

118TH CONGRESS
2D 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Information Quality
5 Assurance Act of 2024”.

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

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

5 **“§ 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 2024, the Director shall—

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

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

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

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

23 “(B) in a manner consistent with—

24 “(i) this chapter; and

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

1 making Act of 2018 (Public Law 115–
2 435); 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.—In updating the
7 guidelines under subsection (a), the Director shall require
8 that the head of each Federal agency to which the guide-
9 lines apply, not later than 1 year after the Director up-
10 dates such guidelines—

11 “(1) update any guidelines issued by the head
12 of the Federal agency under the Information Quality
13 Act to ensure that, in the case of influential infor-
14 mation or evidence, the best reasonably available in-
15 formation and evidence is relied on in developing,
16 issuing, or informing the public about the rules and
17 guidance of the Federal 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 section (b)(2)
23 of the Information Quality Act are available with re-
24 spect to seeking and obtaining the correction of any
25 influential information or evidence that the Federal

1 agency uses to develop or issue a rule or guideline,
2 or disseminates to the public to inform the public of
3 the nature and basis of any rule or guidance of the
4 Federal agency, that does not comply with the
5 guidelines issued under paragraph (1); and

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

14 “(c) PUBLIC DISCLOSURE.—

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

22 “(A) any model, methodology, or source of
23 scientific, technical, demographic, economic, or
24 statistical information or evidence upon which
25 the head of the Federal agency—

1 “(i) relied on in developing or issuing
2 such rule or guidance; or

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

5 “(B) an identification of whether each
6 such model, methodology, or source constitutes,
7 or may constitute, influential information or
8 evidence.

9 “(2) EXCEPTION.—

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

12 “(i) shall implement paragraph (1) in
13 a manner consistent with this chapter and
14 section 552a of title 5; and

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

21 “(B) EXPLANATION TO BE INCLUDED IN
22 DOCKET OR ADMINISTRATIVE RECORD.—If the
23 head of the Federal agency does not make a
24 model, methodology, or source available under
25 paragraph (1)(A) pursuant to paragraph

(2)(A), the head of the Federal agency shall include in the docket for the rulemaking or the administrative record for the guidance document—

“(i) an explanation as to why such information cannot be made publicly available, including a citation to the applicable law and policy; and

“(ii) a description of any steps being taken to increase access to such information, even if the information cannot be made public.

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

“(d) DEFINITIONS.—In this section:

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

“(2) INFLUENTIAL INFORMATION OR EVIDENCE.—The term ‘influential information or evidence’ means information or evidence (including scientific, technical, demographic, economic, financial, and statistical information or evidence) that the

1 head of the Federal agency can reasonably deter-
2 mine will have or does have a clear or substantial
3 impact on—

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

6 “(B) informing the public of the nature
7 and basis of any rule or guidance of the Fed-
8 eral agency.

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

13 (b) TABLE OF CONTENTS.—The table of contents for
14 subchapter I of chapter 35 of title 44, United States Code,
15 is amended by adding after the item relating to section
16 3521 the following:

“3522. Information Quality Assurance.”.

