

Press Release



An Update on Trump Midnight Regulations as the Biden “Day” Breaks

ALLISON EDWARDS | JANUARY 22, 2021

The Trump Administration had one of the most pronounced “midnight regulation” — rules finalized between Election Day and the inauguration of a new president — periods of any recent administration. In a new analysis, AAF’s Senior Regulatory Policy Analyst Dan Goldbeck calculates that the pace of Trump Administration rulemaking after Election Day increased nearly four-fold from its pre-election pace, and that these rules provided 93 percent of the net costs for the entire term. The new Biden Administration will have opportunities to either adjust or rescind some of the Trump Administration’s final actions, Goldbeck notes.

An excerpt:

The transition between administrations brings yet another midnight rulemaking period to a close. Examining the Trump contribution to this historical phenomenon yields some important findings. On one hand, the consistency of pace in regulatory activity across multiple administrations’ midnight periods bolsters the idea that this is an important window of rulemaking worth monitoring. On the other hand, the specific trends of the Trump midnight period help highlight how unique his term was with regards to regulatory policy. Stay tuned for how the Biden Administration may affect that legacy.

[Read the analysis.](#)