## 119TH CONGRESS H.R. 1515

## **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,

## SECTION 1. SHORT TITLE. 2 This Act may be cited as the "Guidance Out Of Darkness Act" or the "GOOD Act". SEC. 2. DEFINITIONS. 4 5 In this Act: (1) AGENCY.—The term "agency" has the 6 7 meaning given the term in section 551 of title 5, 8 United States Code. (2) Director.—The term "Director" means 9 10 the Director of the Office of Management and Budg-11 et. 12 (3) Guidance Document.— 13 (A) IN GENERAL.—The term "guidance document"— 14 15 (i) means an agency statement of gen-16 eral applicability (other than a rule that has the force and effect of law promul-17 18 gated in accordance with the notice and 19 comment procedures under section 553 of 20 title 5, United States Code) that— 21 (I) does not have the force and 22 effect of law; and 23 (II) is designated by an agency 24 official as setting forth— 25 (aa) a policy on a statutory,

regulatory, or technical issue; or

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| 1  | (bb) an interpretation of a               |
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| 2  | statutory or regulatory issue; and        |
| 3  | (ii) may include—                         |
| 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 offi-          |
| 13 | cial; and                                 |
| 14 | (X) any combination of the items          |
| 15 | described in subclauses (I) through       |
| 16 | (IX).                                     |
| 17 | (B) Rule of construction.—The term        |
| 18 | "guidance document"—                      |
| 19 | (i) shall be construed broadly to effec-  |
| 20 | tuate the purpose and intent of this Act; |
| 21 | and                                       |
| 22 | (ii) shall not be limited to the items    |
| 23 | described in subparagraph (A)(ii).        |

## SEC. 3. PUBLICATION OF GUIDANCE DOCUMENTS ON THE INTERNET. (a) IN GENERAL.—Subject to section 5, on the date

- 4 on which an agency issues a guidance document, the agen-
- 5 cy shall publish the guidance document in accordance with
- 6 the requirements under section 4.
- 7 (b) Previously Issued Guidance Documents.—
- 8 Subject to section 5, not later than 180 days after the
- 9 date of enactment of this Act, each agency shall publish,
- 10 in accordance with the requirements under section 4, any
- 11 guidance document issued by that agency that is in effect
- 12 on that date.
- 13 SEC. 4. SINGLE LOCATION.
- 14 (a) In General.—All guidance documents published
- 15 under section 3 by an agency shall be published in a single
- 16 location on an internet website designated by the Director
- 17 under subsection (d).
- 18 (b) AGENCY INTERNET WEBSITES.—Each agency
- 19 shall, for guidance documents published by the agency
- 20 under section 3, publish a hyperlink on the internet
- 21 website of the agency that provides access to the guidance
- 22 documents at the location described in subsection (a).
- 23 (c) Organization.—
- 24 (1) In General.—The guidance documents de-
- 25 scribed in subsection (a) shall be—

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(A) categorized as guidance documents;

| 2  | and  |
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| 3  | (B) further divided into subcategories as  |
| 4  | appropriate.   |
| 5  | (2) AGENCY INTERNET WEBSITES.—The  |
| 6  | hyperlinks described in subsection (b) shall be  |
| 7  | prominently displayed on the internet website of the   |
| 8  | agency.  |
| 9  | (d) Designation.—Not later than 90 days after the  |
| 10   | date of enactment of this Act, the Director shall designate  |
| 11   | an internet website on which guidance documents shall be   |
| 12   | published under section 3.   |
| 13   | SEC. 5. DOCUMENTS AND INFORMATION EXEMPT FROM  |
|  |  |
| 14   | DISCLOSURE UNDER FOIA.   |
| 14<br>15   | DISCLOSURE UNDER FOIA.  If a guidance document issued by an agency is a doc-   |
|  |  |
| 15<br>16   | If a guidance document issued by an agency is a document that is exempt from disclosure under section 552(b)   |
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| 15<br>16<br>17<br>18                                     | If a guidance document issued by an agency is a document that is exempt from disclosure under section 552(b) of title 5, United States Code (commonly known as the   |
| 15<br>16<br>17<br>18                                     | If a guidance document issued by an agency is a document that is exempt from disclosure under section 552(b) of title 5, United States Code (commonly known as the "Freedom of Information Act"), or contains information  |
| 15<br>16<br>17<br>18                                     | If a guidance document issued by an agency is a document that is exempt from disclosure under section 552(b) of title 5, United States Code (commonly known as the "Freedom of Information Act"), or contains information that is exempt from disclosure under that section, that  |
| 115<br>116<br>117<br>118<br>119<br>220                   | If a guidance document issued by an agency is a document that is exempt from disclosure under section 552(b) of title 5, United States Code (commonly known as the "Freedom of Information Act"), or contains information that is exempt from disclosure under that section, that document or information, as the case may be, shall not   |
| 115<br>116<br>117<br>118<br>119<br>220<br>221            | If a guidance document issued by an agency is a document that is exempt from disclosure under section 552(b) of title 5, United States Code (commonly known as the "Freedom of Information Act"), or contains information that is exempt from disclosure under that section, that document or information, as the case may be, shall not be subject to the requirements under this Act.  |
| 15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23       | If a guidance document issued by an agency is a document that is exempt from disclosure under section 552(b) of title 5, United States Code (commonly known as the "Freedom of Information Act"), or contains information that is exempt from disclosure under that section, that document or information, as the case may be, shall not be subject to the requirements under this Act.  SEC. 6. RESCINDED GUIDANCE DOCUMENTS.   |
| 15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23<br>24 | If a guidance document issued by an agency is a document that is exempt from disclosure under section 552(b) of title 5, United States Code (commonly known as the "Freedom of Information Act"), or contains information that is exempt from disclosure under that section, that document or information, as the case may be, shall not be subject to the requirements under this Act.  SEC. 6. RESCINDED GUIDANCE DOCUMENTS.  On the date on which a guidance document issued. |

- 1 later than the date on which the order is entered, the
- 2 agency shall, at the location described in section 4(a)—
- 3 (1) maintain the rescinded guidance document;
- 4 and
- 5 (2) indicate—
- 6 (A) that the guidance document is re-7 seinded;
- 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.
- 14 SEC. 7. RULES OF CONSTRUCTION.
- 15 (a) Validity of Guidance Documents.—Nothing
- 16 in this Act shall be construed to mean that noncompliance
- 17 with any provision of this Act affects or otherwise impacts
- 18 the validity of any guidance document.
- 19 (b) Congressional Review of Guidance Docu-
- 20 Ments.—Nothing in this Act shall be construed to affect
- 21 or otherwise impact whether a guidance document is sub-
- 22 ject to congressional review under chapter 8 of title 5,
- 23 United States Code.

### 1 SEC. 8. REPORT ON AGENCY COMPLIANCE.

- 2 Not later than 5 years after the date of enactment
- 3 of this Act, the Comptroller General shall submit to the
- 4 Committee on Oversight and Government Reform of the
- 5 House of Representatives and the Committee on Home-
- 6 land Security and Governmental Affairs of the Senate a
- 7 report on agency compliance with this Act.

Passed the House of Representatives March 3, 2025.

Attest:

Clerk.

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