To provide for the application of sections 552, 552a, and 552b of title 5, United States Code (commonly referred to as the Freedom of Information Act and the Privacy Act), and the Federal Advisory Committee Act (5 U.S.C. App.) to the Smithsonian Institution, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 16, 2008

Mr. GRASSLEY (for himself and Mr. SPECTER) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To provide for the application of sections 552, 552a, and 552b of title 5, United States Code (commonly referred to as the Freedom of Information Act and the Privacy Act), and the Federal Advisory Committee Act (5 U.S.C. App.) to the Smithsonian Institution, and for other purposes.

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

2 SECTION 1. SHORT TITLE.

3 This Act may be cited as the “Open and Transparent Smithsonian Act of 2008”.

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SEC. 2. APPLICATION OF OPEN GOVERNMENT STATUTES TO THE SMITHSONIAN INSTITUTION.

(a) IN GENERAL.—The following provisions shall apply to the Smithsonian Institution:

(1) Section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act).

(2) Sections 552a of title 5, United States Code (commonly referred to as the Privacy Act).

(3) Sections 552b of title 5, United States Code (relating to open meetings).

(4) The Federal Advisory Committee Act (5 U.S.C. App.).

(b) AGENCY.—For purposes of each provision of law under subsection (b)—

(1) the Smithsonian Institution shall be an agency; and

(2) the Secretary of the Smithsonian Institution shall be the head of the agency.

(c) EFFECTIVE DATE AND APPLICATION.—

(1) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act.

(2) APPLICATION.—This section shall apply to—

(A) all actions taken by the Board of Regents of the Smithsonian Institution or any of-
ficer or employee of the Smithsonian Institution before, on, or after the date of enactment of this Act;

(B) any record created before, on, or after that date; and

(C) any meeting held before, on, or after that date.

SEC. 3. DISCLOSURE OF INFORMATION TO CHAIRPERSON OR RANKING MEMBER OF COMMITTEE OF CONGRESS.

Section 552a(b)(9) of title 5, United States Code (commonly referred to as the Privacy Act), is amended—

(1) by inserting “(A)” after “(9)”;

(2) by adding “or” after the semicolon; and

(3) by adding at the end the following:

“(B) to the chairperson or ranking member of a committee, subcommittee, or joint committee described under subparagraph (A) upon the request of that chairperson or ranking member;”.

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