



Week in Regulation

A Mild Start to October

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Last week was a fairly quiet one in terms of both regulatory activity and impact. There were a dozen rulemakings with some kind of quantified economic effect, but the vast majority were relatively minor in the grand scheme of things. Only one item – a proposed rule from the Federal Deposit Insurance Corporation (FDIC) – exceeded \$100 million in total costs. Across all rulemakings, agencies published \$467 million in total costs and added 721,983 annual paperwork burden hours.

REGULATORY TOPLINES

- Proposed Rules: 45
- Final Rules: 75
- 2024 Total Pages: 80,893
- 2024 Final Rule Costs: \$1.24 trillion
- 2024 Proposed Rule Costs: \$121 billion

NOTABLE REGULATORY ACTIONS

The most consequential rulemaking in this otherwise underwhelming week was a [proposed rule](#) from FDIC regarding “Recordkeeping for Custodial Accounts.” Specifically, the proposal “would strengthen FDIC-insured depository institutions’ (IDI) recordkeeping for custodial deposit accounts with transactional features and preserve beneficial owners’ and depositors’ entitlement to the protections afforded by Federal deposit insurance.” FDIC expects these new requirements to result in roughly 750,000 hours of paperwork each year. In terms of monetized costs, the agency estimates that across the 1,100 affected entities “the proposed rule would impose a cost upwards of approximately \$250 million on affected IDIs and their partner non-bank entities in the first year that the proposed rule is enacted and approximately \$120 million in each subsequent year thereafter.”

TRACKING THE ADMINISTRATIONS

As we have already seen from [executive orders and memos](#), the Biden Administration has provided plenty of contrasts with the Trump Administration on the regulatory front. And while there have been areas where the current administration has sought to broadly restore Obama-esque regulatory actions, there are also areas where it has charted its own course. Since the AAF RegRodeo data extend back to 2005, it is possible to provide weekly updates on how the top-level trends of President Biden’s regulatory record track with those of his two most recent predecessors. The following table provides the cumulative totals of final rules containing some quantified economic impact from each administration through this point in their respective terms.

TRACKING THE ADMINISTRATIONS

REGULATORY ACTIVITY FROM INAUGURATION DAY TO OCTOBER 4TH (Year 4)

	FINAL RULES	FINAL RULE COSTS	PAPERWORK HOURS
BIDEN 2021	1039	\$1.6T	328.8M
TRUMP 2017	1146	-\$3.4B	292.6M
OBAMA 2009	1414	\$330.9B	263.4M

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As noted above, the main action from last week came on the proposed rule side of the ledger. In terms of final rule impacts, there was virtually no movement in the Biden Administration's totals. The only shift of note across any of the administrations came with the Trump-era cost – or cost-savings – total. That figure, which has been hovering at or around roughly \$100 billion in net savings over recent months, suddenly moved much closer to net-zero in costs/savings. A massive [rule](#) on cybersecurity requirements for defense contractors was the primary reason for this approximately \$93 billion cost difference.

TOTAL BURDENS

Since January 1, the federal government has published \$1.36 trillion in total net costs (with \$1.24 trillion in new costs from finalized rules) and 118.2 million hours of net annual paperwork. burden increases (with 51.6 million hours coming from final rules).

