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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To increase access to agency guidance documents.

IN THE HOUSE OF REPRESENTATIVES

Mr. COMER (for himself and Mr. KHANNA) introduced the following bill; which
was 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 the 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.—

5 (A) IN GENERAL.—The term “guidance
6 document”—

7 (i) means an agency statement of gen-
8 eral applicability (other than a rule that
9 has the force and effect of law promul-
10 gated in accordance with the notice and
11 comment procedures under section 553 of
12 title 5, United States Code) that—

13 (I) does not have the force and
14 effect of law; and

15 (II) is designated by an agency
16 official as setting forth—

17 (aa) a policy on a statutory,
18 regulatory, or technical issue; or

19 (bb) an interpretation of a
20 statutory or regulatory issue; and

21 (ii) may include—

22 (I) a memorandum;

23 (II) a notice;

24 (III) a bulletin;

25 (IV) a directive;

- 1 (V) a news release;
- 2 (VI) a letter;
- 3 (VII) a blog post;
- 4 (VIII) a no-action letter;
- 5 (IX) a speech by an agency offi-
- 6 cial; and
- 7 (X) any combination of the items
- 8 described in subclauses (I) through
- 9 (IX).

10 (B) RULE OF CONSTRUCTION.—The term

11 “guidance document”—

- 12 (i) shall be construed broadly to effec-
- 13 tuate the purpose and intent of this Act;
- 14 and
- 15 (ii) shall not be limited to the items
- 16 described in subparagraph (A)(ii).

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

18 **INTERNET.**

19 (a) IN GENERAL.—Subject to section 5, on the date

20 on which an agency issues a guidance document, the agen-

21 cy shall publish the guidance document in accordance with

22 the requirements under section 4.

23 (b) PREVIOUSLY ISSUED GUIDANCE DOCUMENTS.—

24 Subject to section 5, not later than 180 days after the

25 date of enactment of this Act, each agency shall publish,

1 in accordance with the requirements under section 4, any
2 guidance document issued by that agency that is in effect
3 on that date.

4 **SEC. 4. SINGLE LOCATION.**

5 (a) IN GENERAL.—All guidance documents published
6 under section 3 by an agency shall be published in a single
7 location on an internet website designated by the Director
8 under subsection (d).

9 (b) AGENCY INTERNET WEBSITES.—Each agency
10 shall, for guidance documents published by the agency
11 under section 3, publish a hyperlink on the internet
12 website of the agency that provides access to the guidance
13 documents at the location described in subsection (a).

14 (c) ORGANIZATION.—

15 (1) IN GENERAL.—The guidance documents de-
16 scribed in subsection (a) shall be—

17 (A) categorized as guidance documents;

18 and

19 (B) further divided into subcategories as
20 appropriate.

21 (2) AGENCY INTERNET WEBSITES.—The
22 hyperlinks described in subsection (b) shall be
23 prominently displayed on the internet website of the
24 agency.

1 (d) DESIGNATION.—Not later than 90 days after the
2 date of enactment of this Act, the Director shall designate
3 an internet website on which guidance documents shall be
4 published under section 3.

5 **SEC. 5. DOCUMENTS AND INFORMATION EXEMPT FROM**
6 **DISCLOSURE UNDER FOIA.**

7 If a guidance document issued by an agency is a doc-
8 ument that is exempt from disclosure under section 552(b)
9 of title 5, United States Code (commonly known as the
10 “Freedom of Information Act”), or contains information
11 that is exempt from disclosure under that section, that
12 document or information, as the case may be, shall not
13 be subject to the requirements under this Act.

14 **SEC. 6. RESCINDED GUIDANCE DOCUMENTS.**

15 On the date on which a guidance document issued
16 by an agency is rescinded, or, in the case of a guidance
17 document that is rescinded pursuant to a court order, not
18 later than the date on which the order is entered, the
19 agency shall, at the location described in section 4(a)—

20 (1) maintain the rescinded guidance document;

21 and

22 (2) indicate—

23 (A) that the guidance document is re-
24 scinded;

1 (B) if the guidance document was re-
2 scinded pursuant to a court order, the case
3 number of the case in which the order was en-
4 tered; and

5 (C) the date on which the guidance docu-
6 ment was rescinded.

7 **SEC. 7. RULES OF CONSTRUCTION.**

8 (a) **VALIDITY OF GUIDANCE DOCUMENTS.**—Nothing
9 in this Act shall be construed to mean that noncompliance
10 with any provision of this Act affects or otherwise impacts
11 the validity of any guidance document.

12 (b) **CONGRESSIONAL REVIEW OF GUIDANCE DOCU-**
13 **MENTS.**—Nothing in this Act shall be construed to affect
14 or otherwise impact whether a guidance document is sub-
15 ject to congressional review under chapter 8 of title 5,
16 United States Code.

17 **SEC. 8. REPORT ON AGENCY COMPLIANCE.**

18 Not later than 5 years after the date of enactment
19 of this Act, the Comptroller General shall submit to the
20 Committee on Oversight and Government Reform of the
21 House of Representatives and the Committee on Home-
22 land Security and Governmental Affairs of the Senate a
23 report on agency compliance with this Act.