

Union Calendar No. 394

118TH CONGRESS
2D SESSION**H. R. 7219****[Report No. 118–475, Part I]**

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

APRIL 29, 2024

Reported from the Committee on Oversight and Accountability with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

APRIL 29, 2024

Committee on the Judiciary discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on February 5, 2024]

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”.*

6 **SEC. 2. INFORMATION QUALITY ASSURANCE.**

7 *(a) IN GENERAL.—Subchapter 1 of chapter 35 of title*
8 *44, United States Code, is amended by adding at the end*
9 *the following:*

10 **“§ 3522. Information Quality Assurance.**

11 *“(a) IN GENERAL.—Not later than 1 year after the*
12 *date of the enactment of the Information Quality Assurance*
13 *Act, the Director shall—*

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

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

22 *“(i) used by the heads of Federal agen-*
23 *cies to develop or issue rules and guidance;*
24 *or*

1 “(ii) disseminated to the public to in-
2 form the public about the nature and bases
3 of such rules and guidance; and

4 “(B) in a manner consistent with—

5 “(i) this chapter; and

6 “(ii) the amendments made by the
7 Foundations for Evidence-Based Policy-
8 making Act of 2018 (Public Law 115–435);
9 and

10 “(2) make the guidelines updated under para-
11 graph (1) available on the website of the Office of
12 Management and Budget.

13 “(b) *CONTENT OF GUIDELINES.*—In updating the
14 guidelines under subsection (a), the Director shall require
15 that the head of each Federal agency to which the guidelines
16 apply, not later than 1 year after the Director updates such
17 guidelines—

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

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

4 “(3) ensure the administrative mechanisms es-
5 tablished under subparagraph (B) of section (b)(2) of
6 the Information Quality Act are available with re-
7 spect to seeking and obtaining the correction of any
8 influential information or evidence that the Federal
9 agency uses to develop or issue a rule or guideline, or
10 disseminates to the public to inform the public of the
11 nature and basis of any rule or guidance of the Fed-
12 eral agency, that does not comply with the guidelines
13 issued under paragraph (1); and

14 “(4) include in the report required under sub-
15 paragraph (C) of subsection (b)(2) of the Information
16 Quality Act the information described under that sub-
17 paragraph with respect to any complaints received by
18 the Federal agency related to the accuracy of influen-
19 tial information or evidence the Federal agency uses
20 to develop, issue, or inform the public of the nature
21 and bases of rules or guidance.

22 “(c) PUBLIC DISCLOSURE.—

23 “(1) AVAILABILITY.—Except as provided under
24 paragraph (2), the head of the Federal agency shall
25 make available in the docket for the rulemaking of

1 *any rule of the Federal agency, or in the administra-*
2 *tive record for any guidance, in a timely manner be-*
3 *fore the promulgation of the rule or issuance of the*
4 *guidance document—*

5 *“(A) any model, methodology, or source of*
6 *scientific, technical, demographic, economic, or*
7 *statistical information or evidence upon which*
8 *the head of the Federal agency—*

9 *“(i) relied on in developing or issuing*
10 *such rule or guidance; or*

11 *“(ii) proposes to rely on in developing*
12 *or issuing such rule or guidance; and*

13 *“(B) an identification of whether each such*
14 *model, methodology, or source constitutes, or*
15 *may constitute, influential information or evi-*
16 *dence.*

17 *“(2) EXCEPTION.—*

18 *“(A) IN GENERAL.—The head of the Federal*
19 *agency—*

20 *“(i) shall implement paragraph (1) in*
21 *a manner consistent with this chapter and*
22 *section 552a of title 5; and*

23 *“(ii) may not make available in the*
24 *docket for the rulemaking of any rule of the*
25 *Federal agency, or in the administrative*

1 *record for any guidance, information that is*
2 *prohibited from being disclosed to the public*
3 *under any statute.*

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

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

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

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

25 “(d) *DEFINITIONS.—In this section:*

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

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

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

12 “(B) *informing the public of the nature and*
13 *basis of any rule or guidance of the Federal*
14 *agency.*

15 “(3) *INFORMATION QUALITY ACT.*—The term ‘In-

16 *formation Quality Act’ means section 515 of the*
17 *Treasury and General Government Appropriations*
18 *Act, 2001 (Public Law 106–554).’.*

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

 “3522. *Information Quality Assurance.*”.

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