

116TH CONGRESS
1ST SESSION

S. 380

To increase access to agency guidance documents.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 2019

Mr. JOHNSON introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

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

11 (2) **GUIDANCE DOCUMENT.**—The term “guid-
12 ance document”—

(A) means an agency statement of general applicability (other than a rule that has the force and effect of law promulgated in accordance with the notice and comment procedures under section 553 of title 5, United States Code) that—

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

(ii) sets forth—

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

(II) an interpretation of a statutory or regulatory issue; and

(B) may include—

(i) a memorandum;

(ii) a notice;

(iii) a bulletin;

(iv) a directive;

(v) a news release;

(vi) a letter;

(vii) a blog post;

(viii) a no-action letter;

(ix) a speech by an agency official;

(x) an advisory;

- 1 (xi) a manual;
- 2 (xii) a circular;
- 3 (xiii) a frequently asked questions
- 4 sheet; or
- 5 (xiv) any combination of the items de-
- 6 scribed in clauses (i) through (xiii).

7 **SEC. 3. PUBLICATION OF GUIDANCE DOCUMENTS ON THE**
8 **INTERNET.**

9 (a) IN GENERAL.—On the date on which an agency
10 issues a guidance document, the agency shall publish the
11 guidance document in accordance with the requirements
12 under subsection (c).

13 (b) PREVIOUSLY ISSUED GUIDANCE DOCUMENTS.—
14 Not later than 180 days after the date of enactment of
15 this Act, each agency shall publish, in accordance with the
16 requirements under subsection (c), any guidance docu-
17 ment issued by that agency that is in effect on that date.

18 (c) SINGLE LOCATION.—

19 (1) IN GENERAL.—All guidance documents pub-
20 lished under subsections (a) and (b) by an agency
21 shall be published in a single location on an internet
22 website designated by the Director under paragraph
23 (4).

24 (2) AGENCY INTERNET WEBSITES.—Each agen-
25 cy shall, for guidance documents published by the

1 agency under subsections (a) and (b), publish a
2 hyperlink on the internet website of the agency that
3 provides access to the guidance documents at the lo-
4 cation described in paragraph (1).

5 (3) ORGANIZATION.—

6 (A) IN GENERAL.—The guidance docu-
7 ments described in paragraph (1) shall be—

8 (i) categorized as guidance docu-
9 ments; and

10 (ii) further divided into subcategories
11 as appropriate.

12 (B) AGENCY INTERNET WEBSITES.—The
13 hyperlinks described in paragraph (2) shall be
14 prominently displayed on the internet website of
15 the agency.

16 (4) DESIGNATION.—Not later than 90 days
17 after the date of enactment of this Act, the Director
18 shall designate an internet website on which guid-
19 ance documents shall be published under subsections
20 (a) and (b).

21 (d) 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.

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