Suspend the Rules and Pass the Bill, H.R. 4809, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

115TH CONGRESS
2D SESSION

H. R. 4809

To increase access to agency guidance documents.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 16, 2018

Mr. Walker introduced the following bill; which was referred to the Committee on Oversight and Government Reform

A BILL

To increase access to agency guidance documents.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

SEC. 2. PURPOSE.

It is the purpose of this Act to increase the transparency of agency guidance documents and to make guidance documents more readily available to the public.
SEC. 3. PUBLICATION OF GUIDANCE DOCUMENTS ON THE
INTERNET.

(a) In General.—On the date on which an agency
issues a guidance document, the head of the agency shall
publish the guidance document in accordance with sub-
section (c).

(b) Previously Issued Guidance Documents.—
With respect to any guidance document issued by an agen-
cy before the effective date of this Act that is in effect
on the effective date of this Act, the head of each agency
shall meet the requirements of subsection (c).

(c) Single Location.—The head of each agency
shall:

(1) Publish any guidance document issued by
the agency in a single location on an online portal
designated by the Director of the Office of Manage-
ment and Budget.

(2) With respect to a guidance document issued
by an agency, include a hyperlink on the online por-
tal of the agency that provides access to the guid-
ance document published pursuant to paragraph (1).

(3) Ensure that any guidance document pub-
lished pursuant to paragraph (1) is—

(A) clearly identified as a guidance docu-
ment;
(B) sorted into subcategories, as appropriate;

(C) published in a machine-readable and open format; and

(D) searchable.

(4) Ensure that any hyperlink described in paragraph (2) be prominently displayed on the online portal of the agency.

(d) Rescinded Guidance Documents.—Not later than the date on which a guidance document issued by an agency is rescinded, the head of the agency shall on the online portal described in subsection (c)(1)—

(1) maintain a copy of the rescinded guidance document; and

(2) indicate—

(A) that the guidance document is rescinded; and

(B) the date on which the guidance document was rescinded.

(e) Deadline to Designate Portal.—Not later than 30 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall designate an online portal in accordance with subsection (c)(1).
SEC. 4. RULES OF CONSTRUCTION.

(a) GUIDANCE DOCUMENTS.—In this Act, the term “guidance document” shall be construed broadly.

(b) CONGRESSIONAL REVIEW.—Nothing in this Act may be construed to affect whether a guidance document qualifies as a rule for purposes of chapter 8 of title 5, United States Code.

SEC. 5. DEFINITIONS.

In this Act:

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

(2) GUIDANCE DOCUMENT.—The term “guidance document”—

(A) means an agency statement of general applicability (other than a rule that has the force and effect of law promulgated in accordance with the notice and public procedure under section 553 of title 5, United States Code) that—

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

(ii) sets forth—

(I) an agency decision or a policy on a statutory, regulatory, or technical issue; or
(II) an interpretation of a statutory or regulatory issue; and

(B) may include any of the following:

(i) A memorandum.

(ii) A notice.

(iii) A bulletin.

(iv) A directive.

(v) A news release.

(vi) A letter.

(vii) A blog post.

(viii) A no-action letter.

(ix) A speech by an agency official.

(x) An advisory.

(xi) A manual.

(xii) A circular.

(xiii) Any combination of the items described in clauses (i) through (xii).

(3) RULE.—The term “rule” has the meaning given that term in section 551 of title 5, United States Code.

SEC. 6. EFFECTIVE DATE.

Except as provided in section 3(e), this Act shall take effect on the date that is 180 days after the date of the enactment of this Act.