



Chairman Rand Paul
United States Senate
Committee on Homeland Security
& Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC 20510

Chairman Gary Peters
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August 3, 2026

Dear Chairman Paul and Ranking Member Peters:

The Coalition for Sensible Safeguards (CSS), an alliance of over 220 labor, scientific, research, good government, faith, community, health, environmental, and public interest groups, opposes S. 252/H.R. 1515, the Guidance Out of Darkness Act (GOOD Act), and S. 164/H.R. 77, the Midnight Rules Relief Act of 2025. The bills would undermine the regulatory process by decreasing accessibility and transparency and increasing Congress' ability to overturn large numbers of rules in one broad resolution.

The GOOD Act

The crux of the GOOD Act is its purported definition of "guidance document." The term "guidance document" has never been defined in federal law. Instead, over time, the term has come to encompass a broad array of communications issued by agencies, consistent with the invaluable role guidance plays in ensuring the effective functioning of our regulatory system. Crucially, courts have provided a backstop, scrutinizing any potential improper use of "guidance documents" by agencies.

Given this history, any attempt to define the concept of "guidance document" should proceed with the utmost care and caution. Unfortunately, this bill does not take such an approach. Rather, it purports to adopt a comprehensive definition — that is, it attempts to define what is practically undefinable — and in doing so, risks creating confusion for both agencies and the public. The bill's attempt to bring clarity to this definition — a non-exhaustive list of examples of guidance — is likely to create more confusion rather than reduce it.

Even if a workable and comprehensive definition could be established, it is unlikely that the webpages required by the GOOD Act would promote the desired goals of transparency and accessibility. The concept of guidance documents is meant to give agencies flexibility and broad discretion to use these actions as appropriate. As a result, a truly comprehensive list of guidance documents for each agency would include hundreds, if not thousands, of items. Such lists would defeat transparency and accessibility by proving unusable for most members of the public who will struggle to identify which guidance documents apply to them.

For the agencies themselves, assembling websites that provide a comprehensive archive of all their guidance documents would prove costly and time-consuming. Given that these websites would tend to undermine, rather than promote, the public interest in accessibility and transparency, implementation of the bill risks wasting a significant amount of taxpayer and agency resources. These expenditures would come at a time when agencies are already facing significant budget shortfalls that undermine their ability to carry out their congressionally assigned mandates in an effective and timely manner.

A far better approach to achieving transparency and accessibility would be to define the concept of guidance documents in the generic terms suggested by the Administrative Procedure Act (APA) and leave it to the discretion of agency leaders to decide which of their guidance documents are of greatest public interest and thus should be included in a website archive. Guidance documents have long been used both to provide crucial clarifying information that benefits those subject to regulations and those who are intended to benefit from them, and to provide a voluntary path to serving the agency's mission. Rather than oppose guidance documents, regulated industry has long welcomed them since they enable firms to meet their regulatory responsibilities as cost-effectively as possible and in a manner that suits their unique circumstances.

Midnight Rules Relief Act

S. 164, the Midnight Rules Relief Act, would amend the Congressional Review Act (CRA) to allow simultaneous disapproval of dozens of regulations using a single joint resolution. The effect of this bill would be to greatly expand the CRA's anti-regulatory force by amplifying the harmful impact of the CRA's "salt the earth" provision, which bars agencies from issuing new rules that are substantially the same as the rules that are repealed. It would also make it easier for narrow majorities of lawmakers to repeal safeguards without the due consideration and deliberation that Congress should employ before taking such drastic steps. Thus, the operation of the bill would significantly constrain agencies' authority to carry out their statutory missions to protect the public.

The proposed legislation is based on a fatally flawed premise that regulations finalized during the so-called "midnight" rulemaking period at the end of an administration are rushed and inadequately vetted. In fact, the very opposite is true.

Unlike the CRA's expedited procedures, agency rules are subjected to myriad accountability mechanisms, and, for each rule, the agency must articulate a policy rationale that is supported by the rulemaking record and consistent with the requirements of the authorizing statute. In contrast, members of Congress do not have to articulate a valid policy rationale — or any rationale at all — in support of CRA resolutions of disapproval. Quite simply, they can be, and often are, an act of pure politics.

S. 164 would make the situation even worse. It would, at best, demand that all members of Congress have adequate expertise on all of the rules that would be targeted by a single disapproval resolution. But such a scenario would be highly unlikely, leaving members of

Congress voting to disapprove multiple rules without adequate expertise or knowledge of the impacts.

It would also risk encouraging members to engage in “horse trading” to add still more rules to the disapproval resolution until enough votes have been gathered to ensure the resolution’s passage.

CSS is actively tracking [CRA resolutions in the 119th Congress](#). Altogether, more than 175 rules have been targeted with CRA resolutions so far. As of August 2026, sixty of these rules have faced CRA votes in at least one chamber of Congress. To date, twenty-two rules have been repealed through the CRA process. The targeted rules protect small businesses, workers, consumers, students, veterans, investors, people of color, clean air, clean water, renewable energy, wildlife, and gun safety, among others.

Making matters worse, due to recent abuses of the CRA, members of Congress have not limited their use of the Act to so-called midnight rules issued at the end of the administration. They [opened](#) a Pandora’s box by extending the CRA well beyond its intended scope to include waivers and other non-rules. With this new broad redefinition, both agencies and members of Congress are reaching back to find years’ old actions and repeal them through the CRA. Thus, the Midnight Rules Relief Act is no longer just a vehicle to group CRA resolutions for “midnight rules,” but instead a dangerous tool to wipe out whole tranches of old actions without regard to the disruption this might pose. It is imperative for Congress to curb this abuse of the CRA.

CSS agrees that the CRA is in dire need of reform, but instead of expanding its harmful effects, as the Midnight Rules Relief Act would do, we encourage the House to evaluate proposals that would limit those effects. One such measure is the EXPERTS Act. Among its many real and meaningful reforms to strengthen the regulatory process, the EXPERTS Act would address one of the most problematic aspects of the CRA by eliminating the “salt the earth” provision discussed above. Critically, the Act would also create a fast-track reinstatement process for rules that were the subject of resolutions of disapproval.

We look forward to working with Congress to ensure that our regulatory process is working effectively and efficiently to protect the American public.

We strongly urge opposition to S. 252/H.R. 1515, the Guidance Out of Darkness Act (GOOD Act), and S. 164/H.R. 77, the Midnight Rules Relief Act of 2025.

Sincerely,



Rachel Weintraub
Executive Director
Coalition for Sensible Safeguards

CC: Members of Senate Committee on Homeland Security & Governmental Affairs