

118TH CONGRESS
1ST SESSION

S. 108

To require a guidance clarity statement on certain agency guidance, and
for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 26, 2023

Mr. LANKFORD (for himself, Ms. SINEMA, Mr. JOHNSON, Mr. RISCH, and Mr.
BRAUN) introduced the following bill; which was read twice and referred
to the Committee on Homeland Security and Governmental Affairs

A BILL

To require a guidance clarity statement on certain agency
guidance, and for other purposes.

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 Clarity Act
5 of 2023”.

6 **SEC. 2. GUIDANCE CLARITY STATEMENT REQUIRED.**

7 (a) REQUIREMENT.—Each agency, as defined in sec-
8 tion 551 of title 5, United States Code, shall include a
9 guidance clarity statement as described in subsection (b)
10 on any guidance issued by that agency under section

1 553(b)(3)(A) of title 5, United States Code, on and after
2 the date that is 30 days after the date on which the Direc-
3 tor of the Office of Management and Budget issues the
4 guidance required under subsection (c).

5 (b) GUIDANCE CLARITY STATEMENT.—A guidance
6 clarity statement required under subsection (a) shall—

7 (1) be displayed prominently on the first page
8 of the document; and

9 (2) include the following: “The contents of this
10 document do not have the force and effect of law
11 and do not, of themselves, bind the public or the
12 agency. This document is intended only to provide
13 clarity to the public regarding existing requirements
14 under the law or agency policies.”.

15 (c) OMB GUIDANCE.—Not later than 90 days after
16 the date of enactment of this Act, the Director of the Of-
17 fice of Management and Budget shall issue guidance to
18 implement this Act.

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