

115TH CONGRESS
2D SESSION

H. R. 7378

To require a guidance clarity statement on certain agency documents.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 20, 2018

Mr. LUETKEMEYER (for himself, Mr. LAMALFA, Mr. LONG, Mr. NORMAN, Mr. KELLY of Mississippi, Mr. SMITH of Missouri, and Mrs. WAGNER) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

A BILL

To require a guidance clarity statement on certain agency 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 Clarity Act
5 of 2018”.

6 **SEC. 2. GUIDANCE CLARITY STATEMENT REQUIRED.**

7 (a) IN GENERAL.—A head of an agency shall include
8 a guidance clarity statement as described in subsection (b)
9 on any document the head of the agency issues that—

1 (1) is not issued in accordance with the rule
2 making process set forth in section 553 of title 5,
3 United States Code; and

4 (2) advises the public of the agency’s interpre-
5 tation of a statute or regulation that the agency ad-
6 ministers, or advises the public of the manner in
7 which the agency intends to exercise a discretionary
8 power.

9 (b) CONTENTS OF GUIDANCE CLARITY STATE-
10 MENT.—Any guidance clarity statement required under
11 subsection (a) shall be displayed prominently on the first
12 page of the document and shall include the following:
13 “‘This document has not been issued in accordance with
14 the rule making process set forth in section 553 of title
15 5, United States Code, and therefore it is not legally bind-
16 ing. Noncompliance with any standard, expectation, or re-
17 quirement described in this document does not definitively
18 establish the violation of a statute or regulation.’”.

19 (c) AGENCY DEFINED.—In this section, the term
20 “agency” has the meaning given that term in section 551
21 of title 5, United States Code.

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