

Calendar No. 565

119TH CONGRESS
2D SESSION

S. 252

To increase access to agency guidance documents.

IN THE SENATE OF THE UNITED STATES

JANUARY 24, 2025

Mr. JOHNSON (for himself, Mr. CRAMER, Ms. ERNST, Mr. LANKFORD, Mr. TILLIS, Mrs. BLACKBURN, Mr. BUDD, Mr. SCHMITT, Mr. MARSHALL, Mr. SHEEHY, Mr. LEE, Ms. LUMMIS, Mr. SCOTT of Florida, Mr. HOEVEN, Mr. RISCH, and Mr. MCCORMICK) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

SEPTEMBER 14, 2026

Reported by Mr. PAUL, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To increase access to agency guidance documents.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Guidance Out Of
5 Darkness Act” or the “GOOD Act”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) AGENCY.—The term “agency” has the
4 meaning given the term in section 551 of title 5,
5 United States Code.

6 (2) DIRECTOR.—The term “Director” means
7 the Director of the Office of Management and Budget.
8 et.

9 (3) GUIDANCE DOCUMENT.—

10 (A) DEFINITION.—The term “guidance
11 document”—

12 (i) means an agency statement of gen-
13 eral applicability (other than a rule that
14 has the force and effect of law promul-
15 gated in accordance with the notice and
16 comment procedures under section 553 of
17 title 5, United States Code) that—

18 (I) does not have the force and
19 effect of law; and

20 (II) is designated by an agency
21 official as setting forth—

22 (aa) a policy on a statutory,
23 regulatory, or technical issue; or

24 (bb) an interpretation of a
25 statutory or regulatory issue; and

26 (ii) may include—

- 1 (I) a memorandum;
- 2 (II) a notice;
- 3 (III) a bulletin;
- 4 (IV) a directive;
- 5 (V) a news release;
- 6 (VI) a letter;
- 7 (VII) a blog post;
- 8 (VIII) a no-action letter;
- 9 (IX) a speech by an agency official; and
- 10 (X) any combination of the items
- 11 described in subclauses (I) through
- 12 (IX).

14 (B) **RULE OF CONSTRUCTION.**—The term

15 “guidance document”—

- 16 (i) shall be construed broadly to effectuate the purpose and intent of this Act;
- 17 and
- 18 (ii) shall not be limited to the items
- 19 described in subparagraph (A)(ii).

21 **SEC. 3. PUBLICATION OF GUIDANCE DOCUMENTS ON THE**

22 **INTERNET.**

23 (a) **IN GENERAL.**—Subject to subsection (d), on the

24 date on which an agency issues a guidance document, the

1 agency shall publish the guidance document in accordance
 2 with the requirements under subsection (e).

3 ~~(b) PREVIOUSLY ISSUED GUIDANCE DOCUMENTS.—~~

4 Subject to subsection (d), not later than 180 days after
 5 the date of enactment of this Act, each agency shall pub-
 6 lish, in accordance with the requirements under subsection
 7 (e), any guidance document issued by that agency that is
 8 in effect on that date.

9 ~~(c) SINGLE LOCATION.—~~

10 ~~(1) IN GENERAL.—~~All guidance documents pub-
 11 lished under subsections (a) and (b) by an agency
 12 shall be published in a single location on an internet
 13 website designated by the Director under paragraph
 14 (4).

15 ~~(2) AGENCY INTERNET WEBSITES.—~~Each agen-
 16 cy shall, for guidance documents published by the
 17 agency under subsections (a) and (b), publish a
 18 hyperlink on the internet website of the agency that
 19 provides access to the guidance documents at the lo-
 20 cation described in paragraph (1).

21 ~~(3) ORGANIZATION.—~~

22 ~~(A) IN GENERAL.—~~The guidance docu-
 23 ments described in paragraph (1) shall be—

24 ~~(i) categorized as guidance docu-~~
 25 ~~ments; and~~

1 (ii) further divided into subcategories
2 as appropriate.

3 ~~(B) AGENCY INTERNET WEBSITES.—~~The
4 hyperlinks described in paragraph (2) shall be
5 prominently displayed on the internet website of
6 the agency.

7 ~~(4) DESIGNATION.—~~Not later than 90 days
8 after the date of enactment of this Act, the Director
9 shall designate an internet website on which guid-
10 ance documents shall be published under subsections
11 (a) and (b).

12 ~~(d) DOCUMENTS AND INFORMATION EXEMPT FROM~~
13 ~~DISCLOSURE UNDER FOIA.—~~If a guidance document
14 issued by an agency is a document that is exempt from
15 disclosure under section 552(b) of title 5, United States
16 Code (commonly known as the “Freedom of Information
17 Act”), or contains information that is exempt from disclo-
18 sure under that section, that document or information, as
19 the case may be, shall not be subject to the requirements
20 under this Act.

21 ~~(e) RESCINDED GUIDANCE DOCUMENTS.—~~On the
22 date on which a guidance document issued by an agency
23 is rescinded, or, in the case of a guidance document that
24 is rescinded pursuant to a court order, not later than the

1 date on which the order is entered, the agency shall, at
 2 the location described in subsection (c)(1)—

3 ~~(1) maintain the rescinded guidance document;~~

4 and

5 ~~(2) indicate—~~

6 ~~(A) that the guidance document is re-~~
 7 ~~scinded;~~

8 ~~(B) if the guidance document was re-~~
 9 ~~scinded pursuant to a court order, the case~~
 10 ~~number of the case in which the order was en-~~
 11 ~~tered; and~~

12 ~~(C) the date on which the guidance docu-~~
 13 ~~ment was rescinded.~~

14 **SECTION 1. SHORT TITLE.**

15 *This Act may be cited as the “Guidance Out Of Dark-*
 16 *ness Act” or the “GOOD Act”.*

17 **SEC. 2. DEFINITIONS.**

18 *In this Act:*

19 (1) *AGENCY.*—*The term “agency” has the mean-*
 20 *ing given the term in section 551 of title 5, United*
 21 *States Code.*

22 (2) *DIRECTOR.*—*The term “Director” means the*
 23 *Director of the Office of Management and Budget.*

24 (3) *GUIDANCE DOCUMENT.*—

1 (A) *IN GENERAL.*—*The term “guidance doc-*
 2 *ument”*—

3 (i) *means an agency statement of gen-*
 4 *eral applicability (other than a rule that*
 5 *has the force and effect of law that was pro-*
 6 *mulgated in accordance with the notice and*
 7 *comment procedures under section 553 of*
 8 *title 5, United States Code, or a statutory*
 9 *exemption to such procedures) that—*

10 (I) *does not have the force and ef-*
 11 *fect of law; and*

12 (II) *is designated by an agency*
 13 *official as setting forth—*

14 (aa) *a policy on a statutory,*
 15 *regulatory, or technical issue; or*

16 (bb) *an interpretation of a*
 17 *statutory or regulatory issue; and*

18 (ii) *may include—*

19 (I) *a memorandum;*

20 (II) *a notice;*

21 (III) *a bulletin;*

22 (IV) *a directive;*

23 (V) *a news release;*

24 (VI) *a letter;*

25 (VII) *a blog post;*

1 (VIII) a no-action letter;

2 (IX) a speech by an agency offi-
3 cial; and

4 (X) any combination of the items
5 described in subclauses (I) through
6 (IX).

7 (B) *RULE OF CONSTRUCTION.*—The term
8 “guidance document”—

9 (i) shall be construed broadly to effec-
10 tuate the purpose and intent of this Act;
11 and

12 (ii) shall not be limited to the items
13 described in subparagraph (A)(ii).

14 **SEC. 3. PUBLICATION OF GUIDANCE DOCUMENTS ON THE**
15 **INTERNET.**

16 (a) *IN GENERAL.*—Subject to section 5, on the date
17 on which an agency issues a guidance document, the agency
18 shall publish the guidance document in accordance with the
19 requirements under section 4.

20 (b) *PREVIOUSLY ISSUED GUIDANCE DOCUMENTS.*—
21 Subject to section 5, not later than 180 days after the date
22 of enactment of this Act, each agency shall publish, in ac-
23 cordance with the requirements under section 4, any guid-
24 ance document issued by that agency that is in effect on
25 that date.

1 **SEC. 4. SINGLE LOCATION.**

2 (a) *IN GENERAL.*—All guidance documents published
3 under section 3 by an agency shall be published in a single
4 location on an internet website designated by the Director
5 under subsection (d) of this section.

6 (b) *AGENCY INTERNET WEBSITES.*—Each agency
7 shall, for guidance documents published by the agency
8 under section 3, publish a hyperlink on the principal inter-
9 net website of the agency that provides access to the guid-
10 ance documents at the location described in subsection (a)
11 of this section.

12 (c) *ORGANIZATION.*—

13 (1) *IN GENERAL.*—The guidance documents de-
14 scribed in subsection (a) shall be—

15 (A) categorized as guidance documents; and

16 (B) further divided into subcategories as
17 appropriate.

18 (2) *AGENCY INTERNET WEBSITES.*—The
19 hyperlinks described in subsection (b) shall be promi-
20 nently displayed on the principal internet website of
21 the agency.

22 (d) *FORMAT OF GUIDANCE DOCUMENTS.*—Each guid-
23 ance document published under section 3 shall be made
24 available as an open Government data asset (as defined in
25 section 3502 of title 44, United States Code) and, to the
26 extent practicable, optimized for search engines.

1 (e) *DESIGNATION.*—Not later than 90 days after the
 2 date of enactment of this Act, the Director shall designate
 3 an internet website on which guidance documents shall be
 4 published under section 3.

5 **SEC. 5. DOCUMENTS AND INFORMATION EXEMPT FROM**
 6 **DISCLOSURE UNDER FOIA.**

7 If a guidance document issued by an agency is a docu-
 8 ment that is exempt from disclosure under section 552(b)
 9 of title 5, United States Code (commonly known as the
 10 “Freedom of Information Act”), or contains information
 11 that is exempt from disclosure under such section 552(b),
 12 that document or information, as the case may be, shall
 13 not be subject to the requirements under this Act.

14 **SEC. 6. RESCINDED GUIDANCE DOCUMENTS.**

15 On the date on which a guidance document issued by
 16 an agency is rescinded, or, in the case of a guidance docu-
 17 ment that is rescinded pursuant to a court order, not later
 18 than the date on which the order is entered, the agency shall,
 19 at the location described in section 4(a)—

20 (1) maintain the rescinded guidance document;

21 and

22 (2) indicate—

23 (A) that the guidance document is re-
 24 scinded;

1 (B) if the guidance document was rescinded
2 pursuant to a court order, the case number of the
3 case in which the order was entered; and

4 (C) the date on which the guidance docu-
5 ment was rescinded.

6 **SEC. 7. RULES OF CONSTRUCTION.**

7 (a) *VALIDITY OF GUIDANCE DOCUMENTS.*—Nothing in
8 this Act shall be construed to mean that noncompliance
9 with any provision of this Act affects or otherwise impacts
10 the validity of any guidance document.

11 (b) *CONGRESSIONAL REVIEW OF GUIDANCE DOCU-*
12 *MENTS.*—Nothing in this Act shall be construed to affect
13 or otherwise impact whether a guidance document is subject
14 to congressional review under chapter 8 of title 5, United
15 States Code.

16 **SEC. 8. REPORT ON AGENCY COMPLIANCE.**

17 Not later than 5 years after the date of enactment of
18 this Act, the Comptroller General shall submit to the Com-
19 mittee on Oversight and Government Reform of the House
20 of Representatives and the Committee on Homeland Secu-
21 rity and Governmental Affairs of the Senate a report on
22 the compliance of agencies with this Act.

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