



Week in Regulation

Big Week for the FTC

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Despite being only a four-day workweek, this past week in regulation was a relatively steady one in terms of activity. There were ultimately 10 rulemakings with some kind of quantified economic effect. The stand-out agency of the week was the Federal Trade Commission (FTC), which saw two of its more notable rules hit the pages of the Federal Register. Across all rulemakings, agencies published \$1.2 billion in total costs and added 588,885 annual paperwork burden hours.

REGULATORY TOPLINES

- Proposed Rules: 19
- Final Rules: 41
- 2024 Total Pages: 90,436
- 2024 Final Rule Costs: \$1.33 trillion
- 2024 Proposed Rule Costs: \$127.6 billion

NOTABLE REGULATORY ACTIONS

As noted above, the agency that provided the main items of the week was the FTC with a pair of rules: the “[Negative Option Rule](#)” and the final version of the Commission’s “[Premerger Notification; Reporting and Waiting Period Requirements](#).” The first rule involves FTC expanding the requirements for various service providers to make it easier for consumers to cancel subscriptions that would otherwise automatically renew. The commission [expects](#) these new requirements to bring between \$100.9 and \$826 million (or \$463.5 million on average) in compliance costs for affected service providers but yield anywhere between \$6.1 to \$43.9 billion in benefits to consumers. The second rule:

Requires parties to transactions that are reportable under the HSR [Hart-Scott-Rodino Antitrust Improvement] Act to provide documentary material and information that are necessary and appropriate for the Agencies to efficiently and effectively conduct an initial assessment to determine whether the transaction may violate the antitrust laws and whether to issue a Request for Additional Information (“Second Request”) as provided by the HSR Act.

That rule’s main compliance costs come from the administrative burdens involved: 239,020 hours of paperwork with \$139.3 million in commensurate costs annually (or roughly \$418 million over a three-year window). The American Action Forum (AAF) provided a fuller review of the rule’s implications [here](#).

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 NOVEMBER 15th (Year 4)

	FINAL RULES	FINAL RULE COSTS	PAPERWORK HOURS
BIDEN 2021	1079	\$1.8T	344.5M
TRUMP 2017	1202	\$35.4B	349.9M
OBAMA 2009	1449	\$491.3B	290.3M

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The FTC rules discussed above were the main final rules of the week from the Biden Administration, leading to cost and paperwork increases of roughly \$1.2 billion and nearly 580,000 hours, respectively. The main story of this week was the sizable spike in costs and paperwork under the Trump Administration. Thanks mostly to the Trump-era [rule](#) regarding price transparency requirements for health insurance providers, the Trump Administration's cost and paperwork totals increased by \$33.3 billion and 57.1 million hours, respectively. This price transparency rule was one such measure that ultimately contributed to a [net-cost total](#) across the breadth of the Trump Administration. Additionally, in a somewhat surprising development, the Trump paperwork total now edges out the to-date Biden total by roughly 6.4 million hours. It is worth noting, however, that there were some significant paperwork [requirements](#) issued during the Trump Administration related to COVID-19 that necessarily represent historical anomalies.

As the Biden Administration concludes, AAF will continue this analytical section for the remainder of its term to provide a complete historical record of its agency activity and how it stacked up against the full first terms of the other included administrations - even if the

rulemakings finalized in these waning months may be subject to rescission under the incoming administration and Congress. As noted during the campaign, there is little reason to believe this Trump Administration’s [regulatory policy](#) will be directionally different from that of his first term. Yet given that President-elect Trump now stands to join Grover Cleveland as the only president thus far to have a second non-consecutive term, the exact nature and format of this section may undergo some changes once that second term begins. Stay tuned.

TOTAL BURDENS

Since January 1, the federal government has published \$1.46 trillion in total net costs (with \$1.33 trillion in new costs from finalized rules) and 139.1 million hours of net annual paperwork burden increases (with 66.2 million hours coming from final rules).

