1996	4,937	309	3,208	252	24,485	32,630	21,622	4.4	15,369	4.8
1997	4,584	267	2,881	226	26,260	33,725	18,984	4.1	15,309	5.3
1998	4,899	242	3,042	264	26,313	34,254	20,029	4.1	18,256	6.0

Year	Final rules	Sig. subset	Proposed rules	Sig. subset	Other*	Total	Final rule pages	Average pages per final rule	Proposed rule pages	Average pages per proposed rule
1999	4,684	232	3,281	335	26,074	34,039	20,201	4.3	19,447	5.9
2000	4,313	290	2,636	254	24,976	31,925	24,482	5.7	17,943	6.8
2001	4,132	297	2,512	206	25,392	32,036	19,643	4.8	14,666	5.8
2002	4,167	282	2,638	306	26,250	33,055	19,233	4.6	18,640	7.1
2003	4,148	335	2,538	314	25,168	31,854	22,670	5.5	17,357	6.8
2004	4,101	320	2,430	296	25,846	32,377	22,546	5.5	19,332	8.0
2005	3,943	257	2,257	197	26,020	32,220	23,041	5.8	18,260	8.1
2006	3,718	162	2,346	212	25,429	31,493	22,347	6.0	19,794	8.4
2007	3,595	180	2,308	308	24,784	30,687	22,771	6.3	18,611	8.1
2008	3,830	427	2,475	380	25,708	32,013	26,320	6.9	18,648	7.5
2009	3,503	371	2,044	330	25,218	30,765	20,782	5.9	16,681	8.2
2010	3,573	424	2,439	448	26,543	32,555	24,914	7.0	21,844	9.0
2011	3,807	422	2,898	483	26,296	33,001	26,274	6.9	23,193	8.0
2012	3,708	353	2,517	257	24,652	30,877	24,690	6.7	20,096	8.0
2013	3,659	331	2,594	316	24,517	30,770	26,417	7.2	20,619	7.9
2014	3,554	308	2,383	385	24,257	30,194	24,861	7.0	20,731	8.7
2015	3,410	345	2,342	381	24,294	30,046	24,694	7.2	22,588	9.6
2016	3,853	486	2,419	369	24,912	31,184	38,652	10.0	21,457	8.9
2017	3,280	224	1,809	176	22,441	27,530	18,831	5.7	10,495	5.8
2018	3,368	199	2,044	292	22,338	27,750	18,214	5.4	16,761	8.2
2019	2,964	262	2,132	370	22,072	27,168	20,857	7.0	19,365	9.1
2020	3,353	436	2,149	344	22,806	28,308	32,223	9.6	19,984	9.3
2021	3,257	375	2,094	264	22,361	27,712	23,634	7.3	16,392	7.8
2022	3,168	268	2,044	236	22,821	28,033	21,750	6.9	23,791	11.6
2023	3,018	289	2,102	277	23,197	28,317	26,286	8.7	28,892	13.7
2024	3,248	342	1,769	175	25,506	30,523	45,028	13.9	19,952	11.3

Source: National Archives and Records Administration, Office of the Federal Register. Prior years' total final rules come from National Archives compilations maintained under "Federal Register Statistics" at <https://www.federalregister.gov/reader-aids/understanding-the-federal-register>.

Note: There continues to be periodic minor discrepancies between online *Federal Register* database and NARA pdf archive.

* "Other" documents are presidential documents, agency notices, and corrections.

Appendix F. Code of Federal Regulations page counts and number of volumes

Year	Actual pages published (includes text, preliminary pages, and tables)				Unrevised CFR volumes**	Total pages complete CFR	Total CFR volumes (excluding index)
	Titles 1–50 (minus title 3)	Title 3 (POTUS docs)	Index*	Total pages published			
1975	69,704	296	792	70,792	432	71,224	133
1976	71,289	326	693	72,308	432	72,740	139
1977	83,425	288	584	84,297	432	84,729	141
1978	88,562	301	660	89,523	4,628	94,151	142
1979	93,144	438	990	94,572	3,460	98,032	148
1980	95,043	640	1,972	97,655	4,640	102,295	164
1981	103,699	442	1,808	105,949	1,160	107,109	180
1982	102,708	328	920	103,956	982	104,938	177
1983	102,892	354	960	104,206	1,448	105,654	178
1984	110,039	324	998	111,361	469	111,830	186
1985	102,815	336	1,054	104,205	1,730	105,935	175
1986	105,973	512	1,002	107,487	1,922	109,409	175
1987	112,007	374	1,034	113,415	922	114,337	185
1988	114,634	408	1,060	116,102	1,378	117,480	193
1989	118,586	752	1,058	120,396	1,694	122,090	196
1990	121,837	376	1,098	123,311	3,582	126,893	199
1991	119,969	478	1,106	121,553	3,778	125,331	199
1992	124,026	559	1,122	125,707	2,637	128,344	199
1993	129,162	498	1,141	130,801	1,427	132,228	202
1994	129,987	936	1,094	132,017	2,179	134,196	202
1995	134,471	1,170	1,068	136,709	1,477	138,186	205
1996	129,386	622	1,033	131,041	1,071	132,112	204

Year	Actual pages published (includes text, preliminary pages, and tables)				Unrevised CFR volumes**	Total pages complete CFR	Total CFR volumes (excluding index)
	Titles 1–50 (minus title 3)	Title 3 (POTUS docs)	Index*	Total pages published			
1997	128,672	429	1,011	130,112	948	131,060	200
1998	132,884	417	1,015	134,316	811	135,127	201
1999	130,457	401	1,022	131,880	3,052	134,932	202
2000	133,208	407	1,019	134,634	3,415	138,049	202
2001	134,582	483	1,041	136,106	5,175	141,281	206
2002	137,373	1,114	1,039	139,526	5,573	145,099	207
2003	139,550	421	1,053	141,024	3,153	144,177	214
2004	143,750	447	1,073	145,270	2,369	147,639	217
2005	146,422	103	1,083	147,608	4,365	151,973	221
2006	149,594	376	1,077	151,047	3,060	154,107	222
2007	149,236	428	1,088	150,752	5,258	156,010	222
2008	151,547	453	1,101	153,101	4,873	157,974	222
2009	158,369	412	1,112	159,893	3,440	163,333	225
2010	152,455	512	1,122	154,089	11,405	165,494	226
2011	159,129	486	1,136	160,751	8,544	169,295	230
2012	164,884	472	1,154	166,510	8,047	174,557	235
2013	166,352	520	1,170	168,042	7,454	175,496	235
2014	165,016	538	1,170	166,724	12,657	179,381	236
2015	170,278	495	1,170	171,943	6,334	178,277	237
2016	174,769	570	1,170	176,509	8,544	185,053	242
2017	178,628	846	1,170	180,644	5,730	186,374	242
2018	170,952	608	1,170	172,730	12,718	185,448	242
2019	172,022	1,092	1,170	174,284	11,700	185,984	242
2020	172,134	575	1,254	173,963	12,682	186,645	242
2021	180,495	789	1,277	182,561	5,785	188,346	243

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

Note: CFR = Code of Federal Regulations; POTUS = president of the United States.

*General Index and Finding Aids volume for 1975 and 1976. ** Unrevised CFR volumes page totals include those previous editions for which a cover only was issued during the year or any previous editions for which a supplement was issued.

Appendix G. Executive orders by administration

	Sequence number		Total number of executive orders
	Ending	Beginning	
George Washington	n/a	n/a	8
John Adams	n/a	n/a	1
Thomas Jefferson	n/a	n/a	4
James Madison	n/a	n/a	1
James Monroe	n/a	n/a	1
John Quincy Adams	n/a	n/a	3
Andrew Jackson	n/a	n/a	12
Martin van Buren	n/a	n/a	10
William Henry Harrison	n/a	n/a	0
John Tyler	n/a	n/a	17
James K. Polk	n/a	n/a	18
Zachary Taylor	n/a	n/a	5
Millard Fillmore	n/a	n/a	12
Franklin Pierce	n/a	n/a	35
James Buchanan	n/a	n/a	16
Abraham Lincoln	n/a	n/a	48
Andrew Johnson	n/a	n/a	79
Ulysses S. Grant	n/a	n/a	217
Rutherford B. Hayes	n/a	n/a	92
James Garfield	n/a	n/a	6
Chester Arthur	n/a	n/a	96
Grover Cleveland - I	n/a	n/a	113
Benjamin Harrison	n/a	n/a	143
Grover Cleveland - II	n/a	n/a	140

	Sequence number		Total number of executive orders
	Ending	Beginning	
William McKinley	n/a	n/a	185
Theodore Roosevelt	n/a	n/a	1,081
William Howard Taft	n/a	n/a	724
Woodrow Wilson	n/a	n/a	1,803
Warren G. Harding	n/a	n/a	522
Calvin Coolidge	n/a	n/a	1,203
Herbert Hoover	6,070	5,075	996
Franklin D. Roosevelt	9,537	6,071	3,467
Harry S. Truman	10,431	9,538	894
Dwight D. Eisenhower	10,913	10,432	482
John F. Kennedy	11,127	10,914	214
Lyndon B. Johnson	11,451	11,128	324
Richard Nixon	11,797	11,452	346
Gerald R. Ford	11,966	11,798	169
Jimmy Carter	12,286	11,967	320
Ronald Reagan	12,667	12,287	381
George H. W. Bush	12,833	12,668	166
William J. Clinton	13,197	12,834	364
George W. Bush	13,488	13,198	291
Barack Obama	13,764	13,489	276
Donald Trump	13,984	13,765	220
Joe Biden	14,140	13,985	156
Total Number of Executive Orders			15,661

Source: Author's tabulations; Executive Orders Disposition Tables Index, Office of the Federal Register, National Archives, <http://www.archives.gov/federal-register/executive-orders/disposition.html>; "Executive Orders," The American Presidency Project, ed. John T. Woolley and Gerhard Peters (Santa Barbara, CA: 1999–2014), <http://www.presidency.ucsb.edu/data/orders.php>.

Note: n/a = not applicable or not available.

Appendix H. Number of regulatory reviews at the Office of Information and Regulatory Affairs

									Average days review time		
Year	Prerule reviews	Proposed rule reviews	Interim final rule reviews	Final rule reviews	Notice reviews	Total reviews	ES reviews	Non-ES reviews	Days ES reviews	Days non-ES reviews	Overall average days
1991		1,201		1,322		2,523	142	2,381	39	29	29
1992		970		1,315		2,285	121	2,164	44	39	39
1993	2	976	6	1,155	28	2,167	106	2,061	53	42	43
1994	16	317	68	302	128	831	134	697	33	30	31
1995	8	225	64	270	53	620	74	546	41	35	35
1996	28	160	56	232	31	507	74	433	39	42	42
1997	20	196	64	174	51	505	81	424	47	54	53
1998	15	192	58	182	40	487	73	414	33	50	48
1999	19	247	71	214	36	587	86	501	51	53	53
2000	13	210	66	253	40	582	92	490	60	62	62
2001	9	274	95	285	37	700	111	589	46	60	58
2002	23	261	81	249	55	669	100	569	44	46	46
2003	23	232	92	309	59	715	101	614	42	50	49
2004	26	237	64	241	58	626	85	541	35	55	53
2005	18	221	66	247	59	611	82	529	39	59	57
2006	12	229	43	270	46	600	71	529	34	59	56
2007	22	248	44	250	25	589	85	504	49	64	61
2008	17	276	39	313	28	673	135	538	53	63	61
2009	28	214	67	237	49	595	125	470	33	40	39
2010	36	261	84	232	77	690	138	552	48	51	51
2011	24	317	76	262	61	740	117	623	51	60	58
2012	12	144	33	195	40	424	83	341	69	81	79
2013	11	177	33	160	37	418	104	314	121	143	137
2014	17	201	43	144	46	452	114	338	106	134	127
2015	8	178	29	164	35	415	130	285	84	90	88

									Average days review time		
Year	Prerule reviews	Proposed rule reviews	Interim final rule reviews	Final rule reviews	Notice reviews	Total reviews	ES reviews	Non-ES reviews	Days ES reviews	Days non-ES reviews	Overall average days
2016	14	231	28	303	45	623	156	467	83	79	80
2017	13	84	12	103	24	237	70	167	56	74	68
2018	25	168	11	124	32	360	91	269	63	68	67
2019	26	234	25	147	41	474	117	357	77	80	79
2020	14	213	77	257	104	669	199	470	57	75	70
2021	30	170	58	173	72	503	172	331	58	60	59
2022	18	191	24	147	103	485	161	324	75	72	73
2023	19	236	24	177	119	575	114	461	81	72	74

Source: Author search on RegInfo.gov, “Review Counts” database search engine under Regulatory Review heading.

Note: ES = economically significant.

Appendix I. Unified Agenda rules history

1980s		
1983	April	2,863
	October	4,032
1984	April	4,114
	October	4,016
1985	April	4,265
	October	4,131
1986	April	3,961
	October	3,983
1987	April	4,038
	October	4,005
1988	April	3,941
	October	4,017
1989	April	4,003
	October	4,187

2010s		
2010	December	4,225
2011	December	4,128
2012	Year-End*	4,062
2013	November	3,305
2014	November	3,415
2015	November	3,297
2016	November	3,318
2017	December	3,209
2018	October	3,534
2019	October	3,752

1990s		
1990	April	4,332
	October	4,470
1991	April	4,675
	October	4,863
1992	April	4,186
	October	4,909
1993	April	4,933
	October	4,950
1994	April	5,105
	October	5,119
1995	April	5,133
	October	4,735
1996	April	4,570
	October	4,680
1997	April	4,417
	October	4,407
1998	April	4,504
	October	4,560
1999	April	4,524
	October	4,568

2000s		
2000	October	4,699
2001	October	4,509
2002	October	4,187
2003	December	4,266
2004	December	4,083
2005	October	4,062
2006	December	4,052
2007	December	3,882
2008	December	4,004
2009	December	4,043

2020s		
2020	December	3,852
2021	December	3,772
2022	January 4, 2023	3,690
2023	December 6, 2023	3,599
2024	December 13, 2024	3,331

Sources: Compiled from “The Regulatory Plan and Unified Agenda of Federal Regulatory and Deregulatory Actions,” *Federal Register*, various years’ editions; also from online edition at <http://www.reginfo.gov>.

*Spring edition skipped in 2012.

Appendix J: Inventory of 263 “Section 3(f)(1) Significant” active and long-term rules in the Pipeline (from Fall 2024 “Unified Agenda of Federal Regulations”)

Source: Compiled by C. W. Crews from the “Regulatory Plan and the Unified Agenda of Federal Regulatory and Deregulatory Actions,” <http://www.reginfo.gov>

Note: The “Regulation Identifier Number” or RIN appears at the end of each entry below. For additional information, see “How to Use the Unified Agenda,” http://www.reginfo.gov/public/jsp/eAgenda/StaticContent/UA_HowTo.jsp.

ACTIVE RULEMAKINGS (233 Actions)

DEPARTMENT OF AGRICULTURE

1. USDA/AgSEC, Final Rule Stage, Partnerships with Faith-Based and Neighborhood Organizations, 0503-AA73
2. USDA/RBS, Proposed Rule Stage, Higher Blends Infrastructure Incentive Program, 0570-AB11
3. USDA/APHIS, Proposed Rule Stage, AQI User Fees, 0579-AE71
4. USDA/FNS, Final Rule Stage, Supplemental Nutrition Assistance Program: Standard Utility Allowances Based on the Receipt of Energy Assistance Payments, 0584-AE43
5. USDA/FNS, Final Rule Stage, Supplemental Nutrition Assistance Program (SNAP): Standardization of State Heating and Cooling Standard Utility Allowances, 0584-AE69
6. USDA/FNS, Final Rule Stage, Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Revisions in the WIC Food Packages, 0584-AE82
7. USDA/FNS, Final Rule Stage, Child Nutrition Programs: Revisions to Meal Patterns Consistent with the 2020 Dietary Guidelines for Americans, 0584-AE88
8. USDA/FNS, Final Rule Stage, Interim Final Rule—Implementing Provisions from the Consolidated Appropriations Act, 2023: Establishing the Summer EBT Program and Non-Congregate Option in the

Summer Food Service Program,
0584-AE96

DEPARTMENT OF COMMERCE

9. DOC/ADMIN, Final Rule Stage, Securing the Information and Communications Technology and Services Supply Chain, 0605-AA51
10. DOC/ITA, Final Rule Stage, Procedures Covering Suspension of Liquidation, Duties and Estimated Duties in Accord with Presidential Proclamation 10414, 0625-AB21
11. DOC/NIST, Final Rule Stage, Preventing the Improper Use of CHIPS Act Funding, 0693-AB70
12. DOD/DARC, Proposed Rule Stage, Assessing Contractor Implementation of Cybersecurity Requirements (DFARS Case 2019-D041), 0750-AK81

DEPARTMENT OF DEFENSE

13. DOD/OS, Proposed Rule Stage, Cybersecurity Maturity Model Certification (CMMC) Program, 0790-AL49

DEPARTMENT OF EDUCATION

14. ED/OPE, Proposed Rule Stage, Accreditation and Related Issues, 1840-AD82
15. ED/OPE, Proposed Rule Stage, State Authorization, 1840-AD83
16. ED/OPE, Proposed Rule Stage, Return to Title IV, 1840-AD85

17. ED/OPE, Proposed Rule Stage, Cash Management, 1840-AD86
18. ED/OPE, Proposed Rule Stage, Third-Party Servicers and Related Issues, 1840-AD87
19. ED/OPE, Proposed Rule Stage, Improving Use of Deferments and Forbearances, 1840-AD88
20. ED/OPE, Proposed Rule Stage, Distance Education, 1840-AD92
21. ED/OPE, Proposed Rule Stage, Student Loan Relief, 1840-AD93
22. ED/OPE, Final Rule Stage, Partnerships with Faith-Based and Neighborhood Organizations, 1840-AD67
23. ED/OPEPD, Proposed Rule Stage, EDGAR Revisions, 1875-AA14
24. ED/OS, Proposed Rule Stage, Debt Collection Practices, 1894-AA12

DEPARTMENT OF ENERGY

25. DOE/ENDEP, Prerule Stage, Advanced Technology Vehicles Manufacturing Incentive Program, 1901-AB55
26. DOE/EE, Proposed Rule Stage, Energy Conservation Standards for Walk-In Coolers and Freezers, 1904-AD79
27. DOE/EE, Proposed Rule Stage, Energy Conservation Standards for Commercial Refrigerators, Freezers, and Refrigerator-Freezers, 1904-AD82
28. DOE/EE, Proposed Rule Stage, Energy Conservation Standards for Dehumidifiers, 1904-AE61

29. DOE/EE, Proposed Rule Stage, Energy Conservation Standards for Consumer Furnaces, 1904-AF19
30. DOE/EE, Proposed Rule Stage, Energy Conservation Standards for Expanded Scope Electric Motors, 1904-AF55
31. DOE/EE, Final Rule Stage, Energy Conservation Standards for Residential Non-Weatherized Gas Furnaces and Mobile Home Gas Furnaces, 1904-AD20
32. DOE/EE, Final Rule Stage, Energy Conservation Standards for Circulator Pumps and Small Vertical In-Line Pumps, 1904-AD61
33. DOE/EE, Final Rule Stage, Energy Conservation Standards for Consumer Water Heaters, 1904-AD91
34. DOE/EE, Final Rule Stage, Energy Conservation Standards for Consumer Clothes Washers, 1904-AD98
35. DOE/EE, Final Rule Stage, Energy Conservation Standards for Clothes Dryers, 1904-AD99
36. DOE/EE, Final Rule Stage, Energy Conservation Standards for Distribution Transformers, 1904-AE12
37. DOE/EE, Final Rule Stage, Energy Conservation Standards for Dishwashers, 1904-AE32
38. DOE/EE, Final Rule Stage, Energy Conservation Standards for Battery Chargers, 1904-AE50
39. DOE/EE, Final Rule Stage, Energy Conservation Standards for Consumer Boilers, 1904-AE82
40. DOE/EE, Final Rule Stage, Energy Conservation Standards for Ceiling Fans, 1904-AE99
41. DOE/EE, Final Rule Stage, Energy Conservation Standards for Miscellaneous Residential Refrigeration, 1904-AF00
42. DOE/EE, Final Rule Stage, Energy Conservation Program: Energy Conservation Standards for General Service Lamps, 1904-AF43
43. DOE/EE, Final Rule Stage, Energy Conservation Standards for Consumer Refrigerators, Freezers, and Refrigerator-Freezers, 1904-AF56
44. DOE/EE, Final Rule Stage, Energy Conservation Standards for Consumer Conventional Cooking Products, 1904-AF57
45. DOE/EE, Final Rule Stage, Clean Energy for New Federal Buildings and Major Renovations of Federal Buildings, 1904-AB96

DEPARTMENT OF HEALTH AND HUMAN SERVICES

46. HHS/FDA, Proposed Rule Stage, Medication Guide; Patient Medication Information, 0910-AH68
47. HHS/FDA, Proposed Rule Stage, Tobacco Product Standard for Nicotine Level of Certain Tobacco Products, 0910-AI76
48. HHS/FDA, Proposed Rule Stage, Front-of-Package Nutrition Labeling, 0910-AI80
49. HHS/FDA, Proposed Rule Stage, Medical Devices; Laboratory Developed Tests, 0910-AI85

50. HHS/FDA, Proposed Rule Stage, Registration of Commercial Importers of Drugs; Good Importing Practice, 0910-AI87
51. HHS/FDA, Final Rule Stage, General and Plastic Surgery Devices: Restricted Sale, Distribution, and Use of Sunlamp Products, 0910-AH14
52. HHS/FDA, Final Rule Stage, Medical Devices; Quality System Regulation Amendments, 0910-AH99
53. HHS/FDA, Final Rule Stage, Nutrient Content Claims, Definition of Term: Healthy, 0910-AI13
54. HHS/FDA, Final Rule Stage, Tobacco Product Standard for Characterizing Flavors in Cigars, 0910-AI28
55. HHS/FDA, Final Rule Stage, Prohibition of Sale of Tobacco Products to Persons Younger than 21 Years of Age, 0910-AI51
56. HHS/FDA, Final Rule Stage, Tobacco Product Standard for Menthol in Cigarettes, 0910-AI60
57. HHS/CMS, Proposed Rule Stage, Alternative Payment Model Updates; Increasing Organ Transplant Access (IOTA) Model (CMS-5535), 0938-AU51
58. HHS/CMS, Proposed Rule Stage, Healthcare System Resiliency and Modernization (CMS-3426), 0938-AU91
59. HHS/CMS, Proposed Rule Stage, Mental Health Parity and Addiction Equity Act and the Consolidated Appropriations Act, 2021 (CMS-9902), 0938-AU93
60. HHS/CMS, Proposed Rule Stage, Independent Dispute Resolution Operations (CMS-9897), 0938-AV15
61. HHS/CMS, Proposed Rule Stage, HHS Notice of Benefit and Payment Parameters for 2025 (CMS-9895), 0938-AV22
62. HHS/CMS, Proposed Rule Stage, Contract Year 2025 Policy and Technical Changes to the Medicare Advantage, Medicare Prescription Drug Benefit, and Medicare Cost Plan Programs, and PACE (CMS-4205), 0938-AV24
63. HHS/CMS, Proposed Rule Stage, Minimum Staffing Standards for Long-Term Care Facilities and Medicaid Institutional Payment Transparency Reporting (CMS-3442), 0938-AV25
64. HHS/CMS, Proposed Rule Stage, CY 2025 Changes to the End-Stage Renal Disease (ESRD) Prospective Payment System and Quality Incentive Program (CMS-1805), 0938-AV27
65. HHS/CMS, Proposed Rule Stage, CY 2025 Home Health Prospective Payment System Rate Update and Home Infusion Therapy and Home IVIG Services Payment Update (CMS-1803), 0938-AV28
66. HHS/CMS, Proposed Rule Stage, FY 2025 Hospice Wage Index, Payment Rate Update, and Quality Reporting Requirements (CMS-1810), 0938-AV29

67. HHS/CMS, Proposed Rule Stage, FY 2025 Skilled Nursing Facility (SNFs) Prospective Payment System and Consolidated Billing and Updates to the Value-Based Purchasing and Quality Reporting Programs (CMS-1802), 0938-AV30
68. HHS/CMS, Proposed Rule Stage, FY 2025 Inpatient Rehabilitation Facility (IRF) Prospective Payment System Rate Update and Quality Reporting Program (CMS-1804), 0938-AV31
69. HHS/CMS, Proposed Rule Stage, FY 2025 Inpatient Psychiatric Facilities Prospective Payment System Rate and Quality Reporting Updates (CMS-1806), 0938-AV32
70. HHS/CMS, Proposed Rule Stage, CY 2025 Revisions to Payment Policies Under the Physician Fee Schedule and Other Revisions to Medicare Part B (CMS-1807), 0938-AV33
71. HHS/CMS, Proposed Rule Stage, Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals; the Long-Term Care Hospital Prospective Payment System; and FY 2025 Rates (CMS-1808), 0938-AV34
72. HHS/CMS, Proposed Rule Stage, CY 2025 Hospital Outpatient PPS Policy Changes and Payment Rates and Ambulatory Surgical Center Payment System Policy Changes and Payment Rates (CMS-1809), 0938-AV35
73. HHS/CMS, Final Rule Stage, Administrative Simplification: Adoption of Standards for Health Care Attachment Transactions and Electronic Signatures, and Modification to Referral Certification and Authorization Standard (CMS-0053), 0938-AT38
74. HHS/CMS, Final Rule Stage, Streamlining the Medicaid, CHIP, and BHP Application, Eligibility Determination, Enrollment, and Renewal Processes (CMS-2421), 0938-AU00
75. HHS/CMS, Final Rule Stage, Administrative Simplification: Modifications to NCPDP Retail Pharmacy Standards (CMS-0056), 0938-AU19
76. HHS/CMS, Final Rule Stage, Misclassification of Drugs, Program Administration and Program Integrity Updates Under the Medicaid Drug Rebate Program (CMS-2434), 0938-AU28
77. HHS/CMS, Final Rule Stage, Short-Term, Limited-Duration Insurance; Independent, Noncoordinated Excepted Benefits Coverage; Level-Funded Plan Arrangements; and Tax Treatment of Certain Accident and Health Insurance (CMS-9904), 0938-AU67
78. HHS/CMS, Final Rule Stage, Medicaid and Children's Health Insurance Program (CHIP) Managed Care Access, Finance, and Quality (CMS-2439), 0938-AU99

79. HHS/CMS, Final Rule Stage, Disproportionate Share Hospital (DSH) Third Party Payer (CMS-2445), 0938-AV00
80. HHS/CMS, Final Rule Stage, CY 2024 Revisions to Payment Policies Under the Physician Fee Schedule and Other Revisions to Medicare Part B (CMS-1784), 0938-AV07
81. HHS/CMS, Final Rule Stage, CY 2024 Hospital Outpatient PPS Policy Changes and Payment Rates and Ambulatory Surgical Center Payment System Policy Changes and Payment Rates (CMS-1786), 0938-AV09
82. HHS/CMS, Final Rule Stage, Clarifying Eligibility for a Qualified Health Plan Through an Exchange, Advance Payments of the Premium Tax Credit, Cost-Sharing Reductions, A Basic Health Program and Medicaid and CHIP (CMS-9894), 0938-AV23
83. HHS/CMS, Final Rule Stage, CY 2025 Inpatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amounts (CMS-8086), 0938-AV36
84. HHS/OCR, Proposed Rule Stage, Rulemaking on Discrimination on the Basis of Disability in Health and Human Services Programs or Activities, 0945-AA15
85. HHS/OCR, Proposed Rule Stage, Proposed Modifications to the HIPAA Security Rule to Strengthen the Cybersecurity of Electronic Protected Health Information, 0945-AA22
86. HHS/OCR, Final Rule Stage, Non-discrimination in Health Programs and Activities, 0945-AA17
87. HHS/OCR, Final Rule Stage, Safeguarding the Rights of Conscience as Protected by Federal Statutes, 0945-AA18
88. HHS/OCR, Final Rule Stage, Proposed Modifications to the HIPAA Privacy Rule to Support Reproductive Health Care Privacy, 0945-AA20
89. HHS/ONC, Proposed Rule Stage, Health Data, Technology, and Interoperability: Patient Engagement, Information Sharing, and Public Health Interoperability, 0955-AA06
90. HHS/ONC, Final Rule Stage, Health Data, Technology, and Interoperability: Certification Program Updates, Algorithm Transparency, and Information Sharing, 0955-AA03
91. HHS/ACF, Proposed Rule Stage, Foster Care Legal Representation, 0970-AC89
92. HHS/ACF, Proposed Rule Stage, Unaccompanied Children Program Foundational Rule, 0970-AC93
93. HHS/ACF, Proposed Rule Stage, Strengthening Temporary Assistance for Needy Families (TANF) as a Safety Net Program, 0970-AC97
94. HHS/ACF, Proposed Rule Stage, Supporting the Head Start Work-

force and Other Quality Improvements, 0970-AD01

95. HHS/ACF, Final Rule Stage, Improving Child Care Access, Affordability, and Stability in the Child Care and Development Fund (CCDF), 0970-AD02

DEPARTMENT OF HOMELAND SECURITY

96. DHS/USCIS, Final Rule Stage, U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements, 1615-AC68
97. DHS/FEMA, Proposed Rule Stage, National Flood Insurance Program: Standard Flood Insurance Policy, Homeowner Flood Form, 1660-AB06
98. DHS/FEMA, Final Rule Stage, Individual Assistance Program Equity, 1660-AB07

DEPARTMENT OF THE INTERIOR

99. DOI/BOEM, Final Rule Stage, Renewable Energy Modernization Rule, 1010-AE04
100. DOI/BOEM, Final Rule Stage, Risk Management and Financial Assurance for OCS Lease and Grant Obligations, 1010-AE14
101. DOI/FWS, Proposed Rule Stage, Migratory Bird Permits; Authorizing the Incidental Take of Migratory Birds, Proposed Rule, 1018-BF71

102. DOI/FWS, Proposed Rule Stage, Migratory Bird Hunting; 2024–25 Migratory Game Bird Hunting Regulations, 1018-BG63
103. DOI/FWS, Proposed Rule Stage, Migratory Bird Hunting; 2025–26 Migratory Game Bird Hunting Regulations, 1018-BH65
104. DOI/ASLM, Proposed Rule Stage, Carbon Sequestration, 1082-AA04

DEPARTMENT OF JUSTICE

105. DOJ/DEA, Final Rule Stage, Implementation of the SUPPORT Act: Dispensing and Administering Controlled Substances for Medication-Assisted Treatment, 1117-AB55
106. DOJ/EOIR, Final Rule Stage, Procedures for Credible Fear Screening and Consideration of Asylum, Withholding of Removal and CAT Protection Claims by Asylum Officers, 1125-AB20
107. DOJ/CRT, Final Rule Stage, Non-discrimination on the Basis of Disability: Accessibility of Web Information and Services of State and Local Government Entities, 1190-AA79

DEPARTMENT OF LABOR

108. DOL/ETA, Proposed Rule Stage, Temporary Employment of H-2B Foreign Workers in the United States, 1205-AB93
109. DOL/ETA, Proposed Rule Stage, National Apprenticeship System Enhancements, 1205-AC13

- 110. DOL/EBSA, Proposed Rule Stage, Retirement Security Rule: Definition of an Investment Advice Fiduciary, 1210-AC02
- 111. DOL/EBSA, Proposed Rule Stage, Mental Health Parity and Addiction Equity Act and the Consolidated Appropriations Act, 2021, 1210-AC11
- 112. DOL/EBSA, Proposed Rule Stage, Short-Term Limited Duration Insurance; Update, 1210-AC12
- 113. DOL/OSHA, Prerule Stage, Process Safety Management and Prevention of Major Chemical Accidents, 1218-AC82
- 114. DOL/OSHA, Prerule Stage, Heat Illness Prevention in Outdoor and Indoor Work Settings, 1218-AD39
- 115. DOL/OSHA, Proposed Rule Stage, Infectious Diseases, 1218-AC46
- 116. DOL/OSHA, Proposed Rule Stage, Emergency Response, 1218-AC91
- 117. DOL/OSHA, Final Rule Stage, Occupational Exposure to COVID-19 in Healthcare Settings, 1218-AD36
- 118. DOL/MSHA, Final Rule Stage, Respirable Crystalline Silica, 1219-AB36
- 119. DOL/WHD, Proposed Rule Stage, Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales, and Computer Employees, 1235-AA39
- 120. DOL/WHD, Final Rule Stage, Nondisplacement of Qualified Workers Under Service Contracts, 1235-AA42

- 121. DOL/WHD, Final Rule Stage, Employee or Independent Contractor Classification Under the Fair Labor Standards Act, 1235-AA43

DEPARTMENT OF STATE

- 122. STATE, Proposed Rule Stage, Exchange Visitor Program—Au Pair, 1400-AF12

DEPARTMENT OF TRANSPORTATION

- 123. DOT/FMCSA, Proposed Rule Stage, Heavy Vehicle Speed Limiters, 2126-AB63
- 124. DOT/FMCSA, Final Rule Stage, Automatic Emergency Braking Systems, 2126-AC49
- 125. DOT/NHTSA, Prerule Stage, Advanced Impaired Driving Technology, 2127-AM50
- 126. DOT/NHTSA, Prerule Stage, Side Underride Guards on Trailers and Semitrailers, 2127-AM54
- 127. DOT/NHTSA, Proposed Rule Stage, Seat Belt Reminder Systems, 2127-AL37
- 128. DOT/NHTSA, Proposed Rule Stage, Fuel Efficiency and Greenhouse Gas Standards for Medium- and Heavy-Duty Engines and Vehicles, 2127-AM39
- 129. DOT/NHTSA, Proposed Rule Stage, Rear Designated Seating Position Alert, 2127-AM49
- 130. DOT/NHTSA, Final Rule Stage, Heavy Vehicle Automatic Emergency Braking, 2127-AM36

- 131. DOT/NHTSA, Final Rule Stage, Light Vehicle Automatic Emergency Braking (AEB) with Pedestrian AEB, 2127-AM37
- 132. DOT/NHTSA, Final Rule Stage, Light Vehicle CAFE Standards Beyond MY 2026, 2127-AM55
- 133. DOT/PHMSA, Proposed Rule Stage, Pipeline Safety: Gas Pipeline Leak Detection and Repair, 2137-AF51
- 134. DOT/PHMSA, Proposed Rule Stage, Pipeline Safety: Safety of Gas Distribution Pipelines and Other Pipeline Safety Initiatives, 2137-AF53

DEPARTMENT OF THE TREASURY

- 135. TREAS/DO, Final Rule Stage, Small Business Administration Business Loan Program Temporary Changes; Paycheck Protection Program—Additional Criteria for Seasonal Employers, 1505-AC67
- 136. TREAS/DO, Final Rule Stage, Business Loan Program Temporary Changes; Paycheck Protection Program—Requirements—Loan Forgiveness, 1505-AC69
- 137. TREAS/DO, Final Rule Stage, Business Loan Program Temporary Changes; Paycheck Protection Program—Requirements—Loan Forgiveness, 1505-AC70
- 138. TREAS/DO, Final Rule Stage, Business Loan Program Temporary Changes; Paycheck Protection Program—Additional Revisions to Loan Forgiveness and Loan Review Procedures Interim Final Rules, 1505-AC71
- 139. TREAS/DO, Final Rule Stage, Business Loan Program Temporary Changes; Extension of and Changes to Paycheck Protection Program, 1505-AC74
- 140. TREAS/DO, Final Rule Stage, Business Loan Program Temporary Changes; Paycheck Protection Program—Loan Forgiveness Requirements and Loan Review Procedures as Amended by Economic Aid Act, 1505-AC75
- 141. TREAS/DO, Final Rule Stage, Emergency Capital Investment Program—Restrictions on Executive Compensation, Share Buybacks, and Dividends, 1505-AC76
- 142. TREAS/DO, Final Rule Stage, Coronavirus State and Local Fiscal Recovery Funds, 1505-AC81
- 143. TREAS/FINCEN, Proposed Rule Stage, Section 6101. Establishment of National Exam and Supervision Priorities, 1506-AB52
- 144. TREAS/FINCEN, Final Rule Stage, Beneficial Ownership Information Access and Safeguards, 1506-AB59
- 145. TREAS/CUSTOMS, Proposed Rule Stage, Entry of Low-Value Shipments, 1515-AE84
- 146. TREAS/CUSTOMS, Final Rule Stage, Automated Commercial Environment (ACE) Required for Electronic Entry/Entry Summary (Cargo Release and Related Entry) Filings, 1515-AE03

- 147. TREAS/IRS, Proposed Rule Stage, Independent Dispute Resolution Operations, 1545-BQ55
- 148. TREAS/IRS, Final Rule Stage, Mental Health Parity and Addiction Equity Act and the Consolidated Appropriations Act, 2021, 1545-BQ29
- 149. TREAS/IRS, Final Rule Stage, Federal Independent Dispute Resolution Fees, 1545-BQ94

DEPARTMENT OF VETERANS AFFAIRS

- 150. VA, Proposed Rule Stage, Schedule for Rating Disabilities—Neurological Conditions and Convulsive Disorders, 2900-AQ73
- 151. VA, Proposed Rule Stage, Updating VA Adjudication Regulations for Disability or Death Benefit Claims Related to Herbicide Exposure, 2900-AR10
- 152. VA, Proposed Rule Stage, Amendments to the Caregivers Program, 2900-AR96
- 153. VA, Final Rule Stage, Schedule for Rating Disabilities—Ear, Nose, Throat, and Audiology Disabilities; Special Provisions Regarding Evaluation of Respiratory Conditions; Respiratory System, 2900-AQ72
- 154. VA, Final Rule Stage, Schedule for Rating Disabilities; Mental Disorders, 2900-AQ82
- 155. VA, Final Rule Stage, Post-9/11 Improvements, Fry Scholarship, and Interval Payments Amendments, 2900-AQ88
- 156. VA, Final Rule Stage, Schedule for Rating Disabilities: The Digestive System, 2900-AQ90
- 157. VA, Final Rule Stage, Update and Clarify Regulatory Bars to Benefits Based on Character of Discharge, 2900-AQ95
- 158. VA, Final Rule Stage, Reevaluation of Claims for Dependency and Indemnity Compensation Based on Public Law 117-168, 2900-AR76
- 159. VA, Final Rule Stage, Reimbursement for Emergency Treatment, 2900-AQ08
- 160. VA, Final Rule Stage, Supportive Services for Veterans Families, 2900-AR15

ENVIRONMENTAL PROTECTION AGENCY

- 161. EPA/OW, Proposed Rule Stage, National Primary Drinking Water Regulations for Lead and Copper: Improvements (LCRI), 2040-AG16
- 162. EPA/OW, Final Rule Stage, Supplemental Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category, 2040-AG23
- 163. EPA/OW, Final Rule Stage, PFAS National Primary Drinking Water Regulation Rulemaking, 2040-AG18
- 164. EPA/OLEM, Final Rule Stage, Accidental Release Prevention Requirements: Risk Management Program Under the Clean Air Act; Safer Communities by Chemical Accident Prevention, 2050-AH22

165. EPA/OLEM, Final Rule Stage, Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals from Electric Utilities; Legacy Surface Impoundments, 2050-AH14
166. EPA/OLEM, Final Rule Stage, Designating PFOA and PFOS as CERCLA Hazardous Substances, 2050-AH09
167. EPA/OAR, Proposed Rule Stage, NSPS for GHG Emissions from New, Modified, and Reconstructed Fossil Fuel-Fired EGUs; Emission Guidelines for GHG Emissions from Existing Fossil Fuel-Fired EGUs; and Repeal of the ACE Rule, 2060-AV09
168. EPA/OAR, Proposed Rule Stage, Phasedown of Hydrofluorocarbons: Management of Certain Hydrofluorocarbons and Substitutes Under Subsection (h) of the American Innovation and Manufacturing Act of 2020, 2060-AV84
169. EPA/OAR, Proposed Rule Stage, Methane Emissions and Waste Reduction Incentive Program for Petroleum and Natural Gas Systems, 2060-AW02
170. EPA/OAR, Final Rule Stage, National Emission Standards for Hazardous Air Pollutants: Ethylene Oxide Commercial Sterilization and Fumigation Operations, 2060-AU37
171. EPA/OAR, Final Rule Stage, New Source Performance Standards and Emission Guidelines for Crude Oil and Natural Gas Facilities: Climate Review, 2060-AV16
172. EPA/OAR, Final Rule Stage, Revisions to the Air Emission Reporting Requirements (AERR), 2060-AV41
173. EPA/OAR, Final Rule Stage, Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles, 2060-AV49
174. EPA/OAR, Final Rule Stage, Greenhouse Gas Emissions Standards for Heavy-Duty Vehicles—Phase 3, 2060-AV50
175. EPA/OAR, Final Rule Stage, Reconsideration of the National Ambient Air Quality Standards for Particulate Matter, 2060-AV52
176. EPA/OAR, Final Rule Stage, NESHAP: Coal-and Oil-Fired Electric Utility Steam Generating Units-Review of the Residual Risk and Technology Review, 2060-AV53
177. EPA/OAR, Final Rule Stage, NSPS for the Synthetic Organic Chemical Manufacturing Industry and NESHAP for the Synthetic Organic Chemical Manufacturing Industry and Group I & II Polymers and Resins Industry, 2060-AV71
178. EPA/OCSP, Proposed Rule Stage, Decabromodiphenyl Ether and Phenol, Isopropylated Phosphate (3:1); Revision to the Regulations of Persistent, Bioaccumulative, and Toxic Chemicals Under the Toxic Substances Control Act (TSCA), 2070-AL02

- 179. EPA/OCSP, Final Rule Stage, Methylene Chloride (MC); Regulation Under the Toxic Substances Control Act (TSCA), 2070-AK70
- 180. EPA/OCSP, Final Rule Stage, Perchloroethylene (PCE); Regulation Under the Toxic Substances Control Act (TSCA), 2070-AK84
- 181. EPA/OCSP, Final Rule Stage, Asbestos Part 1 (Chrysotile Asbestos); Regulation of Certain Conditions of Use Under the Toxic Substances Control Act (TSCA), 2070-AK86
- 182. EPA/OCSP, Final Rule Stage, Reconsideration of the Dust-Lead Hazard Standards and Dust-Lead Post Abatement Clearance Levels, 2070-AK91

CONSUMER PRODUCT SAFETY COMMISSION

- 183. CPSC, Proposed Rule Stage, Regulatory Options for Table Saws, 3041-AC31
- 184. CPSC, Final Rule Stage, Portable Generators, 3041-AC36

COUNCIL ON ENVIRONMENTAL QUALITY

- 185. CEQ, Final Rule Stage, National Environmental Policy Act Implementing Regulations Revisions Phase 2, 0331-AA07

FEDERAL ACQUISITION REGULATION

- 186. FAR, Proposed Rule Stage, Federal Acquisition Regulation (FAR);

FAR Case 2017-016, Controlled Unclassified Information (CUI), 9000-AN56

- 187. FAR, Proposed Rule Stage, Federal Acquisition Regulation (FAR); FAR Case 2021-017, Cyber Threat and Incident Reporting and Information Sharing, 9000-AO34
- 188. FAR, Federal Acquisition Regulation (FAR); FAR Case 2021-015, Disclosure of Greenhouse Gas Emissions and Climate-Related Financial Risk, 9000-AO32
- 189. FAR, Final Rule Stage, Federal Acquisition Regulation (FAR); FAR Case 2019-009, Prohibition on Contracting with Entities Using Certain Telecommunications and Video Surveillance Services or Equipment, 9000-AN92

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

- 190. EEOC, Final Rule Stage, Regulations to Implement the Pregnant Workers Fairness Act, 3046-AB30

FEDERAL DEPOSIT INSURANCE CORPORATION

- 191. FDIC, Proposed Rule Stage, Long-Term Debt Requirements for Large Bank Holding Companies, Certain Intermediate Holding Companies of Foreign Banking Organizations, and Large Insured Depository Institutions, 3064-AF86
- 192. FDIC, Final Rule Stage, Community Reinvestment Act, 3064-AF81

193. FDIC, Final Rule Stage, Special Assessments Pursuant to Systemic Risk Determination, 3064-AF93

FEDERAL ENERGY REGULATORY COMMISSION

194. FERC, Final Rule Stage, Improvements to Generator Interconnection Procedures and Agreements, 1902-AG00

FEDERAL HOUSING FINANCE ADMINISTRATION

195. FHFA, Final Rule Stage, Enterprise Regulatory Capital Framework Amendments—Commingled Securities, Multifamily Government Subsidy, Derivatives, and Other Enhancements, 2590-AB27

FEDERAL TRADE COMMISSION

196. FTC, Proposed Rule Stage, Motor Vehicle Dealers Trade Regulation Rule, 3084-AB72
197. FTC, Proposed Rule Stage, Non-Compete Clause Rule, 3084-AB74
198. FTC, Final Rule Stage, Premerger Notification Rules and Report Form, 3084-AB46
199. NRC, Proposed Rule Stage, Revision of Fee Schedules: Fee Recovery for Fiscal Year 2024 [NRC-2022-0046], 3150-AK74

PENSION BENEFIT GUARANTY CORPORATION

200. PBGC, Final Rule Stage, Actuarial Assumptions for Determining an Employer's Withdrawal Liability, 1212-AB54

SMALL BUSINESS ADMINISTRATION

201. SBA, Final Rule Stage, Business Loan Program Temporary Changes; Paycheck Protection Program, 3245-AH34
202. SBA, Final Rule Stage, Business Loan Program Temporary Changes; Paycheck Protection Program, 3245-AH35
203. SBA, Final Rule Stage, Business Loan Program Temporary Changes; Paycheck Protection Program—Additional Eligibility Criteria and Requirements for Certain Pledges of Loans, 3245-AH36
204. SBA, Final Rule Stage, Business Loan Program Temporary Changes; Paycheck Protection Program—Requirements—Promissory Notes, Authorizations, Affiliation, and Eligibility, 3245-AH37
205. SBA, Final Rule Stage, Business Loan Program Temporary Changes; Paycheck Protection Program—Requirements—Disbursements, 3245-AH38
206. SBA, Final Rule Stage, Business Loan Program Temporary Changes; Paycheck Protection Program—Requirements—Corporate Groups

and Non-Bank and Non-Insured Depository Institution Lenders, 3245-AH39

207. SBA, Final Rule Stage, Business Loan Program Temporary Changes; Paycheck Protection Program—Nondiscrimination and Additional Eligibility Criteria, 3245-AH40
208. SBA, Final Rule Stage, Business Loan Program Temporary Changes; Paycheck Protection Program—Requirements—Extension of Limited Safe Harbor with Respect to Certification Concerning Need for PPP Loan Request, 3245-AH41
209. SBA, Final Rule Stage, Business Loan Program Temporary Changes; Paycheck Protection Program—Loan Increases, 3245-AH42
210. SBA, Final Rule Stage, Business Loan Program Temporary Changes; Paycheck Protection Program—Eligibility of Certain Electric Cooperatives, 3245-AH43
211. SBA, Final Rule Stage, Business Loan Program Temporary Changes; Paycheck Protection Program—Treatment of Entities with Foreign Affiliates, 3245-AH44
212. SBA, Final Rule Stage, Business Loan Program Temporary Changes; Paycheck Protection Program—Second Extension of Limited Safe Harbor with Respect to Certification Concerning Need for PPP Loan and Lender Reporting, 3245-AH45
213. SBA, Final Rule Stage, Business Loan Program Temporary Changes; Paycheck Protection Program—Requirements—Loan Forgiveness, 3245-AH46
214. SBA, Final Rule Stage, Business Loan Program Temporary Changes; Paycheck Protection Program—SBA Loan Review Procedures and Related Borrower and Lender Responsibilities, 3245-AH47
215. SBA, Final Rule Stage, Business Loan Program Temporary Changes; Paycheck Protection Program—Eligibility of Certain Telephone Cooperatives, 3245-AH48
216. SBA, Final Rule Stage, Business Loan Program Temporary Changes; Paycheck Protection Program—Revisions to First Interim Final Rule, 3245-AH49
217. SBA, Final Rule Stage, Business Loan Program Temporary Changes; Paycheck Protection Program—Additional Revisions to First Interim Final Rule, 3245-AH50
218. SBA, Final Rule Stage, Business Loan Program Temporary Changes; Paycheck Protection Program—Revisions to the Third and Sixth Interim Final Rules, 3245-AH51
219. SBA, Final Rule Stage, Business Loan Program Temporary Changes; Paycheck Protection Program—Revisions to Loan Forgiveness and Loan Review Procedures Interim Final Rules, 3245-AH52

220. SBA, Final Rule Stage, Business Loan Program Temporary Changes; Paycheck Protection Program—Additional Eligibility Revisions to First Interim Final Rule, 3245-AH53
 221. SBA, Final Rule Stage, Business Loan Program Temporary Changes; Paycheck Protection Program—Certain Eligible Payroll Costs, 3245-AH54
 222. SBA, Final Rule Stage, Business Loan Program Temporary Changes; Paycheck Protection Program—Treatment of Owners and Forgiveness of Certain Nonpayroll Costs, 3245-AH56
 223. SBA, Final Rule Stage, Business Loan Program Temporary Changes; Paycheck Protection Program—Consolidation of Interim Final Rules, 3245-AH58
 224. SBA, Final Rule Stage, Business Loan Program Temporary Changes; Paycheck Protection Program—Additional Revisions to Loan Forgiveness and Loan Review Procedures Interim Final Rules, 3245-AH59
 225. SBA, Final Rule Stage, Business Loan Program Temporary Changes; Paycheck Protection Program as Amended by Economic Aid Act, 3245-AH62
 226. SBA, Final Rule Stage, Business Loan Program Temporary Changes; Paycheck Protection Program Second Draw Loans, 3245-AH63
 227. SBA, Final Rule Stage, Business Loan Program Temporary Changes; Paycheck Protection Program—Loan Forgiveness Requirements and Loan Review Procedures as Amended by Economic Aid Act, 3245-AH65
 228. SBA, Final Rule Stage, Business Loan Program Temporary Changes; Paycheck Protection Program—Revisions to Loan Amount Calculation and Eligibility, 3245-AH67
 229. SBA, Final Rule Stage, Business Loan Program Temporary Changes; Paycheck Protection Program as Amended by American Rescue Plan Act, 3245-AH77
 230. SBA, Final Rule Stage, Business Loan Program Temporary Changes; Paycheck Protection Program—COVID Revenue Reduction Score, Direct Borrower Forgiveness Process, and Appeals Deferment, 3245-AH79
 231. SBA, Final Rule Stage, Disaster Loan Program Changes, 3245-AH80
- ## SOCIAL SECURITY ADMINISTRATION
232. SSA, Final Rule Stage, Expand the Definition of a Public Assistance (PA) Household, 0960-AI81
 233. SSA, Final Rule Stage, Intermediate Improvement to the Disability Adjudication Process, Including How We Consider Past Work

LONG-TERM ACTIONS (30 actions)

DEPARTMENT OF AGRICULTURE

- 234. USDA/FNS, Technical Changes for Supplemental Nutrition Assistance Program (SNAP) Benefit Redemption Systems, 0584-AE37
- 235. USDA/FNS, Strengthening Integrity and Reducing Retailer Fraud in the Supplemental Nutrition Assistance Program (SNAP), 0584-AE71
- 236. USDA/FNS, Supplemental Nutrition Assistance Program Requirement for Interstate Data Matching, 0584-AE75

DEPARTMENT OF ENERGY

- 237. DOE/OGC, Convention on Supplementary Compensation for Nuclear Damage Contingent Cost Allocation, 1990-AA39

DEPARTMENT OF HEALTH AND HUMAN SERVICES

- 238. HHS/FDA, Protection of Human Subjects and Institutional Review Boards, 0910-AI07
- 239. HHS/FDA, Institutional Review Boards; Cooperative Research, 0910-AI08
- 240. HHS/FDA, Investigational New Drug Application Annual Reporting, 0910-AI37
- 241. HHS/CMS, Interoperability and Prior Authorization for MA Or-

ganizations, Medicaid and CHIP Managed Care and State Agencies, FFE QHP Issuers, MIPS Eligible Clinicians, Eligible Hospitals and CAHs (CMS-0057), 0938-AU87

DEPARTMENT OF HOMELAND SECURITY

- 242. DHS/USCIS, Temporary Increase of the Automatic Extension Period of Employment Authorization and Documentation for Certain Renewal Applicants, 1615-AC78
- 243. DHS/USCIS, Exercise of Time-Limited Authority to Increase the Numerical Limitation for FY 2023 for the H-2B Temporary Nonagricultural Worker Program and Portability Flexibility for H-2B Workers Seeking to Change, 1615-AC82
- 244. DHS/USCBP, Collection of Biometric Data from Noncitizens upon Entry to and Exit from the United States, 1651-AB12
- 245. DHS/FEMA, Cost of Assistance Estimates in the Disaster Declaration Process for the Public Assistance Program, 1660-AA99

DEPARTMENT OF THE INTERIOR

- 246. DOI/BSEE, Revisions to Decommissioning Requirements on the OCS, 1014-AA53

DEPARTMENT OF LABOR

- 247. DOL/ETA, Temporary Non-Agricultural Employment of H-2B

Nonimmigrants in the United States, 1205-AB76

248. DOL/OSHA, COVID-19 Vaccination and Testing Emergency Temporary Standard Rulemaking, 1218-AD42

DEPARTMENT OF TRANSPORTATION

249. DOT/NHTSA, Heavy Vehicle Speed Limiters, 2127-AK92
250. DOT/NHTSA, Federal Motor Vehicle Safety Standard (FMVSS) 150—Vehicle to Vehicle (V2V) Communication, 2127-AL55
251. DOT/NHTSA, Retroreflective Tape and Underride Guards for Single Unit Trucks, 2127-AL57
252. DOT/PHMSA, Pipeline Safety: Class Location Requirements, 2137-AF29

DEPARTMENT OF VETERANS AFFAIRS

253. VA, Loan Guaranty: Revisions to VA-Guaranteed or Insured Interest Rate Reduction Refinancing Loans, 2900-AR58

FEDERAL COMMUNICATIONS COMMISSION

254. FCC, Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions (GN Docket No. 12-268), 3060-AJ82
255. FCC, Parts 2 and 25 to Enable GSO FSS in the 17.3-17.8 GHz Band, Modernize Rules for 17/24 GHz BSS Space Stations, and Establish

Off-Axis Uplink Power Limits for Extended Ka-Band FSS (IB Doc. No. 20-330), 3060-AL28

256. FCC, Facilitating Shared Use in the 3100-3550 MHz Band, 3060-AL57
257. FCC, Restoring Internet Freedom (WC Docket No. 17-108); Protecting and Promoting the Open Internet (GN Docket No. 14-28), 3060-AK21
258. FCC, Implementation of the National Suicide Improvement Act of 2018, 988 Suicide Prevention Hotline (WC Docket 18-336, PS Docket No. 23.5, PS Docket No. 15-80), 3060-AL01
259. FCC, Establishing a 5G Fund for Rural America; GN Docket No. 20-32, 3060-AL15

FEDERAL HOUSING FINANCE ADMINISTRATION

260. FHFA, Enterprise Liquidity Requirements, 2590-AB09

NUCLEAR REGULATORY COMMISSION

261. NRC, Revision of Fee Schedules: Fee Recovery for FY 2025 [NRC-2023-0069], 3150-AK95

OFFICE OF PERSONNEL MANAGEMENT

262. OPM, Prescription Drug and Health Care Spending, 3206-AO27
263. OPM, Paid Parental Leave and Miscellaneous Family and Medical Leave Act, 3206-AN96

Appendix K. Federal workplace regulation affecting growing businesses

Assumes nonunion, nongovernment contractor, with interstate operations and a basic employee benefits package. Includes general workforce-related regulation only. Omitted are categories such as (a) environmental and consumer product safety regulations and (b) regulations applying to specific types of businesses, such as mining, farming, trucking, or financial firms.

1 EMPLOYEE

- ▶ Fair Labor Standards Act (overtime and minimum wage)
- ▶ Social Security matching and deposits
- ▶ Medicare, Federal Insurance Contributions Act
- ▶ Military Selective Service Act (allowing 90 days' leave for reservists, rehiring of discharged veterans)
- ▶ Equal Pay Act (no sex discrimination in wages)
- ▶ Immigration Reform Act (eligibility that must be documented)
- ▶ Federal Unemployment Tax Act (unemployment compensation)

- ▶ Employee Retirement Income Security Act (standards for pension and benefit plans)
- ▶ Occupational Safety and Health Act
- ▶ Polygraph Protection Act

4 EMPLOYEES: ALL OF THE ABOVE, PLUS

- ▶ Immigration Reform Act (no discrimination with regard to national origin, citizenship, or intention to obtain citizenship)

15 EMPLOYEES: ALL OF THE ABOVE, PLUS

- ▶ Civil Rights Act Title VII (no discrimination with regard to race, color, national origin, religion, or sex; pregnancy-related protections; recordkeeping)
- ▶ Americans with Disabilities Act (no discrimination, reasonable accommodations)
- ▶ Genetic Information Nondiscrimination Act (GINA) (prohibits genetic information discrimination)

20 EMPLOYEES: ALL OF THE ABOVE, PLUS

- ▶ Age Discrimination Act (no discrimination on the basis of age against those 40 and older)
- ▶ Older Worker Benefit Protection Act (benefits for older workers to be commensurate with younger workers)
- ▶ Consolidated Omnibus Budget Reconciliation Act (continuation of medical benefits for up to 18 months upon termination)

25 EMPLOYEES: ALL OF THE ABOVE, PLUS

- ▶ Health Maintenance Organization Act (HMO option required)
- ▶ Veterans' Reemployment Act (re-employment for persons returning

from active, reserve, or National Guard duty)

50 EMPLOYEES: ALL OF THE ABOVE, PLUS

- ▶ Family and Medical Leave Act (12 weeks of unpaid leave or care for newborn or ill family member)
- ▶ Affordable Care Act employer mandate

100 EMPLOYEES: ALL OF THE ABOVE, PLUS

- ▶ Worker Adjustment and Retraining Notification Act (60-day written notice of plant closing)—Civil Rights Act (annual EEO-1 form)

Appendix L. Government Accountability Office reports on major rules as required by the Congressional Review Act

	2023	2022	2021	2020	2019	2018	2017	2016	2015	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003
Department of Agriculture	3	6	6	3	8	5	2	5	6	8	4	2	4	6	12	3	7	8	6	7	4
Department of Commerce		1		2		1	1				2				2	1	2			1	1
Department of Defense	1		1	2	1		2	2	2	1				4	4	6			1		
Department of Education	1	3	3	1	6		3	2	1	2	5	4	2	5	6	2	1	2			
Department of Energy	5	4		4		2	4	8	2	6	3	1	5	4	7	3	3				
Department of Health and Human Services	19	25	17	11	22	19	16	38	21	27	24	23	24	24	17	24	19	16	22	22	17
Department of Homeland Security	1	5	5	5	2	2		6	2	2	2	1	1	3	1	5	4	2	3	2	2
Department of Housing and Urban Development	1						1	2	1				2	1	1	2			1	1	
Department of the Interior	4	3	2		4	5	3	6	6	6	6	7	6	7	7	10	5	6	6	8	7
Department of Justice	2			1		2		1				1	1	3				1	1	1	
Department of Labor	3	3	8	4	2	1	2	8	1	3	3	3	2	6	1	2	3	3	1	1	

	2023	2022	2021	2020	2019	2018	2017	2016	2015	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003
Department of State	1		1			1						1		1		1					
Department of Transportation	1	3	4	3	1	2		6	2	3	3	2	2	5	6	8	3	1	3	5	4
Department of the Treasury	2	6	11	16	13		2	5	7	7	3	2	1	4		1	1	1		1	
Department of Veterans Affairs	1	1	2	1	3	3	1	1	4	3	1	1	2	2	2		1		1		2
Architectural Barriers Compliance Board							1													1	
Commodity Futures Trading Commission								4		1	4	9	6								
Consumer Financial Protection Bureau	1	1	4				3	2	2		4	1	1								
Consumer Product Safety Commission	4												1	1				1			
Emergency Oil and Gas Loan Board																					
Emergency Steel Guarantee Loan Board																					
Environmental Protection Agency	6	3	3			1	2	7	8	2	3	5	6	8	3	9	2	8	3	7	3
Equal Employment Opportunity Commission													1								

	2023	2022	2021	2020	2019	2018	2017	2016	2015	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003
Federal Acquisition Regulation							1														
Federal Communications Commission	1	3	6			2			1	1	1					6	2	1	1	4	2
Federal Deposit Insurance Corporation	2		2				1	2		1	1										
Federal Election Commission																					1
Federal Emergency Management Agency																					
Federal Energy Regulatory Commission		1																			
Federal Housing Finance Agency	3	4	3																		
Federal Reserve System						1	2	1	1	1	1		3	6	6	2				1	
Federal Trade Commission																			1		
National Credit Union Administration								1	1												
National Labor Relations Board	1												1								
Nuclear Regulatory Commission	2	1				2	1	1	1	1	3	1	1	1	2	1	2	1	1	1	1

	2023	2022	2021	2020	2019	2018	2017	2016	2015	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003
Office of Management and Budget																					
Office of Personnel Management	1					1					1										1
Pension Benefit Guaranty Corporation	1	1	1							1											
Securities and Exchange Commission	9	2	12			5	1	10	6	5	5	3	8	9	7	7	5	3	4	2	5
Small Business Administration			6																	1	
Social Security Administration			1													2		2	1		
(Unallocated independent agencies)				37	18																
TOTAL	76	76	98	90	80	55	49	119	77	82	81	68	80	100	84	95	60	56	56	66	50
Controlling TOTALS (using January 2024 search)	76	77	129	140	78	54	71	105	71	87	65	76	78	100	93	84	55	53	68	54	49
Controlling TOTALS (using January 2023 search)																					
TOTAL MAJOR RULES		76	129	140	78	54	71	105	71	87	65	76	78	100	93	84	55	53	68	54	49

Source: Table compiled by the author from GAO at <https://www.gao.gov/legal/other-legal-work/congressional-review-act> (employing search fields as follows: Rule Type/Major; Rule Priority/All; and “Rule Effective Date” rather than “Date Received by GAO” to maximize total).

Note: Like some counts in the *Federal Register* database, prior years’ rule counts may change in subsequent years.

Appendix M. The Unconstitutionality Index

Year	Final rules	Public laws	The Index	Notices	Executive orders	Executive memos
1993	4,369	210	21			
1994	4,867	255	19			
1995	4,713	88	54	23,175	40	
1996	4,937	245	20	24,413	50	
1997	4,584	153	30	26,059	38	
1998	4,899	241	20	26,211	38	
1999	4,684	170	28	25,516	35	
2000	4,313	410	11	25,462	39	13
2001	4,132	108	38	24,824	67	12
2002	4,167	269	15	25,736	32	10
2003	4,148	198	21	25,418	41	14
2004	4,101	300	14	25,310	46	21
2005	3,943	161	24	25,351	27	23
2006	3,718	308	12	25,026	26	18
2007	3,595	188	19	24,559	33	16
2008	3,830	285	13	25,273	30	15
2009	3,503	125	28	24,868	44	38
2010	3,573	221	16	26,173	43	42
2011	3,807	118	32	26,161	34	19
2012	3,708	157	24	24,377	39	32
2013	3,659	117	31	24,261	24	32
2014	3,554	224	16	23,970	34	25
2015	3,410	115	30	23,959	29	31
2016	3,853	213	18	24,557	44	36
2017	3,281	98	33	22,137	63	35
2018	3,368	313	11	22,025	35	29

Year	Final rules	Public laws	The Index	Notices	Executive orders	Executive memos
2019	2,964	137	22	21,804	47	24
2020	3,038	177	17	22,480	67	49
2021	4,429	143	31	22,361	93	30
2022	3,168	247	13	22,821	29	46
2023	3,018	68	44	23,197	24	34
2024	3,248	175	19	25,506	18	42

Sources: Final rules, notices, and executive orders compiled from database at National Archives and Records Administration, Office of the Federal Register, <https://www.federalregister.gov/documents/search#advanced>; public laws from Government Publishing Office, Public and Private Laws, <https://www.govinfo.gov/app/collection/PLAW/>.

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