that are worth maintaining. Legislation such as the Guidance Out of Darkness Act (H.R. 1605, S. 628) could help address some of the shortcomings in guidance disclosure. In addition, current reporting distinguishes poorly between rules and guidance documents affecting the private sector and those affecting internal government operations.

Additional information could be incorporated as warranted—for example, success or failure of special initiatives such as executive branch restructuring (from Al Gore’s “Reinventing Government” under Clinton to Trump’s executive branch streamlining to Biden’s E.O. 14058 on “Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government”) or updates on ongoing regulatory reform or disclosure campaigns. Providing historical tables for all elements of the regulatory enterprise would prove useful to scholars, third-party researchers, members of Congress, and the public. By making agency activity more explicit, a regulatory transparency report card would help ensure that policy makers take the growth of the administrative state seriously, or at least afford it the same weight as fiscal concerns.

### Ending Regulation without Representation:
The “Unconstitutionality Index”—23 Rules for Every Law

Administrative agencies, rather than the elected Congress, do the bulk of U.S. lawmakers. Columbia University legal scholar Phillip Hamburger has described the rise of the modern administrative state as running counter to the Constitution, which “expressly bars the delegation of legislative power.” But agencies are not the primary