

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.

S. 533

To require a guidance clarity statement on certain agency guidance, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. LANKFORD (for himself and Mr. PETERS)

Viz:

1 Strike all after the enacting clause and insert the following:
2

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Guidance Clarity Act
5 of 2021”.

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

7 (a) REQUIREMENT.—Each agency, as defined in section
8 551 of title 5, United States Code, shall include a
9 guidance clarity statement as described in subsection (b)
10 on any guidance issued by that agency under section
11 553(b)(3)(A) of title 5, United States Code, on and after

1 the date that is 30 days after the date on which the Direc-
2 tor of the Office of Management and Budget issues the
3 guidance required under subsection (c).

4 (b) GUIDANCE CLARITY STATEMENT.—A guidance
5 clarity statement required under subsection (b) shall—

6 (1) be displayed prominently on the first page
7 of the document; and

8 (2) include the following: “The contents of this
9 document do not have the force and effect of law
10 and do not, of themselves, bind the public or the
11 agency. This document is intended only to provide
12 clarity to the public regarding existing requirements
13 under the law or agency policies.”.

14 (c) OMB GUIDANCE.—Not later than 90 days after
15 the date of enactment of this Act, the Director of the Of-
16 fice of Management and Budget shall issue guidance to
17 implement this Act.