

March 11, 2021

The Honorable Ron Johnson
United States Senate
Washington, D.C. 20510

Dear Senator Johnson,

On behalf of the undersigned organizations, we write to express our strong support for your legislation to require federal agencies to publish their non-regulatory guidance documents in a single location online. The “Guidance Out of Darkness (GOOD)” Act is a strong step forward toward improving transparency of federal rules for the general public and businesses alike. We are proud to support S. 628 and urge all lawmakers to cosponsor and support this sensible proposal.

Federal rules and regulations can often have an economic impact on businesses similar to taxes, as they can increase operating costs in order to comply with federal standards. In recent years, Washington bureaucrats have ignored the regulatory rulemaking process by implementing “guidance”—a creative way to mandate new policies without the same hurdles as regulations. Since guidance is not subject to the same public process as formal rules, which are required to be shared with the public for comments and input prior to finalization, regulatory guidance documents can be used to circumvent public input.

Not only does this practice lack transparency, but it permits agencies to exceed their afforded power and impose additional rules without being accountable. It is unfair to businesses and to the American public to be kept in the dark on what bureaucrats are doing behind closed doors. As it stands, federal agencies are not obligated to post their guidance documents online, which only adds to the bureaucratic complexity businesses face with monitoring and complying with federal rules. Ensuring final regulations are easily accessible is fundamental to an agency’s effectiveness and critical for the public’s ability to hold the agency accountable.

Thankfully, this legislation shines light on rules that are stuck in the shadows of the bureaucracy by requiring agencies to post their regulatory guidance documents in a central location on their website. Ensuring agencies report their guidance documents online is a reasonable solution to hold the bureaucracy responsible. Powerful federal agencies can sometimes issue significant rules and policies through means other than a formal regulation, and this legislation would ensure that items such as memos, news releases, letters, and blog posts are available for public review.

Our organizations strongly support increasing transparency and oversight of the regulatory system. We are proud to endorse the GOOD Act and urge its swift consideration.

Sincerely,

