

Reviewing the Biden Administration's Last Year with Reg Stats

By: Zhou dan Xie | February 19, 2025

In brief...

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This week, the GW Regulatory Studies Center updated its [Reg Stats](#) database with rulemaking data for President Biden's last year in office. Reg Stats is a centralized data repository that tracks federal rulemaking activities over time, across presidential administrations, and among agencies. With the latest data and charts, this commentary reviews several notable rulemaking patterns from Biden's last year and compares them with those of previous administrations.

Early Year Regulatory Surge

The [monthly count of significant final rules](#) under the Biden administration clearly shows a major spike in April 2024. As I discussed in a previous [commentary](#), federal agencies issued an unprecedented number of significant final rules that month, including 34 economically significant rules and 32 other significant rules.¹ The number of economically significant rules in April surpasses that of any single month recorded in [our dataset](#), which dates back to the Reagan administration. For context, in an average month, there are typically fewer than five economically significant rules published in the *Federal Register*.

This early-year surge in regulatory activity was a strategic move by the Biden administration to reduce the risk of its rules being overturned through the Congressional Review Act (CRA). As my colleagues and I have discussed in several [other articles](#), this approach successfully placed the most controversial, high-impact rules beyond the CRA's reach.

¹ Economically significant rules are defined in Executive Order 12866 as those with an estimated annual economic impact of \$100 million or more. However, for rules issued between April 6, 2023, and January 20, 2025, the threshold was raised to \$200 million under the revised definition in Executive Order 14094 (which was later revoked by President Trump on January 20, 2025).

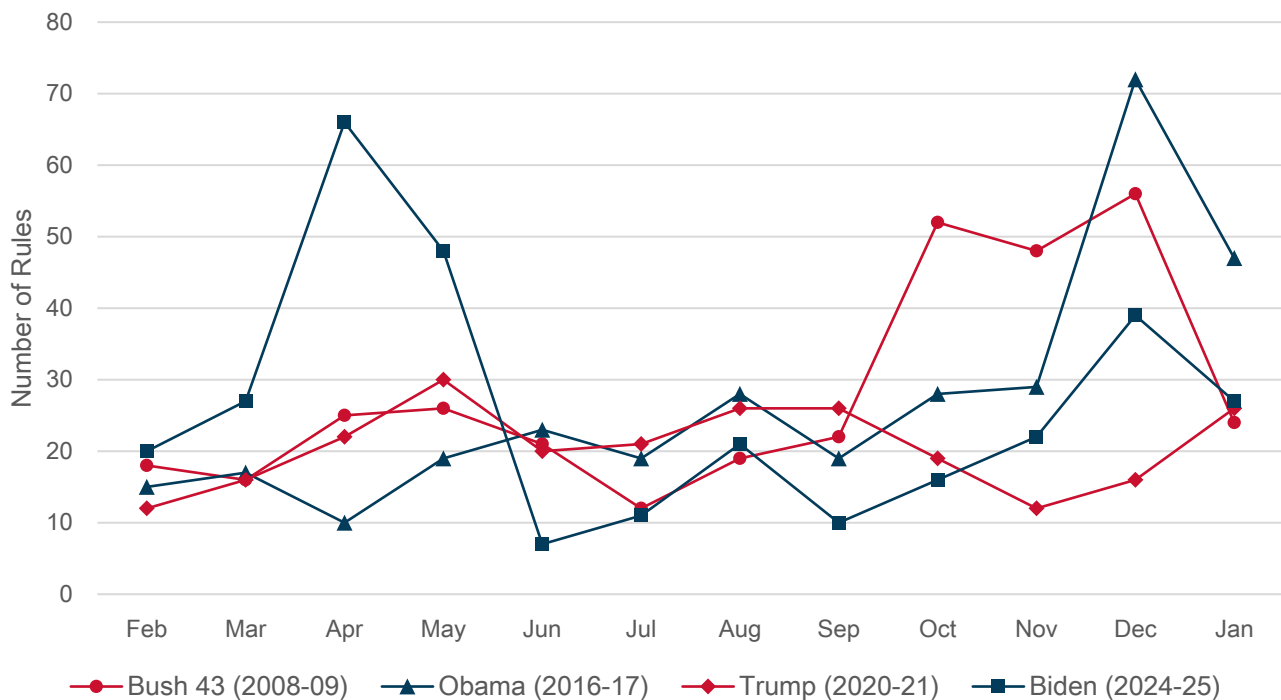
Dampened Midnight Period

Not only was the surge in rulemaking during spring 2024 unprecedented, but the decision to act so aggressively and early in the last year of an administration (or any election year) to mitigate CRA risks was also a development not previously observed.

In past administrations, agencies typically rushed to finalize rules in the final months of a presidential term—the “[midnight period](#)”—to complete policy priorities before a new administration takes office. This midnight phenomenon is most evident in data on significant final rules, as shown in Figure 1. Under both the Bush 43 and Obama administrations, the number of significant rules increased sharply during the midnight period. The first Trump administration did not exhibit a particularly salient midnight spike, but it maintained a consistently high volume of [economically significant rules](#) throughout 2020 due to COVID-19 related actions.²

In contrast, the regulatory surge during the final year of the Biden administration occurred much earlier in the year, while the midnight increase was substantially smaller than during the Bush 43 or Obama administrations.

Figure 1: Significant Final Rules Published during the Last Year of an Administration



² Many COVID-19 related actions were classified as economically significant rules, such as regulations implementing the Paycheck Protection Program, because of the large amount of monetary transfers involved.

Bigger and Longer Rules

Examining the annual data in Reg Stats reveals a few other interesting observations. Both the spring and midnight regulatory spikes in 2024 contributed to the second highest [annual count of economically significant final rules](#) since 1981, slightly below 2020, when COVID-19 related actions partially drove an increase in rulemaking.³ A similar pattern also applies to [major final rules](#), defined similarly to economically significant rules but also covering regulations issued by independent agencies.

For much of its first three years, the pace at which the Biden administration issued economically significant final rules was largely in line with previous administrations. Beginning in President Biden's 33rd month in office (i.e., October 2023), the [cumulative number of economically significant rules](#) exceeded that of the Obama administration at the same point. The accelerated pace of regulatory output from that point onward further pushed the total substantially beyond the levels seen in any prior administration's fourth year. As of January 21, 2024, the Biden administration had issued 319 economically significant rules, compared to 247 during the first Trump administration and 227 under Obama by the end of their respective fourth years.

The increased pace of regulatory activity in 2024 is also reflected in the [Federal Register page count](#). Total pages published increased by 19% in 2024, reaching the highest level on record since it began publishing in 1936. As a rough indicator of incremental regulatory activity, the page count of the *Federal Register* includes all significant and non-significant final and proposed rules, presidential documents, and agency notices. While most actions have minimal impact, the high page count in 2024 signals an elevated regulatory flow during the last year of the Biden administration.

Interestingly, while the annual count of [all final rules](#) or [significant final rules](#) experienced an uptick in 2024 compared to earlier years within the Biden administration, it remained comparable to levels seen in some years under previous administrations. Although there are fluctuations within each administration, the overall volume of all rules and significant rules has been generally decreasing over time since the 1990s. This is consistent with my colleague's previous [observation](#) that "federal agencies are publishing fewer but larger regulations."

These mixed trends from Reg Stats suggest that rules issued in the last year of the Biden administration tend to be larger in economic impact and longer in length. It remains to be seen whether this will make it more difficult for the new Trump administration to undo Biden-era regulations.

As this commentary highlights, a single metric of federal regulation often fails to capture the full picture of regulatory development. That is why [Reg Stats](#) keeps tracking multiple measures of regulation over an extended period, providing objective and comparable statistics for the regulatory and research community.

³ It's also noteworthy that economically significant rules published after April 6, 2023, were defined under the higher monetary threshold established by Executive Order 14094. Using the original definition from Executive Order 12866, the count of economically significant rules under Biden could potentially be higher.