



Week in Regulation

Slim Pickin's in the Heart of August

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The ebbs and flows of federal regulatory activity can sometimes exhibit some extreme peaks and troughs. This past week fell more into the latter camp with a whole lot of nothing in the pages of the Federal Register. There was only a half-dozen rulemakings with any sort of discernable economic impact. Among these, only one proposed rule from the Department of Defense (DOD) made it into the tens of millions of dollars in estimated costs. Across all rulemakings, agencies published \$54.2 million in total costs and added 93,329 annual paperwork burden hours.

REGULATORY TOPLINES

- Proposed Rules: 53
- Final Rules: 72
- 2024 Total Pages: 66,904
- 2024 Final Rule Costs: \$1.25 trillion
- 2024 Proposed Rule Costs: \$48 billion

NOTABLE REGULATORY ACTIONS

The most consequential rulemaking – at least relatively speaking, given the kind of week it was – was a [proposed rule](#) from DOD regarding “Defense Federal Acquisition Regulation Supplement: Assessing Contractor Implementation of Cybersecurity Requirements (DFARS Case 2019-D041).” The proposal would establish a series of cybersecurity certification requirements for certain defense contractors. DOD estimates that complying with these new standards will involve roughly \$40 million in costs for affected contractors across a 10-year wind down.

TRACKING THE ADMINISTRATIONS

As we have already seen from [executive orders and memos](#), the Biden Administration will surely provide plenty of contrasts with the Trump Administration on the regulatory front. And while there is a general expectation that the current administration will seek to broadly restore Obama-esque regulatory actions, there will also be areas where it charts 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 AUGUST 16th (Year 4)

	FINAL RULES	FINAL RULE COSTS	PAPERWORK HOURS
BIDEN 2021	994	\$1.69T	312.1M
TRUMP 2017	1084	-\$99.9B	199.5M
OBAMA 2009	1346	\$311.6B	252.5M

LAST UPDATED: AUGUST 16TH, 2024

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With the only (nominally) notable action of the week coming in the form of a proposed rule, there was virtually no movement in the Biden Administration's final rule cost and paperwork totals. For the other two administrations covered here, there was a modest shift in the Trump-era totals but also a rather sizeable one during mid-August 2012 for the Obama Administration. A handful of rules combined to push the Trump Administration's costs and paperwork upward by \$283 million and nearly 208,000 hours, respectively. The Obama-era spikes were more significant, with costs increasing by more than \$3 billion and paperwork by

roughly 1.1 million hours. A [rule](#) implementing provisions of the Affordable Care Act regarding health care electronic fund transfers was the primary driver of these trends.

TOTAL BURDENS

Since January 1, the federal government has published \$1.29 trillion in total net costs (with \$1.25 trillion in new costs from finalized rules) and 72.5 million hours of net annual paperwork burden increases (with 34.9 million hours coming from final rules).

