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(Original Signature of Member)

115TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

To require a guidance clarity statement on certain agency documents.

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IN THE HOUSE OF REPRESENTATIVES

Mr. LUETKEMEYER introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To require a guidance clarity statement on certain agency  
documents.

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 2018”.

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

7 (a) IN GENERAL.—A head of an agency shall include  
8 a guidance clarity statement as described in subsection (b)  
9 on any document the head of the agency issues that—

1           (1) is not issued in accordance with the rule  
2           making process set forth in section 553 of title 5,  
3           United States Code; and

4           (2) advises the public of the agency's interpre-  
5           tation of a statute or regulation that the agency ad-  
6           ministers, or advises the public of the manner in  
7           which the agency intends to exercise a discretionary  
8           power.

9           (b) CONTENTS OF GUIDANCE CLARITY STATE-  
10          MENT.—Any guidance clarity statement required under  
11          subsection (a) shall be displayed prominently on the first  
12          page of the document and shall include the following:  
13          “This document has not been issued in accordance with  
14          the rule making process set forth in section 553 of title  
15          5, United States Code, and therefore it is not legally bind-  
16          ing. Noncompliance with any standard, expectation, or re-  
17          quirement described in this document does not definitively  
18          establish the violation of a statute or regulation.”.

19          (c) AGENCY DEFINED.—In this section, the term  
20          “agency” has the meaning given that term in section 551  
21          of title 5, United States Code.