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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

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

Mrs. MCCLAIN introduced the following bill; which was referred to the
Committee on _____

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Information Quality
5 Assurance Act of 2025”.

1 **SEC. 2. INFORMATION QUALITY ASSURANCE.**

2 (a) IN GENERAL.—Subchapter I of chapter 35 of title
3 44, United States Code, is amended by adding at the end
4 the following:

5 **“SEC. 3522 INFORMATION QUALITY ASSURANCE.**

6 “(a) IN GENERAL.—Not later than 1 year after the
7 date of the enactment of the Information Quality Assur-
8 ance Act of 2025, the Director shall—

9 “(1) update the guidelines issued under the In-
10 formation Quality Act—

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

16 “(i) used by the heads of Federal
17 agencies to develop or issue rules and guid-
18 ance made available to the public; or

19 “(ii) disseminated to the public to in-
20 form the public about the nature and bases
21 of such rules and guidance; and

22 “(B) in a manner consistent with—

23 “(i) this chapter; and

24 “(ii) the amendments made by the
25 Foundations for Evidence-Based Policy-

1 making Act of 2018 (Public Law 115–435;
2 132 Stat. 5529); and

3 “(2) make the guidelines updated under para-
4 graph (1) available on the website of the Office of
5 Management and Budget.

6 “(b) CONTENT OF GUIDELINES.—Not later than 1
7 year after the Director updates the guidelines under sub-
8 section (a), the head of each Federal agency to which the
9 guidelines apply shall—

10 “(1) update any guidelines issued by the head
11 of the Federal agency under the Information Quality
12 Act to ensure that, in the case of influential infor-
13 mation or evidence, the best reasonably available in-
14 formation and evidence that is fit-for-purpose is re-
15 lied on in developing, issuing, or informing the pub-
16 lic about the rules and guidance of the Federal
17 agency;

18 “(2) publish the guidelines updated by the head
19 of the Federal agency under paragraph (1) on the
20 website of the Federal agency;

21 “(3) ensure the administrative mechanisms es-
22 tablished under subparagraph (B) of subsection
23 (b)(2) of the Information Quality Act are made
24 available, as applicable, with respect to seeking and
25 obtaining the correction of any influential informa-

1 tion or evidence disseminated by agencies that the
2 Federal agency uses to develop or issue a rule or
3 guidance made available to the public, or to inform
4 the public of the nature and basis of any rule or
5 guidance of the Federal agency, that does not com-
6 ply with the guidelines issued under paragraph (1);
7 and

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

16 “(c) PUBLIC DISCLOSURE.—

17 “(1) AVAILABILITY.—

18 “(A) IN GENERAL.—Not later than 1 year
19 after the date of enactment of this section, the
20 Director shall issue guidance, which may be in-
21 cluded in the guidelines updated under sub-
22 section (a), that directs the head of the Federal
23 agency to make available, except as provided
24 under paragraph (2), in the docket for the rule-
25 making of any rule of the Federal agency, or in

1 the public administrative record for any guid-
2 ance—

3 “(i) the critical factual material upon
4 which the head of the Federal agency re-
5 lied as part of the rulemaking or guidance
6 development process; and

7 “(ii) a citation to any other source
8 used to inform the rulemaking or guidance
9 development process, including a citation
10 to any public comment that is referenced
11 in a final rulemaking action.

12 “(B) PROCESS.—

13 “(i) IN GENERAL.—Except as pro-
14 vided under clause (ii), the guidance re-
15 quired under subparagraph (A) shall direct
16 an agency to make available the informa-
17 tion that must be made available under
18 that subparagraph as soon as reasonably
19 possible before, but at a minimum at, the
20 time that the Federal agency promulgates
21 a rule or issues guidance.

22 “(ii) NOTICE AND COMMENT.—If a
23 Federal agency engages in notice and com-
24 ment rulemaking under section 553 of title
25 5 or provides for public notice and an op-

1 portunity to comment on proposed guid-
2 ance, the guidance required under subpara-
3 graph (A) shall direct the Federal agency
4 to provide notice and an opportunity to
5 comment on the critical factual material
6 upon which the head of the Federal agency
7 relied.

8 “(C) REVISIONS.—If the critical factual
9 material under subparagraph (A)(i) is revised
10 in a manner that may materially affect the
11 rulemaking or guidance after the public is given
12 notice and an opportunity to comment pursuant
13 to subparagraph (B)(ii), but before the rule or
14 guidance is published, the head of the Federal
15 agency shall make the revision available in the
16 docket for the rulemaking or in the applicable
17 administrative record for the guidance in a
18 timely manner.

19 “(2) IMPLEMENTATION OF PUBLIC DISCLOSURE
20 REQUIREMENT EXCEPTIONS.—

21 “(A) IN GENERAL.—The guidance under
22 paragraph (1) shall direct the head of the Fed-
23 eral agency—

24 “(i) to implement paragraph (1) con-
25 sistent with this chapter, sections 552 and

1 552a of title 5, and any rights under titles
2 17 and 35;

3 “(ii) to implement paragraph (1) to
4 the maximum extent feasible, considering
5 costs to the Federal Government; and

6 “(iii) in implementing paragraph (1),
7 to not make available in the docket for the
8 rulemaking of any rule of the Federal
9 agency, or in the public administrative
10 record for any guidance, as applicable, in-
11 formation that is prohibited from being
12 disclosed to the public under any statute.

13 “(B) EXPLANATION TO BE INCLUDED IN
14 DOCKET OR ADMINISTRATIVE RECORD.—If the
15 head of the Federal agency does not make crit-
16 ical factual material available under paragraph
17 (1), subject to subparagraph (A) of this para-
18 graph, the head of the Federal agency shall in-
19 clude in the docket for the rulemaking or the
20 public administrative record, if applicable, for
21 the guidance—

22 “(i) an explanation as to why such in-
23 formation cannot be made publicly avail-
24 able; and

1 “(ii) a description of any steps being
2 taken to increase access to such informa-
3 tion, even if the information cannot be
4 made public.

5 “(3) FORMAT OF CRITICAL FACTUAL MATE-
6 RIAL.—

7 “(A) IN GENERAL.—Subject to paragraph
8 (2) and subparagraph (B), the head of each
9 Federal agency shall make available any critical
10 factual material required to be made available
11 under paragraph (1)(A) as an open Government
12 data asset.

13 “(B) EXCEPTION.—If an exception under
14 paragraph (2)(A) applies, the head of a Federal
15 agency may—

16 “(i) maximize public access to the
17 critical factual material to the extent per-
18 mitted by law;

19 “(ii) make the critical factual material
20 available by citation or description; and

21 “(iii) place in the docket for the rule-
22 making or the administrative record for
23 the guidance a specification of the identity
24 of the entity that holds a legal right to
25 prohibit or limit reproduction, distribution,

1 or public display of the information and
2 the means by which a member of the pub-
3 lic may request to obtain a full copy of the
4 information from such holder.

5 “(d) DEFINITIONS.—In this section:

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

8 “(2) INFLUENTIAL INFORMATION OR EVI-
9 DENCE.—The term ‘influential information or evi-
10 dence’ means information or evidence about which
11 an agency can reasonably determine that reliance on
12 or dissemination of the information will have or does
13 have a clear and substantial impact on important
14 public actions, policies or statements or on impor-
15 tant private sector decisions.

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

20 (b) TABLE OF SECTIONS.—The table of sections for
21 subchapter I of chapter 35 of title 44, United States Code,
22 is amended by adding after the item relating to section
23 3521 the following:

“3522. Information Quality Assurance.”.

1 (c) NO ADDITIONAL FUNDS.—No additional funds
2 are authorized to be appropriated for the purpose of car-
3 rying out this Act or the amendments made by this Act.