

Suspend the Rules and Pass the Bill, H.R. 7219, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

118TH CONGRESS
2^D SESSION

H. R. 7219

To ensure that Federal agencies rely on the best reasonably available scientific, technical, demographic, economic, and statistical information and evidence to develop, issue or inform the public of the nature and bases of Federal agency rules and guidance, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 2024

Mrs. MCCLAIN (for herself and Ms. PORTER) introduced the following bill; which was referred to the Committee on Oversight and Accountability, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To ensure that Federal agencies rely on the best reasonably available scientific, technical, demographic, economic, and statistical information and evidence to develop, issue or inform the public of the nature and bases of Federal agency rules and 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Information Quality
3 Assurance Act”.

4 **SEC. 2. INFORMATION QUALITY ASSURANCE.**

5 (a) IN GENERAL.—Subchapter 1 of chapter 35 of
6 title 44, United States Code, is amended by adding at the
7 end the following:

8 **“§ 3522. Information Quality Assurance.**

9 “(a) IN GENERAL.—Not later than 1 year after the
10 date of the enactment of the Information Quality Assur-
11 ance Act, the Director shall—

12 “(1) with public and Federal agency involve-
13 ment, update the guidelines issued under subsection
14 (a) of the Information Quality Act—

15 “(A) to provide policy and procedural guid-
16 ance to the heads of Federal agencies for better
17 ensuring and maximizing the quality, objec-
18 tivity, utility, and integrity of influential infor-
19 mation or evidence—

20 “(i) used by the heads of Federal
21 agencies to develop or issue rules and guid-
22 ance; or

23 “(ii) disseminated to the public to in-
24 form the public about the nature and bases
25 of such rules and guidance; and

26 “(B) in a manner consistent with—

1 “(i) this chapter; and

2 “(ii) the amendments made by the
3 Foundations for Evidence-Based Policy-
4 making Act of 2018 (Public Law 115–
5 435); and

6 “(2) make the guidelines updated under para-
7 graph (1) available on the website of the Office of
8 Management and Budget.

9 “(b) CONTENT OF GUIDELINES.—In updating the
10 guidelines under subsection (a), the Director shall require
11 that the head of each Federal agency to which the guide-
12 lines apply, not later than 1 year after the Director up-
13 dates such guidelines—

14 “(1) update any guidelines issued by the head
15 of the Federal agency under the Information Quality
16 Act to ensure that, in the case of influential infor-
17 mation or evidence, the best reasonably available in-
18 formation and evidence is relied on in developing,
19 issuing, or informing the public about the rules and
20 guidance of the Federal agency;

21 “(2) publish the guidelines updated by the head
22 of the Federal agency under paragraph (1) on the
23 website of the Federal agency;

24 “(3) ensure the administrative mechanisms es-
25 tablished under subparagraph (B) of section (b)(2)

1 of the Information Quality Act are available with re-
2 spect to seeking and obtaining the correction of any
3 influential information or evidence that the Federal
4 agency uses to develop or issue a rule or guideline,
5 or disseminates to the public to inform the public of
6 the nature and basis of any rule or guidance of the
7 Federal agency, that does not comply with the
8 guidelines issued under paragraph (1); and

9 “(4) include in the report required under sub-
10 paragraph (C) of subsection (b)(2) of the Informa-
11 tion Quality Act the information described under
12 that subparagraph with respect to any complaints
13 received by the Federal agency related to the accu-
14 racy of influential information or evidence the Fed-
15 eral agency uses to develop, issue, or inform the
16 public of the nature and bases of rules or guidance.

17 “(c) PUBLIC DISCLOSURE.—

18 “(1) AVAILABILITY.—Except as provided under
19 paragraph (2), the head of the Federal agency shall
20 make available in the docket for the rulemaking of
21 any rule of the Federal agency, or in the administra-
22 tive record for any guidance, in a timely manner be-
23 fore the promulgation of the rule or issuance of the
24 guidance document—

1 “(A) any model, methodology, or source of
2 scientific, technical, demographic, economic, or
3 statistical information or evidence upon which
4 the head of the Federal agency—

5 “(i) relied on in developing or issuing
6 such rule or guidance; or

7 “(ii) proposes to rely on in developing
8 or issuing such rule or guidance; and

9 “(B) an identification of whether each
10 such model, methodology, or source constitutes,
11 or may constitute, influential information or
12 evidence.

13 “(2) EXCEPTION.—

14 “(A) IN GENERAL.—The head of the Fed-
15 eral agency—

16 “(i) shall implement paragraph (1) in
17 a manner consistent with this chapter and
18 section 552a of title 5; and

19 “(ii) may not make available in the
20 docket for the rulemaking of any rule of
21 the Federal agency, or in the administra-
22 tive record for any guidance, information
23 that is prohibited from being disclosed to
24 the public under any statute.

1 “(B) EXPLANATION TO BE INCLUDED IN
2 DOCKET OR ADMINISTRATIVE RECORD.—If the
3 head of the Federal agency does not make a
4 model, methodology, or source available under
5 paragraph (1)(A) pursuant to paragraph
6 (2)(A), the head of the Federal agency shall in-
7 clude in the docket for the rulemaking or the
8 administrative record for the guidance docu-
9 ment—

10 “(i) an explanation as to why such in-
11 formation cannot be made publicly avail-
12 able, including a citation to the applicable
13 law and policy; and

14 “(ii) a description of any steps being
15 taken to increase access to such informa-
16 tion, even if the information cannot be
17 made public.

18 “(3) FORMAT OF SOURCE.—The head of each
19 Federal agency shall make any model, methodology,
20 or source required to be made available under para-
21 graph (1)(A) available as an open Government data
22 asset.

23 “(d) DEFINITIONS.—In this section:

24 “(1) EVIDENCE.—The term ‘evidence’ has the
25 meaning given that term in section 3561.

1 “(2) INFLUENTIAL INFORMATION OR EVI-
2 DENCE.—The term ‘influential information or evi-
3 dence’ means information or evidence (including sci-
4 entific, technical, demographic, economic, financial,
5 and statistical information or evidence) that the
6 head of the Federal agency can reasonably deter-
7 mine will have or does have a clear or substantial
8 impact on—

9 “(A) developing or issuing a proposed or
10 final rule of the Federal agency; or

11 “(B) informing the public of the nature
12 and basis of any rule or guidance of the Fed-
13 eral agency.

14 “(3) INFORMATION QUALITY ACT.—The term
15 ‘Information Quality Act’ means section 515 of the
16 Treasury and General Government Appropriations
17 Act, 2001 (Public Law 106–554).”.

18 (b) TABLE OF CONTENTS.—The table of contents for
19 subchapter I of chapter 35 of title 44, United States Code,
20 is amended by adding after the item relating to section
21 3521 the following:

 “3522. Information Quality Assurance.”.