The votes have been counted. The post-midterm balance of power is set. With dueling razor-thin majorities in each chamber of the incoming Congress, the prospect of passing significant legislative measures – outside of essential items such as funding the government, of course – over the next couple of years seems minimal. As such, the administrative state is set to (once again) be the primary driver of actual policymaking heading into the new year.

So, what can the country expect as the Biden Administration heads into the second half of its term? If the overall trajectory follows that of the first half, we can expect plenty more rulemakings from the administrative state. For reference: As of last week, the Biden Administration’s regulatory cost and paperwork totals outpaced the Obama Administration’s by $110 billion and more than 125 million hours, respectively.

The administration’s latest version of its “Unified Agenda of Regulatory and Deregulatory Actions” is still forthcoming. Its publication will provide a fuller view of the administration’s near-term plans. Still, one can draw some inferences from the regulatory tea leaves.

In 2022, there were 18 proposed rules published with total estimated costs that exceeded the billion-dollar mark. This cohort includes a handful of notable environmental policy actions, a pair of rulemakings on tobacco products, and a Department of Health and Human Services proposal that would ultimately streamline aspects of Medicaid but brings massive implementation costs for state governments. Collectively, assuming their final versions come due in 2023 and generally match the proposals, these 18 rulemakings would impose nearly $150 billion in additional costs.

Turning back to regulatory policy implications on Capitol Hill, one can likely expect the Republican-controlled House to bring certain Biden Administration rules up for a vote via the Congressional Review Act (CRA). Thanks to the CRA’s “look-back” provision, rules finalized from August 2022 through the end of the year are liable to face such a vote. These could include measures such as the Biden Administration’s rule on “Public Charge Ground of Inadmissibility,” which has already had a CRA resolution of disapproval introduced against it, or a rule with outsized compliance burdens such as Treasury’s “Beneficial Ownership” rule. It is unlikely any of these CRA resolutions get past the Senate, much less the Resolute Desk, but will provide high-profile political messaging votes nevertheless.

Regulations take time to progress through the rulemaking process. As we head into the second half of Biden’s term, we can expect plenty of notable measures to finally cross the finish line. Eventually having a fully confirmed Office of Information & Regulatory Affairs Administrator will help in that regard. There is, however, (especially given further congressional stagnation) little reason to doubt that the current administration will do anything but build on its already-expansive regulatory record.