

116TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To increase access to agency guidance documents.

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IN THE SENATE OF THE UNITED STATES

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

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**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”—

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

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

9 (ii) sets forth—

10 (I) an agency decision or a policy  
11 on a statutory, regulatory, or tech-  
12 nical issue; or

13 (II) an interpretation of a statu-  
14 tory or regulatory issue; and

15 (B) may include—

16 (i) a memorandum;

17 (ii) a notice;

18 (iii) a bulletin;

19 (iv) a directive;

20 (v) a news release;

21 (vi) a letter;

22 (vii) a blog post;

23 (viii) a no-action letter;

24 (ix) a speech by an agency official;

25 (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.