

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 890
OFFERED BY MR. COMER OF KENTUCKY**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Guidance Out Of
3 Darkness Act of 2023” or the “GOOD Act of 2023”.

4 SEC. 2. DEFINITIONS.

5 In this Act:

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

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

12 (3) GUIDANCE DOCUMENT.—

13 (A) DEFINITION.—The term “guidance
14 document”—

15 (i) means an agency statement of gen-
16 eral applicability (other than a rule that
17 has the force and effect of law promul-
18 gated in accordance with the notice and

1 comment procedures under section 553 of
2 title 5, United States Code) that—

3 (I) does not have the force and
4 effect of law; and

5 (II) is designated by an agency
6 official as setting forth—

7 (aa) a policy on a statutory,
8 regulatory, or technical issue; or

9 (bb) an interpretation of a
10 statutory or regulatory issue; and

11 (ii) may include—

12 (I) a memorandum;

13 (II) a notice;

14 (III) a bulletin;

15 (IV) a directive;

16 (V) a news release;

17 (VI) a letter;

18 (VII) a blog post;

19 (VIII) a no-action letter;

20 (IX) a speech by an agency offi-
21 cial; and

22 (X) any combination of the items
23 described in subclauses (I) through
24 (IX).

1 (B) RULE OF CONSTRUCTION.—The term
2 “guidance document”—

3 (i) shall be construed broadly to effec-
4 tuate the purpose and intent of this Act;
5 and

6 (ii) shall not be limited to the items
7 described in subparagraph (A)(ii).

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

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

14 (b) PREVIOUSLY ISSUED GUIDANCE DOCUMENTS.—
15 Subject to subsection (d), not later than 180 days after
16 the date of enactment of this Act, each agency shall pub-
17 lish, in accordance with the requirements under subsection
18 (c), any guidance document issued by that agency that is
19 in effect on that date.

20 (c) SINGLE LOCATION.—

21 (1) IN GENERAL.—All guidance documents pub-
22 lished under subsections (a) and (b) by an agency
23 shall be published in a single location on an internet
24 website designated by the Director under paragraph
25 (4).

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

7 (3) ORGANIZATION.—

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

10 (i) categorized as guidance docu-
11 ments; and

12 (ii) further divided into subcategories
13 as appropriate.

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

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

23 (d) DOCUMENTS AND INFORMATION EXEMPT FROM
24 DISCLOSURE UNDER FOIA.—If a guidance document
25 issued by an agency is a document that is exempt from

1 disclosure under section 552(b) of title 5, United States
2 Code (commonly known as the “Freedom of Information
3 Act”), or contains information that is exempt from dislo-
4 sure under that section, that document or information, as
5 the case may be, shall not be subject to the requirements
6 under this Act.

7 (e) RESCINDED GUIDANCE DOCUMENTS.—On the
8 date on which a guidance document issued by an agency
9 is rescinded, or, in the case of a guidance document that
10 is rescinded pursuant to a court order, not later than the
11 date on which the order is entered, the agency shall, at
12 the location described in subsection (c)(1)—

13 (1) maintain the rescinded guidance document;

14 and

15 (2) indicate—

16 (A) that the guidance document is re-
17 scinded;

18 (B) if the guidance document was re-
19 scinded pursuant to a court order, the case
20 number of the case in which the order was en-
21 tered; and

22 (C) the date on which the guidance docu-
23 ment was rescinded.

