

Biden's 2023 Federal Register Page Count Is The Second-Highest Ever

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Given that today, December 29, is the last federal workday of 2023, it is an appropriate time for a pre-New Year survey of the *Federal Register* and the flow of federal rules and regulations it contains.



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90,402-page Federal Register, December 29, 2023 NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

The closing of the books on 2023 marks the third calendar year under the Joe Biden administration, affording an opportunity observe how the regulatory output of departments and agencies under his command compares to that of predecessors.

The 2023 Federal Register ended the year with 90,402 pages

The *Federal Register*, the daily depository of rules and regulations, wrapped up 2023 with [90,402 pages](#). That happens to be the second-highest tally of all time.

That is the gross page count; in due course the National Archives will subtract a small number of skips and blank pages and post a final curatorial tally, but that will not change



the big picture significantly. (Our own adjusted tally is already slightly lower, at [90,274 pages](#).)

Biden posted a big jump over the 79,856 Federal Register pages he scored in 2022. While the number of rules and regulations contained within Biden’s hefty Federal Register set no records, he has spurned regulatory streamlining as a priority (deeming Trump’s efforts “[harmful](#)”) and [instead instructed agencies](#) to pursue “net benefits” via top-down “whole-of-government” initiatives in climate, equity and other economic and social engineering policies.

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Appearing below is a breakdown of page counts and numbers of rules going back to the first George Bush. In contrast to Barack Obama’s all-time record-setting 95,894 pages and Trump’s own #2 (now #3 thanks to Biden) placement of 86,356 pages in 2020, note that there were “only” 61,308 pages in Trump’s first year of 2017. As the table shows, that represented the lowest count seen since Bill Clinton’s [61,166 pages](#) in 1993.

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Federal Register pages and numbers of rules: from George Bush to Joe Biden



Year	Federal Register Pages	Number of Rules	Notes
1989	70,000	4,700	Biden 1 years
1990	68,700	4,700	
1991	67,000	4,600	
1992	67,000	4,600	Clinton years
1993	66,000	4,600	
1994	65,000	4,600	
1995	64,000	4,700	Biden 2 years
1996	63,000	4,700	
1997	62,000	4,700	
1998	61,000	4,600	Clinton years
1999	60,000	4,600	
2000	59,000	4,600	
2001	58,000	4,600	Biden 3 years
2002	57,000	4,600	
2003	56,000	4,600	
2004	55,000	4,600	Clinton years
2005	54,000	4,600	
2006	53,000	4,600	
2007	52,000	4,600	Obama years
2008	51,000	4,600	
2009	50,000	4,600	
2010	49,000	4,600	Obama years
2011	48,000	4,600	
2012	47,000	4,600	
2013	46,000	4,600	Obama years
2014	45,000	4,600	
2015	44,000	4,600	
2016	43,000	4,600	Trump years
2017	42,000	4,600	
2018	41,000	4,600	
2019	40,000	4,600	Biden years
2020	39,000	4,600	
2021	38,000	4,600	
2022	37,000	4,600	
2023	36,000	4,600	

Federal Register pages and rules, 1989-present COMPILED BY THE AUTHOR FROM NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Despite his administration-defining regulatory streamlining efforts, Trump’s late-term optics suffered from the fact that removing rules “one-in, two-out”-style required writing new ones to replace them given the [1946 Administrative Procedure Act](#)’s public notice-and-comment mechanism. Thus Trump paradoxically fattened the *Federal Register* to some extent (plus he did have certain [discordant regulatory inclinations](#) of his own). Also in 2020, Trump-era rules and guidance documents relating to Covid-19 that would not otherwise have been part of the picture added to the bulk if not the rule counts.

The thousands of final rules and regulations contained in the *Federal Register* since 1989 are presented in the chart above. Biden closed out the current year with [3,018 rules](#) (again preliminary), compared to 3,168 in 2022. That’s low in the scheme of things.

While your correspondent has tweeted a query to the National Archives, Biden’s actual 2021 count remains a bit unclear. The “museum” compilation of rule counts still shows



2021 boasting the [whopping 4,429](#) shown in the chart above (and in the screen-snip below). A real-time [search query](#) though, shows “only” 3,257.

2020	3,038
2021	4,429
2022	3,168

***Includes Presidential Documents,**

Clip from National Archives compilation "Federal Register Documents Published per Category;" ... [+] NATIONAL ARCHIVES

Be that as it may, there had been a substantial reduction in rule counts under Trump compared to Barack Obama, with 2019’s 2,964 final rules constituting the lowest tally since recordkeeping began in the mid-1970s. Note that back in the 1990s, more than 4,000 rules each year was normal, with counts still higher in the 70s and 80s (hitting [7,745 in 1980](#)).

Beyond the gross counts, federal regulations contain a costlier subset known as “significant.” Plenty of them affect small business as well.

Of Biden’s 3,018 rules completed in 2023, [290 were deemed “significant” by agencies and the Office of Management and Budget](#); meanwhile [780 rules overall were deemed to affect small business](#). These categories merit close attention from policymakers since the various legislative enactments of the past three years on infrastructure, inflation and technology spending are already having [far-reaching regulatory effects](#).

Deeper dives on the Biden regulatory agenda need to be made, such as the trajectory of significant proposed (as distinct from completed) rules. There were 324 significant proposed rules in 2023 that will be making their way toward finalization in 2024. Proposed rules can also affect small business (690 overall do so, with 87 of them acknowledged “significant”). Beyond the public notice-and-comment rulemakings that appear in the Federal Register, [guidance documents](#) and policy statements newly propelled by Biden’s executive activism are notable features of the regulatory landscape.

The [pitfalls](#) of using *Federal Register* pages and rule counts as precision gauges for the extent of regulation are well known. But given that the federal government has boundless resources at hand to improve transparency and quantification of costs, [opaqueness seems to be a choice made by the administrative state](#).

In the New Year, Congress should address transparency in a broader [campaign for regulatory streamlining and liberalization](#), and perhaps establish its own [Congressional Office of Regulatory Analysis](#) to supplement or replace the [eroded](#) review/watchdog function at the Office of Management.



If not 2024, then perhaps 2025.

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