

# The Expanding Code of Federal Regulations

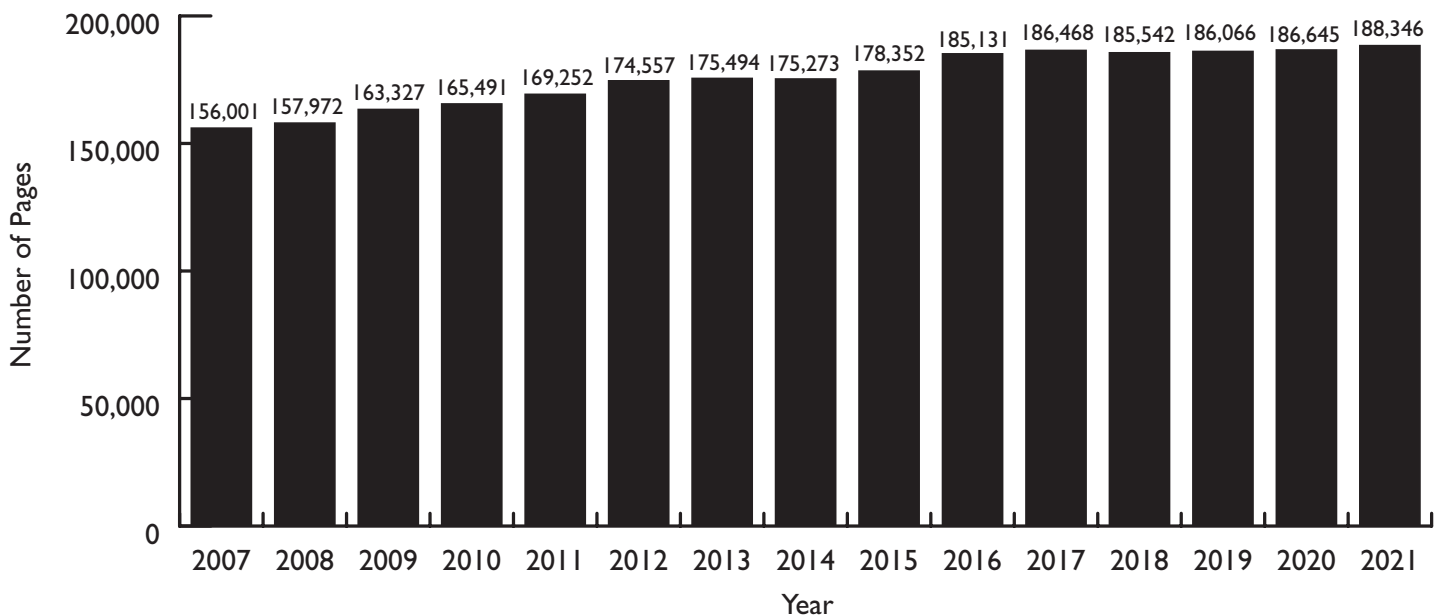
The page count in the *Code of Federal Regulations* (CFR), where the *Register's* rules come to rest in small print, is not as dramatic as the yearly count of tens of thousands of pages in the *Federal Register*. The archive of unelected agency lawmaking is still a sight to behold.

According to the National Archives, in 1960 the CFR contained 22,877 pages. By 1975, that count (including the CFR's index) had surged to 71,224. As of year-end 2021 (the 2022 figures have not been logged yet at the National Archives), the count stood at 188,346, seen in Figure 15. That is a 165 percent increase in the CFR since 1975. In

2008, when George W. Bush left office, the count stood at 157,972.

The number of CFR bound volumes now stands at 243, compared with 133 in 1975. The National Archives makes a special point to note the various colors of bindings since 2010. These have included magenta, teal, and fuchsia. The expansion since George W. Bush, not including Biden's second year, is 19 percent. One can expect the CFR to further expand in the wake of major post-COVID-19 legislation. (For the detailed breakdown of numbers of pages and volumes in the CFR since 1975, see Appendix: Historical Tables, Part C.)

Figure 15. *Code of Federal Regulations*, 188,346 Total Pages in 2021, 2007–2021



Source: National Archives and Records Administration, Office of the Federal Register.

The CFR logs permanent rulemakings, just as the *U.S. Code* does for statutes. It still misses many regulations, however. The traditional rules and regulations in the CFR are supplemented by executive actions and numerous forms of subregulatory guidance documents with no fixed resting place on the CFR bookshelf that the public can access. Biden made the problem worse by

overturning Trump's 2020 Executive Order 13981, "Promoting the Rule of Law through Improved Agency Guidance Documents," which had begun the process of creating a public repository for guidance documents. The report next discusses such "regulatory dark matter" and the need to subject it to discipline through tracking.