

Calendar No. 586

115TH CONGRESS
2D SESSION

H. R. 4809

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 27, 2018

Received; read twice and placed on the calendar

AN ACT

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”.

6 **SEC. 2. PURPOSE.**

7 It is the purpose of this Act to increase the trans-
8 parency of agency guidance documents and to make guid-
9 ance documents more readily available to the public.

1 **SEC. 3. PUBLICATION OF GUIDANCE DOCUMENTS ON THE**
2 **INTERNET.**

3 (a) IN GENERAL.—On the date on which an agency
4 issues a guidance document, the head of the agency shall
5 publish the guidance document in accordance with sub-
6 section (c).

7 (b) PREVIOUSLY ISSUED GUIDANCE DOCUMENTS.—
8 With respect to any guidance document issued by an agen-
9 cy before the effective date of this Act that is in effect
10 on the effective date of this Act, the head of each agency
11 shall meet the requirements of subsection (c).

12 (c) SINGLE LOCATION.—The head of each agency
13 shall:

14 (1) Publish any guidance document issued by
15 the agency in a single location on an online portal
16 designated by the Director of the Office of Manage-
17 ment and Budget.

18 (2) With respect to a guidance document issued
19 by an agency, include a hyperlink on the online por-
20 tal of the agency that provides access to the guid-
21 ance document published pursuant to paragraph (1).

22 (3) Ensure that any guidance document pub-
23 lished pursuant to paragraph (1) is—

24 (A) clearly identified as a guidance docu-
25 ment;

1 (B) sorted into subcategories, as appro-
2 priate;

3 (C) published in a machine-readable and
4 open format; and

5 (D) searchable.

6 (4) Ensure that any hyperlink described in
7 paragraph (2) be prominently displayed on the on-
8 line portal of the agency.

9 (d) **RESCINDED GUIDANCE DOCUMENTS.**—Not later
10 than the date on which a guidance document issued by
11 an agency is rescinded, the head of the agency shall on
12 the online portal described in subsection (c)(1)—

13 (1) maintain a copy of the rescinded guidance
14 document; and

15 (2) indicate—

16 (A) that the guidance document is re-
17 scinded; and

18 (B) the date on which the guidance docu-
19 ment was rescinded.

20 (e) **DEADLINE TO DESIGNATE PORTAL.**—Not later
21 than 30 days after the date of the enactment of this Act,
22 the Director of the Office of Management and Budget
23 shall designate an online portal in accordance with sub-
24 section (c)(1).

1 **SEC. 4. RULES OF CONSTRUCTION.**

2 (a) GUIDANCE DOCUMENTS.—In this Act, the term
3 “guidance document” shall be construed broadly.

4 (b) CONGRESSIONAL REVIEW.—Nothing in this Act
5 may be construed to affect whether a guidance document
6 qualifies as a rule for purposes of chapter 8 of title 5,
7 United States Code.

8 **SEC. 5. DEFINITIONS.**

9 In this Act:

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

13 (2) GUIDANCE DOCUMENT.—The term “guid-
14 ance document”—

15 (A) means an agency statement of general
16 applicability (other than a rule that has the
17 force and effect of law promulgated in accord-
18 ance with the notice and public procedure under
19 section 553 of title 5, United States Code)
20 that—

21 (i) does not have the force and effect
22 of law; and

23 (ii) sets forth—

24 (I) an agency decision or a policy
25 on a statutory, regulatory, or tech-
26 nical issue; or

1 (II) an interpretation of a statu-
2 tory or regulatory issue; and

3 (B) may include any of the following:

4 (i) A memorandum.

5 (ii) A notice.

6 (iii) A bulletin.

7 (iv) A directive.

8 (v) A news release.

9 (vi) A letter.

10 (vii) A blog post.

11 (viii) A no-action letter.

12 (ix) A speech by an agency official.

13 (x) An advisory.

14 (xi) A manual.

15 (xii) A circular.

16 (xiii) Any combination of the items
17 described in clauses (i) through (xii).

18 (3) RULE.—The term “rule” has the meaning
19 given that term in section 551 of title 5, United
20 States Code.

1 **SEC. 6. EFFECTIVE DATE.**

2 Except as provided in section 3(e), this Act shall take
3 effect on the date that is 180 days after the date of the
4 enactment of this Act.

 Passed the House of Representatives September 26,
2018.

Attest:

KAREN L. HAAS,
Clerk.

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