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The Architecture of Delegation: Mapping Agency Authority in the Modern Administrative State

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The Architecture of Delegation: Mapping Agency Authority in the Modern Administrative State

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We used artificial intelligence (AI) to create a database of congressional delegations that connects the specific statutory authorities granted by Congress with the rules that agencies promulgate on the basis of those delegations. This inventory of delegations allows users to identify each rule's authorizing statute and sort rules by agency, type of delegation, and number of statutory restrictions. More specifically, the database deploys AI to divide delegating statutes into one of two categories: general (containing broad or vague delegations, *e.g.*, "the agency shall regulate in public interest") and specific (containing delegations of more limited scope, *e.g.*, "in connection with program X, the agency shall develop standards based on Y"). Ultimately, our database will assist users in visualizing and understanding the relationship between the thousands of regulations currently on the books and their authorizing statutes.

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TABLE OF CONTENTS

Introduction

It is increasingly difficult, if not impossible, to track the full ambit of regulations promulgated under broad or vague statutory delegations. As of late 2023, the *Code of Federal Regulations* (CFR) contained 1,098,730 individual regulatory restrictions across 245 volumes and 190,260 pages.[1] The number of CFR pages has grown by more than 86 percent since 1980.[2] But these figures do not necessarily speak to the extent of the problem posed by open-ended delegations.

In this Article, we seek to diagnose the extent to which the administrative state is truly the product of extremely broad delegations, as is often implied by those raising concerns about a breakdown in the separation of powers, or whether the problem of massive regulation under nebulous delegations is overstated. To answer this question, we developed the Nondelegation Project: a nearly comprehensive inventory of statutory delegations and the federal regulations that cite them. For the sake of comprehensiveness, we also included in this inventory data about regulations from the RegData project, a database that quantifies federal regulation.[3] This adds another dimension to the database about the consequences (positive or negative) of specific regulations. The value-add of the project is that it maps regulations to authorizing statutes, giving researchers and policymakers a convenient way to assess the consequences of specific laws—one that is more comprehensive than merely counting the number of times a statute is cited in regulations.

To categorize each delegation, we developed a rigorous methodological approach to comparing multiple large language models (LLMs) for classifying statutes according to a delegation framework formulated by professors Kristin Hickman and Amy Wildermuth.[4] The goals of the Nondelegation Project are twofold. First, to automate and streamline the categorization of statutes into two delegation categories: specific authority and general authority. And second, to rate the similarity of content between those statutes and regulations: Does the statute explicitly authorize the regulation? Does it implicitly authorize it? Or are the statute and regulation only indirectly connected or even substantively unrelated? Using artificial intelligence, the Nondelegation Project brings the administrative state and nearly all congressional delegations of authority to one user-friendly site, quantifying the numbers and percentages of each type of authorization. Overall, the database reveals that more than 37 percent of all delegations are of general authority, confirming that a substantial number of regulations are the result of broad or vague congressional authorizations.

We first explore the state of the nondelegation doctrine, since that is the constitutional framework for assessing whether Congress has delegated too broadly; and relatedly, we examine Hickman and Wildermuth's article on classifying different types of congressional delegations. Next, we review how we used LLMs to create the Nondelegation Project. Lastly, we break down how interested parties can use the database, the findings of the project, and the legal and economic implications of Congress granting agencies broad authority in legislation.

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[1] *RegDate U.S. Regulation Tracker*, QUANTGOV, https://www.quantgov.org/federal-us-tracker (last visited Apr. 4, 2026); *RegStats, Total Pages Published in the Code of Federal Regulations*, THE GEORGE WASHINGTON UNIV. REGUL. STUD. CTR., https://regulatorystudies.columbian.gwu.edu/reg-stats (last visited Apr. 6, 2026).

[2] THE GEORGE WASHINGTON UNIV. REGUL. STUD. CTR., *supra* note 1.

[3] QUANTGOV, *supra* note 1.

[4] Kristin E. Hickman & Amy J. Wildermuth, *Harmonizing Delegation and Deference After* Loper Bright, 100 N.Y.U. L. REV. 1924 (2025).

I. Background

A. The State of the Nondelegation Doctrine Under the Intelligible Principle Test

The Constitution vests "[a]ll legislative powers . . . in a Congress of the United States."[5] "Accompanying that assignment of power to Congress is a bar on its further delegation."[6] This bar has a name: the nondelegation doctrine. In its most basic formulation, the doctrine stands for the proposition that Congress may not delegate its lawmaking powers. This idea is indispensable to the Framers' constitutional design.[7] In theory, it ensures that federal law derives its source from the branch of government most accountable to the American people—the fountain head of all political power.[8] But in practice, Congress commonly delegates broad authority to federal agencies to promulgate the regulations governing our lives and livelihoods. And the Courts have—with just two notable exceptions—upheld these broad delegations.[9]

One commentator has said that the nondelegation doctrine had "one good year."[10] In 1935, the Supreme Court issued two decisions finding nondelegation violations. First, in *Panama Refining Co. v. Ryan*, the Court held that Section 9(c) of the National Industrial Recovery Act (NIRA) violated the doctrine in delegating total discretion to prohibit the interstate transport of hot oil (or not), as the President saw fit.[11] And then in *A.L.A. Schechter Poultry Corp. v. United States*, the Court held that the NIRA violated the constitution in delegating an ungoverned authority to approve industry codes affecting the entire U.S. economy.[12] In both cases, the Court found that Congress had failed to provide any "intelligible principle" guiding or channeling agency discretion.

But since 1935, the Supreme Court has applied this so-called "intelligible principle" test to consistently uphold broad delegations. For example, in *Nat'l Broad. Co. v. United States*, the Supreme Court infamously upheld a delegation for the Federal Communications Commission to promulgate rules "in the public interest, convenience, or necessity."[13] And likewise, the Court has upheld open-ended delegations authorizing agencies to fix "fair and equitable" commodity prices,[14] and to set air quality standards "requisite to protect the public health."[15]

Nonetheless, the Supreme Court continues to aver that the nondelegation doctrine imposes real limits on the extent to which Congress can delegate rulemaking authority.[16] And consistent with that understanding, it is improper to extend the holding of cases like *Nat'l*

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[5] U.S. CONST. art. I., § 1.
[6] Gundy v. United States, 588 U.S. 128, 135 (2019) (plurality opinion).
[7] The doctrine is critical to our Constitution's intended equilibrium of political power. *See* Tiger Lily, LLC v. U.S. Dep't of Hous. & Urb. Dev., 5 F.4th 666, 673–74 (6th Cir. 2021) (Thapar, J., concurring). For example, if Congress could freely delegate the power to create law, the hurdles of the Article I lawmaking process—bicameralism (requiring bills to go through two houses) and presentment (requiring the President's signature on the bill)—would no longer protect individual liberty. *See* INS v. Chadha, 462 U.S. 919 (1983). Stated differently, "nondelegation is an *a priori* constitutional assumption." Caleb Kreft, *Non Potest Delegari: How the Common-Law Principle of Agency Recasts the Nondelegation Doctrine*, 26 FEDERALIST SOC'Y REV. 269, 284 (2025).
[8] *See* 5 JONATHAN ELLIOT, THE DEBATES IN THE SEVERAL STATE CONVENTIONS ON THE ADOPTION OF THE FEDERAL CONSTITUTION 500 (1787) (Madison) ("The people, were, in fact, the fountain of all power."); Chisholm v. Georgia, 2 U.S. (2 Dall.) 419, 471 (1793) ("[T]he sovereignty of the nation is in the people of the nation. . . . ").
[9] *See* Whitman v. Am. Trucking Ass'ns, 531 U.S. 457, 474–75 (2001) ("[Courts under this test] have almost never felt qualified to second-guess Congress regarding the permissible degree of policy judgment that can be left to those executing or applying the law.") (internal quotation marks omitted).
[10] Cass R. Sunstein, *Nondelegation Canons*, 67 U. CHI. L. REV. 315, 322 (2000); *but see* Panama Refining Co. v. Ryan, 293 U.S. 388 (1935); A.L.A. Schecter Poultry Corp. v. United States, 295 U.S. 495 (1935). Arguably, *Carter v. Carter Coal Co.*, 298 U.S. 238 (1936) is an another nondelegation precedent, but there the challenged delegation was to private parties and thus sounded in due process as well as separation of powers.
[11] 293 U.S. at 430.
[12] 295 U.S. at 541–42.
[13] 319 U.S. 190, 204 (1943).
[14] Yakus v. United States, 321 U.S. 414, 427 (1944).
[15] Whitman v. Am. Trucking Ass'ns, Inc., 531 U.S. 457 (2001).
[16] *See* FCC v. Consumers' Rsch., 606 U.S. 656, 703 (2025) (Kavanaugh, J., concurring) ("[T]he intelligible principle test is not toothless.").

Broad. Co. beyond their factual contexts. The Court has stressed that every nondelegation case must be understood in the specific context of the statutory regime at issue, which requires considering the scope of the delegated authority and its practical effect on regulated parties.[17] And the Court has clarified that there is no intelligible principle unless the text: (1) establishes a governing "general policy," and; (2) imposes objective "boundaries" on the agency's rulemaking discretion.[18]

Proponents of a more stringent approach to congressional delegation had reason for hope when, in *Gundy v. United States*, four justices signaled their willingness to revisit the intelligible principle test, with an eye toward a new standard requiring greater constraints of executive discretion.[19] Justice Gorsuch, for instance, would require a greater degree of statutory definiteness and precision, sufficient "to enable Congress, the courts, and the public to ascertain whether Congress's guidance has been followed"—an approach similar to the void-for-vagueness doctrine applicable to vague criminal statutes.[20] And just one later, Justice Kavanaugh, citing Justice Gorsuch's *Gundy's* dissent, signaled the same willingness to revisit the intelligible principle test "in future cases."[21] Five of the current justices have therefore suggested it may be time to supplant the intelligible principle test with something else.

Most recently, however, in *FCC v. Consumers' Research*, the Court emphasized that *Panama Refining Co.* and *A.L.A. Schechter*—both intelligible principle cases—remain good law and provide "object lessons" about which delegations go too far.[22] The Court proceeded to find that the Telecommunications Act of 1996 *would violate* the nondelegation doctrine if it had accepted the respondents' expansive interpretation of the FCC's delegated authority to decide how much money telecommunications carriers should pay to subsidize services in rural areas, and for the poor.[23] Yet, in the end, the Court upheld a very broad delegation—albeit not as broad as the Respondents had thought.

There is room to debate whether *Consumers' Research* should preserve even a modicum of hope for those who wish to see a nondelegation doctrine with teeth. On the one hand, the challengers insisted that the Court need not overturn the intelligible principle test,[24] and the Fifth Circuit's invalidation of the delegation rested on new and untested legal doctrine.[25] On the other hand, the Court's recent application of the test probably does not augur well for proponents of Justice Gorsuch's *Gundy* approach.[26] Suffice it to say, at present, there seems to be little prospect of any sea change in the way the Court approaches the nondelegation doctrine—at least as a general matter.[27] That suggests that only the most

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[17] *See id.*. at 673 ("[T]he degree of agency discretion that is acceptable varies according to the scope of the power congressionally conferred."(quoting *Whitman*, 531 U.S. at 475)).
[18] *Id.*
[19] *See* Gundy v. United States, 588 U.S. 128, 148–49 (2019) (Alito, J., concurring in the judgment); *id.* at 149–79 (Gorsuch, J., joined by Roberts, C.J. and Thomas, J., dissenting).
[20] *Id.* at 158 (internal quotation marks and citation omitted); *see also id.* at 167–68.
[21] *See* Paul v. United States, 589 U.S. 1087, 1087–88 (Kavanaugh, J., respecting the denial of certiorari) (citing Justice Gorsuch's dissent in *Gundy*).
[22] 606 U.S at 683.
[23] *Id.* at 690–91 (rejecting the Respondents' construction of the statute as "extravagant"). Indeed, perhaps the most significant lesson to be drawn from *Consumers' Research* is that courts must reject "extravagant" interpretations of agency authority that might otherwise create a nondelegation problem. The nondelegation doctrine thus serves as a background principle that should militate against exceedingly broad delegations—not unlike the approach the Supreme Court has taken when rejecting novel assertions of regulatory authority under the major questions doctrine. *See, e.g.*, Learning Res., Inc. v. Trump, 146 S. Ct 628, 638–42 (2026) (plurality opinion). But how effective that avoidance canon will be in practice will inevitably depend on how seriously the courts take the nondelegation doctrine under its current framework.
[24] Transcript of Oral Argument at 112, FCC v. Consumers' Rsch., 606 U.S. 656 (2025) (Nos. 24-354, 24-422) ("To be clear, the Court can affirm without overturning any prior decision because this is the easy case.") (quoting respondents' counsel); *id.* at 120 ("So we win even under the current framework. And that's why we say that the Court need not necessarily overturn any precedent.") (same).
[25] *See* Consumers' Rsch. Based Comm., Inc. v. FCC, 109 F.4th 743, 756 (5th Cir. 2025) (en banc) (holding "the" combination of Congress's broad delegation to FCC and FCC's subdelegation to private entites [to implement the service tax] certainly amounts to a constitutional violation."), *rev'd Consumers' Rsch.*, 606 U.S. at 672 (rejecting the Fifth Circuit's "combination theory").
[26] *Consumers' Rsch.*, 606 U.S. at 673.
[27] There *does* remain hope, however, that the Court might one day adopt a more stringent test for delegations of *criminal* lawmaking authority. *See* Touby v. United States, 500 U.S. 160, 166 (1991) (leaving the question open); Pet. For Writ of Certiorari, Pheasant v. United States, No. 25-6911 (U.S. Feb. 20, 2026) (seeking certiorari on the question).

extreme delegations are vulnerable to constitutional challenge. And as such, there seems to be little stopping Congress from delegating nebulous, even sweeping, rulemaking authority to agencies when lawmakers find it easier to punt on the hard questions. For that matter, federal agencies remain free to dust-off old statutes with broad delegations to carry out their preferred regulatory agenda, so long as they can convince the courts that, in fact, Congress meant to delegate in broad terms.[28] The result is an unaccountable Executive Branch,[29] with powers beyond what the constitutional framers envisioned.[30]

B. Conceptualizing Delegations into "Specific, General, and Hybrid" Categories

In the seminal nondelegation case of *Wayman v. Southard*, Chief Justice Marshall explained that Congress must decide the "important subjects," but can delegate matters of "less interest," provided the statute establishes a general policy and leaves it only to the Executive to "fill up the details."[31] That articulation of the nondelegation doctrine leaves a great deal unanswered about where exactly the line should be drawn between a permissible and an impermissible delegation.[32] As other scholars have explained, there are compelling reasons to believe that Marshall's "important subjects" paradigm would draw the line in a much different way than the Supreme Court's modern jurisprudence. For example, Gary Lawson argues that, under an originalist interpretation, the proper nondelegation test would be significantly more demanding than the current formulation of the "intelligible principle" test.[33]

From a purely legal standpoint, those debates may seem more academic than practical given that the Court seemingly backed away from an opportunity to reconsider the intelligible principle test in *Consumers' Research*.[34] But even accepting that the anemic intelligible principle test will remain for the foreseeable future, it may still be helpful to categorize different kinds of delegations for the sake of fostering a normative discussion over whether and to what extent Congress should reassess the wisdom of existing delegations. And in doing so, we may begin to get a firmer grip on the extent to which broad delegations are, in fact, contributing to the growth of the modern administrative state.

To that end, we borrow from the three-category spectrum of legislative delegations that professors Kristin Hickman and Amy Wildermuth have proposed in their scholarship,

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[28] Raghav Ahuja, *Constitutional in Name: The Bureau of Consumer Financial Protection and the Obama Administration's Treatment of the Nondelegation Principle and the Appointments Clause*, 14 U. PA. J. CON. L. 271, 282, 287 (2011) (explaining that the existing intelligible principle test encourages "[c]ongressional avoidance of . . . difficult policy choice[s]"); *Tiger Lily*, 5 F.4th 666 at 674 (Thapar, J., concurring) ("[N]aturally, Congress has an incentive to insulate itself from the consequences of hard choices.").

[29] In theory, Congress can take delegated powers back from the President. But the President—incentivized to retain such powers—is likely to veto any such attempt. *See Learning Res.*, 146 S. Ct at 81–82 (Gorsuch, J., concurring). Thus, in practice, it requires a two-thirds supermajority in both houses of Congress to restore the pre-delegation status quo. U.S. Const., art. I., § 2, cl. 2. And "in today's age, Congress rarely" overrides vetoes; indeed, there have been but "two veto overrides since 2009, for an average of one every eight years." Thomas Berry & Charles Brandt, Kennedy v. Braidwood Management*: The "Inferior Officer" Clause Loses Some Bite*, 2024-2025 CATO SUP. CT. REV. 97, 111 n.92 (2025) (citing *Vetoes, 1789 to Present*, U.S. SENATE (last visited Apr. 8, 2026), https:ww.senate.gov/legislative/vetoes/vetoCounts.htm).

[30] *See* THE FEDERALIST NO. 51, at 303 (James Madison) (Royal Collector's ed., 2020) ("In republican government, the legislative authority necessarily predominates."); *see also* Ilan Wurman, *Nondelegation at the Founding*, 130 YALE L.J. 1490 (2021) (explaining that the Founding generation expected Congress to decide the important subjects).

[31] 23 U.S. (10 Wheat) 1, 43 (1825).

[32] As Chief Justice Marshall himself acknowledged, "[t]he line has not been exactly drawn. . . . " *Id.*

[33] Gary S. Lawson, *A Private-Law Framework for Subdelegation*, *in* THE ADMINISTRATIVE STATE BEFORE THE SUPREME COURT: PERSPECTIVES ON THE NONDELEGATION DOCTRINE 123, 128–130 (Peter J. Wallison & John Yoo, eds., 2022) (explaining the Framers understood the Constitution as prohibiting Congress from sub-delegating its powers consistent with 18th Century agency law principles); *see also* Michael B. Rappaport, *A Two-Tiered and Categorical Approach to the Nondelegation Doctrine*, *in* THE ADMINISTRATIVE STATE BEFORE THE SUPREME COURT: PERSPECTIVES ON THE NONDELEGATION DOCTRINE 195 (Peter J. Wallison & John Yoo, eds., 2022) (distinguishing between delegations implicating private rights and delegations implicating public rights).

[34] Chief Justice Roberts previously joined Justice Gorsuch's dissent in *Gundy*, which suggested that it might be time to reconsider the intelligible principle test. Perhaps the Chief Justice thought the Telecommunications Act easily passed muster under the existing intelligible principle test after rejecting the respondent's "extravagant" interpretation of FCC's statutory authority. After all, the respondents, in *FCC v. Consumers' Research*, did not ask the Supreme Court to overturn existing nondelegation precedent. So perhaps it is still possible that, in the right case, the Court might reconsider the intelligible principle test.

which contemplates delegations as fitting in one of three buckets—from least to most expansive in terms of the discretion they confer. Specifically, they suggest that delegations may be labeled as either conferring: (1) specific authority; (2) general authority; or (3) a hybrid authority that is both specific and general.[35] They argue that this "framing" may help make nondelegation theory "more workable" and "ground[ed] . . . more solidly in the Court's jurisprudential history."[36] But this approach to categorization may also prove useful to anyone seeking to make a candid assessment of the extent to which broad statutory delegations present a normative problem in the 21st century. As such, this section will briefly overview Hickman and Wildermuth's categories of delegation.

Specific-Authority Delegations. On one side of the spectrum are specific authority delegations where Congress "identifies a particular statutory term, requirement, or limitation that needs elaboration and instructs the agency responsible for administering the statute to adopt rules and regulations to serve that purpose."[37] Through these delegations, Congress "specif[ies] the topic of . . . regulations within the broader subject matter of the statutory scheme," "hence the label of specific authority."[38]

As an example, consider the listing provisions of the Endangered Species Act (ESA). The ESA defines the terms "species," "threatened species," and "endangered species."[39] It then requires the Secretary of the Interior or Commerce to determine "whether any species is an endangered species or a threatened species" that should be added to the list.[40] But in making this determination, the Secretary is not at sea, but guided by statutory criteria: He must make listing decisions "solely on the basis of the best scientific and commercial data available to him after conducting a review of the status of the species and after taking into account' other potential conservation efforts."[41] And before listing a species, the Secretary must determine the listing to be "because of" one of the following: "(A) the present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence."[42] Thus, despite its broad language, the ESA provides "clear" "criteria guiding agency discretion" in filling a "specific statutory gap."[43] It is therefore a specific authority delegation.

Of course, just because a statute provides specific authority to an implementing agency does not automatically immunize a delegation from a constitutional challenge. In any given case, there may be room to argue that a "specific authority" delegation violates the nondelegation doctrine—even under the existing intelligible principle test—if Congress says nothing more than that an agency should decide the substance of regulation on a given subject without giving any further direction. For example, the National Recovery Industrial Act's delegation authorizing President Roosevelt to decide whether to prohibit transport of hot oil was a "specific authority" in the sense that it left the President with discretion only to impose a certain kind of restriction (*i.e.*, a flat prohibition of transportation in interstate and foreign commerce).[44] But that was an unconstitutional delegation nonetheless because Congress gave no direction as to whether or under what conditions the president should exercise that authority.[45]

Congress will often provide at least some measure of direction to the agency when delegating "specific authority" to promulgate a certain kind of regulation—in the form of

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[35] Hickman & Wildermuth, *supra* note 4, at 1930–31.
[36] *Id.* at 1983
[37] *Id.* at 1934.
[38] *Id.* at 1937; *see also id.* at 1938.
[39] *Id.* at 1936 (quoting 16 U.S.C. §§ 1532(16), (6), (20)).
[40] *Id.* at 1936–37 (quoting 16 U.S.C. § 1533(a)(1), (c)).
[41] *Id.* at 1937 (quoting 16 U.S.C. § 1533(a)(1)).
[42] *Id.* (quoting 16 U.S.C. § 1533(a)(1)).
[43] *Id.*
[44] Panama Refining Co. v. Ryan, 293 U.S. 388, 414–15 (1935).
[45] *Id.* at 414–20.

statutory guidance, criteria, or other "constraining language."[46] Moreover, by nature, a "specific authority" to promulgate a given type of rule is likely to impose boundaries on the agency's rulemaking authority. After all, Congress has already done the heavy lifting by "both identif[ying] the specific subject matter to be addressed" and "provid[ing] basic parameters, however broad, for implementing regulations."[47] For example, a delegation of authority for the Secretary of Treasury to require reporting on the details of "suspicious transactions" limits the Secretary to requiring reports on transactions that are objectively suspicious.[48]

General Authority Delegations. By contrast, "general authority" delegations are more open-ended. In a general authority delegation, Congress "allows the agency to adopt rules and regulations" as the agency deems "needful," "efficient, or "necessary" to "carry out," "effectuate," or "enforce" the statute and its purposes.[49] Such delegations "do not identify a particular topic for the agency to address."[50] Instead, they confer significant policy discretion, and are usually cordoned off "from the statute's more substantive provisions" to the administrative section.[51] Take, for example, the Communications Act's delegation of authority for the FCC to "make such rules and regulations . . . as may be necessary in the execution of its functions"[52]—language totally "untethered to any substantive statutory requirement or program."[53] Unlike specific delegations, general delegations "do not identify a particular topic for the agency to address," but are "linguistically unlimited within the four corners of the statute."[54] Of course, these kinds of delegations have been upheld under the intelligible principle test in the past; however, from a normative standpoint, these delegations may be worthy of greater scrutiny.[55]

Hybrid Delegations. In the middle of the spectrum are hybrid authority delegations that have elements of both specific and general delegations. While hybrid delegations deploy the language of general delegations, they do so in reference to particular "substantive statutory requirements or specifications," making them "easier to define and cabin."[56] For example, Section 338 of the Internal Revenue Code governs when a purchaser of stock can treat the transaction as an acquisition of corporate assets; it is "long, detailed, and includes several specific delegations."[57] The last subsection contains a hybrid delegation for the Treasury Secretary to "prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section," before identifying two specific topics that the regulations might include.[58] Hybrid delegations, like specific delegations, are likely less suspect from a nondelegation perspective because their "textual proximity . . . to substantive statutory requirements or specifications" confines their scope.[59]

II. Evaluating Large Language Models for Statute-Regulation Categorization: A Comparative Analysis

Recent advancements in generative AI have opened promising avenues for automating legal text classification. However, ensuring transparency, accuracy, and reliability remains paramount, especially when categorizing legal texts such as statutes and regulations.

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[46] Hickman & Wildermuth, *supra* note 4, at 1937.
[47] *Id.* at 1936.
[48] 31 U.S.C. § 5318; Flower Title Cos., LLC v. Bessent, No. 6:25-cv-00127-JDK, slip op. at 7–12 (E.D. Tex. Mar. 19, 2026) (adopting a narrow interpretation of "suspicious" based on its dictionary definition and rejecting the government's effort to "declare[] an entire category of residential real estate transactions . . . 'suspicious').
[49] Hickman & Wildermuth, *supra* note 4, at 1938.
[50] *Id.* at 1939.
[51] *Id.*
[52] *Id.* at 1940–41 (quoting 47 U.S.C. § 154(i)).
[53] *Id.* at 1940.
[54] *Id.* at 1939.
[55] *See* FCC v. Consumers' Rsch., 606 U.S. 656, 673 (2025).
[56] Hickman & Wildermuth, *supra* note 4, at 1941.
[57] *Id.* at 1942.
[58] 26 U.S.C. § 338(i)(1)–(2).
[59] Hickman & Wildermuth, *supra* note 4, at 1941.

In this paper, we transparently document the process used to select an optimal LLM for classifying statutes according to Kristin Hickman and Amy Wildermuth's authoritative delegation framework.[60] By evaluating various models, we provide methodological clarity and comparative analysis valuable for practitioners and scholars in the fields of AI and law.

A. Methodology

1. Data Preparation

We derived an evaluation dataset of 18 statutes from Hickman and Wildermuth's recent scholarship on statutory delegation.[61] We classified each statute manually into three primary categories:

1. *Specific Authority*: Explicit statutory directives for precise regulatory tasks.
2. *General Authority*: Broad rulemaking grants without detailed specificity.
3. *Hybrid Delegation*: Statutes combining general authority language with specific regulatory tasks.

We subsequently reclassified the hybrid delegations as general authority because they contain at least some general authority language. We did so for the sake of simplifying the evaluation and use of LLMs.

We programmatically retrieved statutory texts from Cornell University's Legal Information Institute (LII) using robust scraping and caching techniques implemented in Python, a general-purpose programming language (*see* Appendix 1).[62]

Model Evaluation

We constructed two distinct prompts—"short" and "long"—to test the effectiveness of different levels of instructional detail (*see* Appendix 2).

Model Comparison Framework

We compared several prominent LLMs:

- OpenAI: GPT-3.5-turbo, GPT-4o.[63]
- Google: Gemini 1.5-pro, Gemini 2.0-flash.[64]
- Anthropic: Claude-3-opus.[65]
- xAI: Grok-1, Grok-2-latest.[66]

We assessed models on the basis of

1. accuracy (i.e., correct classification against the manually annotated ground truth); and
2. efficiency and cost (i.e., API costs and response times).

We implemented the automated evaluation pipeline as follows (*see* Appendix 3).

2. Results

A comprehensive comparative analysis yielded the accuracy and cost-effectiveness assessment shown in Table 1.

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[60] *Id.*
[61] *Id.*
[62] *Legal Information Institute* , CORNELL L. SCH., https://www.law.cornell.edu/ (last visited Apr. 6, 2026).
[63] "OpenAI API Developer Platform," OPENAI, https://platform.openai.com/docs/ (last visited August 8, 2025).
[64] "Gemini Developer API," Google, https://ai.google.dev/gemini-api/docs/ (last visited Apr. 6, 2025).
[65] *Anthropic*, ANTHROPIC, https://www.anthropic.com/ (last visited Aug. 8, 2025).
[66] *xAI*, XAI, https://x.ai/ (last visited August 8, 2025).

Table 1. Accuracy and Cost-Effectiveness Assessment

Model	Accuracy	Cost per 1,000 Calls	Notes
GPT-4o	94 percent	$5.00	High accuracy, high cost
GPT-3.5-turbo	85 percent	$0.50	Low accuracy, low cost
Gemini 2.0-flash	94 percent	$0.75	High accuracy, low cost
Claude-3-opus	91 percent	$1.00	High accuracy, moderate cost
Grok-2-latest	88 percent	$2.00	Moderate accuracy, moderate cost

Table 1 Notes: Cost per 1,000 calls reflect prices at the time of execution, not current pricing.

We found Gemini 2.0-flash offers the best balance, with high accuracy and low cost. Thus, we selected it for further application to larger-scale datasets.

III. Using the Tool: Quick Start Guide

The Nondelegation Project website has several functions. First, users can filter the data by "Agency," which will show only those parts of the CFR promulgated by the selected agency. Second, users can filter by "Delegation Category," with options for "General Authority," "No Delegation" (*see* Appendix 4), and "Specific Authority." Third, users can search for specific terms. For example, searching "Clean Air Act" or "Dodd-Frank Act" returns parts of the CFR with corresponding AI-generated explanations for the delegation category and relationship that cite the Clean Air Act or Dodd-Frank Act in some way. Not using any filters allows users to look through the entire CFR. Such a search will return every appropriate regulation and authorizing statute (with links to both), the promulgating agency, the number of regulatory restrictions contained in that part of the CFR, the delegation category with an explanation, and a classification and explanation of the relationship between the regulation and the authorizing statute (i.e., whether the actions delegated are mandated, authorized, related, or unrelated).

After the initial search, users will have the option to further refine their results. Users can sort the listed regulations by the number of restrictions they contain, publication date, or title in ascending or descending order. Regulatory restrictions are instances of the terms "shall," "must," "may not," "required," and "prohibited." Users can also choose to include CFR Titles 1, 2, and 3 in their search results, as well as U.S. Code Title 5. CFR Title 1 discusses primarily how regulations should be published and procedures related to the crafting of regulations, Title 2 discusses procedures for grants and federal financial assistance, and Title 3 discusses the setup and standards of conduct of the Executive Office of the President. As such, they do not contain regulations in the traditional sense, which is why the search tool excludes them initially. U.S. Code Title 5 is not automatically included because it does not contain agency- or topic-specific delegations but instead contains organizational, administrative, and operational provisions directing the federal government. It also contains federal employee and civil service laws, responsibilities, and functions, as well as federal holidays.[67] Additional information, including the number of statutory citations, authorities

[67] 5 U.S.C. §§ 101–13146 (2025).

listed in a delegation, and the last time the rules or statutes were updated or amended, can be found using the full database.

The full database underlying the Nondelegation Project website is available upon request.[68] We suggest that users refer to Appendix 4: Data Dictionary later in this paper when using the database.

IV. Findings

Our database has found 56,371 total delegations of authority to federal agencies from Congress.[69] Of these, 20,918 delegations, or 37.11 percent, are classified as "general" (or broad) delegations. The most cited general delegation in the CFR is 26 U.S.C. § 7805 (3,775 citations), and the most cited specific delegation is 26 U.S.C. § 42 (11,110 citations).[70]

According to the database, the agencies with the highest number of general delegations are the Federal Energy Regulatory Commission (3,309), Environmental Protection Agency (2,752), Agricultural Marketing Service (1,284), Food and Drug Administration (1,155), Department of Justice (661), and Food Safety and Inspection Service (661).[71] The agencies with the highest percentage of general delegations (of agencies with at least 100 total delegations) include the Department of Justice (71.85 percent), National Aeronautics and Space Administration (66.35 percent), Council on Environmental Quality (62.85 percent), Agricultural Marketing Service (60.74 percent), and National Mediation Board (60 percent). The agencies with the most regulatory restrictions throughout the CFR are the Environmental Protection Agency (110,869), Securities and Exchange Commission (35,520), Federal Communications Commission (34,531), Coast Guard (32,040), and Food and Drug Administration (31,253).[72]

V. Implications

While we do not claim that any specific delegations or the regulations promulgated pursuant to them are illegal or unconstitutional, the fact that this AI tool identifies well over one-third of the database's congressional delegations as conferring general authority on federal agencies to make rules and regulations should at least raise questions.

While legal scholarship around the nondelegation doctrine addresses many normative issues,[73] the economics and political science literatures do not necessarily treat delegation as categorically undesirable.[74] Instead, the option to delegate is viewed as an institutional design choice that trades off informational and expertise gains from assigning decision rights to a better informed decisionmaker, against loss of principal control, heightened opportunities for rent-seeking, and increased policy uncertainty. On this view, "vagueness" in delegating language is not merely a linguistic feature. Instead, it is a choice about residual decision rights

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[68] Note that many regulations from the Internal Revenue Service are not included, but all other federal agencies' regulations are. *The Nondelegation Project*, PAC. LEGAL FOUND. (Apr. 6, 2026), https://nondelegationproject.org.

[69] Title 5 of the U.S. Code, Titles 1–3 of the CFR, and Title 26, part 1 of the CFR are excluded. U.S. Code Title 5 does not appear to contain agency- or topic-specific delegations but instead deals with the organization and administration of the federal government. CFR Titles 1–3 discuss primarily how regulations should be published and procedures related to the crafting of regulations (Title 1), procedures for grants and federal financial assistance (Title 2), and the setup and standards of conduct of the Executive Office of the President (Title 3). In short, they do not contain regulations in the traditional sense. 26 CFR, Part 1 is excluded for formatting reasons.

[70] These U.S. Code sections both relate to tax regulations. If 26 CFR, Part 1, which includes primarily income tax regulations, were counted, these U.S. Code sections would likely be cited even more.

[71] Delegation and restriction counts include the CFR parts for that agency alone. Joint rulemakings by more than one agency are counted separately.

[72] Restriction counts include Title 5 of the U.S. Code delegations.

[73] *See, e.g.*, Thomas W. Merrill, *Rethinking Article I, Section I*, 65 COLUM. L. REV. 1 (2004); Jason Iuliano & Keither E. Whittington, *The Nondelegation Doctrine: Alive and Well*, 93 NOTRE DAME L. REV. 619, (2018).

[74] *See, e.g.*, Philippe Aghion & Jean Tirole, *Formal and Real Authority in Organizations*, 105 J. POL. ECON. 1 (1997) (developing a model of how the allocation of formal and real authority depends on the distribution of information and incentives to acquire it).

and about how much policy is made ex ante in statute, by elected policymakers, versus ex post in regulation by agencies.

The nondelegation principle, read as a constraint on how much residual discretion Congress can cede, maps naturally onto these economic concerns. By requiring that Congress bear more of the ex ante specification burden for policy choices, rather than shifting them to actors whose incentives and information differ from Congress's and whose actions may be less electorally accountable, the nondelegation principle can be understood as a constitutional commitment device that aligns incentives and attempts to avoid some of the principal-agent problems that delegation creates.

A. Delegation as a Decision-Rights Problem: Information Versus Control

A basic economic framing views Congress as a principal that allocates decision rights to an agent (an agency) that is often better informed about policy-relevant facts, technologies, and future contingencies. Delegation is arguably welfare enhancing when: (1) the agency has specialized information or capability that Congress lacks; (2) the policy environment is complex or fast changing; and (3) the costs of specifying a fully contingent statute ex ante are high. In incomplete-contract terms, broad delegations allocate residual control rights to the agent in states of the world that Congress cannot (or will not) specify in advance.

Organization economics formalizes this logic as an "initiative versus control" tradeoff. Philippe Aghion and Jean Tirole model a setting in which the agent can acquire information and take initiative, but the principal (who retains formal authority) can intervene.[75] Granting more real authority to the agent can induce effort and information acquisition, but it also increases expected loss of control when preferences diverge.[76] Wouter Dessein's model yields a related comparative statics result: delegation becomes more attractive as the agent's informational advantage grows relative to the size of the incentive conflict.[77]

The subsets of delegation types that we study here—specific and vague delegations—can constrain or expand the set of circumstances in which agencies choose policy rather than Congress. From an economic perspective, vagueness is therefore a choice about residual decision rights. Where informational benefits of discretion are large and conflicts of interest are small, broader delegations may be efficiency enhancing. Where incentive conflict is large (for example, because of strong distributional stakes and well-organized interests), broader delegations predictably raise agency-cost and rent-seeking concerns.

B. Rules Versus Standards: Statutory Vagueness, Compliance Costs, and Uncertainty

The law and economics literature on rules versus standards provides a direct bridge between "vagueness" and welfare. Louis Kaplow's canonical analysis emphasizes that rules and standards distribute decision costs over time: rules typically impose higher ex ante drafting costs but can reduce ex ante compliance costs (by making obligations clearer) and reduce ex post decision costs for adjudicators.[78] Conversely, standards are cheaper to promulgate but shift interpretation and application costs to the future.[79]

Broad delegations (especially statute-wide "general authority" grants) are functionally closer to standards: they economize on legislative specification today while shifting the task of supplying content to the agency (and, ultimately, courts) later. This shift

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[75] *See generally* Philippe Aghion & Jean Tirole, *Formal and Real Authority in Organizations*, 105 J. POL. ECON. 1 (1997).
[76] *Id.*
[77] *See generally* Wouter Dessein, *Authority and Communication in Organizations*, 69 REV. ECON. STUD. 811 (2002).
[78] *See generally* Louis Kaplow, *Rules Versus Standards: An Economic Analysis*, 42 DUKE L.J. 557 (1992).
[79] *Id.*

can be efficient when future contingencies are hard to anticipate. But it also increases regulated parties' ex ante uncertainty about the legal rule set they must plan against, and it can raise the value of strategic behavior (including lobbying and litigation) aimed at shaping the eventual content of the standard.

Two predictions follow. First, vague delegations should be associated with greater dispersion in outcomes across time and administrations, holding constant the underlying subject matter. Second, where regulated investments are long-lived or irreversible, vagueness-induced uncertainty should depress investment and innovation by increasing the option value of waiting.[80] These predictions provide a clear empirical agenda for connecting delegation breadth to measurable economic outcomes.

C. Positive Political Economy: Why Legislators May Delegate Broadly

Economists and political scientists have offered explanations of why legislatures delegate broadly even when doing so is not socially optimal. Alberto Alesina and Guido Tabellini show that normative criteria for assigning tasks to politicians versus bureaucrats need not align with politicians' private incentives.[81] In their framework, technical tasks can be good candidates for delegation, but opportunistic political incentives can generate delegation patterns that differ systematically from a social planner's delegation choices.[82] In their positive account, politicians may delegate to maximize reelection probabilities or the private benefits of holding office (what economists call "rents from office," including influence, career advancement, or relationships with interest groups), implying that observed delegation can be too broad or too narrow from a welfare perspective, depending on the task.

A complementary empirical political economy literature treats statutory detail, and hence rulemaking discretion, as a control instrument. Legislators can write detailed statutes to constrain agencies or adopt vague statutes that leave substantial autonomy to fill in policy details. John Huber and Charles Shipan develop and test a comparative theory in which the specificity of laws is a key mechanism for political control of the bureaucracy, with institutional and partisan conditions shaping how detailed statutes become.[83] Kathleen Bawn similarly models congressional choices over administrative procedures as a way to balance political control against expertise and technical accuracy.[84] These contributions imply that broad delegations may arise not only from informational limits, but also congressional motivations surrounding coalition management, blame shifting, and strategic ambiguity in statute drafting.

Finally, the political science literature highlights the role of procedure as a partial substitute for substantive specificity. Matthew McCubbins, Roger Noll, and Barry Weingast famously theorize that administrative procedures can be instruments of political control by structuring participation and information in ways that help elected principals monitor and influence agency outcomes.[85] An important implication is that "delegation breadth" and "control intensity" can be substitutes: when delegations are broad, legislatures may rely more heavily on procedural constraints and oversight to discipline agencies. That substitution itself is costly and can shift policy making into more adversarial, legally intensive channels.

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[80] *See generally* AVINASH K. DIXIT & ROBERT S. PINDYCK, INVESTMENT UNDER UNCERTAINTY (Princeton Univ. Press 1994).
[81] *See generally* Alberto Alesina & Guido Tabellini, *Bureaucrats or Politicians? Part I: A Single Policy Task*, 97 AM. ECON. REV. 169 (2007).
[82] *Id.*
[83] *See generally* JOHN D. HUBER & CHARLES R. SHIPAN, DELIBERATE DISCRETION? THE INSTITUTIONAL FOUNDATIONS OF BUREAUCRATIC AUTONOMY (Cambridge Univ. Press 2002).
[84] *See generally* Kathleen Bawn, *Political Control Versus Expertise: Congressional Choices About Administrative Procedures*, 89 AM. POL. SCI. REV. 62 (1995).
[85] *See generally* Mathew D. McCubbins, Roger G. Noll & Barry R. Weingast, *Administrative Procedures as Instruments of Political Control*, 3 J.L. ECON. & ORG. 243 (1987).

D. Welfare-Economics Reasons to Worry About Broad and Vague Delegations

Economic analysis points to several welfare channels through which excessively broad delegations can be worrisome.

1. Agency Costs and Monitoring Burdens

In principal-agent terms, widening residual discretion increases the agent's feasible policy set and makes monitoring more difficult because statutory constraints provide weaker benchmarks for assessing compliance. Unless oversight and monitoring are strengthened, broader delegations increase expected "agency slack."[86] This concern is generalized in that it follows from imperfect incentive alignment and costly monitoring, regardless of the particular substantive policy domain.

2. Rent-Seeking and Capture Incentives

Where regulatory decisions create concentrated benefits or protect rents, economic theory predicts strong incentives for organized influence. In George Stigler's classic account, regulation is often "acquired" by industry and used to create or protect rents.[87] The implications here are straightforward: as discretionary space expands, the expected returns to influencing the decisionmaker rise, increasing socially costly rent-seeking. Broad delegations thus raise the expected "influence premium" of agency decision-making relative to more specific statutory commands. Of course, a more specific delegation might shift that influence premium to the legislature, but at least in that scenario the policymakers are accountable to the electorate.

3. Policy Uncertainty and Investment

A third channel is uncertainty. Real-options theory implies that uncertainty about future payoffs increases the option value of waiting and can depress irreversible investment.[88] Empirical work on economic policy uncertainty is consistent with this logic. Scott Baker, Nicholas Bloom, and Steven Davis construct a prominent index of policy uncertainty and document spikes around major political and economic events.[89] Huseyin Gulen and Mihai Ion find evidence consistent with elevated policy uncertainty reducing corporate investment.[90] In a model more directly tied to regulatory design, B. Pablo Montagnes and Stephane Wolton analyze a tradeoff between rule-based regulation (which provides ex ante certainty) and discretionary regulation (which can be more ex post efficient), showing that when firms' investment responses matter, the ex ante certainty from rules can dominate the adaptability benefits of discretion.[91]

Taken together, these results motivate a testable hypothesis for administrative law: broad delegations should be associated with greater policy uncertainty and, in turn, weaker investment in affected sectors—especially where regulatory costs are salient and investments are hard to reverse. Whether this is empirically important is ultimately an identification question, but the economics literature makes clear why vagueness could matter for real activity.

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[86] Aghion & Tirole, *supra* note 74.
[87] George J. Stigler, *The Theory of Economic Regulation*, 2 BELL. J. ECON. & MGMT. SCI. 3, 3 (1971).
[88] DIXIT & PINDYCK, *supra* note 80.
[89] *See generally* Scott R. Baker, Nicholas Bloom, & Steven J. Davis, *Measuring Economic Policy Uncertainty*, 131 Q. J. ECON. 1593 (2016).
[90] *See generally* Huseyin Gulen & Mihai Ion, *Policy Uncertainty and Corporate Investment*, 29 REV. FIN. STUD. 523 (2016).
[91] *See generally* B. Pablo Montagnes & Stephane Wolton, *Rule Versus Discretion: Regulatory Uncertainty, Firm Investment, and Bureaucratic Organization*, 79 J. POL. 457 (2017).

E. Empirical Implications

The Nondelegation Project database links CFR parts to their cited statutory authorities and classifies delegations as "general authority" or "specific authority." This structure facilitates descriptive tests that connect delegation breadth to the regulatory footprint. Because many CFR parts cite multiple authorities, the data also permits measuring the mix of general and specific authorities within a given CFR part. As a result, delegation breadth becomes empirically tractable at scale rather than anecdotal.

The economics literature reviewed here suggests some empirical signatures of broad delegation:

1. *Footprint concentration*. If general authority delegations are used to support large regulatory programs, a disproportionate share of the regulatory burden should be associated with CFR parts that cite at least one general authority delegation.
2. *Policy volatility*. If vague delegations expand policymaking discretion, they may be associated with more frequent amendments or more recent updating of regulatory text, which may serve as a partial proxy for volatility and policy uncertainty.
3. *Economic outcomes*. If broad delegations increase policy uncertainty, they should correlate, perhaps with lags, with investment, entry, and innovation outcomes in affected sectors.

Figure 1, Figure 2, and Table 1 below provide two descriptive patterns using only the Nondelegation Project database. Figure 1 shows the share of the regulatory footprint associated with CFR parts that cite at least one general-authority delegation. Figure 2 shows recency of regulations, as a proxy for policy volatility or uncertainty. Table 1 lists the differences in update recency between CFR parts that cite any general-authority delegations and those that cite only specific delegations. These patterns are descriptive, not causal. But they are intended to motivate more detailed identification strategies and to illustrate what becomes measurable with the new dataset.

As mentioned above, 37.11 percent of the regulation-statute observations in our dataset are classified as "general authority." At the CFR part level, 70.3 percent of parts cite at least one general authority delegation. Figure 1 shows that those parts account for 79.7 percent of total restriction counts and 80.0 percent of total word counts in this dataset. These descriptive patterns underscore that broad delegations are not a small corner phenomenon. Indeed, they are associated with the vast majority of the regulatory footprint, at least as measured by text-based proxies from the RegData project.

Figure 1. General-Authority Delegations and the Regulatory Footprint (CFR-Part Level)

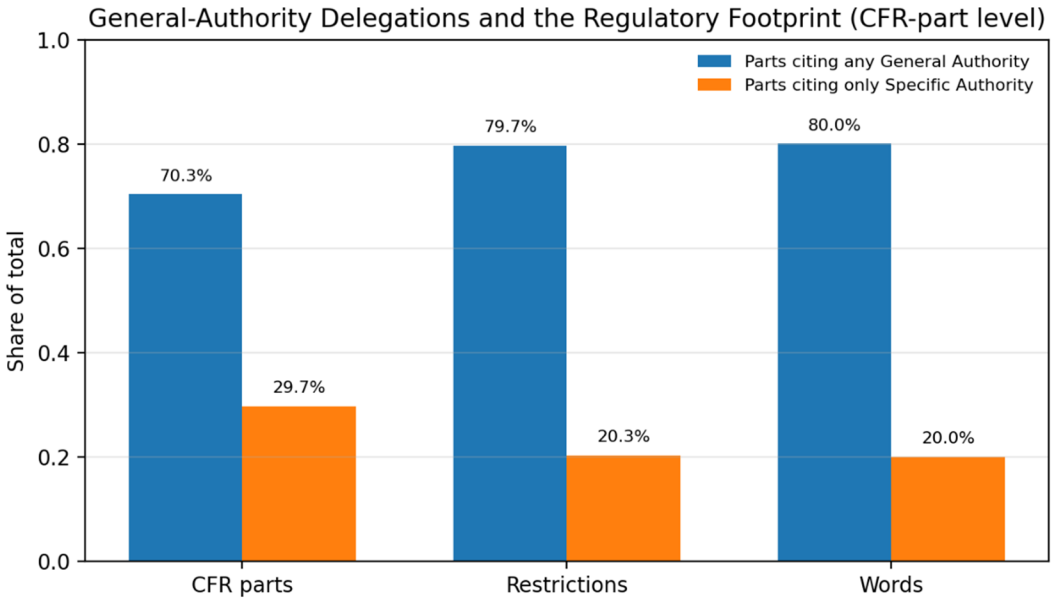

Figure 1 Notes: Authors' calculations. "Restrictions" are RegData restriction counts (instances of "shall," "must," "may not," "required," and "prohibited" in regulatory text). "Words" are total word counts in the CFR part. Because CFR parts can cite multiple authorities, the summation is at the CFR part level, not a decomposition of a part's text into authority-specific segments.

Figure 2 examines recency—that is, how recently was a CFR part updated. While some CFR parts are never updated following their original publication, others are amended or otherwise changed in subsequent years. In Figure 2, we show that CFR parts citing at least one general delegation appear to be updated more recently than those parts citing specific delegations only. This would be consistent with the notion that general delegations create policy uncertainty that needs to be resolved with updates and changes to regulations that cite them.

Figure 2. Recency of CFR Updates, by Presence of General-Authority Delegations

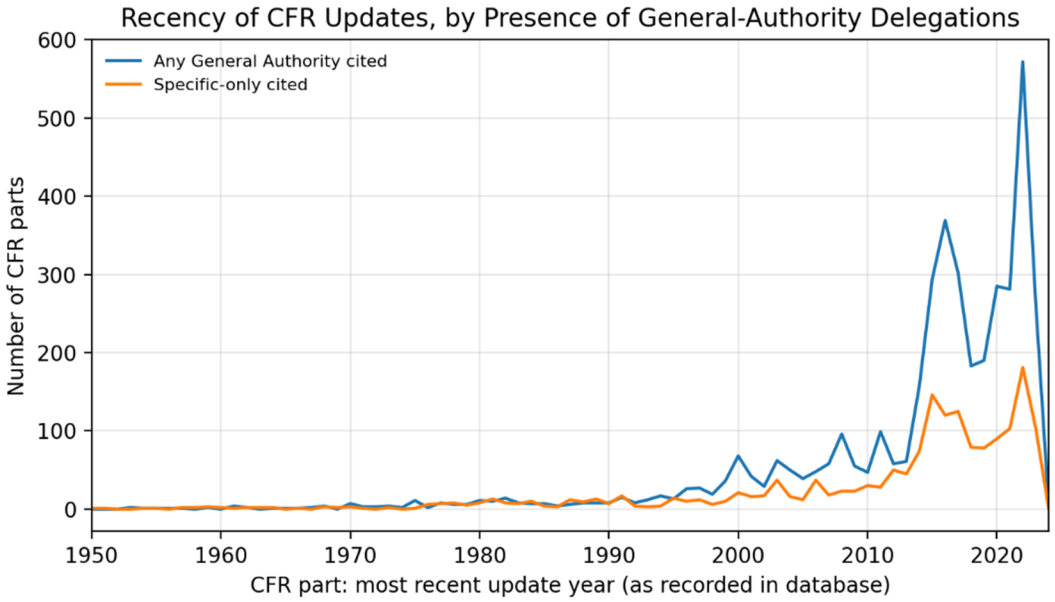

Figure 2 Notes: Authors' calculations using the same data as Figure 1. "Most recent update year" is the database field "last_updated," which records the most recent year in which the CFR part was updated (as indicated by Federal Register references and publication dates in the CFR part metadata).

Table 2 quite simply shows a possible research path for associating vague delegations with economic outcomes—a task we leave to future research. Table 2 lists the delegations with the greatest number of regulatory restrictions associated with them. Existing research does suggest that a greater number of restrictions is associated with greater consequence. For example, Bentley Coffey, Patrick McLaughlin, and Pietro Peretto show that regulatory accumulation (the buildup of regulatory restrictions over time in the CFR) slows economic growth by 0.8 percentage points annually.[92] But we leave this extension of research on the consequence of vague delegations vis-a-vis specific delegations to future work, perhaps in a more data-oriented outlet.

Table 2. Key Statutory Sections Granting General Authority, Ranked by Associated Regulatory Restrictions

Title	Section	Citations	CFR parts (n)	Restrictions	Words
31	9701	132	130	45,740	2,700,084
42	7601	53	51	41,731	3,681,203
42	7401	34	34	32,747	3,150,624
49	40113	109	109	30,677	1,578,899
47	154	66	44	29,947	2,141,624
42	1302	86	86	29,172	2,625,240

[92] *See generally* Bentley Coffey, Patrick A. McLaughlin, & Pietro Peretto, *The Cumulative Cost of Regulations*, 38 REV. ECON. DYNAMICS 1 (2020).

29	655	6	6	29,033	1,371,318
21	371	225	222	28,898	2,482,869
42	3535	187	184	28,736	1,775,929
49	44702	41	41	22,956	1,028,278

Table 2 Notes: Authors' calculations. The table aggregates restrictions and words across *unique CFR parts* citing each U.S. Code section (deduplicating by CFR part to avoid counting a part multiple times for the same statutory section).

VI. Conclusion

Economics supplies a disciplined way to separate *why* delegation can be attractive from *when* broad delegation becomes worrisome. Delegation can be efficient for technical, state-contingent problems where expertise and flexibility dominate. But broad and vague delegations are predicted to raise welfare-relevant concerns for a variety of reasons. They can expand residual discretion in domains with high incentive conflict and concentrated rents, they can require high-cost substitutes such as intensive procedure, litigation, or continuous oversight to discipline agency behavior, and they can materially increase policy uncertainty for long-horizon private investment.

This framing supports a measured normative conclusion that is consistent with the nondelegation principle's core intuition: Even if some discretion is necessary, very broad delegations can be problematic because they shift major policy choices away from the electorally accountable legislature and into settings where monitoring is harder, rent-seeking incentives are stronger, and policy instability can carry real economic costs. The empirical agenda enabled by the Nondelegation Project—linking delegation breadth to regulatory burden and, ultimately, to economic outcomes—can help distinguish which delegations are merely administratively convenient from those that create large and systematic welfare risks.

With a U.S. Code and CFR fettered with presumptively problematic delegations of general authority—nearly 21,000 of them at least—there is good reason to question whether Congress has been delegating too broadly. To reverse this trend, Congress ultimately needs to revisit these prior delegations and act as the body from which they originated.

Appendix 1. Scraping and Caching Techniques

```python
def fetch_text(url, unique_id, retries=3):
    cache  path = f"cache/{unique  id}.txt"
    if os.path.exists(cache_path):
        with open(cache_path, 'r') as file:
            return file.read()

    for attempt in range(retries):
        try:
            response = requests.get(url, headers={"User-Agent":
            "Mozilla/5.0"})
            response.raise_for_status()
            soup = BeautifulSoup(response.text, 'html.parser')
            main_content = soup.find('div', {'id': 'content'})
            text = '\n'.join(p.get_text(strip=True) for p in
            main_content.find_all('p'))
            with open(cache_path, 'w') as file:
                file.write(text)
            return text
        except Exception as e:
            time.sleep(2 ** attempt)
    return "Fetch failed"
```

Appendix 2. Short and Long Prompts for Effectiveness Testing

*Short Prompt:

```plaintext
Classify the statute-regulation relationship:
(a) directly mandated
(b) authorized but not mandated
(c) related but neither mandated nor explicitly authorized
(d) unrelated
Categorize by Hickman's delegation:
[Specific Authority or General Authority]
Confidence (1-10):
```

*Long Prompt:

```plaintext
You are an expert in administrative law. Classify:
Task 1: Statute-regulation relationship:
(a) directly mandated
(b) authorized but not mandated
(c) related but neither mandated nor explicitly authorized
(d) unrelated
Task 2: Hickman’s delegation framework:
```

```
- Specific Authority: Statute explicitly instructs regulatory action.
- General Authority: Broad statutory delegation.
Provide confidence (1-10).
Statute:
{statute_text}
Regulation:
{regulation_text}
```

Appendix 3. Evaluation Pipeline

```
```python
import concurrent.futures
def evaluate  models(statute, regulation):
        results = {}
        prompt = LONG_PROMPT.format(statute_text=statute,
        regulation_text=regulation)
        for model in ["gpt-4o", "gpt-3.5-turbo", "gemini-2.0-flash", "claude-3-opus",
        "grok-2-latest"]:
                results[model] = query_model_api(prompt, model)
        return results
with concurrent.futures.ThreadPoolExecutor(max_workers=5) as executor:
        evaluation  results = list(executor.map(evaluate  models, statutes,
        regulations))
```
```

Appendix 4. Data Dictionary

Regulation Information (All Based on the 2023 CFR)

CFR Title. The title in which a regulation was published.
CFR Part. The part in which a regulation was published.
Restrictions (from RegData). The number of regulatory restrictions contained in the CFR part. Regulatory restrictions are a proxy for the number of prohibitions and obligations contained in regulatory text and are measured by counting occurrences of words such as “shall,” “must,” and “may not.”
Words (from RegData). The number of words contained in the CFR part.
Last Updated. The most recent year that a CFR part was updated in some way (as indicated by references to the *Federal Register* and the publication date).
Authorities. The number of individual authorities listed in a CFR part. For example, if a CFR part lists five different statutory authorities, then authorities is equal to five. This includes only U.S. Code sections, not other types of authorities (*see* Appendix 5).
cfr_url. Link to the regulatory text of a CFR part, hosted on the Cornell University LII’s website.

Delegation Information

U.S. Code Title. The title in which the delegating authority was published.

U.S. Code Section. The section in which the delegating authority was published.
Delegation Category. The type of delegation contained in a U.S. Code section, based on Kristin Hickman and Amy Wildermuth's research.[93] The category "No Delegation," which is not one in Hickman and Wildermuth's research, indicates that the LLM could not fit the delegation into either the general or specific category. We verified each of these "No Delegation" instances, and while they are relatively rare, they are interesting examples of a regulation citing a statute that clearly has very little relation with the regulation and contains no delegatory language.
Citations. Total number of times a U.S. Code section is cited by different CFR parts. For example, if 10 different CFR parts cite 33 U.S.C. § 1441, the value recorded for citations would be 10.
Last Amended. The last time a U.S. Code section was amended, based on an LLM's reading of the text.
usc_url. Hyperlink to the text of the U.S. Code section cited by the CFR part.

Appendix 5. Known Issues

Part 1 of CFR Title 26 is excluded from the database because of its unique formatting. The database includes only delegations that were listed as U.S. Code sections and does not yet include citations to public laws, statutes at large, or citations to non-congressional authorities (executive orders and other CFR parts). Finally, the database does not handle U.S. Code sections that are listed with the "et seq" legal term and sometimes has trouble deciphering citations of large ranges of statutes (*e.g.*, 18 CFR part 11 cites 16 U.S.C. §§ 792–828c and 42 U.S.C. §§ 7101–7352). We hope a future version will improve on all these issues**.**

[93] Hickman & Wildermuth, *supra* note 4.