

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To improve the bill.

**IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.**

**S. 380**

To increase access to agency guidance documents.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. PETERS

Viz:

1       On page 2, strike line 4 and all that follows through  
2 page 3, line 11, and insert the following:

3           (3) GUIDANCE DOCUMENT.—

4           (A) DEFINITION.—The term “guidance  
5 document”—

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

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

2

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

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

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

7 (ii) may include—

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 offi-  
17 cial; and

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

21 (B) RULE OF CONSTRUCTION.—The term  
22 “guidance document”—

23 (i) shall be construed broadly to effec-  
24 tuate the purpose and intent of this Act;

25 and

1 (ii) shall not be limited to the items  
2 described in subparagraph (A)(ii).