

116TH CONGRESS
1ST SESSION

S. _____

To increase access to agency guidance documents.

IN THE SENATE OF THE UNITED STATES

_____ introduced the following bill; which was read twice
and referred to the Committee on _____

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.

1 (2) DIRECTOR.—The term “Director” means
2 the Director of the Office of Management and Budg-
3 et.

4 (3) GUIDANCE DOCUMENT.—The term “guid-
5 ance document”—

6 (A) means an agency statement of general
7 applicability (other than a rule that has the
8 force and effect of law promulgated in accord-
9 ance with the notice and comment procedures
10 under section 553 of title 5, United States
11 Code) that—

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

14 (ii) sets forth—

15 (I) an agency decision or a policy
16 on a statutory, regulatory, or tech-
17 nical issue; or

18 (II) an interpretation of a statu-
19 tory or regulatory issue; and

20 (B) may include—

21 (i) a memorandum;

22 (ii) a notice;

23 (iii) a bulletin;

24 (iv) a directive;

25 (v) a news release;

- 1 (vi) a letter;
- 2 (vii) a blog post;
- 3 (viii) a no-action letter;
- 4 (ix) a speech by an agency official;
- 5 (x) an advisory;
- 6 (xi) a manual;
- 7 (xii) a circular;
- 8 (xiii) a frequently asked questions
- 9 sheet; or
- 10 (xiv) any combination of the items de-
- 11 scribed in clauses (i) through (xiii).

12 **SEC. 3. PUBLICATION OF GUIDANCE DOCUMENTS ON THE**

13 **INTERNET.**

14 (a) IN GENERAL.—On the date on which an agency

15 issues a guidance document, the agency shall publish the

16 guidance document in accordance with the requirements

17 under subsection (c).

18 (b) PREVIOUSLY ISSUED GUIDANCE DOCUMENTS.—

19 Not later than 180 days after the date of enactment of

20 this Act, each agency shall publish, in accordance with the

21 requirements under subsection (c), any guidance docu-

22 ment issued by that agency that is in effect on that date.

23 (c) SINGLE LOCATION.—

24 (1) IN GENERAL.—All guidance documents pub-

25 lished under subsections (a) and (b) by an agency

1 shall be published in a single location on an internet
2 website designated by the Director under paragraph
3 (4).

4 (2) AGENCY INTERNET WEBSITES.—Each agen-
5 cy shall, for guidance documents published by the
6 agency under subsections (a) and (b), publish a
7 hyperlink on the internet website of the agency that
8 provides access to the guidance documents at the lo-
9 cation described in paragraph (1).

10 (3) ORGANIZATION.—

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

13 (i) categorized as guidance docu-
14 ments; and

15 (ii) further divided into subcategories
16 as appropriate.

17 (B) AGENCY INTERNET WEBSITES.—The
18 hyperlinks described in paragraph (2) shall be
19 prominently displayed on the internet website of
20 the agency.

21 (4) DESIGNATION.—Not later than 90 days
22 after the date of enactment of this Act, the Director
23 shall designate an internet website on which guid-
24 ance documents shall be published under subsections
25 (a) and (b).

1 (d) RESCINDED GUIDANCE DOCUMENTS.—On the
2 date on which a guidance document issued by an agency
3 is rescinded, or, in the case of a guidance document that
4 is rescinded pursuant to a court order, not later than the
5 date on which the order is entered, the agency shall, at
6 the location described in subsection (c)(1)—

7 (1) maintain the rescinded guidance document;

8 and

9 (2) indicate—

10 (A) that the guidance document is re-
11 scinded;

12 (B) if the guidance document was re-
13 scinded pursuant to a court order, the case
14 number of the case in which the order was en-
15 tered; and

16 (C) the date on which the guidance docu-
17 ment was rescinded.