



Office of the Attorney General
Washington, D. C. 20530

February 5, 2025

MEMORANDUM FOR ALL DEPARTMENT EMPLOYEES

FROM:

THE ATTORNEY GENERAL

A handwritten signature in blue ink, appearing to be "P. J.," is written over the text "THE ATTORNEY GENERAL".

SUBJECT:

REINSTATING THE PROHIBITION ON IMPROPER GUIDANCE DOCUMENTS¹

Upholding the rule of law is a core component of the mission of the Department of Justice. To fulfill that vital part of its mission, the Department must at a minimum lawfully exercise its own regulatory power. Guidance documents violate the law when they are issued without undergoing the rulemaking process established by law yet purport to have a direct effect on the rights and obligations of private parties governed by the agency or otherwise act as a substitute for rulemaking.

To restore the Department to the lawful use of regulatory authority—and to advance the Department's compliance with its mission and duty to uphold the law—I am therefore rescinding the memorandum from the Attorney General entitled *Issuance and Use of Guidance Documents by the Department of Justice* (July 1, 2021).

Moreover, I am directing the Associate Attorney General to provide a report to me within 30 days concerning strategies and measures that can be utilized to eliminate the illegal or improper use of guidance documents.

¹ This guidance is not intended to, does not, and may not be relied upon to create, any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.