

118TH CONGRESS
2D SESSION

H. R. 890

IN THE SENATE OF THE UNITED STATES

JULY 23, 2024

Received; read twice and referred to the Committee on Homeland Security and
Governmental Affairs

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) **AGENCY.**—The term “agency” has the
7 meaning given the 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) **IN GENERAL.**—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
19 comment procedures under section 553 of
20 title 5, United States Code) that—

21 (I) does not have the force and
22 effect of law; and

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

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

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

3 (ii) may include—

4 (I) a memorandum;

5 (II) a notice;

6 (III) a bulletin;

7 (IV) a directive;

8 (V) a news release;

9 (VI) a letter;

10 (VII) a blog post;

11 (VIII) a no-action letter;

12 (IX) a speech by an agency offi-
13 cial; and

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

17 (B) RULE OF CONSTRUCTION.—The term
18 “guidance document”—

19 (i) shall be construed broadly to effec-
20 tuate the purpose and intent of this Act;
21 and

22 (ii) shall not be limited to the items
23 described in subparagraph (A)(ii).

1 **SEC. 3. PUBLICATION OF GUIDANCE DOCUMENTS ON THE**
2 **INTERNET.**

3 (a) IN GENERAL.—Subject to section 5, on the date
4 on which an agency issues a guidance document, the agen-
5 cy shall publish the guidance document in accordance with
6 the requirements under section 4.

7 (b) PREVIOUSLY ISSUED GUIDANCE DOCUMENTS.—
8 Subject to section 5, not later than 180 days after the
9 date of enactment of this Act, each agency shall publish,
10 in accordance with the requirements under section 4, any
11 guidance document issued by that agency that is in effect
12 on that date.

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

14 (a) IN GENERAL.—All guidance documents published
15 under section 3 by an agency shall be published in a single
16 location on an internet website designated by the Director
17 under subsection (d).

18 (b) AGENCY INTERNET WEBSITES.—Each agency
19 shall, for guidance documents published by the agency
20 under section 3, publish a hyperlink on the internet
21 website of the agency that provides access to the guidance
22 documents at the location described in subsection (a).

23 (c) ORGANIZATION.—

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

1 (A) categorized as guidance documents;
2 and

3 (B) further divided into subcategories as
4 appropriate.

5 (2) AGENCY INTERNET WEBSITES.—The
6 hyperlinks described in subsection (b) shall be
7 prominently displayed on the internet website of the
8 agency.

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

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

15 If a guidance document issued by an agency is a doc-
16 ument that is exempt from disclosure under section 552(b)
17 of title 5, United States Code (commonly known as the
18 “Freedom of Information Act”), or contains information
19 that is exempt from disclosure under that section, that
20 document or information, as the case may be, shall not
21 be subject to the requirements under this Act.

22 **SEC. 6. RESCINDED GUIDANCE DOCUMENTS.**

23 On the date on which a guidance document issued
24 by an agency is rescinded, or, in the case of a guidance
25 document that is rescinded pursuant to a court order, not

1 later than the date on which the order is entered, the
2 agency shall, at the location described in section 4(a)—

3 (1) maintain the rescinded guidance document;

4 and

5 (2) indicate—

6 (A) that the guidance document is re-
7 scinded;

8 (B) if the guidance document was re-
9 scinded pursuant to a court order, the case
10 number of the case in which the order was en-
11 tered; and

12 (C) the date on which the guidance docu-
13 ment was rescinded.

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

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

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

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

2 Not later than 5 years after the date of enactment
3 of this Act, the Comptroller General shall submit to the
4 Committee on Oversight and Accountability of the House
5 of Representatives and the Committee on Homeland Secu-
6 rity and Governmental Affairs of the Senate a report on
7 agency compliance with this Act.

Passed the House of Representatives July 22, 2024.

Attest: KEVIN F. MCCUMBER,
Clerk.