To increase access to agency guidance documents.

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,

SEC. 1. SHORT TITLE.

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

SEC. 2. 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 the whole or a part of an agency statement of general or particular applicability and future effect that—

(i) is designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency and includes the approval or prescription for the future of rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services or allowances therefor or of valuations, costs, or accounting, or practices bearing on any of the foregoing; and

(ii) has not been issued through the notice and comment process under section 553 of title 5, United States Code;

(B) includes—

(i) a memorandum;

(ii) a notice;
(iii) a bulletin;
(iv) a directive;
(v) a news release;
(vi) a letter; and
(vii) a blog post; and

(C) does not include a rule, as that term is defined in section 551 of title 5, United States Code.

SEC. 3. PUBLICATION OF GUIDANCE DOCUMENTS ON THE INTERNET.

(a) In General.—On the date on which an agency issues a guidance document, the agency shall publish the guidance document on the Internet website of the agency.

(b) Previously Issued Guidance Documents.—Not later than 60 days after the date of enactment of this Act, each agency shall publish on the Internet website of that agency any guidance document issued by that agency during the 10-year period ending on the date of enactment of this Act.

(c) Single Location.—All guidance documents published under subsections (a) and (b) by an agency shall be published in a single location on the Internet website of the agency.
(d) **Rescinded Guidance Documents.**—On the date on which a guidance document issued by an agency is rescinded, the agency shall—

1. maintain the rescinded guidance document at the location described in subsection (c); and
2. at the location described in subsection (c), indicate—
   (A) that the guidance document is rescinded; and
   (B) the date on which the guidance document was rescinded.

**SECTION 1. SHORT TITLE.**

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

**SEC. 2. 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.**—
   (A) **DEFINITION.**—The term “guidance document”—
   (i) means an agency statement of general applicability, other than a rule, that—
(I) does not have the force and effect of law; and

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

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

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

(ii) may include—

(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; and

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

(B) RULE OF CONSTRUCTION.—The term “guidance document”—
(i) shall be construed broadly to effec-
tuate the purpose and intent of this Act;
and
(ii) shall not be limited to the items
described in subparagraph (A)(ii).

SEC. 3. PUBLICATION OF GUIDANCE DOCUMENTS ON THE
INTERNET.

(a) In General.—On the date on which an agency
issues a guidance document, the agency shall publish the
guidance document in accordance with the requirements
under subsection (c).

(b) Previously Issued Guidance Documents.—
Not later than 180 days after the date of enactment of this
Act, each agency shall publish, in accordance with the re-
quirements under subsection (c), any guidance document
issued by that agency that is in effect on that date.

(c) Single Location.—

(1) In General.—All guidance documents pub-
lished under subsections (a) and (b) by an agency
shall be published in a single location on the Internet
website under section 206(d) of the E-Government Act
of 2002 (44 U.S.C. 3501 note) (commonly known as
regulations.gov).

(2) Agency Internet Websites.—Each agency
shall, for guidance documents published by the agency
under subsections (a) and (b), publish a hyperlink on the Internet website of the agency that provides access to the guidance documents at the location described in paragraph (1).

(3) ORGANIZATION.—

(A) IN GENERAL.—The guidance documents described in paragraph (1) shall be—

(i) categorized as guidance documents;

and

(ii) further divided into subcategories as appropriate.

(B) AGENCY INTERNET WEBSITES.—The hyperlinks described in paragraph (2) shall be prominently displayed on the Internet website of the agency.

(d) RESCINDED GUIDANCE DOCUMENTS.—On the date on which a guidance document issued by an agency is rescinded, the agency shall, at the location described in subsection (c)(1)—

(1) maintain 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.
A BILL

To increase access to agency guidance documents.

JUNE 7, 2018

Reported with an amendment

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