

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 4809
OFFERED BY MR. WALKER OF NORTH CAROLINA**

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” or the “GOOD Act”.

**4 SEC. 2. PUBLICATION OF GUIDANCE DOCUMENTS ON THE
5 INTERNET.**

6 (a) IN GENERAL.—On the date on which an agency
7 issues a guidance document, the head of the agency shall
8 publish the guidance document in accordance with sub-
9 section (c).

10 (b) PREVIOUSLY ISSUED GUIDANCE DOCUMENTS.—
11 With respect to any guidance document issued by an agen-
12 cy before the effective date of this Act that is in effect
13 on the effective date of this Act, the head of each agency
14 shall meet the requirements of subsection (c).

15 (c) SINGLE LOCATION.—The head of each agency
16 shall:

17 (1) Publish any guidance document issued by
18 the agency in a single location on the publicly acces-

1 sible Federal Government website (commonly known
2 as regulations.gov) described under section 206(d) of
3 the E-Government Act of 2002 (Public Law 107-
4 347; 44 U.S.C. 3501 note).

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

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

11 (A) clearly identified as a guidance docu-
12 ment;

13 (B) sorted into subcategories, as appro-
14 priate;

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

17 (D) searchable.

18 (4) Ensure that any hyperlink described in
19 paragraph (2) be prominently displayed on the on-
20 line portal of the agency.

21 (d) **RESCINDED GUIDANCE DOCUMENTS.**—Not later
22 than the date on which a guidance document issued by
23 an agency is rescinded, the head of the agency shall on
24 the Federal Government website described in subsection
25 (c)(1)—

1 (1) maintain a copy of the rescinded guidance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

3 (2) indicate—

4 (A) that the guidance document is re-
5 scinded; and

6 (B) the date on which the guidance docu-
7 ment was rescinded.

8 **SEC. 3. RULE OF CONSTRUCTION.**

9 In this Act, the term “guidance document” shall be
10 construed broadly.

11 **SEC. 4. DEFINITIONS.**

12 In this Act:

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

16 (2) GUIDANCE DOCUMENT.—The term “guid-
17 ance document”—

18 (A) means an agency statement of general
19 applicability (other than a rule that has the
20 force and effect of law promulgated in accord-
21 ance with the notice and public procedure under
22 section 553 of title 5, United States Code)
23 that—

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

- 1 (ii) sets forth—
- 2 (I) an agency decision or a policy
- 3 on a statutory, regulatory, or tech-
- 4 nical issue; or
- 5 (II) an interpretation of a statu-
- 6 tory or regulatory issue; and
- 7 (B) may include any of the following:
- 8 (i) A memorandum.
- 9 (ii) A notice.
- 10 (iii) A bulletin.
- 11 (iv) A directive.
- 12 (v) A news release.
- 13 (vi) A letter.
- 14 (vii) A blog post.
- 15 (viii) A no-action letter.
- 16 (ix) A speech by an agency official.
- 17 (x) An advisory.
- 18 (xi) A manual.
- 19 (xii) A circular.
- 20 (xiii) Any combination of the items
- 21 described in clauses (i) through (xii).
- 22 (3) RULE.—The term “rule” has the meaning
- 23 given that term in section 551 of title 5, United
- 24 States Code.

1 **SEC. 5. EFFECTIVE DATE.**

2 This Act shall take effect on the date that is 180 days
3 after the date of the enactment of this Act.

