

.....
(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

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

IN THE HOUSE OF REPRESENTATIVES

Mr. MEUSER introduced the following bill; which was referred to the
Committee on _____

A BILL

To require a guidance clarity statement on certain financial
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 “Stop Agency Fiat En-
5 forcement of Guidance Act” or the “SAFE Guidance
6 Act”.

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

8 (a) IN GENERAL.—The head of each financial agency
9 shall include a guidance clarity statement as described in

1 subsection (b) on any guidance issued by that financial
2 agency on and after the date of the enactment of this Act.

3 (b) GUIDANCE CLARITY STATEMENT.—A guidance
4 clarity statement required under subsection (a) shall be
5 displayed prominently on the first page of the document
6 and shall include the following: “This guidance does not
7 have the force and effect of law and therefore does not
8 establish any rights or obligations for any person and is
9 not binding on the agency or the public. If this guidance
10 suggests how regulated entities may comply with applica-
11 ble statutes or regulations, noncompliance with this guid-
12 ance does not conclusively establish a violation of applica-
13 ble law.”.

14 (c) DEFINITIONS.—In this section:

15 (1) FINANCIAL AGENCY.—The term “financial
16 agency” means the following:

17 (A) The Bureau of Consumer Financial
18 Protection.

19 (B) The Department of Housing and
20 Urban Development.

21 (C) The Department of the Treasury.

22 (D) The Federal Deposit Insurance Cor-
23 poration.

24 (E) The Federal Housing Finance Agency.

1 (F) The Board of Governors of the Federal
2 Reserve System.

3 (G) The National Credit Union Adminis-
4 tration.

5 (H) The Office of the Comptroller of the
6 Currency.

7 (I) The Securities and Exchange Commis-
8 sion.

9 (2) GUIDANCE.—The term “guidance” means a
10 financial agency statement of general applicability,
11 intended to have a future effect on the behavior of
12 regulated parties, that sets forth a policy on a statu-
13 tory, regulatory, or technical issue, or an interpreta-
14 tion of a statute or regulation, but does not in-
15 clude—

16 (A) a rule promulgated pursuant to notice
17 and comment under section 553 of title 5,
18 United States Code;

19 (B) a rule exempt from rulemaking re-
20 quirements under section 553(a) of title 5,
21 United States Code;

22 (C) a rule of financial agency organization,
23 procedure, or practice;

1 (D) a decision of a financial agency adju-
2 dication under section 554 of title 5, United
3 States Code, or any similar statutory provision;

4 (E) internal guidance directed to the
5 issuing financial agency or other agency that is
6 not intended to have a substantial future effect
7 on the behavior of regulated parties; or

8 (F) internal executive branch legal advice
9 or legal opinions addressed to executive branch
10 officials.