

Regulatory Agency Spending Reaches New Height:

*An Analysis of the U.S. Budget for
Fiscal Years 2008 and 2009*

2009 Annual Report



By Veronique de Rugy and
Melinda Warren

Washington University in St. Louis
WEIDENBAUM CENTER ON THE ECONOMY,
GOVERNMENT, AND PUBLIC POLICY

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Regulatory Agency Spending Reaches New Height¹

Executive Summary

This annual report examines the *Budget of the U.S. Government* presented by the President to Congress for FY 2009 to track the expenditures of federal regulatory agencies and the staff needed to run these agencies. Key findings for the FY 2009 budget include:

- The President's 2009 budget calls for expenditures on regulatory activities of \$51.1 billion for the next fiscal year. This 2009 Regulators' Budget request is larger than the estimated budget of \$48 billion in FY 2008 and reflects both a nominal increase and an increase in real, inflation-adjusted terms.
- The 2009 outlays are likely to be much higher than the budget estimates. Take the 2008 budget, for instance. To date, the spending on regulatory activities for 2008 is already significantly outpaced the figure requested by the President in February of 2007 for the 2008 budget. Last year, the President requested an increase in spending for 2008 of 3.8 percent over 2007 spending. A year later, the 2008 budget is estimated to be 10.4 percent larger than the 2007 budget.
- Between 2008 and 2009, regulatory spending is projected to grow by 6.4 percent. This is in line with the previous year's growth rate. With the exception of 2008, this rate is higher than the five previous years.
- Staffing at federal regulatory agencies is budgeted to increase 3.3 percent in 2009 to 263,989 full-time equivalent employees. That is an increase of 8,359 employees over the 2008 level of 255,630.
- The Department of Homeland Security (DHS)—especially the Transportation Security Administration portion of DHS's regulatory budget—continues its steady expansion. DHS accounts for the largest staff increases in the 2009 Regulators' Budget. However, the Energy subcategory is scheduled to receive the biggest percentage increase in spending over 2008.
- During both of his terms, President Bush has presided over the largest increase in regulatory spending. Also, the President's 2002 and 2003 regulatory budgets were among the 10 biggest annual increases in regulatory spending in the last 60 years.

¹ Veronique de Rugy is a senior fellow in the Regulatory Studies Program at the Mercatus Center at George Mason University. Melinda Warren is director of the Weidenbaum Center Forum at Washington University. Special thanks go to Mohammad Darwazah for his considerable help in gathering data. This report is one in a series designed to enhance the understanding of the impact of federal regulation on society and does not represent an official position of either George Mason University or Washington University.

Introduction

This report tracks the budget of federal regulatory agencies and the staff needed to run those agencies based on the Office of Management and Budget's (OMB) data presented by the President in his FY 2009 Budget of the United States. A joint product of the Mercatus Center at George Mason University and the Murray Weidenbaum Center on the Economy, Government, and Public Policy at Washington University in St. Louis, this report continues an effort begun in 1977 by the Weidenbaum Center (formerly the Center for the Study of American Business).

Tracking the expenditures of federal regulatory agencies and the trends in regulatory spending over time helps analysts monitor one aspect of the cost of regulations: the direct cost to regulate the economy and taxpayers' lives. We know that if the Regulators' Budget increases, it means that the direct cost of running regulatory agencies increases, and when it goes down, the cost is reduced.

However, it does not say anything about these agencies' output. For instance, an increase in the Regulators' Budget could be the sign of an increase in regulatory activities followed by an increase in the amount of regulations issued. But it could also be the result of an effort to apply better oversight to the regulatory process, more science that supports the regulations, more enforcement of existing regulations, or an increase in any number of activities that these agencies undertake.

Also, we know that regulations impose social costs on individuals and businesses beyond the direct tax dollars expended to write and enforce them. First, there is a cost that American businesses, stockholders, and consumers must pay for compliance. Then, regulations by their nature alter choices made by individuals and firms, which imposes opportunity costs on those entities. Both are considerably larger than the costs presented in this report. However, these compliance costs will not be discussed in this report.

As can be seen in Table 1, the 2009 budget request calls for expenditures on regulatory activities of \$51.1 billion in FY 2009, a 4.6 percent increase (in real, inflation-adjusted terms) from FY 2008. With the exception of 2008, this rate represents slightly higher growth than any of the last five years growth rates. Estimated 2008 outlays will be 8.6 percent greater in real terms than FY 2007 expenditures. It should be noted, however, that when President Bush requested his budget for 2008, the outlays were expected to increase by only 1.7 percent in real terms over 2007.² That is a significant gap between estimated and actual outlays.

Staffing at federal regulatory agencies is budgeted to increase 3.3 percent in 2009 to 263,989 full-time equivalent employees. This is an increase of 8,359 employees over the

² See Jerry Brito and Melinda Warren, *Growth in Regulation Slows: An Analysis of the U.S. Budget for Fiscal Years 2007 and 2008* (Arlington, VA and St. Louis, MO: Mercatus Center and Weidenbaum Center, June 2007), 2.

2008 level of 255,630. Table 2 summarizes the staffing at federal regulatory agencies between 1960 and 2009.

The requested level of staffing for regulatory activities in FY 2009 reflects a 50.3 percent increase over staffing levels in 2000, largely due to the Transportation Security Administration's employment of over 57,000 airport screening agents in 2003 (currently down to 43,000 agents).³ In addition, the budget for the Transportation Security Administration's regulatory activities will be increased by 33 percent this year.

This report provides detailed statistics on the spending and staffing that have supported federal regulatory activities since 1960, as well as the levels requested for FY 2009. Expenditures are examined in nominal and real (constant 2000) dollars, as well as staffing levels by agency and by regulatory category.

Finally, this year's report tries to put the 2009 regulators' budget in perspective. Both of President Bush's terms saw a dramatic increase in spending on regulatory agencies. Even if it might be argued that this increase was needed to face the risk of terrorism at home, it remains a fact that this additional spending was not offset elsewhere in the budget.

Overview of the 2009 Regulators' Budget

This report tracks the spending and staffing of 69 departments and agencies. As has been the practice in past reports, it divides federal regulatory activities into two main categories. The first category, social regulation, includes regulatory activities that address issues related to health, safety, and the environment, such as the Environmental Protection Agency, the Occupational Safety and Health Administration, the Food and Drug Administration, and the Transportation Security Administration. Their activities are generally limited to a specific issue, but they have the power to regulate across industry boundaries. This report further divides the social regulation category into six subcategories: (1) consumer safety and health, (2) homeland security, (3) transportation, (4) workplace, (5) environment, and (6) energy.

Economic regulatory agencies oversee a broad base of activities, in particular industries using economic controls such as price ceilings or floors, quantity restrictions, and service parameters. The Securities and Exchange Commission, the Federal Communications Commission, and the Federal Energy Regulatory Commission, for example, administer economic regulations. The economic regulation category is divided into three subcategories: (1) finance and banking, (2) industry-specific regulation, and (3) general business. Note that the industry-specific regulation category includes economic regulation of the transportation and energy industries.

The expenditure data in this report are based on outlays reported in the *Budget of the U.S. Government*. In addition, personnel data in terms of full-time equivalent (FTE)

³ See Transportation Security Administration, *Focus on People*, <http://www.tsa.gov/approach/people/index.shtm#3> (accessed May 9, 2008).

employees are reported. Note that figures for 2008 and 2009 are estimates. The 2008 figures generally reflect the budget Congress appropriated for the current year, while the 2009 figures reflect the outlays and personnel embodied in the President's budget request to Congress for each program area.

Spending

Table 1 summarizes spending for regulatory activities by category and subcategory for decennial years from 1960 to 2000, as well as annually from 2007 through 2009.

The Regulators' Budget request for FY 2009 is \$51.1 billion. This reflects a 6.4 percent nominal increase over FY 2008, or a real increase of 4.6 percent. This growth in budgeted outlays for regulatory activities is less than the 8.6 percent real growth projected for 2008, but represents a slightly higher rate of growth than in other recent years.

About 85 percent of the Regulators' Budget is devoted to social regulations. The FY 2009 budget request for administering and enforcing social regulation is \$43.5 billion, a nominal increase of 6.3 percent from the 2008 social regulation budget of \$40.9 billion. This is a 4.5 percent increase in real terms after a 9.4 percent real increase between fiscal years 2007 and 2008. Budget outlays for social regulation activities in 2007 were \$36.9 billion.

Both budget requests for the transportation and environment categories reflect a real decrease in outlays over 2008. This year, again, the homeland security category receives the largest dollar increase among the social regulation subcategories. The President's 2009 budget requests an additional \$2.1 billion in 2009 for homeland security; however, after adjusting for inflation, this reflects an increase of only 8 percent from 2008. The energy category receives the highest percentage increase among the social regulation subcategories. The 2009 budget requests \$97 million more for energy than estimated for 2009, a real increase of 8.6 percent. Requested outlays for federal agencies regulating consumer protection increased 1 percent in real terms. After a decrease last year, the budget for environmental regulation is 1.4 percent greater in nominal term than in 2008—a nominal increase of \$94 million.

The budgets of agencies in the economic regulation category are smaller than their counterparts involved in social regulatory activity, but each category is budgeted to receive a real increase over 2008. Overall, the 2009 budget request for economic regulatory agencies is \$491 million (or 6.9 percent) higher than estimated for 2008.

Table 1
Spending Summary for the Federal Regulatory Agencies, Selected Years
(Fiscal Years, Millions of Dollars in "Outlays")

| | 1960 | 1970 | 1980 | 1990 | 2000 | 2007 | (Estimated)* 2008 | 2009 | % Change | |
|-------------------------------------|----------------|----------------|-----------------|-----------------|-----------------|-----------------|----------------------|-----------------|--------------|-------------|
| | | | | | | | | | | |
| Current (Nominal) Dollars | | | | | | | | | | |
| Social Regulation | | | | | | | | | | |
| Consumer Safety and Health | \$102 | \$222 | \$1,252 | \$1,836 | \$3,633 | \$5,830 | \$6,386 | \$6,569 | 9.5% | 2.9% |
| Homeland Security | 145 | 335 | 1,589 | 3,359 | 7,874 | 19,175 | 21,964 | 24,129 | 14.5% | 9.9% |
| Transportation | 42 | 177 | 550 | 810 | 1,476 | 2,437 | 2,898 | 2,864 | 18.9% | -1.2% |
| Workplace | 36 | 115 | 748 | 1,012 | 1,421 | 1,772 | 1,867 | 1,948 | 5.3% | 4.4% |
| Environment | 17 | 183 | 1,482 | 3,675 | 6,060 | 6,718 | 6,868 | 6,962 | 2.2% | 1.4% |
| Energy | 12 | 65 | 437 | 443 | 607 | 869 | 930 | 1,027 | 7.0% | 10.5% |
| Total Social Regulation | \$354 | \$1,097 | \$6,058 | \$11,135 | \$21,071 | \$36,802 | \$40,913 | \$43,499 | 11.2% | 6.3% |
| Economic Regulation | | | | | | | | | | |
| Finance and Banking | \$40 | \$98 | \$392 | \$1,304 | \$1,965 | \$2,391 | \$2,700 | \$2,804 | 12.9% | 3.9% |
| Industry-Specific Regulation | 91 | 276 | 486 | 513 | 744 | 1,024 | 1,143 | 1,206 | 11.7% | 5.5% |
| General Business | 48 | 113 | 357 | 727 | 1,674 | 3,306 | 3,281 | 3,605 | -0.8% | 9.9% |
| Total Economic Regulation | \$179 | \$487 | \$1,235 | \$2,544 | \$4,383 | \$6,721 | \$7,124 | \$7,615 | 6.0% | 6.9% |
| GRAND TOTAL | \$533 | \$1,584 | \$7,293 | \$13,679 | \$25,454 | \$43,523 | \$48,037 | \$51,114 | 10.4% | 6.4% |
| <i>Annualized Percentage Change</i> | | 11.5% | 16.5% | 10.2% | 7.2% | 4.1% | 10.4% | 6.4% | | |
| Constant (Real) 2000 Dollars | | | | | | | | | | |
| Social Regulation | | | | | | | | | | |
| Consumer Safety and Health | \$485 | \$806 | \$2,316 | \$2,250 | \$3,633 | \$5,035 | \$5,427 | \$5,489 | 7.8% | 1.1% |
| Homeland Security | 689 | 1,218 | 2,938 | 4,116 | 7,874 | 16,562 | 18,664 | 20,161 | 12.7% | 8.0% |
| Transportation | 200 | 643 | 1,017 | 992 | 1,476 | 2,105 | 2,463 | 2,393 | 17.0% | -2.8% |
| Workplace | 171 | 418 | 1,384 | 1,240 | 1,421 | 1,531 | 1,586 | 1,628 | 3.6% | 2.6% |
| Environment | 81 | 665 | 2,741 | 4,503 | 6,060 | 5,803 | 5,836 | 5,817 | 0.6% | -0.3% |
| Energy | 57 | 236 | 808 | 543 | 607 | 751 | 790 | 858 | 5.2% | 8.6% |
| Total Social Regulation | \$1,682 | \$3,985 | \$11,205 | \$13,644 | \$21,071 | \$31,787 | \$34,766 | \$36,347 | 9.4% | 4.5% |
| Economic Regulation | | | | | | | | | | |
| Finance and Banking | \$190 | \$356 | \$725 | \$1,598 | \$1,965 | \$2,065 | \$2,294 | \$2,343 | 11.1% | 2.1% |
| Industry-Specific Regulation | 432 | 1,002 | 899 | 629 | 744 | 884 | 972 | 1,008 | 9.9% | 3.7% |
| General Business | 228 | 410 | 660 | 891 | 1,674 | 2,855 | 2,788 | 3,012 | -2.4% | 8.1% |
| Total Economic Regulation | \$851 | \$1,768 | \$2,284 | \$3,117 | \$4,383 | \$5,805 | \$6,054 | \$6,363 | 4.3% | 5.1% |
| GRAND TOTAL | \$2,533 | \$5,753 | \$13,489 | \$16,761 | \$25,454 | \$37,591 | \$40,820 | \$42,709 | 8.6% | 4.6% |
| <i>Annualized Percentage Change</i> | | 8.6% | 9.1% | 2.3% | 4.3% | 4.8% | 8.6% | 4.6% | | |

Note: Numbers may not add to totals due to rounding.

Source: Weidenbaum Center, Washington University and Mercatus Center, George Mason University. Author's calculations derived from Appendices to the Budget of the United States and related documents, various fiscal years.

After a slight decrease in 2008, the Regulators' Budget reflects a 8.1 percent real increase in 2009 for agencies in the general business category. After a 11.1 percent increase in 2008, the 2009 budget request for finance and banking agencies reflects a more modest growth of 2.1 percent. The same thing can be said of the budget of industry-specific regulatory agencies, which will grow by 3.9 percent in 2009 after an 11.7 percent increase in 2008.

Staffing

Staffing at federal regulatory agencies is budgeted to increase 3.3 percent in 2009 to 263,989 FTEs. That is an increase of 8,359 employees over the 2008 level of 255,630. Table 2 summarizes the staffing at federal regulatory agencies between 1960 and 2009.

Table 2
Staffing Summary for the Federal Regulatory Agencies, Selected Years
(Fiscal Years, Full-time Equivalent Employment)

| | 1960 | 1970 | 1980 | 1990 | 2000 | 2007 | (Estimated) 2008 | 2009 | % Change | |
|-------------------------------------|---------------|---------------|----------------|----------------|----------------|----------------|---------------------|----------------|-------------|-------------|
| | | | | | | | | | 2007-2008 | 2008-2009 |
| Social Regulation | | | | | | | | | | |
| Consumer Safety and Health | 11,961 | 14,734 | 33,201 | 28,730 | 31,749 | 34,389 | 35,454 | 36,166 | 3.1% | 2.0% |
| Homeland Security | 17,514 | 22,496 | 35,333 | 44,158 | 60,414 | 121,295 | 133,568 | 139,487 | 10.1% | 4.4% |
| Transportation | 3,928 | 7,788 | 8,401 | 7,547 | 9,041 | 8,363 | 9,001 | 9,203 | 7.6% | 2.2% |
| Workplace | 4,151 | 7,571 | 17,894 | 13,610 | 12,141 | 10,902 | 11,321 | 11,801 | 3.8% | 4.2% |
| Environment | 1,230 | 4,876 | 16,993 | 22,121 | 26,784 | 26,396 | 26,654 | 26,297 | 1.0% | -1.3% |
| Energy | 35 | 220 | 3,225 | 3,293 | 2,923 | 3,550 | 3,831 | 3,937 | 7.9% | 2.8% |
| Total Social Regulation | 38,819 | 57,685 | 115,047 | 119,459 | 143,052 | 204,895 | 219,829 | 226,891 | 7.3% | 3.2% |
| Economic Regulation | | | | | | | | | | |
| Finance and Banking | 2,509 | 5,618 | 9,524 | 15,308 | 13,310 | 11,637 | 12,113 | 12,190 | 4.1% | 0.6% |
| Industry-Specific Regulation | 10,300 | 19,791 | 12,326 | 8,234 | 6,723 | 6,369 | 6,695 | 6,764 | 5.1% | 1.0% |
| General Business | 5,481 | 7,181 | 9,242 | 9,613 | 12,515 | 15,450 | 16,993 | 18,144 | 10.0% | 6.8% |
| Total Economic Regulation | 18,290 | 32,590 | 31,092 | 33,155 | 32,548 | 33,457 | 35,801 | 37,098 | 7.0% | 3.6% |
| GRAND TOTAL | 57,109 | 90,275 | 146,139 | 152,614 | 175,600 | 238,351 | 255,630 | 263,989 | 7.2% | 3.3% |
| <i>Annualized Percentage Change</i> | | 4.7% | 5.1% | 0.5% | 1.5% | 1.6% | 7.2% | 3.3% | | |

Source: Weidenbaum Center, Washington University and Mercatus Center, George Mason University. Author's calculations derived from Appendices to the Budget of the United States and related documents, various fiscal years.

Staffing levels at agencies engaged in social regulatory activities increased 7.3 percent in 2008 and are budgeted for a 3.2 percent increase in 2009. The 2009 budget requests 226,891 full-time employees devoted to social regulation, an increase of 7,062 people above the 216,829 employed in 2008. It is also an increase of 21,996 employees over the 2007 level. The Department of Homeland Security continues to see the largest increases in FTEs with an additional 5,919 employees over 2008, representing a 4.4 percent increase. The second highest percentage increase in the staffing levels reported in the 2009 Budget can be found in the workplace subcategory, which grew by 4.2 percent with 480 added employees. Only the environmental category will see a reduction in staff. The 2009 cut of 357 employees represents a 1.3 percent decrease, from 26,654 full-time employees in 2008 to 26,297 in 2009. This is consistent with the decrease in the environment regulatory budget mentioned in the previous section.

Personnel at the economic regulatory agencies are projected to increase 3.6 percent in 2009 to 37,098 FTEs. The general business subcategory is projected to receive the lion's share of the staff increase (1,151 FTEs or a 6.8 percent increase over 2008), while staffing projections for the industry-specific and the finance and banking subcategories remain within 1 percent of 2008 levels. However, if last year is our guide, these two subcategories will end up growing five-fold above the projected amount.⁴ Overall,

⁴ For the 2008 projected staffing increase, see Jerry Brito and Melinda Warren (2007), "Growth in

agencies devoted to economic regulation are budgeted to receive staffing increases amounting to 1,297 FTEs.

Trends in Federal Regulatory Spending, 1960–2009

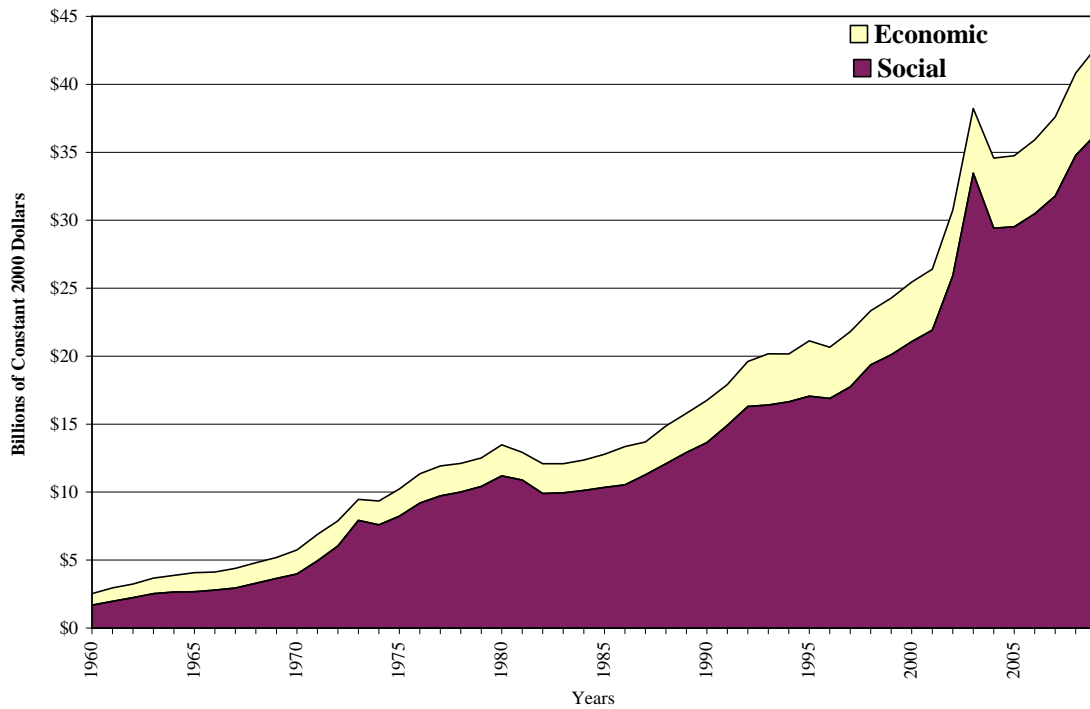
Figure 1 shows the changes in real (inflation-adjusted) expenditures on regulatory agencies since 1960. Numbers and percentages in this section are in constant 2000 terms unless otherwise indicated.

While spending has generally increased over time, the rate of growth has varied depending on the priorities of elected officials in the executive and legislative branches of the federal government. For example, regulatory expenditures declined in the early years of the Reagan Administration and again in 1996 during the Clinton Administration reflecting a desire to deregulation and downsize government spending and intervention in the economy and in our lives.

In 1960, fiscal outlays directed at administering regulation were \$533 million (equivalent to \$2.5 billion in 2000 dollars). By the end of the decade, total spending by federal regulatory agencies had grown to \$1.6 billion (\$5.8 billion in 2000 dollars). This represents a real annual growth rate of 8.6 percent and a total increase of 127.1 percent over the decade. Most of this growth—more than \$2 billion—occurred in social regulatory agencies (which experienced a real 136.9 percent increase in annual budgets over the decade). Economic regulatory programs expanded more slowly, by \$0.9 billion (or 107.8 percent) over the period.

The 1970s brought increased expenditures on federal regulation. Over that decade, real spending at regulatory agencies grew by \$7.7 billion or 134.5 percent (9.1 percent per year on average). Social regulatory expenditures continued to grow rapidly and increased by \$7.2 billion (181.2 percent) while economic agencies showed a much smaller increase of \$0.5 billion (29.2 percent). Most of the growth occurred in the early part of the decade, when several of the significant social regulatory agencies (particularly the Environmental Protection Agency and the Occupational Safety and Health Administration) were formed. During the 1970s, expenditures to fund social regulatory agencies grew from under 70 percent of the total Regulators' Budget to over 80 percent. Double-digit increases in the first three years preceded much slower growth during the latter part of the decade.

Figure 1
Budgetary Costs of Federal Regulation, Adjusted for Inflation



Source: Weidenbaum Center, Washington University and Mercatus Center, George Mason University. Author's calculations derived from Appendices to the Budget of the United States and related documents, various fiscal years.

This slower rate of growth continued into the early 1980s. Total annual expenditures on regulatory agencies declined by 5.2 percent between 1980 and 1985, but rebounded in the second half of the decade, increasing by 31.1 percent overall between 1985 and 1990. Annual spending on regulatory activities at the end of the decade was \$3.3 billion more than at the beginning. Throughout the decade, spending on economic regulation increased at a faster rate—36.5 percent between 1980 and 1990—than spending on social regulatory agencies, which grew by 21.8 percent over the same period. Spending increased by an average of 2.2 percent per year over the decade.

Spending on regulatory agencies continued to increase in the 1990s for a total increase of 51.9 percent over the decade, or \$8.7 billion. The budgets of agencies administering social regulations increased by 54.4 percent over the decade, and those related to economic regulations increased by 40.6 percent. The first few years of the decade witnessed greater percentage increases—an average of 7.5 percent per year between 1990 and 1992, compared to an average of 4.0 percent per year between 1992 and 2000. The Regulators' Budget actually declined in real terms in 1994 and 1996. On an annual basis, the real rate of increase averaged 4.3 percent over the decade.

Between 2000 and 2009, real-term budgets devoted to regulatory agencies increased significantly. The fiscal 2009 budget calls for expenditures that are 67.8 percent higher than in 2000—an increase in real spending on regulatory activities of \$17.3 billion

between 2000 and 2009. The budgets of agencies administering social regulations grew by 72.5 percent, and those involved in economic regulation grew by 45.2 percent in real terms over that period.

On average, the Regulators' Budget has grown a little more than 6 percent per year since 2000. Double-digit increases in fiscal years 2002 and 2003 (16.4 percent and 24.4 percent, respectively) drive the large average and reflect the response to the terrorist attacks of September 11, 2001.

The Regulators' Budget declined 9.3 percent in 2004 and grew by less than 1 percent in 2005. In 2006 and 2007, however, the Regulators' Budget increased by 3.2 and 4.8 percent, respectively. In 2008, the Regulators' Budget will increase by 8.6 percent. The 2009 budget represents a 4.6 percent increase over 2008 in real terms.

Trends in Federal Regulatory Staffing, 1960–2009

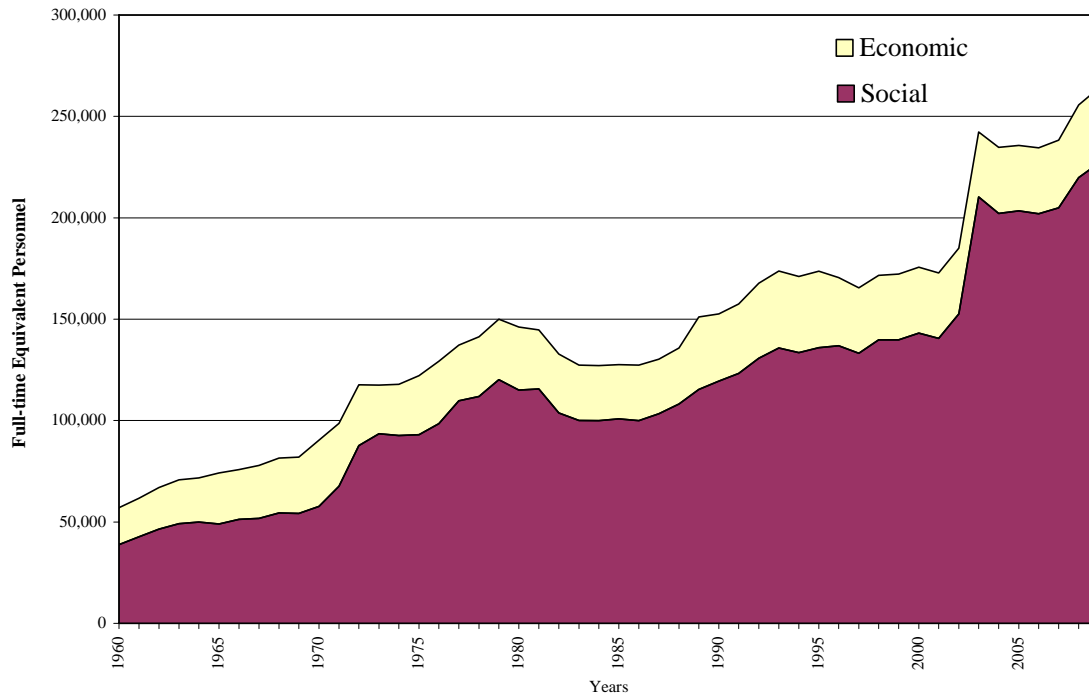
Figure 2 shows the trends in staffing at federal regulatory agencies between 1960 and 2009. In 1960, 57,109 full-time employees worked on writing, administering, and enforcing regulations at federal agencies. By 1970, that number had grown 58.1 percent to 90,275, an increase of 33,166 people. While social regulatory staffing grew by 18,866 (48.6 percent), workers at economic regulatory agencies increased by 14,300 (78.2 percent) during the decade.

During the 1970s, the number of personnel at regulatory agencies grew by 55,864, or 61.9 percent. Social regulatory agencies gained 57,362 additional staff, and economic agencies lost nearly 1,500 employees.

Staffing at regulatory agencies was cut back significantly in the early 1980s; between 1980 and 1985, staffing at regulatory agencies declined by 12.7 percent (12.4 percent at the social agencies and 13.8 percent at the economic regulatory agencies). Starting in 1987, the trend reversed, and the second half of the decade saw increases of 19.6 percent—18.5 percent for social regulatory agencies and 23.7 percent for economic regulatory agencies. By 1990, staffing at federal regulatory agencies was 4.4 percent higher than it had been in 1980 (a net increase of almost 6,500 employees). Social regulatory agencies increased staffing by 3.8 percent, and economic regulatory staff grew by 6.6 percent during this decade.

The staffing increases that began in the late 1980s continued in the 1990s. Between 1990 and 1995, the number of full-time personnel at regulatory agencies increased by 13.8 percent overall (21,000 people), with increases of 13.9 percent in social regulatory agencies and 13.4 percent in economic regulatory agencies. After staffing reductions in 1996 and 1997, the decade ended with 22,986 new federal regulatory employees (a 15.1 percent increase). Social regulatory agencies added 23,593 employees (a 19.7 percent increase), while economic regulatory agencies declined by 607 employees (1.8 percent).

Figure 2
Staffing of Federal Regulatory Agencies



Source: Weidenbaum Center, Washington University and Mercatus Center, George Mason University. Author's calculations derived from Appendices to the Budget of the United States and related documents, various fiscal years.

After a 1.6 percent reduction in 2001, staffing at regulatory agencies has increased dramatically in the 21st century. In 2005, regulatory agencies increased their staffs by more than 60,000 FTEs. In 2003, the establishment of the Transportation Security Administration, with its large staff of airport screening agents, caused the federal regulatory workforce to jump 31.0 percent, by far the largest annual increase in the nation's history.

The 2009 budget calls for a total regulatory staff with 88,389 more full-time regulatory employees than in 2000, an increase of 50.3 percent. The bulk of this increase in staff is at social regulatory agencies, which are budgeted to have 83,839 more employees on the payroll than in 2000, compared to 4,550 new positions in economic regulatory agencies.

Summary of Federal Regulatory Activity for Fiscal Year 2009

In his 2009 Budget Message, the President states that the country's top priorities are protecting the homeland and fighting terrorism, keeping the economy strong with low taxes, and keeping spending under control.⁵ In order to achieve that goal, the President

⁵ Office of Management and Budget, "The Budget Message of the President" (Washington, DC: February

explains that his budget “[...] cuts spending on projects that are not achieving results—because good intentions alone do not justify a program that is not working.” He also notes that “one of the best ways to reduce waste and increase accountability is to make Federal spending more transparent.”

The 2009 budget, like all of President Bush’s previous budgets, claims to improve or eliminate programs that the administration believes are performing poorly. The Budget Overview notes that “[i]n constructing the Budget, each program was closely reviewed to determine if it is among the Nation’s top priorities and if the program is effective and producing the intended results. Failure to meet these criteria resulted in the proposed termination or reduction of 151 programs for a savings of over \$18 billion, a step that will help channel resources to more effective programs.”⁶ It also proposes “holding the growth in non-security discretionary spending to less than one percent.” In general, these goals of tying the budgets of regulatory agencies to results, eliminating those that do not produce, at reasonable costs, real outcomes valued by the American public are to be praised. Unless both the executive and the congressional branches of government insist on these goals, however, they are unlikely to be met.

In fact, sadly, if history is our guide, it is likely that this year, as in the past, none of these goals will be achieved. Actual outlays will be even higher than what the President requested and a ridiculously low number of programs will be terminated.

On the other hand, the President did not say much about his goal for regulatory activities in 2009. The 4.6 percent increase in the overall Regulators’ Budget in real terms is in line with increases in previous years. It is also likely that the final numbers will be much higher. This year’s requested budget increase follows a 1.7 percent requested increase in 2008 over the 2007 level, which ended up turning into an 8.6 percent increase.

Unlike previous years, the largest dollar increase in the 2009 Regulators’ Budget is for the energy subcategory. In the last seven years, Homeland Security regulatory activities received the largest increase.

In the more detailed discussion of the FY 2009 Regulators’ Budget below, dollar amounts are presented in nominal terms, while percentage changes are in real (2000 dollar) terms.

Spending

As noted earlier (on page 3, regulatory activities are divided into two categories (social and economic) and nine subcategories. The outlays devoted to social regulation are over five times larger than those devoted to economic regulation (\$43.5 billion compared to \$7.6 billion in 2009). Agencies devoted to economic regulation, however, are projected to receive a larger percentage increase overall in 2009 (5.1 percent compared to a 4.5 percent increase for agencies administering social regulation).

4, 2008), <http://www.whitehouse.gov/omb/budget/fy2009/message.html>.

⁶ Office of Management and Budget, “Overview of the President’s 2009 Budget,” <http://www.whitehouse.gov/omb/budget/fy2009/overview.html>.

Table 1 (on page 6 provides summary statistics, and Appendix Tables A-1 and A-2 (on pages 21 and 24, respectively) provide detail on spending at agencies within each category and subcategory. The slower growth in budget outlays in 2009 follows an estimated 8.6 percent increase in 2008—9.4 percent for social regulatory agencies and 4.3 percent for economic regulatory agencies. In FY 2007, the most recent year for which the budget presents actual figures rather than estimates, the total Regulators' Budget was \$43.5 billion, an increase of 4.8 percent over 2006.

The Department of Homeland Security's budget for administering regulations is the largest of any agency at over \$24 billion in 2009. It has the largest share of the estimated Regulators' Budget (47.2 percent) and is budgeted to receive the largest dollar increase in 2009 (\$2.2 billion). This reflects an increase in real terms (8.0 percent) and a significantly slower rate of growth than last year, which saw a real growth rate of 12.7 percent. Only Customs and Border Protection and DHS's Science and Technology Directorate are budgeted for a decrease in 2009; the other regulatory agencies tracked within the Department of Homeland Security are all slated for budget increases in real terms. The post-September 11th budgets for the regulatory agencies that are now housed in the Department of Homeland Security are \$16.3 billion greater than the outlays in 2000.

Spending to administer environmental regulations is the next largest subcategory after homeland security (3.6 percent of the total Regulators' Budget). Spending in this category, which includes the Environmental Protection Agency as well as several agencies within the Departments of Agriculture, Interior, and Defense, is budgeted to decrease by .3 percent to \$7 billion in 2009. FY 2008 outlays are estimated to be .6 percent more than 2007.

The subcategory with the largest percentage change is the energy subcategory, which includes several Department of Energy agencies as well as the Nuclear Regulatory Commission. Spending on energy regulation is budgeted to increase by 8.6 percent, with spending on petroleum regulation slated to rise 13.5 percent. While the increase for the Department of Energy is not substantial in dollar terms (an additional \$97 million in FY 2009), the energy subcategory has seen a real increase of 31.5 percent since 2006.

Also slated for a large increase from 2008 are the agencies in the workplace subcategory, which will see an increase of 2.6 percent in FY 2009. In 2008, that subcategory increased by 3.6 percent from 2007. The transportation category will decrease by 2.8 percent, mostly due to a 28.2 percent decrease to the Federal Motor Carrier Safety Administration's budget.

Consumer safety and health agencies receive an additional \$183 million overall, bringing the total to \$6.5 billion. Within the subcategory, the Department of Agriculture's Animal and Plant Health Inspection Services and the Department of Justice's Drug Enforcement Administration see the greatest decreases (5.7 percent and 3.8 percent, respectively). Almost all other programs see increases, including Food Safety and Inspection Services, which is estimated to grow by 9.7 percent. Overall, the consumer safety and health subcategory sees a real increase of 1.1 percent over 2008.

Each of the subcategories in the economic regulation area is budgeted for increases in 2009. General business regulation will grow the fastest, with a real increase of 8.1 percent in 2009 after decreasing by 2.4 percent in 2008. The budget request for this subcategory in 2009 is \$3.6 billion. The budget for industry-specific regulation is projected to increase at a real rate of 3.7 percent in 2009 to reach \$1.2 billion (following a 9.9 percent increase in 2008). After an 11.1 percent increase in 2008, spending on regulatory activity in the finance and banking subcategory is budgeted to grow 2.1 percent to reach \$2.8 billion in 2009.

The budget request for the Patent and Trademark Office's regulatory activities is nearly \$2 billion, a 5.8 percent real increase. This is the sixth year of steady increases for this office. After a large increase in the Security and Exchange Commission's Regulators' Budget in 2004, spending at that agency leveled off and even declined in real terms over the last two years. In 2008 it declined by 12.2 percent in real terms. FY 2009 reverses that trend with an estimated real increase of 19.3 percent, an increase of \$158 million.

Staffing

Table 2 (on page 7) provides an overview of changes in personnel for each subcategory. Table A-3 (on page 27) provides staffing detail by agency. FY 2009 staffing levels are budgeted to increase 3.3 percent to reach 263,989 FTEs. Staffing at social regulatory agencies is slated to increase by 3.2 percent to 226,891 in 2009. Staff levels at economic regulatory agencies are projected to increase by 3.6 percent to 37,098 FTEs.

The Department of Homeland Security has the largest regulatory staff, with a budget request of 139,487 FTEs in 2009. The 4.4 percent increase for DHS is mainly attributable to personnel growth in two agencies—Customs and Border Protection, and Immigration and Customs Enforcement. Staffing at agencies devoted to consumer safety and health is budgeted at 36,166, an increase of 712 from 2008. Most of this increase can be attributed to the Food and Drug Administration, which grew from 10,050 FTEs in 2008 to 10,458 in 2009. The environment category sees a decrease totaling 357 fewer full-time staff in 2009, bringing the number of employees in the category to 26,297.

The transportation agencies are budgeted for a 2.2 percent increase (202 personnel) to 9,203 full-time personnel. Staffing at the workplace agencies also increases (by 480 people, or 4.2 percent) to 11,801. The energy subcategory is budgeted for a personnel increase of 106 (2.8 percent).

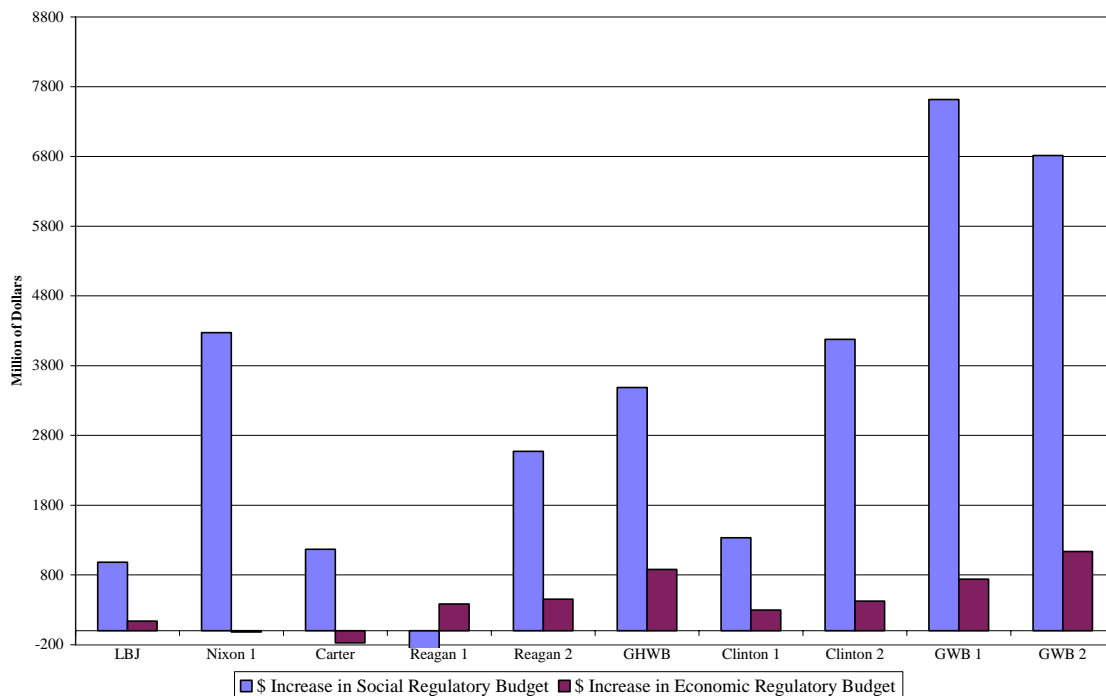
Staffing in the economic regulation category is budgeted to increase in 2009, although at a slower rate (3.6 percent) than spending (5.1 percent). Employees devoted to administering economic regulations are projected to increase by 1,297 to reach 37,098 in 2009. As with spending, the largest increase is for 1,151 employees in the general business subcategory—a 6.8 percent increase over 2008. The bulk of this increase can be attributed to the Patent and Trademark Office, which will grow by 1,174 full-time staff in 2009. This is the fourth straight year of high growth for the Patent and Trademark Office. The 2009 budget requests a 1 percent staff increase (69 people) in the industry-specific subcategory, and an increase of 77 employees in the finance and banking subcategory.

Putting the Numbers in Perspective

Overall spending growth has accelerated since President Bush took office. In his initial budget blueprint presented in 2001, President Bush noted: “For too long, politics in Washington has been divided between those who wanted Big Government without regard to cost and those who wanted Small Government without regard to need.”⁷ Unfortunately, after two full terms in office, President Bush has shown that he belongs to the first group.

Between FY 2001 and FY 2009, total outlays are expected to increase by \$1.3 trillion to an estimated \$3.1 trillion—a 65 percent increase.⁸ That increase in outlays, along with reduced economic growth, has resulted in huge and continuing deficits.

Figure 3
Social and Economic Regulatory Budget Dollar Increase per Presidential Term (1960 -2009): Constant Dollars



Source: Authors' calculation based on Table A-5: "Total Spending on Federal Regulatory Activity 1960-2009: Constant Dollars", p. 31 of this report.

We observe a similar trend in the regulatory portion of the budget. Figure 3 shows the real dollar increase in social and economic regulatory spending by presidential term

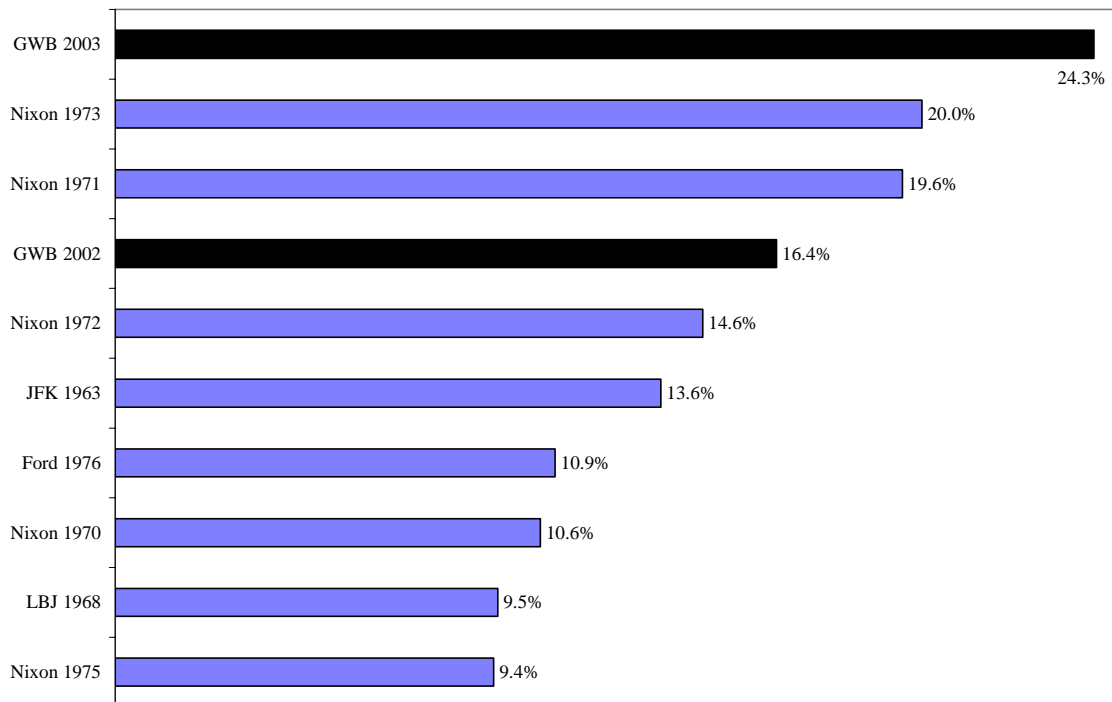
⁷ George W. Bush, “President’s Message,” in *A Blueprint for New Beginnings: A Responsible Budget for America’s Priorities* (Washington, DC: Government Printing Office, February 28, 2001), 5, <http://www.gpoaccess.gov/usbudget/fy02/pdf/blueprnt.pdf> .

⁸ *The Budget of the United States Government, Fiscal Year 2009* (Washington, DC: Government Printing Office, February 2008). The FY 2008 and FY 2009 figures in this paper are estimates.

between 1960 and 2009. Only full term presidents are represented in this chart. During both his terms, President Bush outspent his predecessors on social and economic regulatory agencies. During his first term, he increased spending on social regulatory agencies by \$7.6 billion, almost doubling what President Clinton spent on these agencies during his second term. With a decrease of \$535 million, only President Reagan, during his first term, reduced spending on social regulatory activities.

Spending on economic regulatory activities is historically smaller than on social regulatory ones. However, here too, President Bush outspent his predecessors during his second term with a \$1.1 billion real spending increase. His father gets the second highest dollar increase with an \$880 million real increase.

Figure 4
**Ten Largest Annual Percentage Increases in
 Total Regulatory Budget in the Last Fifty Years**



Source: Authors' calculation based on Table A-5: "Total Spending on Federal Regulatory Activity 1960-2009: Constant Dollars", p. 31 of this report.

Also, after eight years in office, President Bush is heading to the record books as one of the biggest-spending presidents. Figure 4 shows the ten largest annual percentage increases in total real regulatory outlays in the last 60 years. The Bush administration's 2002 and 2003 real regulatory spending increases made the top five (with 16.4 percent in 2002 and 24.3 in 2003), with his 2003 budget leading the pack. By comparison, the average real increase in the past 60 years is 6 percent. President Nixon holds the record for having all but one of his budgets make the list. Figure 4 shows that eight out of the ten

of the largest regulatory budget increases happened under Republican administrations. During that period there were 5 democratic presidential terms and 7 Republican ones.

Table 3
**Percentage Increase in Social, Economic and
 Total Regulatory Budget by Presidential Term**

| President's term | % Increase in Social Regulation Spending | % Increase in Economic Regulation Spending | % Increase in Total Regulatory Spending |
|----------------------------------------|------------------------------------------|--------------------------------------------|-----------------------------------------|
| President Reagan (First Term) | -5% | 19% | -1% |
| President Clinton (First Term) | 8% | 8% | 8% |
| President Carter | 12% | -8% | 8% |
| President Clinton (Second Term) | 24% | 10% | 21% |
| George W. Bush (Second Term) | 23% | 22% | 23% |
| President Reagan (Second Term) | 25% | 19% | 24% |
| Lindon B. Johnson | 37% | 10% | 27% |
| President George H. Bush | 27% | 31% | 28% |
| President George W. Bush (Second Term) | 35% | 16% | 32% |
| President Nixon (First Term) | 117% | -1% | 82% |

Source: Authors' calculation based on Table A-5: "Total Spending on Federal Regulatory Activity 1960-2009: Constant Dollars", p. 31 of this report.

Table 3 shows the percentage increase in spending (adjusted for inflation) on social, economic, and total regulatory agencies. The numbers are organized to show the smallest total percentage increase at the top and the largest one at the bottom. As we can see, President Reagan decreased total spending on regulatory agencies by 1 percent during his first term, while President Nixon is responsible for the biggest percentage increase during his first term with an almost 82 percent increase.

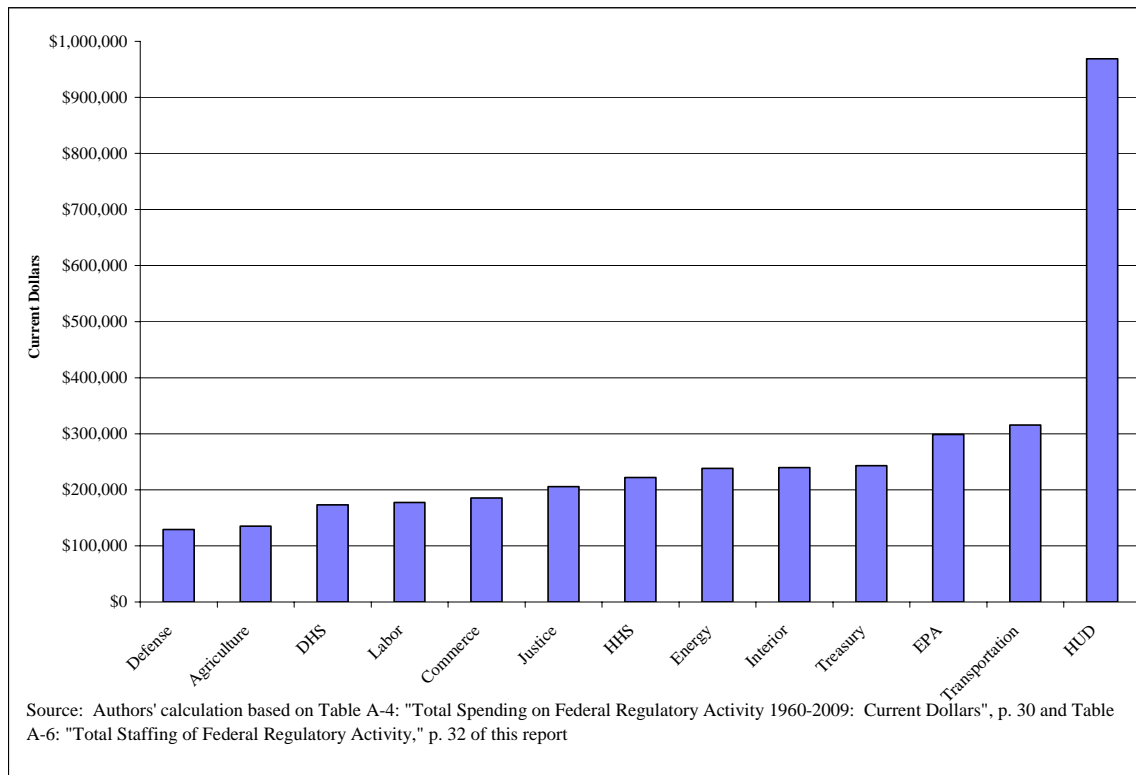
Finally, a look at the agency budget per employee highlights a striking data. Figure 5 shows the budget for each regulatory agency per full-time employee as reported by the Office at Management and Budget (OMB). As we can see, according to this data the Department of Housing and Urban Development (HUD) has a budget per employee of almost \$1 million—\$967,000. The three regulatory subcategories in HUD are consumer protection programs, the Office of Lead Hazard Control and Healthy Homes, and the Office of Federal Enterprise Oversight. Based on our calculation, the total regulatory budget for these three subcategories in HUD is \$249 million. The Office of Management and Budget does not report any employees for the first two subcategories and reports 257

employees for the Office of Federal Enterprise Oversight, hence the \$1 million per employee.⁹

Obviously, there is a problem with the data for HUD. This number is unrealistic. That being said, it means that there is a serious problem in the way OMB reports the data for this particular agency. What's more this problem has been going on for many years now. This problematic as this data should at the very least be roughly accurate and it is not.

Of course, even with accurate data, this measure has to be taken with a grain of salt. Some agencies have a larger per capita overhead rate because their employees are lab scientists who need materials but others have large overhead costs because they have oversized conference and travel budgets, waste money, and are vulnerable to fraud and abuses. Many factors can go into this number. However, it remains interesting data.

Figure 5
Cost per Employee for Each Regulatory Agency: Current Dollars



Leaving aside the HUD number, we see that the cost per full-time employee in all other agencies is significantly lower. The second highest is in the Department of Transportation, with a budget of \$315,000 per full-time employee. The third is in the

⁹ Appendix: Department of Housing and Urban Development in *The Budget of the United States Government, Fiscal Year 2009* (Washington, DC: Government Printing Office, February 2008), 590, <http://www.gpoaccess.gov/usbudget/fy09/pdf/appendix/hud.pdf>.

Department of the Treasury with a budget of \$298,000 per employee. It is interesting to notice that the Department of Defense has nearly a third the cost per employee than the DOT and EPA.

Conclusion

The FY 2009 *Budget of the United States Government* calls for expenditures on regulatory activities of \$51.1 billion for the next fiscal year. This 2009 Regulators' Budget request reflects both a nominal increase (6.4 percent) and an increase in real, inflation-adjusted terms (4.6 percent). Estimated 2008 outlays are 8.6 percent greater in real terms than actual FY 2007 expenditures. Staffing at federal regulatory agencies is budgeted to increase by 3.3 percent in 2009 to 263,989 full-time equivalent employees, an increase of 8,359 employees over the 2008 level of 255,630.

Although the Regulators' Budget's real projected rate of growth for 2009 falls below the rate of growth for 2008 (4.6 percent versus 8.6 percent), it nevertheless stands in contrast to the objective expressed in the budget of holding the rate of growth for non-discretionary spending to 1 percent, well below the rate of inflation.

Consistent with the President's Budget Message statement that his "highest priority is the security of our Nation," the 2009 budget requests the largest dollar and staff increases for regulatory components of the Department of Homeland Security. However, this year DHS doesn't get the highest percentage increase—the Department of Energy does.

To conclude, regulatory expenditures and staffing are significantly larger in 2009 than they were in 2000. Driven largely by homeland security activities, staffing levels requested in 2009 are 50.3 percent larger than they were in 2000. The new budget calls for expenditures that are 67.8 percent higher than in 2000—an increase in real spending on regulatory activities of \$17.2 billion between 2000 and 2009. This level of spending on regulatory agencies is the highest in real dollars in the last 50 years.

Appendix

The Weidenbaum Center at Washington University has monitored trends in federal regulation for 31 years and has compiled 50 years of data on the administrative expenses of federal regulation. In 2002, the Mercatus Center at George Mason University joined the Weidenbaum Center to prepare this annual report on the regulatory administration and enforcement costs embodied in the annual Budget of the United States.

New data for this report were drawn from the *Budget of the United States, Fiscal Year 2009* and supporting documents. This budget, also known as “the President’s Budget,” is presented to Congress approximately seven months prior to the beginning of each fiscal year (e.g., fiscal year 2009 begins October 1, 2008, and ends September 30, 2009). In this report, all references to specific years refer to fiscal years unless otherwise noted.

Budget figures for the 69 regulatory agencies contained in Table A-1 consist of outlays. The data on outlays provide a clear picture of the resources a regulatory agency directs to regulation in a given year. For example, some agencies are funded, partly or totally, by fees collected from businesses and individuals and these fee structures have changed over the years. The outlays reported here are gross of fees collected. These data are expressed in current dollars, rounded to the nearest million. Table A-2 provides comparable information in real terms (constant 2000 dollars). Because these numbers are rounded to the nearest million, the numbers do not necessarily add to totals.

The staffing figures shown in Table A-3 are derived from the full-time equivalent employment numbers for each agency. For example, two employees, each working half time, are counted as one full-time equivalent employee.

Tables A-4 and A-5 give data from 1960 to 2009 for annual outlays in current and constant dollars for major categories of regulation. Table A-6 provides staffing data for the same time period and categories. Detailed agency-by-agency data are available and can be obtained by contacting the Weidenbaum Center at Washington University or the Mercatus Center at George Mason University.

Agencies that primarily perform taxation, entitlement, procurement, subsidy, and credit functions are excluded from this report. Examples of these organizations are the Internal Revenue Service, the Social Security Administration, the Department of Defense, the Commodity Credit Corporation, and the Federal Housing Administration.

The notes to the appendix, which follow the appendix tables, give background on organizational changes since the Weidenbaum Center began tracking trends in regulatory budgets and staffing in 1977. Some agencies have been abolished while others have been created. Names of agencies have changed over time. These notes help the reader make sense of name and other changes that have occurred over the years.

Table A-1
Agency Detail of Spending on Federal Regulatory Activity: Current Dollars
(Fiscal years, Millions of Dollars in “Outlays”)

| Social Regulation | | | | | | | | | | |
|-----------------------------------------------------|------|------|-------|-------|-------|--------|---------------------|--------|-----------------------------|--------|
| | 1960 | 1970 | 1980 | 1990 | 2000 | 2007 | (Estimated) 2008 | 2009 | % Change 2007-08 2008-09 | |
| 1. Consumer Safety and Health | | | | | | | | | | |
| Consumer Product Safety Com. | n/o | n/o | 44 | 35 | 51 | 62 | 84 | 84 | 35.5% | 0.0% |
| <i>Department of Agriculture:</i> | | | | | | | | | | |
| Animal and Plant Health Inspection Svc. (1) | 59 | 96 | 257 | 406 | 735 | 1,318 | 1,300 | 1,247 | -1.4% | -4.1% |
| Food Safety and Inspection Svc. (2) | n/o | n/o | 393 | 475 | 743 | 961 | 975 | 1,088 | 1.5% | 11.6% |
| Grain Inspection, Packers and Stockyards (3) | n/o | 3 | 66 | 50 | 60 | 79 | 80 | 85 | 1.3% | 6.3% |
| Risk Management Agency | n/o | n/o | n/o | n/o | 64 | 79 | 70 | 77 | -11.4% | 10.0% |
| --Subtotal (\$ mil)-- | 59 | 99 | 716 | 931 | 1,602 | 2,437 | 2,425 | 2,497 | -0.5% | 3.0% |
| <i>Department of Health and Human Services:</i> | | | | | | | | | | |
| Food and Drug Admin. (4) | 16 | 72 | 326 | 561 | 1,209 | 1,842 | 2,280 | 2,322 | 23.8% | 1.8% |
| <i>Department of Housing and Urban Development:</i> | | | | | | | | | | |
| Consumer Protection Programs (5) | n/o | n/o | 2 | 5 | 14 | 7 | 16 | 16 | 128.6% | 0.0% |
| Office of Lead Hazard Control and Healthy Homes (5) | n/o | n/o | n/o | n/o | 95 | 147 | 155 | 166 | 5.4% | 7.1% |
| Office of Federal Enterprise Oversight | n/o | n/o | n/o | n/o | 18 | 63 | 66 | 67 | 4.8% | 1.5% |
| --Subtotal (\$ mil)-- | n/o | n/o | 2 | 5 | 127 | 217 | 237 | 249 | 9.2% | 5.1% |
| <i>Department of Justice:</i> | | | | | | | | | | |
| Drug Enforcement Admin. (6) | n/o | 2 | 13 | 27 | 74 | 161 | 235 | 230 | 46.0% | -2.1% |
| Alcohol, Tobacco, Firearms, and Explosives (7) | 27 | 49 | 147 | 273 | 555 | 1,003 | 1,013 | 1,068 | 1.0% | 5.4% |
| --Subtotal (\$ mil)-- | 27 | 51 | 160 | 300 | 629 | 1,164 | 1,248 | 1,298 | 7.2% | 4.0% |
| <i>Department of Treasury:</i> | | | | | | | | | | |
| Alcohol and Tobacco Tax and Trade Bureau (7) | n/o | n/o | n/o | n/o | n/o | 92 | 95 | 100 | 3.3% | 5.3% |
| Chemical Safety and Hazard Investigation Bd. (8) | n/o | n/o | n/o | n/o | 8 | 9 | 9 | 10 | 0.0% | 11.1% |
| Federal Mine Safety and Health Review Com. | n/o | n/o | 4 | 4 | 7 | 7 | 8 | 9 | 14.3% | 12.5% |
| TOTAL--Consumer Safety and Health (\$ mil) | 102 | 222 | 1,252 | 1,836 | 3,633 | 5,830 | 6,386 | 6,569 | 9.5% | 2.9% |
| 2. Homeland Security | | | | | | | | | | |
| <i>Department of Homeland Security: (9)</i> | | | | | | | | | | |
| Area Maritime Security (10) | n/o | n/o | n/o | n/o | n/o | n/o | n/o | n/o | - | - |
| Customs and Border Protection (11) | 62 | 175 | 837 | 1,664 | 2,802 | 8,264 | 10,180 | 10,278 | 23.2% | 1.0% |
| Immigration and Customs Enforcement (12) | 38 | 66 | 254 | 786 | 3,355 | 4,058 | 5,017 | 5,514 | 23.6% | 9.9% |
| Coast Guard (13) | 45 | 94 | 498 | 909 | 1,717 | 2,142 | 2,453 | 2,604 | 14.5% | 6.2% |
| Science and Technology (14) | n/o | n/o | n/o | n/o | n/o | 86 | 65 | 65 | -24.4% | 0.0% |
| Transportation Security Admin. (15) | n/o | n/o | n/o | n/o | n/o | 4,625 | 4,249 | 5,668 | -8.1% | 33.4% |
| TOTAL--Homeland Security (\$ mil) | 145 | 335 | 1,589 | 3,359 | 7,874 | 19,175 | 21,964 | 24,129 | 14.5% | 9.9% |
| 3. Transportation (16) | | | | | | | | | | |
| <i>Department of Transportation:</i> | | | | | | | | | | |
| Federal Aviation Admin. (17) | 42 | 124 | 283 | 477 | 881 | 1,318 | 1,392 | 1,609 | 5.6% | 15.6% |
| Federal Highway Admin. (18) | n/o | 6 | 20 | 98 | 9 | n/o | n/o | n/o | - | - |
| Federal Motor Carrier Safety Admin. (19) | n/o | n/o | n/o | n/o | 163 | 472 | 770 | 562 | 63.1% | -27.0% |
| Federal Railroad Admin. | n/o | 16 | 92 | 52 | 119 | 208 | 261 | 210 | 25.5% | -19.5% |
| National Highway Traffic Safety Admin. | n/o | 26 | 137 | 148 | 173 | 259 | 291 | 280 | 12.4% | -3.8% |
| Pipeline & Hazardous Materials Safety Admin. (20) | n/o | n/o | n/o | 9 | 37 | 76 | 77 | 91 | 1.3% | 18.2% |
| Surface Transportation Bd. (21) | n/o | n/o | n/o | n/o | 17 | 26 | 30 | 24 | 15.4% | -20.0% |
| --Subtotal (\$ mil)-- | 42 | 172 | 532 | 784 | 1,399 | 2,359 | 2,821 | 2,776 | 19.6% | -1.6% |
| National Transportation Safety Board | n/o | 5 | 18 | 26 | 77 | 78 | 77 | 88 | -1.3% | 14.3% |
| TOTAL--Transportation (\$ mil) | 42 | 177 | 550 | 810 | 1,476 | 2,437 | 2,898 | 2,864 | 18.9% | -1.2% |

Table A-1 (continued)

| | 1960 | 1970 | 1980 | 1990 | 2000 | 2007 | (Estimated) 2008 | 2009 | % Change 2007-08 2008-09 | |
|--------------------------------------------------|------------|--------------|--------------|---------------|---------------|---------------|---------------------|---------------|-----------------------------|--------------|
| 4. Workplace | | | | | | | | | | |
| <i>Department of Labor:</i> | | | | | | | | | | |
| Employment Standards Admin. (22) | 14 | 36 | 123 | 156 | 227 | 261 | 292 | 327 | 11.6% | 12.1% |
| Office of the American Workplace (23) | n/o | 12 | 55 | 79 | n/o | n/o | n/o | n/o | - | - |
| Employee Benefits Security Admin. (24) | n/o | n/o | n/o | n/o | 99 | 147 | 159 | 167 | 8.2% | 5.0% |
| Mine Safety and Health Admin. (25) | 7 | 17 | 142 | 171 | 225 | 299 | 332 | 333 | 11.0% | 0.3% |
| Occupational Safety and Health Admin. | n/o | n/o | 180 | 275 | 370 | 473 | 488 | 502 | 3.2% | 2.9% |
| --Subtotal (\$ mil)-- | 21 | 65 | 500 | 681 | 921 | 1,180 | 1,271 | 1,329 | 7.7% | 4.6% |
| Arch. & Trans. Barriers Compliance Bd. | n/o | n/o | n/o | 2 | 4 | 6 | 6 | 6 | 0.0% | 0.0% |
| Equal Employment Opportunity Com. | n/o | 12 | 131 | 181 | 290 | 323 | 330 | 341 | 2.2% | 3.3% |
| National Labor Relations Bd. | 15 | 38 | 109 | 142 | 198 | 253 | 249 | 261 | -1.6% | 4.8% |
| Occupational Safety and Health Review Com. | n/o | n/o | 8 | 6 | 8 | 10 | 11 | 11 | 10.0% | 0.0% |
| TOTAL--Workplace (\$ mil) | 36 | 115 | 748 | 1,012 | 1,421 | 1,772 | 1,867 | 1,948 | 5.3% | 4.4% |
| 5. Environment | | | | | | | | | | |
| Council on Environmental Quality | n/o | n/o | 3 | 1 | 3 | 2 | 3 | 3 | 50.0% | 0.0% |
| <i>Department of Agriculture:</i> | | | | | | | | | | |
| Forest and Rangeland Research (26) | n/o | n/o | n/o | n/o | 232 | 335 | 338 | 340 | 0.9% | 0.6% |
| <i>Department of Defense:</i> | | | | | | | | | | |
| Army Corps of Engineers (27) | 1 | 2 | 41 | 66 | 111 | 162 | 183 | 181 | 13.0% | -1.1% |
| <i>Department of Interior:</i> | | | | | | | | | | |
| Fish and Wildlife and Parks (28) | 3 | 7 | 71 | 152 | 236 | 315 | 357 | 329 | 13.5% | -8.0% |
| Minerals Management Svc. | n/o | n/o | n/o | 179 | 412 | 322 | 354 | 380 | 9.9% | 7.3% |
| Surface Mining Reclamation & Enforcement (29) | n/o | n/o | 85 | 327 | 392 | 418 | 432 | 424 | 3.3% | -1.9% |
| U.S. Geological Survey (30) | n/o | n/o | n/o | n/o | 196 | 258 | 260 | 251 | 0.9% | -3.4% |
| --Subtotal (\$ mil)-- | 3 | 7 | 156 | 658 | 1,236 | 1,312 | 1,403 | 1,384 | 6.9% | -1.4% |
| Environmental Protection Agency (31) | 13 | 174 | 1,282 | 2,950 | 4,478 | 4,907 | 4,941 | 5,054 | 0.7% | 2.3% |
| TOTAL -- Environment (\$ mil) | 17 | 183 | 1,482 | 3,675 | 6,060 | 6,718 | 6,868 | 6,962 | 2.2% | 1.4% |
| 6. Energy | | | | | | | | | | |
| <i>Department of Energy:</i> | | | | | | | | | | |
| Petroleum Regulation (32) | n/o | n/o | n/o | 14 | 24 | 24 | 29 | 33 | 18.5% | 15.4% |
| Federal Inspector Alaska Nat'l Gas Pipeline (33) | n/o | n/o | 5 | n/o | n/o | n/o | n/o | n/o | - | - |
| Energy Conservation (34) | n/o | n/o | 54 | 38 | 103 | 89 | n/o | n/o | - | - |
| --Subtotal (\$ mil)-- | n/o | n/o | 59 | 52 | 127 | 113 | 29 | 33 | -74.5% | 15.4% |
| Nuclear Regulatory Com. (35) | 12 | 65 | 378 | 391 | 480 | 756 | 901 | 994 | 19.2% | 10.3% |
| TOTAL--Energy (\$ mil) | 12 | 65 | 437 | 443 | 607 | 869 | 930 | 1,027 | 7.0% | 10.5% |
| TOTAL SOCIAL REGULATION (\$ mil) | 354 | 1,097 | 6,058 | 11,135 | 21,071 | 36,802 | 40,913 | 43,499 | 11.2% | 6.3% |

Economic Regulation

| | | | | | | | | | | |
|--------------------------------------|-----|-----|-----|-----|-----|-----|-------|-------|-------|-------|
| 1. Finance and Banking | | | | | | | | | | |
| <i>Department of the Treasury:</i> | | | | | | | | | | |
| Comptroller of the Currency (36) | 11 | 32 | 113 | 256 | 382 | 605 | 729 | 789 | 20.5% | 8.2% |
| Financial Crimes Enforcement Network | n/o | n/o | n/o | n/o | 29 | 80 | 86 | 95 | 7.5% | 10.5% |
| Office of Thrift Supervision (37) | 9 | 21 | 20 | 249 | 159 | 216 | 259 | 262 | 19.9% | 1.2% |
| --Subtotal (\$ mil)-- | 20 | 53 | 133 | 505 | 570 | 901 | 1,074 | 1,146 | 19.2% | 6.7% |
| Farm Credit Admin. | 2 | 4 | 12 | 36 | 32 | 40 | 48 | 50 | 20.0% | 4.2% |
| Federal Deposit Insurance Corp. | 13 | 30 | 121 | 476 | 660 | 572 | 676 | 692 | 18.1% | 2.4% |
| Federal Housing Finance Bd. (38) | n/o | n/o | n/o | 1 | 18 | 33 | 35 | 39 | 6.1% | 11.4% |

Table A-1 (continued)

| | 1960 | 1970 | 1980 | 1990 | 2000 | 2007 | (Estimated) 2008 | 2009 | % Change 2007-08 | % Change 2008-09 |
|-----------------------------------------------------|------|-------|-------|--------|--------|--------|---------------------|--------|---------------------|---------------------|
| <i>Federal Reserve System (39)</i> | | | | | | | | | | |
| Federal Reserve Banks (40) | n/o | n/o | 86 | 212 | 537 | 601 | 601 | 601 | 0.0% | 0.0% |
| Federal Reserve System Bd. of Governors | 2 | 5 | 19 | 30 | 79 | 145 | 154 | 154 | 6.2% | 0.0% |
| --Subtotal (\$ mil)-- | 2 | 5 | 105 | 242 | 616 | 746 | 755 | 755 | 1.2% | 0.0% |
| National Credit Union Admin. (41) | 3 | 6 | 21 | 44 | 69 | 99 | 112 | 122 | 13.3% | 8.8% |
| TOTAL--Finance and Banking (\$ mil) | 40 | 98 | 392 | 1,304 | 1,965 | 2,391 | 2,700 | 2,804 | 12.9% | 3.9% |
| 2. Industry-Specific Regulation | | | | | | | | | | |
| <i>Department of Agriculture:</i> | | | | | | | | | | |
| Agriculture Marketing Svc. (42) | 42 | 186 | 60 | 161 | 198 | 259 | 262 | 271 | 1.5% | 3.2% |
| <i>Department of Commerce:</i> | | | | | | | | | | |
| National Telecommunications and Info. Admin. | n/o | n/o | 16 | 21 | 30 | 46 | 70 | 61 | 52.2% | -12.9% |
| <i>Department of the Energy:</i> | | | | | | | | | | |
| Economic Regulatory Admin. (43) | n/o | n/o | 132 | 16 | 2 | n/o | n/o | n/o | - | - |
| <i>Department of the Interior:</i> | | | | | | | | | | |
| National Indian Gaming Com. | n/o | n/o | n/o | n/o | 2 | 2 | 3 | 3 | 50.0% | 0.0% |
| Civil Aeronautics Bd. (44) | 7 | 11 | 28 | n/o | n/o | n/o | n/o | n/o | - | - |
| Commodity Futures Trading Com. (45) | 1 | 2 | 16 | 36 | 62 | 98 | 111 | 130 | 13.3% | 17.1% |
| Federal Communications Com. | 11 | 24 | 76 | 108 | 269 | 372 | 420 | 445 | 12.9% | 6.0% |
| Federal Energy Regulatory Com. (46) | 7 | 18 | 67 | 113 | 167 | 227 | 255 | 272 | 12.3% | 6.7% |
| Federal Maritime Com. | n/o | 4 | 11 | 15 | 14 | 20 | 22 | 24 | 10.0% | 9.1% |
| Interstate Commerce Com. (47) | 20 | 27 | 80 | 43 | n/o | n/o | n/o | n/o | - | - |
| Renegotiation Bd. (48) | 3 | 4 | L | n/o | n/o | n/o | n/o | n/o | - | - |
| TOTAL--Industry-Specific Regulation (\$ mil) | 91 | 276 | 486 | 513 | 744 | 1,024 | 1,143 | 1,206 | 11.7% | 5.5% |
| 3. General Business | | | | | | | | | | |
| Cost Accounting Standards Bd. (49) | n/o | n/o | 1 | n/o | n/o | n/o | n/o | n/o | - | - |
| Council on Wage and Price Stability (50) | n/o | n/o | 9 | n/o | n/o | n/o | n/o | n/o | - | - |
| <i>Department of Commerce:</i> | | | | | | | | | | |
| International Trade Admin. (51) | 3 | 6 | 14 | 23 | 36 | 63 | 58 | 66 | -7.9% | 14.5% |
| Bureau of Industry and Security (52) | n/o | n/o | n/o | 41 | 61 | 86 | 78 | 84 | -9.3% | 7.7% |
| Patent and Trademark Office | 22 | 49 | 103 | 320 | 872 | 1,789 | 1,821 | 1,960 | 1.8% | 7.6% |
| --Subtotal (\$ mil)-- | 25 | 55 | 117 | 384 | 969 | 1,938 | 1,957 | 2,110 | 1.0% | 7.8% |
| <i>Department of Justice:</i> | | | | | | | | | | |
| Antitrust Division | 5 | 9 | 49 | 47 | 102 | 148 | 146 | 149 | -1.4% | 2.1% |
| Federal Election Com. | n/o | n/o | 10 | 15 | 40 | 53 | 58 | 64 | 9.4% | 10.3% |
| Federal Trade Com. | 7 | 20 | 69 | 71 | 125 | 214 | 276 | 259 | 29.0% | -6.2% |
| International Trade Com. (53) | 2 | 4 | 14 | 37 | 47 | 63 | 68 | 74 | 7.9% | 8.8% |
| <i>Library of Congress:</i> | | | | | | | | | | |
| Copyright Office | 1 | 3 | 14 | 19 | 34 | 61 | 36 | 51 | -41.0% | 41.7% |
| Securities and Exchange Com. | 8 | 22 | 74 | 154 | 357 | 829 | 740 | 898 | -10.7% | 21.4% |
| TOTAL--General Business (\$ mil) | 48 | 113 | 357 | 727 | 1,674 | 3,306 | 3,281 | 3,605 | -0.8% | 9.9% |
| TOTAL ECONOMIC REGULATION (\$ mil) | 179 | 487 | 1,235 | 2,544 | 4,383 | 6,721 | 7,124 | 7,615 | 6.0% | 6.9% |
| GRAND TOTAL | 533 | 1,584 | 7,293 | 13,679 | 25,454 | 43,523 | 48,037 | 51,114 | 10.4% | 6.4% |

Notes:

n/o = agency not operational

L=Less Than \$500,000

(1) through (53): see notes at the end of the Appendix

Source: Weidenbaum Center, Washington University and Mercatus Center, George Mason University. Author's calculations derived from Appendices to the Budget of the United States and related documents, various fiscal years.

Table A-2
Agency Detail of Spending on Federal Regulatory Activity: Constant Dollars
(Fiscal years, Millions of 2000 Dollars)

| Social Regulation | | | | | | | | | | |
|-----------------------------------------------------|------|-------|---------|---------|-------|--------|-------------|--------|----------|--------|
| | 1960 | 1970 | 1980 | 1990 | 2000 | 2007 | (Estimated) | | % Change | |
| | 2008 | 2009 | 2007-08 | 2008-09 | | | | | | |
| 1. Consumer Safety and Health | | | | | | | | | | |
| Consumer Product Safety Com. | n/o | n/o | 81 | 43 | 51 | 54 | 71 | 70 | 33.3% | -1.7% |
| <i>Department of Agriculture:</i> | | | | | | | | | | |
| Animal and Plant Health Inspection Svc. (1) | 280 | 349 | 475 | 497 | 735 | 1,138 | 1,105 | 1,042 | -3.0% | -5.7% |
| Food Safety and Inspection Svc. (2) | n/o | n/o | 727 | 582 | 743 | 830 | 829 | 909 | -0.2% | 9.7% |
| Grain Inspection, Packers and Stockyards (3) | n/o | 11 | 122 | 61 | 60 | 68 | 68 | 71 | -0.4% | 4.5% |
| Risk Management Agency | n/o | n/o | n/o | n/o | 64 | 68 | 59 | 64 | -12.8% | 8.2% |
| --Subtotal (\$ mil)-- | 280 | 360 | 1,324 | 1,141 | 1,602 | 2,105 | 2,061 | 2,086 | -2.1% | 1.2% |
| <i>Department of Health and Human Services:</i> | | | | | | | | | | |
| Food and Drug Admin. (4) | 76 | 261 | 603 | 687 | 1,209 | 1,591 | 1,937 | 1,940 | 21.8% | 0.1% |
| <i>Department of Housing and Urban Development:</i> | | | | | | | | | | |
| Consumer Protection Programs (5) | n/o | n/o | 4 | 6 | 14 | 6 | 14 | 13 | 124.9% | -1.7% |
| Office of Lead Hazard Control and Healthy Homes (5) | n/o | n/o | n/o | n/o | 97 | 127 | 132 | 139 | 3.7% | 5.3% |
| Office of Federal Enterprise Oversight | n/o | n/o | n/o | n/o | 18 | 54 | 56 | 56 | 3.1% | -0.2% |
| --Subtotal (\$ mil)-- | n/o | n/o | 4 | 6 | 127 | 187 | 201 | 208 | 7.5% | 3.3% |
| <i>Department of Justice:</i> | | | | | | | | | | |
| Drug Enforcement Admin. (6) | n/o | 7 | 24 | 33 | 74 | 139 | 200 | 192 | 43.6% | -3.8% |
| Alcohol, Tobacco, Firearms, and Explosives (7) | 128 | 178 | 272 | 335 | 555 | 866 | 861 | 892 | -0.6% | 3.7% |
| --Subtotal (\$ mil)-- | 128 | 185 | 296 | 368 | 629 | 1,005 | 1,061 | 1,085 | 5.5% | 2.3% |
| <i>Department of Treasury:</i> | | | | | | | | | | |
| Alcohol and Tobacco Tax and Trade Bureau (7) | n/o | n/o | n/o | n/o | n/o | 79 | 81 | 84 | 1.6% | 3.5% |
| Chemical Safety and Hazard Investigation Bd. (8) | n/o | n/o | n/o | n/o | 8 | 8 | 8 | 8 | -1.6% | 9.3% |
| Federal Mine Safety and Health Review Com. | n/o | n/o | 7 | 5 | 7 | 6 | 7 | 8 | 12.4% | 10.6% |
| TOTAL--Consumer Safety and Health (\$ mil) | 485 | 806 | 2,316 | 2,250 | 3,633 | 5,035 | 5,427 | 5,489 | 7.8% | 1.1% |
| 2. Homeland Security | | | | | | | | | | |
| <i>Department of Homeland Security: (9)</i> | | | | | | | | | | |
| Area Maritime Security (10) | n/o | n/o | n/o | n/o | n/o | n/o | n/o | n/o | - | - |
| Customs and Border Protection (11) | 295 | 637 | 1,547 | 2,039 | 2,802 | 7,138 | 8,651 | 8,588 | 21.2% | -0.7% |
| Immigration and Customs Enforcement (12) | 181 | 240 | 470 | 963 | 3,355 | 3,505 | 4,263 | 4,607 | 21.6% | 8.1% |
| Coast Guard (13) | 214 | 341 | 921 | 1,114 | 1,717 | 1,850 | 2,084 | 2,176 | 12.7% | 4.4% |
| Science and Technology (14) | n/o | n/o | n/o | n/o | n/o | 74 | 55 | 54 | -25.6% | -1.7% |
| Transportation Security Admin. (15) | n/o | n/o | n/o | n/o | n/o | 3,995 | 3,611 | 4,736 | -9.6% | 31.2% |
| TOTAL--Homeland Security (\$ mil) | 689 | 1,218 | 2,938 | 4,116 | 7,874 | 16,562 | 18,664 | 20,161 | 12.7% | 8.0% |
| 3. Transportation (16) | | | | | | | | | | |
| <i>Department of Transportation:</i> | | | | | | | | | | |
| Federal Aviation Admin. (17) | 200 | 450 | 523 | 584 | 881 | 1,138 | 1,183 | 1,344 | 3.9% | 13.7% |
| Federal Highway Admin. (18) | n/o | 22 | 37 | 120 | 9 | n/o | n/o | n/o | 0.0% | 0.0% |
| Federal Motor Carrier Safety Admin. (19) | n/o | n/o | n/o | n/o | 163 | 408 | 654 | 470 | 60.5% | -28.2% |
| Federal Railroad Admin. | n/o | 58 | 170 | 64 | 119 | 180 | 222 | 175 | 23.5% | -20.9% |
| National Highway Traffic Safety Admin. | n/o | 94 | 253 | 181 | 173 | 224 | 247 | 234 | 10.5% | -5.4% |
| Pipeline & Hazardous Materials Safety Admin. (20) | n/o | n/o | n/o | 11 | 37 | 66 | 65 | 76 | -0.3% | 16.2% |
| Surface Transportation Bd. (21) | n/o | n/o | n/o | n/o | 17 | 22 | 25 | 20 | 13.5% | -21.3% |
| --Subtotal (\$ mil)-- | 200 | 625 | 984 | 961 | 1,399 | 2,038 | 2,397 | 2,320 | 17.7% | -3.2% |
| National Transportation Safety Bd. | n/o | 18 | 33 | 32 | 77 | 67 | 65 | 74 | -2.9% | 12.4% |
| TOTAL--Transportation (\$ mil) | 200 | 643 | 1,017 | 992 | 1,476 | 2,105 | 2,463 | 2,393 | 17.0% | -2.8% |

Table A-2 (continued)

(Estimated) % Change

1960 1970 1980 1990 2000 2007 2008 2009 2007-08 2008-09

4. Workplace

| | | | | | | | | | | |
|--------------------------------------------|------------|------------|--------------|--------------|--------------|--------------|--------------|--------------|-------------|-------------|
| <i>Department of Labor:</i> | | | | | | | | | | |
| Employment Standards Admin. (22) | 67 | 131 | 228 | 191 | 227 | 226 | 248 | 273 | 9.8% | 10.3% |
| Office of the American Workplace (23) | n/o | 44 | 102 | 97 | n/o | n/o | n/o | n/o | - | - |
| Employee Benefits Security Admin. (24) | n/o | n/o | n/o | n/o | 99 | 127 | 135 | 140 | 6.4% | 3.3% |
| Mine Safety and Health Admin. (25) | 33 | 62 | 263 | 210 | 225 | 258 | 282 | 278 | 9.2% | -1.4% |
| Occupational Safety and Health Admin. | n/o | n/o | 333 | 337 | 370 | 409 | 415 | 419 | 1.5% | 1.1% |
| --Subtotal (\$ mil)-- | 100 | 236 | 925 | 834 | 921 | 1,019 | 1,080 | 1,110 | 5.9% | 2.8% |
| Arch. & Trans. Barriers Compliance Bd. | n/o | n/o | n/o | 2 | 4 | 5 | 5 | 5 | -1.6% | -1.7% |
| Equal Employment Opportunity Com. | n/o | 44 | 242 | 222 | 290 | 279 | 280 | 285 | 0.5% | 1.6% |
| National Labor Relations Bd. | 71 | 138 | 202 | 174 | 198 | 219 | 212 | 218 | -3.2% | 3.1% |
| Occupational Safety and Health Review Com. | n/o | n/o | 15 | 7 | 8 | 9 | 9 | 9 | 8.2% | -1.7% |
| TOTAL--Workplace (\$ mil) | 171 | 418 | 1,384 | 1,240 | 1,421 | 1,531 | 1,586 | 1,628 | 3.6% | 2.6% |

5. Environment

| | | | | | | | | | | |
|-----------------------------------------------|-----------|------------|--------------|--------------|--------------|--------------|--------------|--------------|-------------|--------------|
| Council on Environmental Quality | n/o | n/o | 6 | 1 | 3 | 2 | 3 | 3 | 47.6% | -1.7% |
| <i>Department of Agriculture:</i> | | | | | | | | | | |
| Forest and Rangeland Research (26) | n/o | n/o | n/o | n/o | 232 | 289 | 287 | 284 | -0.7% | -1.1% |
| <i>Department of Defense:</i> | | | | | | | | | | |
| Army Corps of Engineers (27) | 5 | 7 | 76 | 81 | 111 | 140 | 156 | 151 | 11.1% | -2.7% |
| <i>Department of Interior:</i> | | | | | | | | | | |
| Fish and Wildlife and Parks (28) | 14 | 25 | 131 | 186 | 236 | 272 | 304 | 275 | 11.6% | -9.5% |
| Minerals Management Svc. | n/o | n/o | n/o | 219 | 412 | 278 | 301 | 318 | 8.2% | 5.6% |
| Surface Mining Reclamation & Enforcement (29) | n/o | n/o | 157 | 401 | 392 | 361 | 367 | 354 | 1.7% | -3.5% |
| U.S. Geological Survey (30) | n/o | n/o | n/o | n/o | 196 | 222 | 221 | 210 | -0.7% | -5.0% |
| --Subtotal (\$ mil)-- | 14 | 25 | 289 | 806 | 1,236 | 1,134 | 1,192 | 1,157 | 5.2% | -3.0% |
| Environmental Protection Agency (31) | 62 | 632 | 2,371 | 3,615 | 4,478 | 4,238 | 4,199 | 4,223 | -0.9% | 0.6% |
| TOTAL -- Environment (\$ mil) | 81 | 665 | 2,741 | 4,503 | 6,060 | 5,803 | 5,836 | 5,817 | 0.6% | -0.3% |

6. Energy

| | | | | | | | | | | |
|--------------------------------------------------|--------------|--------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|--------------|
| <i>Department of Energy:</i> | | | | | | | | | | |
| Petroleum Regulation (32) | n/o | n/o | n/o | 17 | 24 | 21 | 25 | 28 | 16.6% | 13.5% |
| Federal Inspector Alaska Nat'l Gas Pipeline (33) | n/o | n/o | 9 | n/o | n/o | n/o | n/o | n/o | - | - |
| Energy Conservation (34) | n/o | n/o | 100 | 47 | 103 | 77 | n/o | n/o | - | - |
| --Subtotal (\$ mil)-- | n/o | n/o | 109 | 64 | 127 | 98 | 25 | 28 | -74.9% | 13.5% |
| Nuclear Regulatory Com. (35) | 57 | 236 | 699 | 479 | 480 | 653 | 766 | 831 | 17.3% | 8.5% |
| TOTAL--Energy (\$ mil) | 57 | 236 | 808 | 543 | 607 | 751 | 790 | 858 | 5.2% | 8.6% |
| TOTAL SOCIAL REGULATION (\$ mil) | 1,682 | 3,985 | 11,205 | 13,644 | 21,071 | 31,787 | 34,766 | 36,347 | 9.4% | 4.5% |

Economic Regulation**1. Finance and Banking**

| | | | | | | | | | | |
|--------------------------------------|-----------|------------|------------|------------|------------|------------|------------|------------|--------------|-------------|
| <i>Department of the Treasury:</i> | | | | | | | | | | |
| Comptroller of the Currency (36) | 52 | 116 | 209 | 314 | 382 | 523 | 619 | 659 | 18.6% | 6.4% |
| Financial Crimes Enforcement Network | n/o | n/o | n/o | n/o | 29 | 69 | 73 | 79 | 5.8% | 8.6% |
| Office of Thrift Supervision (37) | 43 | 76 | 37 | 305 | 159 | 187 | 220 | 219 | 18.0% | -0.5% |
| --Subtotal (\$ mil)-- | 95 | 192 | 246 | 619 | 570 | 778 | 913 | 958 | 17.3% | 4.9% |
| Farm Credit Admin. | 10 | 15 | 22 | 44 | 32 | 35 | 41 | 42 | 18.1% | 2.4% |
| Federal Deposit Insurance Corp. | 62 | 109 | 224 | 583 | 660 | 494 | 574 | 578 | 16.1% | 0.7% |

Table A-2 (continued)

| | 1960 | 1970 | 1980 | 1990 | 2000 | 2007 | 2008 | 2009 | 2007-08 | 2008-09 |
|-----------------------------------------------------|-------|-------|--------|--------|--------|--------|-------------|-------------|----------|----------|
| | | | | | | | (Estimated) | (Estimated) | % Change | % Change |
| Federal Housing Finance Bd. (38) | n/o | n/o | n/o | 1 | 18 | 29 | 30 | 33 | 4.3% | 9.6% |
| <i>Federal Reserve System (39)</i> | | | | | | | | | | |
| Federal Reserve Banks (40) | n/o | n/o | 159 | 260 | 537 | 519 | 511 | 502 | -1.6% | -1.7% |
| Federal Reserve System Bd. of Governors | 10 | 18 | 35 | 37 | 79 | 125 | 131 | 129 | 4.5% | -1.7% |
| --Subtotal (\$ mil)-- | 10 | 18 | 194 | 297 | 616 | 644 | 642 | 631 | -0.4% | -1.7% |
| National Credit Union Admin. (41) | 14 | 22 | 39 | 54 | 69 | 85 | 95 | 102 | 11.5% | 7.0% |
| TOTAL--Finance and Banking (\$ mil) | 190 | 356 | 725 | 1,598 | 1,965 | 2,065 | 2,294 | 2,343 | 11.1% | 2.1% |
| 2. Industry-Specific Regulation | | | | | | | | | | |
| <i>Department of Agriculture:</i> | | | | | | | | | | |
| Agriculture Marketing Svc. (42) | 200 | 675 | 111 | 197 | 198 | 223 | 223 | 226 | -0.2% | 1.5% |
| <i>Department of Commerce:</i> | | | | | | | | | | |
| National Telecommunications and Info. Admin. | n/o | n/o | 30 | 26 | 30 | 40 | 59 | 51 | 49.7% | -14.3% |
| <i>Department of the Energy:</i> | | | | | | | | | | |
| Economic Regulatory Admin. (43) | n/o | n/o | 244 | 20 | 2 | n/o | n/o | n/o | 0.0% | 0.0% |
| <i>Department of the Interior:</i> | | | | | | | | | | |
| National Indian Gaming Com. | n/o | n/o | n/o | n/o | 2 | 2 | 3 | 3 | 47.6% | -1.7% |
| Civil Aeronautics Bd. (44) | 33 | 40 | 52 | n/o | n/o | n/o | n/o | n/o | - | - |
| Commodity Futures Trading Com. (45) | 5 | 7 | 30 | 44 | 62 | 85 | 94 | 109 | 11.4% | 15.2% |
| Federal Communications Com. | 52 | 87 | 141 | 132 | 269 | 321 | 357 | 372 | 11.1% | 4.2% |
| Federal Energy Regulatory Com. (46) | 33 | 65 | 124 | 138 | 167 | 196 | 217 | 227 | 10.5% | 4.9% |
| Federal Maritime Com. | n/o | 15 | 20 | 18 | 14 | 17 | 19 | 20 | 8.2% | 7.3% |
| Interstate Commerce Com. (47) | 95 | 98 | 148 | 53 | n/o | n/o | n/o | n/o | - | - |
| Renegotiation Bd. (48) | 14 | 15 | L | n/o | n/o | n/o | n/o | n/o | - | - |
| TOTAL--Industry-Specific Regulation (\$ mil) | 432 | 1,002 | 899 | 629 | 744 | 884 | 972 | 1,008 | 9.9% | 3.7% |
| 3. General Business | | | | | | | | | | |
| Cost Accounting Standards Bd. (49) | n/o | n/o | 2 | n/o | n/o | n/o | n/o | n/o | - | - |
| Council on Wage and Price Stability (50) | n/o | n/o | 17 | n/o | n/o | n/o | n/o | n/o | - | - |
| <i>Department of Commerce:</i> | | | | | | | | | | |
| International Trade Admin. (51) | 14 | 22 | 26 | 28 | 36 | 54 | 49 | 55 | -9.4% | 12.5% |
| Bureau of Industry and Security (52) | n/o | n/o | n/o | 50 | 61 | 74 | 66 | 70 | -10.8% | 5.9% |
| Patent and Trademark Office | 105 | 178 | 191 | 392 | 872 | 1,545 | 1,547 | 1,638 | 0.1% | 5.8% |
| --Subtotal (\$ mil)-- | 119 | 200 | 216 | 471 | 969 | 1,674 | 1,663 | 1,763 | -0.6% | 6.0% |
| <i>Department of Justice:</i> | | | | | | | | | | |
| Antitrust Division | 24 | 33 | 91 | 58 | 102 | 128 | 124 | 124 | -2.9% | 0.3% |
| Federal Election Com. | n/o | n/o | 18 | 18 | 40 | 46 | 49 | 53 | 7.7% | 8.5% |
| Federal Trade Com. | 33 | 73 | 128 | 87 | 125 | 185 | 235 | 216 | 26.9% | -7.7% |
| International Trade Com. (53) | 10 | 15 | 26 | 45 | 47 | 54 | 58 | 62 | 6.2% | 7.0% |
| <i>Library of Congress:</i> | | | | | | | | | | |
| Copyright Office | 5 | 11 | 26 | 23 | 34 | 53 | 31 | 43 | -41.9% | 39.3% |
| Securities and Exchange Com. | 38 | 80 | 137 | 189 | 357 | 716 | 629 | 750 | -12.2% | 19.3% |
| TOTAL--General Business (\$ mil) | 228 | 410 | 660 | 891 | 1,674 | 2,855 | 2,788 | 3,012 | -2.4% | 8.1% |
| TOTAL ECONOMIC REGULATION (\$ mil) | 851 | 1,768 | 2,284 | 3,117 | 4,383 | 5,805 | 6,054 | 6,363 | 4.3% | 5.1% |
| GRAND TOTAL | 2,533 | 5,753 | 13,489 | 16,761 | 25,454 | 37,591 | 40,820 | 42,709 | 8.6% | 4.6% |

Notes:

L=Less Than \$500,000

n/o = agency not operational

(1) through (53): see notes at the end of the Appendix

Source: Weidenbaum Center, Washington University and Mercatus Center, George Mason University. Author's calculations derived from Appendices to the Budget of the United States and related documents, various fiscal years.

Table A-3
Agency Detail of Staffing of Federal Regulatory Activity
(Fiscal Years, Full-time Equivalent Employment)

| Social Regulation | | | | | | | | | | |
|-----------------------------------------------------|---------------|---------------|---------------|---------------|---------------|----------------|---------------------|----------------|-----------------------------|-------------|
| | 1960 | 1970 | 1980 | 1990 | 2000 | 2007 | (Estimated) 2008 | 2009 | % Change 2007-08 2008-09 | |
| 1. Consumer Safety and Health | | | | | | | | | | |
| Consumer Product Safety Com. | n/o | n/o | 978 | 515 | 468 | 393 | 420 | 444 | 6.9% | 5.7% |
| <i>Department of Agriculture:</i> | | | | | | | | | | |
| Animal and Plant Health Inspection Svc. (1) | 6,258 | 6,403 | 5,440 | 5,814 | 6,468 | 7,463 | 7,227 | 7,429 | -3.2% | 2.8% |
| Food Safety and Inspection Svc. (2) | n/o | n/o | 12,372 | 9,433 | 9,545 | 9,276 | 9,515 | 9,515 | 2.6% | 0.0% |
| Grain Inspection, Packers and Stockyards (3) | n/o | 221 | 2,207 | 989 | 750 | 631 | 676 | 676 | 7.1% | 0.0% |
| Risk Management Agency | n/o | n/o | n/o | n/o | 512 | 488 | 553 | 553 | 13.3% | 0.0% |
| --Subtotal-- | 6,258 | 6,624 | 20,019 | 16,236 | 17,275 | 17,858 | 17,971 | 18,192 | 0.6% | 1.2% |
| <i>Department of Health and Human Services:</i> | | | | | | | | | | |
| Food and Drug Admin. (4) | 1,868 | 4,496 | 8,045 | 7,764 | 8,900 | 9,643 | 10,050 | 10,458 | 4.2% | 4.1% |
| <i>Department of Housing and Urban Development:</i> | | | | | | | | | | |
| Office of Federal Enterprise Oversight | n/o | n/o | n/o | n/o | 87 | 230 | 262 | 257 | 13.9% | -1.9% |
| <i>Department of Justice:</i> | | | | | | | | | | |
| Drug Enforcement Admin. (6) | n/o | 125 | 255 | 294 | 613 | 857 | 1,176 | 1,184 | 37.2% | 0.7% |
| Alcohol, Tobacco, Firearms, and Explosives (7) | 3,835 | 3,489 | 3,819 | 3,873 | 4,337 | 4,799 | 4,935 | 4,997 | 2.8% | 1.3% |
| --Subtotal-- | 3,835 | 3,614 | 4,074 | 4,167 | 4,950 | 5,656 | 6,111 | 6,181 | 8.0% | 1.1% |
| <i>Department of Treasury:</i> | | | | | | | | | | |
| Alcohol and Tobacco Tax and Trade Bureau (7) | n/o | n/o | n/o | n/o | n/o | 533 | 548 | 540 | 2.8% | -1.5% |
| Chemical Safety and Hazard Investigation Bd. (8) | n/o | n/o | n/o | n/o | 26 | 39 | 44 | 44 | 12.8% | 0.0% |
| Federal Mine Safety and Health Review Com. | n/o | n/o | 85 | 48 | 43 | 37 | 48 | 50 | 29.7% | 4.2% |
| TOTAL--Consumer Safety and Health | 11,961 | 14,734 | 33,201 | 28,730 | 31,749 | 34,389 | 35,454 | 36,166 | 3.1% | 2.0% |
| 2. Homeland Security | | | | | | | | | | |
| <i>Department of Homeland Security: (9)</i> | | | | | | | | | | |
| Area Maritime Security (10) | n/o | n/o | n/o | n/o | n/o | n/o | n/o | n/o | - | - |
| Customs and Border Protection (11) | 7,402 | 10,872 | 15,107 | 17,340 | 18,875 | 43,537 | 49,665 | 54,091 | 14.1% | 8.9% |
| Immigration and Customs Enforcement (12) | 4,660 | 4,574 | 8,794 | 15,931 | 24,692 | 14,739 | 16,837 | 16,837 | 14.2% | 0.0% |
| Coast Guard (13) | 5,452 | 7,050 | 11,432 | 10,887 | 16,847 | 12,997 | 13,948 | 14,617 | 7.3% | 4.8% |
| Science and Technology (14) | n/o | n/o | n/o | n/o | n/o | 23 | 31 | 34 | 34.8% | 9.7% |
| Transportation Security Admin. (15) | n/o | n/o | n/o | n/o | n/o | 49,999 | 53,087 | 53,087 | 6.2% | 0.0% |
| TOTAL--Homeland Security | 17,514 | 22,496 | 35,333 | 44,158 | 60,414 | 121,295 | 133,568 | 139,487 | 10.1% | 4.4% |
| 3. Transportation (16) | | | | | | | | | | |
| <i>Department of Transportation:</i> | | | | | | | | | | |
| Federal Aviation Admin. (17) | 3,928 | 6,447 | 6,251 | 5,640 | 6,319 | 5,351 | 5,750 | 5,966 | 7.5% | 3.8% |
| Federal Highway Admin. (18) | n/o | 201 | 239 | 495 | 66 | n/o | n/o | n/o | - | - |
| Federal Motor Carrier Safety Admin. (19) | n/o | n/o | n/o | n/o | 673 | 1,011 | 1,119 | 1,119 | 10.7% | 0.0% |
| Federal Railroad Admin. | n/o | 299 | 607 | 435 | 718 | 811 | 850 | 853 | 4.8% | 0.4% |
| National Highway Traffic Safety Admin. | n/o | 562 | 917 | 602 | 612 | 531 | 553 | 553 | 4.1% | 0.0% |
| Pipeline & Hazardous Materials Safety Admin. (20) | n/o | n/o | n/o | 50 | 97 | 146 | 180 | 191 | 23.3% | 6.1% |
| Surface Transportation Bd. (21) | n/o | n/o | n/o | n/o | 135 | 136 | 150 | 122 | 10.3% | -18.7% |
| --Subtotal-- | 3,928 | 7,509 | 8,014 | 7,222 | 8,620 | 7,986 | 8,602 | 8,804 | 7.7% | 2.3% |
| National Transportation Safety Bd. | n/o | 279 | 387 | 325 | 421 | 377 | 399 | 399 | 5.8% | 0.0% |
| TOTAL--Transportation | 3,928 | 7,788 | 8,401 | 7,547 | 9,041 | 8,363 | 9,001 | 9,203 | 7.6% | 2.2% |
| 4. Workplace | | | | | | | | | | |
| <i>Department of Labor:</i> | | | | | | | | | | |
| Employment Standards Admin. (22) | 1,685 | 2,135 | 3,372 | 2,335 | 2,211 | 1,900 | 1,921 | 2,085 | 1.1% | 8.5% |
| Office of the American Workplace (23) | n/o | 877 | 1,330 | 980 | n/o | n/o | n/o | n/o | - | - |

Table A-3 (continued)

| | 1960 | 1970 | 1980 | 1990 | 2000 | 2007 | (Estimated) 2008 | (Estimated) 2009 | % Change 2007-08 2008-09 | |
|--------------------------------------------------|--------|--------|---------|---------|---------|---------|---------------------|---------------------|-----------------------------|-------|
| Employee Benefits Security Admin. (24) | n/o | n/o | n/o | n/o | 747 | 829 | 855 | 867 | 3.1% | 1.4% |
| Mine Safety and Health Admin. (25) | 690 | 1,401 | 3,700 | 2,679 | 2,202 | 2,161 | 2,306 | 2,361 | 6.7% | 2.4% |
| Occupational Safety and Health Admin. | n/o | n/o | 2,950 | 2,431 | 2,160 | 2,059 | 2,126 | 2,173 | 3.3% | 2.2% |
| --Subtotal-- | 2,375 | 4,413 | 11,352 | 8,425 | 7,320 | 6,949 | 7,208 | 7,486 | 3.7% | 3.9% |
| Arch. & Trans. Barriers Compliance Bd. | n/o | n/o | n/o | 27 | 30 | 27 | 27 | 27 | 0.0% | 0.0% |
| Equal Employment Opportunity Com. | n/o | 845 | 3,496 | 2,853 | 2,852 | 2,137 | 2,364 | 2,541 | 10.6% | 7.5% |
| National Labor Relations Bd. | 1,776 | 2,313 | 2,898 | 2,227 | 1,876 | 1,729 | 1,655 | 1,680 | -4.3% | 1.5% |
| Occupational Safety and Health Review Com. | n/o | n/o | 148 | 78 | 63 | 60 | 67 | 67 | 11.7% | 0.0% |
| TOTAL--Workplace | 4,151 | 7,571 | 17,894 | 13,610 | 12,141 | 10,902 | 11,321 | 11,801 | 3.8% | 4.2% |
| 5. Environment | | | | | | | | | | |
| Council on Environmental Quality | n/o | n/o | 49 | 15 | 20 | 17 | 24 | 24 | 41.2% | 0.0% |
| <i>Department of Agriculture:</i> | | | | | | | | | | |
| Forest and Rangeland Research (26) | n/o | n/o | n/o | n/o | 2,340 | 2,400 | 2,400 | 2,290 | 0.0% | -4.6% |
| <i>Department of Defense:</i> | | | | | | | | | | |
| Army Corps of Engineers (27) | n/o | n/o | 800 | 1,201 | 1,354 | 1,374 | 1,400 | 1,400 | 1.9% | 0.0% |
| <i>Department of Interior:</i> | | | | | | | | | | |
| Fish and Wildlife and Parks (28) | 368 | 452 | 1,913 | 2,059 | 1,848 | 2,260 | 2,203 | 2,162 | -2.5% | -1.8% |
| Minerals Management Svc. | n/o | n/o | n/o | 2,064 | 1,748 | 1,582 | 1,565 | 1,575 | -1.1% | 0.6% |
| Surface Mining Reclamation & Enforcement (29) | n/o | n/o | 1,186 | 1,195 | 636 | 528 | 528 | 523 | 0.0% | -0.9% |
| U.S. Geological Survey (30) | n/o | n/o | n/o | n/o | 1,528 | 1,496 | 1,514 | 1,400 | 1.2% | -7.5% |
| --Subtotal-- | 368 | 452 | 3,099 | 5,318 | 5,760 | 5,866 | 5,810 | 5,660 | -1.0% | -2.6% |
| Environmental Protection Agency (31) | 862 | 4,424 | 13,045 | 15,587 | 17,310 | 16,739 | 17,020 | 16,923 | 1.7% | -0.6% |
| TOTAL -- Environment | 1,230 | 4,876 | 16,993 | 22,121 | 26,784 | 26,396 | 26,654 | 26,297 | 1.0% | -1.3% |
| 6. Energy | | | | | | | | | | |
| <i>Department of Energy:</i> | | | | | | | | | | |
| Petroleum Regulation (32) | n/o | n/o | n/o | 101 | 122 | 81 | 110 | 140 | 35.8% | 27.2% |
| Federal Inspector Alaska Nat'l Gas Pipeline (32) | n/o | n/o | 64 | 1 | n/o | n/o | n/o | n/o | - | - |
| Energy Conservation (34) | n/o | n/o | 47 | 31 | 66 | 32 | n/o | n/o | - | - |
| --Subtotal-- | n/o | n/o | 111 | 133 | 188 | 113 | 110 | 140 | -2.6% | 27.2% |
| Nuclear Regulatory Com. (35) | 35 | 220 | 3,114 | 3,160 | 2,735 | 3,437 | 3,721 | 3,797 | 8.3% | 2.0% |
| TOTAL--Energy | 35 | 220 | 3,225 | 3,293 | 2,923 | 3,550 | 3,831 | 3,937 | 7.9% | 2.8% |
| TOTAL SOCIAL REGULATION | 38,819 | 57,685 | 115,047 | 119,459 | 143,052 | 204,895 | 219,829 | 226,891 | 7.3% | 3.2% |

Economic Regulation

| | | | | | | | | | | |
|-----------------------------------------|-------|-------|-------|--------|--------|--------|--------|--------|-------|-------|
| 1. Finance and Banking | | | | | | | | | | |
| <i>Department of the Treasury:</i> | | | | | | | | | | |
| Comptroller of the Currency (36) | 841 | 1,957 | 3,234 | 3,216 | 2,920 | 2,954 | 3,078 | 3,139 | 4.2% | 2.0% |
| Financial Crimes Enforcement Network | n/o | n/o | n/o | n/o | 169 | 302 | 335 | 344 | 10.9% | 2.7% |
| Office of Thrift Supervision (37) | n/o | n/o | n/o | 3,250 | 1,254 | 974 | 1,104 | 1,104 | 13.3% | 0.0% |
| --Subtotal-- | 841 | 1,957 | 3,234 | 6,466 | 4,343 | 4,230 | 4,517 | 4,587 | 6.8% | 1.5% |
| Farm Credit Admin. | 251 | 232 | 277 | 530 | 287 | 253 | 263 | 266 | 4.0% | 1.1% |
| Federal Deposit Insurance Corp. | 881 | 2,705 | 3,648 | 4,960 | 4,236 | 2,858 | 2,976 | 2,969 | 4.1% | -0.2% |
| Federal Housing Finance Bd. (38) | n/o | n/o | n/o | 54 | 108 | 133 | 150 | 158 | 12.8% | 5.3% |
| <i>Federal Reserve System (39)</i> | | | | | | | | | | |
| Federal Reserve Banks (40) | n/o | n/o | 1,589 | 2,217 | 3,050 | 2,676 | 2,676 | 2,676 | 0.0% | 0.0% |
| Federal Reserve System Bd. of Governors | 165 | 298 | 333 | 419 | 668 | 843 | 843 | 843 | 0.0% | 0.0% |
| --Subtotal-- | 165 | 298 | 1,922 | 2,636 | 3,718 | 3,519 | 3,519 | 3,519 | 0.0% | 0.0% |
| National Credit Union Admin. (41) | 371 | 426 | 443 | 662 | 618 | 644 | 688 | 692 | 6.9% | 0.5% |
| TOTAL--Finance and Banking | 2,509 | 5,618 | 9,524 | 15,308 | 13,310 | 11,637 | 12,113 | 12,190 | 4.1% | 0.6% |

Table A-3 (continued)

| | 1960 | 1970 | 1980 | 1990 | 2000 | 2007 | (Estimated) 2008 | 2009 | % Change 2007-08 2008-09 | |
|----------------------------------------------|---------------|---------------|----------------|----------------|----------------|----------------|---------------------|----------------|-----------------------------|--------------|
| 2. Industry-Specific Regulation | | | | | | | | | | |
| <i>Department of Agriculture:</i> | | | | | | | | | | |
| Agriculture Marketing Svc. (42) | 4,385 | 13,686 | 2,147 | 3,164 | 2,595 | 2,399 | 2,423 | 2,417 | 1.0% | -0.2% |
| <i>Department of Commerce:</i> | | | | | | | | | | |
| National Telecommunications and Info. Admin. | n/o | n/o | 441 | 255 | 214 | 232 | 258 | 258 | 11.2% | 0.0% |
| <i>Department of the Energy:</i> | | | | | | | | | | |
| Economic Regulatory Admin. (43) | n/o | n/o | 2,255 | 184 | 18 | n/o | n/o | n/o | - | - |
| <i>Department of the Interior:</i> | | | | | | | | | | |
| National Indian Gaming Com. | n/o | n/o | n/o | 2 | 71 | 96 | 123 | 129 | 28.1% | 4.9% |
| Civil Aeronautics Bd. (44) | 764 | 692 | 778 | n/o | n/o | n/o | n/o | n/o | - | - |
| Commodity Futures Trading Com. (45) | 128 | 180 | 459 | 527 | 556 | 437 | 465 | 475 | 6.4% | 2.2% |
| Federal Communications Com. | 1,441 | 1,651 | 2,216 | 1,734 | 1,925 | 1,783 | 1,899 | 1,889 | 6.5% | -0.5% |
| Federal Energy Regulatory Com. (46) | 865 | 1,178 | 1,653 | 1,475 | 1,216 | 1,303 | 1,400 | 1,465 | 7.4% | 4.6% |
| Federal Maritime Com. | n/o | 252 | 336 | 229 | 128 | 119 | 127 | 131 | 6.7% | 3.1% |
| Interstate Commerce Com. (47) | 2,410 | 1,917 | 2,041 | 664 | n/o | n/o | n/o | n/o | - | - |
| Renegotiation Bd. (48) | 307 | 235 | n/o | n/o | n/o | n/o | n/o | n/o | - | - |
| TOTAL--Industry-Specific Regulation | 10,300 | 19,791 | 12,326 | 8,234 | 6,723 | 6,369 | 6,695 | 6,764 | 5.1% | 1.0% |
| 3. General Business | | | | | | | | | | |
| Cost Accounting Standards Bd. (49) | n/o | n/o | 21 | n/o | n/o | n/o | n/o | n/o | - | - |
| Council on Wage and Price Stability (50) | n/o | n/o | 230 | n/o | n/o | n/o | n/o | n/o | - | - |
| <i>Department of Commerce:</i> | | | | | | | | | | |
| International Trade Admin. (51) | 228 | 259 | 326 | 240 | 221 | 293 | 311 | 324 | 6.0% | 4.1% |
| Bureau of Industry and Security (52) | n/o | n/o | n/o | 508 | 398 | 366 | 365 | 393 | -0.3% | 7.7% |
| Patent and Trademark Office | 2,440 | 2,829 | 2,660 | 4,059 | 6,128 | 8,291 | 9,549 | 10,723 | 15.2% | 12.3% |
| --Subtotal-- | 2,668 | 3,088 | 2,986 | 4,807 | 6,747 | 8,950 | 10,225 | 11,440 | 14.2% | 11.9% |
| <i>Department of Justice:</i> | | | | | | | | | | |
| Antitrust Division | 526 | 607 | 971 | 513 | 748 | 767 | 851 | 851 | 11.0% | 0.0% |
| Federal Election Com. | n/o | n/o | 258 | 241 | 343 | 350 | 350 | 362 | 0.0% | 3.4% |
| Federal Trade Com. | 758 | 1,390 | 1,719 | 903 | 989 | 1,061 | 1,090 | 1,108 | 2.7% | 1.7% |
| International Trade Com. (53) | 277 | 274 | 409 | 499 | 357 | 374 | 386 | 386 | 3.2% | 0.0% |
| <i>Library of Congress:</i> | | | | | | | | | | |
| Copyright Office | 245 | 332 | 598 | 520 | 490 | 483 | 523 | 523 | 8.3% | 0.0% |
| Securities and Exchange Com. | 1,007 | 1,490 | 2,050 | 2,130 | 2,841 | 3,465 | 3,568 | 3,474 | 3.0% | -2.6% |
| TOTAL--General Business | 5,481 | 7,181 | 9,242 | 9,613 | 12,515 | 15,450 | 16,993 | 18,144 | 10.0% | 6.8% |
| TOTAL ECONOMIC REGULATION | 18,290 | 32,590 | 31,092 | 33,155 | 32,548 | 33,457 | 35,801 | 37,098 | 7.0% | 3.6% |
| GRAND TOTAL | 57,109 | 90,275 | 146,139 | 152,614 | 175,600 | 238,351 | 255,630 | 263,989 | 7.2% | 3.3% |

Notes:

n/o = agency not operational

(1) through (53): see notes at the end of the Appendix

Source: Weidenbaum Center, Washington University and Mercatus Center, George Mason University. Author's calculations derived from Appendices to the Budget of the United States and related documents, various fiscal years.

Table A-4
Total Spending on Federal Regulatory Activity: Current Dollars
(Fiscal Years, Millions of Dollars)

| Year | Social Regulation | Economic Regulation | Total |
|-------|-------------------|---------------------|--------|
| 1960 | \$354 | \$179 | \$533 |
| 1961 | 421 | 209 | 630 |
| 1962 | 483 | 215 | 698 |
| 1963 | 552 | 249 | 801 |
| 1964 | 590 | 269 | 859 |
| 1965 | 604 | 316 | 920 |
| 1966 | 646 | 309 | 955 |
| 1967 | 704 | 344 | 1,048 |
| 1968 | 822 | 375 | 1,197 |
| 1969 | 958 | 403 | 1,361 |
| 1970 | 1,097 | 487 | 1,584 |
| 1971 | 1,428 | 561 | 1,989 |
| 1972 | 1,825 | 553 | 2,378 |
| 1973 | 2,528 | 486 | 3,014 |
| 1974 | 2,641 | 607 | 3,248 |
| 1975 | 3,127 | 763 | 3,890 |
| 1976 | 3,701 | 863 | 4,564 |
| 1977 | 4,156 | 949 | 5,105 |
| 1978 | 4,581 | 961 | 5,542 |
| 1979 | 5,164 | 1,037 | 6,201 |
| 1980 | 6,058 | 1,235 | 7,293 |
| 1981 | 6,437 | 1,209 | 7,646 |
| 1982 | 6,209 | 1,378 | 7,587 |
| 1983 | 6,489 | 1,400 | 7,889 |
| 1984 | 6,849 | 1,517 | 8,366 |
| 1985 | 7,218 | 1,695 | 8,913 |
| 1986 | 7,519 | 1,996 | 9,515 |
| 1987 | 8,254 | 1,770 | 10,024 |
| 1988 | 9,163 | 2,101 | 11,264 |
| 1989 | 10,154 | 2,265 | 12,419 |
| 1990 | 11,135 | 2,544 | 13,679 |
| 1991 | 12,602 | 2,533 | 15,135 |
| 1992 | 14,095 | 2,843 | 16,938 |
| 1993 | 14,505 | 3,326 | 17,831 |
| 1994 | 15,033 | 3,164 | 18,197 |
| 1995 | 15,709 | 3,754 | 19,463 |
| 1996 | 15,855 | 3,530 | 19,385 |
| 1997 | 16,930 | 3,874 | 20,804 |
| 1998 | 18,683 | 3,832 | 22,515 |
| 1999 | 19,669 | 4,083 | 23,752 |
| 2000 | 21,071 | 4,383 | 25,454 |
| 2001 | 22,447 | 4,594 | 27,041 |
| 2002 | 27,014 | 5,020 | 32,034 |
| 2003 | 35,608 | 5,062 | 40,670 |
| 2004 | 32,214 | 5,639 | 37,853 |
| 2005 | 33,375 | 5,905 | 39,280 |
| 2006 | 35,489 | 6,324 | 41,813 |
| 2007 | 36,802 | 6,721 | 43,523 |
| 2008* | 40,913 | 7,124 | 48,037 |
| 2009* | 43,499 | 7,615 | 51,114 |

*Estimates

Note: Numbers may not add to totals due to rounding. Data are based upon obligations incurred. *calculations derived from Appendices to the Budget of the United States and related documents, various fiscal years.*

Table A-5

Total Spending on Federal Regulatory Activity: Constant Dollars

(Fiscal Years, Millions of 2000 Dollars)

| Year | Social | Economic | Total |
|-------|---------|----------|---------|
| 1960 | \$1,682 | \$851 | \$2,533 |
| 1961 | 1,978 | 982 | 2,960 |
| 1962 | 2,239 | 997 | 3,236 |
| 1963 | 2,532 | 1,142 | 3,674 |
| 1964 | 2,666 | 1,215 | 3,881 |
| 1965 | 2,680 | 1,402 | 4,082 |
| 1966 | 2,786 | 1,333 | 4,119 |
| 1967 | 2,946 | 1,440 | 4,385 |
| 1968 | 3,297 | 1,505 | 4,802 |
| 1969 | 3,663 | 1,541 | 5,204 |
| 1970 | 3,985 | 1,768 | 5,753 |
| 1971 | 4,939 | 1,940 | 6,879 |
| 1972 | 6,050 | 1,833 | 7,883 |
| 1973 | 7,937 | 1,526 | 9,463 |
| 1974 | 7,607 | 1,748 | 9,355 |
| 1975 | 8,227 | 2,008 | 10,235 |
| 1976 | 9,207 | 2,147 | 11,353 |
| 1977 | 9,720 | 2,219 | 11,939 |
| 1978 | 10,010 | 2,100 | 12,110 |
| 1979 | 10,422 | 2,093 | 12,515 |
| 1980 | 11,205 | 2,284 | 13,489 |
| 1981 | 10,887 | 2,045 | 12,932 |
| 1982 | 9,897 | 2,196 | 12,093 |
| 1983 | 9,950 | 2,147 | 12,097 |
| 1984 | 10,121 | 2,242 | 12,363 |
| 1985 | 10,352 | 2,431 | 12,783 |
| 1986 | 10,550 | 2,801 | 13,350 |
| 1987 | 11,275 | 2,418 | 13,693 |
| 1988 | 12,103 | 2,775 | 14,878 |
| 1989 | 12,923 | 2,883 | 15,806 |
| 1990 | 13,644 | 3,117 | 16,761 |
| 1991 | 14,922 | 2,999 | 17,921 |
| 1992 | 16,313 | 3,290 | 19,603 |
| 1993 | 16,411 | 3,763 | 20,173 |
| 1994 | 16,654 | 3,505 | 20,159 |
| 1995 | 17,054 | 4,075 | 21,129 |
| 1996 | 16,892 | 3,761 | 20,653 |
| 1997 | 17,744 | 4,060 | 21,804 |
| 1998 | 19,366 | 3,972 | 23,338 |
| 1999 | 20,097 | 4,172 | 24,269 |
| 2000 | 21,071 | 4,383 | 25,454 |
| 2001 | 21,920 | 4,486 | 26,406 |
| 2002 | 25,927 | 4,818 | 30,745 |
| 2003 | 33,463 | 4,757 | 38,220 |
| 2004 | 29,429 | 5,152 | 34,581 |
| 2005 | 29,534 | 5,225 | 34,760 |
| 2006 | 30,445 | 5,425 | 35,870 |
| 2007 | 31,787 | 5,805 | 37,591 |
| 2008* | 34,766 | 6,054 | 40,820 |
| 2009* | 36,347 | 6,363 | 42,709 |

*Estimates

Note: Numbers may not add to totals due to rounding. Data are based upon obligations incurred.

Source: Weidenbaum Center, Washington University and Mercatus Center, George Mason University.

Author's calculations derived from Appendices to the Budget of the United States and related documents, various fiscal years.

Table A-6

Total Staffing of Federal Regulatory Activity

(Fiscal Years, Full-time Equivalent Employment)

| Year | Social Regulation | Economic Regulation | Total |
|-------|-------------------|---------------------|---------|
| 1960 | 38,819 | 18,290 | 57,109 |
| 1961 | 42,669 | 18,984 | 61,653 |
| 1962 | 46,459 | 20,492 | 66,951 |
| 1963 | 49,157 | 21,649 | 70,806 |
| 1964 | 50,008 | 21,679 | 71,687 |
| 1965 | 48,925 | 25,300 | 74,225 |
| 1966 | 51,231 | 24,609 | 75,840 |
| 1967 | 51,726 | 26,179 | 77,905 |
| 1968 | 54,460 | 27,098 | 81,558 |
| 1969 | 54,208 | 27,761 | 81,969 |
| 1970 | 57,685 | 32,590 | 90,275 |
| 1971 | 67,546 | 31,133 | 98,679 |
| 1972 | 87,601 | 30,024 | 117,625 |
| 1973 | 93,549 | 23,860 | 117,409 |
| 1974 | 92,630 | 25,207 | 117,837 |
| 1975 | 92,984 | 29,198 | 122,182 |
| 1976 | 98,435 | 30,846 | 129,281 |
| 1977 | 109,744 | 27,466 | 137,210 |
| 1978 | 111,858 | 29,396 | 141,254 |
| 1979 | 120,195 | 29,849 | 150,044 |
| 1980 | 115,047 | 31,092 | 146,139 |
| 1981 | 115,528 | 29,128 | 144,656 |
| 1982 | 103,781 | 28,962 | 132,743 |
| 1983 | 99,997 | 27,368 | 127,365 |
| 1984 | 99,974 | 27,116 | 127,090 |
| 1985 | 100,818 | 26,798 | 127,616 |
| 1986 | 99,961 | 27,396 | 127,357 |
| 1987 | 103,347 | 26,942 | 130,289 |
| 1988 | 108,145 | 27,617 | 135,762 |
| 1989 | 115,322 | 35,746 | 151,068 |
| 1990 | 119,459 | 33,155 | 152,614 |
| 1991 | 123,247 | 34,284 | 157,531 |
| 1992 | 130,747 | 36,971 | 167,718 |
| 1993 | 135,804 | 37,957 | 173,761 |
| 1994 | 133,487 | 37,499 | 170,986 |
| 1995 | 136,016 | 37,594 | 173,610 |
| 1996 | 136,926 | 33,611 | 170,537 |
| 1997 | 133,153 | 32,313 | 165,466 |
| 1998 | 139,794 | 31,848 | 171,642 |
| 1999 | 139,799 | 32,384 | 172,183 |
| 2000 | 143,052 | 32,548 | 175,600 |
| 2001 | 140,523 | 32,270 | 172,792 |
| 2002 | 152,585 | 32,436 | 185,021 |
| 2003 | 210,316 | 31,981 | 242,297 |
| 2004 | 202,195 | 32,559 | 234,754 |
| 2005 | 203,417 | 32,312 | 235,729 |
| 2006 | 201,961 | 32,567 | 234,528 |
| 2007 | 204,895 | 33,457 | 238,351 |
| 2008* | 219,829 | 35,801 | 255,630 |
| 2009* | 226,891 | 37,098 | 263,989 |

*Estimates

Note: Numbers may not add to totals due to rounding. Data are based upon obligations incurred.

Source: Weidenbaum Center, Washington University and Mercatus Center, George Mason University. Author's calculations derived from Appendices to the Budget of the United States and related documents, various fiscal years.

Notes to Appendix Tables A-1, A-2, and A-3

1. The 1960–1970 data for the Animal and Plant Health Inspection Service are for the Agricultural Research Service.
2. Prior to the FY 1983 budget, data for the Food Safety and Inspection Service are for the Food Safety and Quality Service.
3. As of the FY 1996 budget, the Federal Grain Inspection Service and the Packers and Stockyards Administration budgets were merged under the name Grain Inspection, Packers and Stockyards.
4. The 1969 Food and Drug Administration data are for the Consumer Protection and Environmental Health Service, Food and Drug Control.
5. The Consumer Protection Programs of the Department of Housing and Urban Development have been listed under several sources. Data prior to 1975 are for the Office of Interstate Land Sales Registration; the data for 1980 are for the Office of Neighborhoods, Voluntary Associations and Consumer Protection. Staffing figures are not available for the Consumer Protection Programs or the Office of Lead Hazard Control and Healthy Homes. Staffing data is unavailable for both Consumer Protection Programs and the Office of Lead Hazard Control and Healthy Homes.
6. Prior to the FY 1974 budget, data for the Drug Enforcement Administration are for the Bureau of Narcotics and Dangerous Drugs.
7. In FY 2004, the Bureau of Alcohol, Tobacco, and Firearms was divided into two agencies—one within the Department of Treasury and one within the Department of Justice. These agencies—Treasury’s Alcohol and Tobacco Tax and Trade Bureau and Justice’s Bureau of Alcohol, Tobacco, Firearms, and Explosives are both listed for consistency. Prior to FY 1973 budget, data for the Bureau of Alcohol, Tobacco, and Firearms data were located under the Internal Revenue Service, Compliance.
8. The Chemical Safety and Hazard Investigation Board did not receive funding in 1996 or 1997. Its responsibilities were allocated to the Environmental Protection Agency and the Occupational Safety and Health Administration for those years. In 1998, this agency began once again to receive funding.
9. On January 24, 2003, the law creating the United States Department of Homeland Security came into effect, creating the 15th executive department of the President’s Cabinet. DHS analyzes threats, guards borders and airports, safeguards critical infrastructure, and coordinates the response of our nation to

- future emergencies. (This description is based upon the press release “Ridge Sworn In Friday as Secretary of Homeland Security,” Remarks by the President at Swearing-In of Tom Ridge, Secretary of the Department of Homeland Security, January 24, 2003.)
10. Port security activities required by the Area Maritime Security regulations (33 CFR Part 103) were reported under the Department of Homeland Security’s Department Operations State and Local Program Urban Area Security Initiative. This program is only reported in the FY 2005 Budget of the United States Government.
 11. Customs and Border Protection is a Department of Homeland Security agency, first appearing in the FY 2004 budget. Data from 1973 to 2001 are from the Department of Treasury, United States Customs Service. From 1960–1972, numbers are for the Department of Treasury, Bureau of Customs.
 12. Numbers for the Immigration and Customs Enforcement in the Department of Homeland Security in 2001 and before are taken from the Department of Justice’s Immigration and Naturalization Services’ Immigration Enforcement (and Border Affairs).
 13. The Coast Guard was moved from the Department of Transportation to the Department of Homeland Security in the FY 2004 budget.
 14. In the FY 2005 budget, research and development activities were moved from the Federal Highway Administration to the Department of Homeland Security’s Science and Technology division.
 15. On November 19, 2001, the Transportation Security Administration was created to “protect the nation's transportation systems to ensure freedom of movement for people and commerce.” Its activities largely replace private-sector activities.
 16. Reports prior to 2003 (Regulatory Budget Report 24) included transportation-related agencies in the consumer safety and health category.
 17. The Federal Aviation Administration is listed as an independent agency in 1960.
 18. In the FY 2005 budget, funding for research and development was moved from the Department of Transportation’s Federal Highway Administration to the Department of Homeland Security’s Science and Technology agency. As of the FY 2005 budget, no regulatory activity takes place in the Federal Highway Administration.
 19. In the FY 2004 budget, funding of the Motor Carrier Safety portion of the Federal Motor Carrier Safety Administration was shifted to Motor Carrier Safety Grants.

20. Prior to the FY 2006 budget, data for the Pipeline and Hazardous Materials Safety Administration are for the Research and Special Programs Administration, Pipeline Safety.
21. The Surface Transportation Board was created on January 1, 1996, as a successor organization to the Interstate Commerce Commission.
22. Data for the Employment Standards Administration are for the Workplace Standards Administration from 1970–1972; data from 1963–1969 are under the Wage and Labor Standards Administration; and data from 1960–1962 are from the Bureau of Labor Standards, Women’s Bureau and Wage Hour Division.
23. Prior to the FY 1995 budget, the Office of the American Workplace was called the Labor Management Services Administration. Labor management standards, enforcement, and related administrative functions were transferred to the Employment Standards Administration in 1996. Data from 1991–1993 is for Labor Management Standards; data from 1970–1990 is for Labor Management Services; and data from 1960–1969 is for Labor Management Relations. The U.S. Department of Labor's Office of the American Workplace (OAW) was disbanded due to lack of funding in July 1996.
24. In the FY 2004 budget, the Pension and Welfare Benefits Administration was renamed the Employee Benefits Security Administration. Prior to the FY 1993 budget, data for the Pension and Welfare Benefits Administration were part of the Labor Management Services Administration.
25. The 1960–1972 data for the Mine Safety and Health Administration are for the Health and Safety Division of the Bureau of Mines, Department of the Interior; 1973–1978 data are for the Mining Enforcement and Safety Administration, Department of the Interior.
26. In 2000, the Forest & Rangeland Research division of the U.S. Forest Service at the Department of Agriculture began devoting resources to developing and implementing forest-planning regulations.
27. The 1960–1985 cost data for the Army Corps of Engineers were for the Protection of Navigation under the Operation and Maintenance category.
28. As of the FY 1997 budget, the Fish and Wildlife Service’s research and development budget was eliminated. Data for R&D after 1994 are listed under the U.S. Geological Survey. Before 1974, the Fish and Wildlife Service and Parks were known as the Bureau of Sport Fisheries and Wildlife.
29. The 1990 costs for the Office of Surface Mining Reclamation and Enforcement reflect a major cut in federal support for the abandoned mine reclamation fund. The 1995 spending figures reflect a similar cut.

30. In the FY 1997 budget, the U.S. Geological Survey picked up the research and development formerly done at the Fish and Wildlife Service.
31. Construction grants are excluded from the calculation of the regulatory expenditure and staffing of the Environmental Protection Agency. Before 1970, EPA functions were scattered throughout the budget. Data for this report were taken from these Department of Health, Education and Welfare agencies: 1968–1969, National Air Pollution Control Administration; 1968–1969, Environmental Health Service; 1960–1967, Public Health Service. Data from the Department of the Interior’s Federal Water Quality Administration were used for 1968–1969. 1962–1969 data from the Federal Radiation Council were also included.
32. These figures had included program and staffing costs for import/export authorizations under the Department of Energy’s Fossil Energy Research and Development. After 2006, these activities were transferred to the Office of Electricity Delivery and Energy Reliability.
33. The Office of the Federal Inspector for the Alaska Natural Gas Pipeline was eliminated in 1997. It was no longer funded as of the FY 1987 budget.
34. In years prior to 2007, the Department of Energy’s Office of Energy Efficiency and Renewable Energy issued energy conservation standards. These data reflect obligations under the non-grant portion of “Building technology, State and community programs.” This agency was discontinued in the 2009 budget.
35. Prior to FY 1974, the Atomic Energy Commission performed the activities of the Nuclear Regulatory Commission.
36. For the 1964 data for Comptroller of the Currency, only an estimate was found.
37. Prior to the FY 1990 budget, data for the Office of Thrift Supervision was for the Federal Home Loan Bank Board.
38. The Federal Housing Finance Board regulates the 12 Federal Home Loan Banks that were created in 1932 to improve the supply of funds to local lenders that, in turn, finance loans for home mortgages.
39. All data for the Federal Reserve System are presented on a calendar-year basis until the FY 2005 budget. Staffing figures are found in Federal Reserve System's *Annual Report: Budget Review*, various years. Numbers are estimated for the most recent fiscal years.
40. Data are from the Board of Governors of the Federal Reserve System's *Annual Report: Budget Review*, various years. Numbers are estimated for the most recent fiscal years.
41. The 1960–1969 data for the National Credit Union Administration are for the Department of Health, Education and Welfare, Bureau of Federal Credit Unions.

42. Agricultural Marketing Service was formerly the Consumer and Marketing Service. Starting with our 2003 report, these expenditures are included in the economic regulatory category.
43. As of the FY 2006 budget, the Economic Regulatory Administration is no longer funded. Starting with our 2003 report, these expenditures are included in the economic regulation category. Data for 1974 are for the Federal Energy Office; data for 1975 are for the Federal Energy Administration; data for 1977 are for the Regulation and Energy Information Categories of Exploration, Development and Operations of Petroleum Reserves; data for 1981 are for the Department of Commerce, Emergency Preparedness, and Energy Regulation and Department of Justice, Petroleum Regulatory Activities.
44. The Civil Aeronautics Board was abolished in 1984.
45. Prior to the FY 1976 budget, the Commodity Futures Trading Commission data are for the Commodity Exchange Authority, Department of Agriculture.
46. Prior to the FY 1980 budget, data for the Federal Energy Regulatory Commission are for the Federal Power Commission, the predecessor agency.
47. The Interstate Commerce Commission was abolished in 1996.
48. The Renegotiation Board was abolished in 1979.
49. The Cost Accounting Standards Board was abolished in 1980.
50. The Council on Wage and Price Stability was abolished in 1981.
51. The 1960–1971 data for the International Trade Administration are for International Activities-Export Control; the 1972–1976 data are for the Domestic and International Business Administration; the 1977–1979 data are for the Industry and Trade Administration.
52. Regulation of both imports and exports was once performed by the International Trade Administration. From 1988 until 2003, the regulation of exports was shown under the Export Administration of the Department of Commerce. In 2004, the Export Administration was renamed the Bureau of Industry and Security of the Department of Commerce.
53. Prior to the FY 1976 budget, the data for the International Trade Commission are for the Tariff Commission, the predecessor agency.