

How many pages of regulations for ‘Obamacare’?



By **Glenn Kessler** May 15, 2013

“Obamacare is fully implemented January 1st, even though the regulations haven’t been written yet. And Brian, we’ve got 33,000 pages of regulations that they’ve already written. If we stacked it up here, it would be seven feet tall.”

— **Rep. Richard Hudson (R-N.C.), speaking on “Fox and Friends,” May 13, 2013**

“Implementation has also become a bureaucratic nightmare, with some 159 new government agencies, boards and programs busily enforcing the roughly 20,000 pages of rules and regulations already associated with this law.”

— **Sen. Mitch McConnell (R-Ky.), on the third anniversary of the law’s passage, March 22, 2013**

This column has been updated

Rep. Richard Hudson this week offered such an astonishing figure — 33,000 pages of “Obamacare” regulations! — that we immediately wanted to know more.

But it turns out that Hudson got a little bit ahead of himself. An aide said that he misspoke and meant to say 13,000 pages. “Whether it is 13,000, 22,000 or 33,000, it is too many,” the aide added.

But then it turns out that Senate Minority Leader Mitch McConnell (R-Ky.) has actually tweeted a photograph of this stack of paper. By his math, the Obama administration has issued 20,000 pages of regulations “associated” with the new law.

How does this stuff get figured out?

The Facts

The process the McConnell folks used is fairly simple. They went to [the Web site for the Federal Register](#) and searched for “Affordable Care Act,” the official name for the health-care law. That turned up 897 documents.

On the Web site, there’s a button that will download the documents to an Excel spreadsheet (CVS/excel). Then you use the sum

feature on Excel to add up the pages and presto, you end with 20,202 pages. These were then printed out and duly stacked in a pile.

“Some of these may only relate to ‘Obamacare’ (rather than being entirely on ‘Obamacare’), but since they’re related, they’re part of the regulatory structure,” said Don Stewart, McConnell’s spokesman.

Regular readers know that we frown on such page-counting exercises, since we’re not sure what it really tells you. In the case of the health-care law, businesses actually have been seeking detailed regulations so they know exactly what to expect. And using the same methods used by the McConnell team, we found tens of thousands of pages of regulations for Medicare Advantage and the prescription drug plan (Medicare Part D), which were pushed by Republicans.

Stewart countered that it would be fairer to count only the regs issued 1,148 days after the Medicare Modernization Act of 2003 was enacted, since it’s exactly that long since the Affordable Care Act became law. By his count, that yields about 5,000 pages of regulations, or roughly one-quarter of the number for Obamacare.

There’s another wrinkle, too. The documents that turn up are both final rules and proposed rules, as well as “notices” (such as for new funding or committee meetings) and “presidential documents” (mostly news releases). But the proposed rules are often similar to the final rules, except that the final rules include pages of public comments. Looking just at rules, you end up with just 9,625 pages, while proposed rules amount to 7,432 pages.

One could argue that this amounts to double counting, since the final regulations, not the proposed rules, are what matters to business. Stewart begs to differ: “If you’re affected by the regulations, you have to know and understand the proposed rule so you can comment on it, and you have to know the actual rule because you have to try and live with it.”

In any case, note how McConnell referred to “rules and regulations already associated with this law.” In this way, he neatly sidesteps the question of whether he is referring just to the final regulations.

Moreover, all of these rules, proposed rules, notices and the like are listed on the administration’s Health Reform page on the Federal Register Web site.

Stewart pointed out that McConnell’s office counted only Federal Register pages, which are typed in such tiny type that each page is worth almost four pages with regular, double-spaced type. By that logic, 10,000 pages of final rules could be labeled as 40,000 pages. “So if anything, we’re undercounting,” he said.

An administration official said most of the rules related to the implementation of the law are complete but there are still rules that have not been finalized or issued. “We will continue to issue guidance and rules from time to time to respond to stakeholder questions or respond to guidance,” the official said.

The Pinocchio Test

We realize this is a bit of muddle. At the very least, one can point to 10,000 pages of tiny regulatory type regarding the

implementation of the Affordable Care Act. Frankly, this is to be expected in any large and complex governmental undertaking. Depending on your perspective, the visual of a seven-foot-high pile of documents may be meaningful — or not. That’s a matter of opinion.

At this point, we can’t rule this claim as absolutely accurate or as worthy of Pinocchio. McConnell used careful phrasing. Hudson’s staff says the congressman misspoke, and his corrected answer is relatively close to 10,000.

Update: A reader asked about our criteria for giving a politician a break for misspeaking. Here’s an explanation:

We don’t like to play gotcha at The Fact Checker. We understand people can make mistakes, especially on live television, and we are more interested in helping explain the facts behind a statement. So an admission of an error, rather than some lame defense, generally earns some credit.

Secondly, we look at the underlying facts of the issue. We have two good recent examples of where, even with clarification, the assertion did not hold up under scrutiny.

Sen. Tom Coburn (R-Okla.) claimed violence had gone down 85 percent in national parks since guns were permitted, and his staff said he meant to say 20 percent. But there is no evidence that violence had gone down because of guns; in fact, depending on how you looked at the numbers you could say violence went up.

Similarly, Sen. Debbie Stabenow (D-Mich.) asserted (in a floor speech) that the Democrats had passed a “balanced budget,” which an aide also said was a mistake. She apparently was trying to say it was balanced in terms of values, though she also said it was balanced in terms of numbers. In this case, the use of the word “balance” is designed to mislead on a document that predicts huge deficits for years to come.

So both Coburn and Stabenow earned Three Pinocchios, for what might have been Four Pinocchio rulings. Hudson, however, made an understandable slip--33 rather than 13--and his “13,000” is in the realm of possibility when you look at the data. So that’s why he avoided Pinocchios.

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Glenn Kessler has reported on domestic and foreign policy for more than three decades. He would like your help in keeping an eye on public figures. Send him statements to fact check by emailing him, tweeting at him, or sending him a message on Facebook. 🐦 Follow @GlennKesslerWP



Senate Minority Leader Mitch McConnell points to a stack of papers representing what he claimed to be the regulations associated with President Obama's health-care law as he speaks at the Conservative Political Action Conference (CPAC) on March 15. (NICHOLAS KAMM/AFP/GETTY IMAGES)