



Week in Regulation

One Notable Rule Under the Tree

DAN BOSCH | DECEMBER 27, 2021

The week leading up to Christmas consisted of mostly mundane actions in the Federal Register, with just one of the dozen combined published proposed and final rules carrying a noteworthy economic impact. Across all rulemakings, agencies published \$250.8 million in total net costs and added 1.3 million annual paperwork burden hours.

REGULATORY TOPLINES

- Proposed Rules: 26
- Final Rules: 63
- 2021 Total Pages: 72,988
- 2021 Final Rule Costs: \$21.8 billion
- 2021 Proposed Rule Costs: \$205.2 billion

NOTABLE REGULATORY ACTIONS

The largest rule of the week in terms of economic impact was a [rule](#) implementing a federal court vacatur of a Trump Administration visa rule. The Trump Administration's [rule](#) created a new structure to the H-1B visa program that weighted selection towards higher-wage occupations. A federal court scrapped the rule in September, necessitating this new rule, which comes with \$212 million in total reinstated compliance costs and adds 1.2 million hours of paperwork annually.

TRACKING THE ADMINISTRATIONS

As we have already seen from [executive orders and memos](#), the Biden Administration will surely provide plenty of contrasts with the Trump Administration on the regulatory front. And while there is a general expectation that the new administration will seek to broadly restore Obama-esque regulatory actions, there will also be areas where it charts 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 DECEMBER 24th

	FINAL RULES	FINAL RULE COSTS	PAPERWORK HOURS
BIDEN 2021	234	\$21.3B	128.8M
TRUMP 2017	235	\$5.7B	8.7M
OBAMA 2009	301	\$40B	25.7M

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The Biden Administration was far more active this week than its predecessors, adding \$224.1 million in costs and 1.2 million annual hours of paperwork. The two previous administrations were relatively quiet on new rules at this point in their first year. They notably diverged, however, when it comes to paperwork. The Trump Administration reduced the paperwork burden by 316,000 hours annually while the Obama Administration

added 359,000 hours.

THIS WEEK'S REGULATORY PICTURE

This week, U.S. passport holders will soon be able to renew their document online.



On December 22 the State Department published a [final rule](#) in the Federal Register that will allow qualified applicants the option to renew their passports online. Under the previous rule, passports had to be renewed

either in person or via the U.S. mail.

The final rule will allow applicants that meet the old criteria for mail-in renewal to do so online. Those criteria are: the applicant has their current passport in their possession, the passport is undamaged, it was issued at or after age 16, it was issued in the last 15 years, and was issued in the holder's current name (or the holder can document a name change). Users will be able to fill out an application and submit their photo through the Online Passport Renewal system.

While the rule took effect on December 23, the online system is not yet available for renewals. According to the State Department, the system will first be rolled out to "persons in the United States who are submitting an application in the same name, gender marker, date of birth, and place of birth as the most recently issued passport of the same type."

The timing of the rule comes just one week after President Biden signed an [executive order](#) to streamline many federal government services, including [specifically](#) directing the secretary of state to make passport renewal available online. While the Biden Administration may count the final rule as a win for the new effort, a [proposed rule](#) from the State Department predated the order by four months. The final rule also makes no mention of the order.

The timing is interesting in another regard: this week the State Department separately [announced](#) that beginning December 27 passport fees would increase \$20, with the standard passport book now costing \$130.

TOTAL BURDENS

Since January 1, the federal government has published \$227 billion in total net costs (with \$21.8 billion in new costs from finalized rules) and 157.4 million hours of net annual paperwork burden increases (with 131.5 million hours in increases from final rules).

Year

[Select All]

2021

2020

2019

2018

2017

2016

2015

2014

2013

2012

2011

2010

2009

2008

2007

2006

2005

Total Number of
Regulations
Finalized

272

Total Finalized Cost

\$21.8b

Paperwork Hours

131,469,900