

Union Calendar No. 760

115TH CONGRESS
2D SESSION

H. R. 4809

[Report No. 115–972]

To increase access to agency guidance documents.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 16, 2018

Mr. WALKER introduced the following bill; which was referred to the
Committee on Oversight and Government Reform

SEPTEMBER 25, 2018

Additional sponsors: Mr. GAETZ, Mr. ROUZER, Mr. JONES, and Mr. ROKITA

SEPTEMBER 25, 2018

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on January 16, 2018]

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 Dark-*
5 *ness Act” or the “GOOD Act”.*

6 **SEC. 2. PUBLICATION OF GUIDANCE DOCUMENTS ON THE**
7 **INTERNET.**

8 *(a) IN GENERAL.—On the date on which an agency*
9 *issues a guidance document, the head of the agency shall*
10 *publish the guidance document in accordance with sub-*
11 *section (c).*

12 *(b) PREVIOUSLY ISSUED GUIDANCE DOCUMENTS.—*
13 *With respect to any guidance document issued by an agency*
14 *before the effective date of this Act that is in effect on the*
15 *effective date of this Act, the head of each agency shall meet*
16 *the requirements of subsection (c).*

17 *(c) SINGLE LOCATION.—The head of each agency shall:*

18 *(1) Publish any guidance document issued by the*
19 *agency in a single location on the publicly accessible*
20 *Federal Government website (commonly known as*
21 *regulations.gov) described under section 206(d) of the*
22 *E-Government Act of 2002 (Public Law 107-347; 44*
23 *U.S.C. 3501 note).*

24 *(2) With respect to a guidance document issued*
25 *by an agency, include a hyperlink on the online por-*

1 *tal of the agency that provides access to the guidance*
2 *document published pursuant to paragraph (1).*

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

5 *(A) clearly identified as a guidance docu-*
6 *ment;*

7 *(B) sorted into subcategories, as appro-*
8 *priate;*

9 *(C) published in a machine-readable and*
10 *open format; and*

11 *(D) searchable.*

12 *(4) Ensure that any hyperlink described in*
13 *paragraph (2) be prominently displayed on the online*
14 *portal of the agency.*

15 *(d) RESCINDED GUIDANCE DOCUMENTS.—Not later*
16 *than the date on which a guidance document issued by an*
17 *agency is rescinded, the head of the agency shall on the Fed-*
18 *eral Government website described in subsection (c)(1)—*

19 *(1) maintain a copy of the rescinded guidance*
20 *document; and*

21 *(2) indicate—*

22 *(A) that the guidance document is re-*
23 *scinded; and*

24 *(B) the date on which the guidance docu-*
25 *ment was rescinded.*

1 **SEC. 3. RULE OF CONSTRUCTION.**

2 *In this Act, the term “guidance document” shall be*
3 *construed broadly.*

4 **SEC. 4. DEFINITIONS.**

5 *In this Act:*

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

9 (2) *GUIDANCE DOCUMENT.*—*The term “guidance*
10 *document”—*

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

16 *(i) does not have the force and effect of*
17 *law; and*

18 *(ii) sets forth—*

19 *(I) an agency decision or a policy*
20 *on a statutory, regulatory, or technical*
21 *issue; or*

22 *(II) an interpretation of a statu-*
23 *tory or regulatory issue; and*

24 *(B) may include any of the following:*

25 *(i) A memorandum.*

26 *(ii) A notice.*

1 (iii) *A bulletin.*

2 (iv) *A directive.*

3 (v) *A news release.*

4 (vi) *A letter.*

5 (vii) *A blog post.*

6 (viii) *A no-action letter.*

7 (ix) *A speech by an agency official.*

8 (x) *An advisory.*

9 (xi) *A manual.*

10 (xii) *A circular.*

11 (xiii) *Any combination of the items de-*
12 *scribed in clauses (i) through (xii).*

13 (3) *RULE.—The term “rule” has the meaning*
14 *given that term in section 551 of title 5, United*
15 *States Code.*

16 **SEC. 5. EFFECTIVE DATE.**

17 *This Act shall take effect on the date that is 180 days*
18 *after the date of the enactment of this Act.*

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