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118TH CONGRESS
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H. R. 7219

[Report No. 118–284]

IN THE SENATE OF THE UNITED STATES

MAY 7, 2024

Received; read twice and referred to the Committee on Homeland Security and
Governmental Affairs

DECEMBER 9, 2024

Reported by Mr. PETERS, with an amendment

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

AN ACT

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
 8 title 44, United States Code, is amended by adding at the
 9 end 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 Assur-
 13 ance 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
 23 agencies to develop or issue rules and guid-
 24 ance; 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–
9 435); 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 guide-
16 lines apply, not later than 1 year after the Director up-
17 dates such guidelines—

18 “(1) update any guidelines issued by the head
19 of the Federal agency under the Information Quality
20 Act to ensure that, in the case of influential infor-
21 mation or evidence, the best reasonably available in-
22 formation 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)
6 of 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;
10 or disseminates to the public to inform the public of
11 the nature and basis of any rule or guidance of the
12 Federal agency; that does not comply with the
13 guidelines issued under paragraph (1); and

14 “(4) include in the report required under sub-
15 paragraph (C) of subsection (b)(2) of the Informa-
16 tion Quality Act the information described under
17 that subparagraph with respect to any complaints
18 received by the Federal agency related to the accu-
19 racy of influential information or evidence the Fed-
20 eral agency uses to develop, issue, or inform the
21 public of the nature 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

any rule of the Federal agency, or in the administrative record for any guidance, in a timely manner before the promulgation of the rule or issuance of the guidance document—

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

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

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

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

“(2) EXCEPTION.—

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

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

“(ii) may not make available in the docket for the rulemaking of any rule of the Federal agency, or in the administra-

1 tive record for any guidance, information
2 that is prohibited from being disclosed to
3 the public 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
9 (2)(A), the head of the Federal agency shall in-
10 clude in the docket for the rulemaking or the
11 administrative record for the guidance docu-
12 ment—

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

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

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

1 “(d) DEFINITIONS.—In this section:

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

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

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

14 “(B) informing the public of the nature
15 and basis of any rule or guidance of the Fed-
16 eral agency.

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

21 (b) TABLE OF CONTENTS.—The table of contents for
22 subchapter I of chapter 35 of title 44, United States Code,
23 is amended by adding after the item relating to section
24 3521 the following:

“3522. Information Quality Assurance.”.

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 I of chapter 35 of title*
 6 *44, United States Code, is amended by adding at the end*
 7 *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 Assurance*
 11 *Act, the Director shall—*

12 *“(1) update the guidelines issued under sub-*
 13 *section (a) of section 515 of the Consolidated Appro-*
 14 *priations Act, 2001 (commonly known as the ‘Infor-*
 15 *mation Quality Act’) (Public Law 106–554; 114 Stat.*
 16 *2763A–153)—*

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 *made available to the public; 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;
9 132 Stat. 5529); 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 that is fit-for-purpose is relied
23 on in developing, issuing, or informing the public
24 about the rules and 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 subsection (b)(2)*
6 *of the Information Quality Act are made available, as*
7 *applicable, with respect to seeking and obtaining the*
8 *correction of any influential information or evidence*
9 *disseminated by agencies that the Federal agency uses*
10 *to develop or issue a rule or guidance made available*
11 *to the public, or to inform the public of the nature*
12 *and basis of any rule or guidance of the Federal agen-*
13 *cy, that does not comply with the guidelines issued*
14 *under paragraph (1); and*

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

23 “(c) *PUBLIC DISCLOSURE.—*

24 “(1) *AVAILABILITY.—*

1 “(A) *IN GENERAL.*—Not later than 1 year
2 after the date of enactment of this section, the
3 Director shall issue guidance, which may be in-
4 cluded in the guidelines updated under sub-
5 section (a), that directs the head of the Federal
6 agency to make available, except as provided
7 under paragraph (2), in the docket for the rule-
8 making of any rule of the Federal agency, or in
9 the public administrative record for any guid-
10 ance—

11 “(i) the critical factual material upon
12 which the head of the Federal agency relied
13 as part of the rulemaking or guidance devel-
14 opment process; and

15 “(ii) a citation to any other source
16 used to inform the rulemaking or guidance
17 development process.

18 “(B) *PROCESS.*—

19 “(i) *IN GENERAL.*—Except as provided
20 under clause (ii), the guidance required
21 under subparagraph (A) shall direct an
22 agency to make available the information
23 that must be made available under that sub-
24 paragraph as soon as reasonably possible
25 before, but at a minimum at, the time that

1 the Federal agency promulgates a rule or
2 issues guidance.

3 “(ii) NOTICE AND COMMENT.—If a
4 Federal agency engages in notice and com-
5 ment rulemaking under section 553 of title
6 5 or provides for public notice and an op-
7 portunity to comment on proposed guid-
8 ance, the guidance required under subpara-
9 graph (A) shall direct the Federal agency to
10 provide notice and an opportunity to com-
11 ment on the critical factual material upon
12 which the head of the Federal agency relied.

13 “(C) REVISIONS.—If the critical factual
14 material under subparagraph (A)(i) is revised in
15 a manner that may materially affect the rule-
16 making or guidance after the public is given no-
17 tice and an opportunity to comment pursuant to
18 subparagraph (B)(ii), but before the rule or
19 guidance is published, the head of the Federal
20 agency shall make the revision available in the
21 docket for the rulemaking or in the applicable
22 administrative record for the guidance in a
23 timely manner.

24 “(2) EXCEPTION.—

1 “(A) *IN GENERAL.*—*The guidance under*
2 *paragraph (1) shall direct the head of the Fed-*
3 *eral agency—*

4 “(i) *to implement paragraph (1), con-*
5 *sistent with this chapter, sections 552 and*
6 *552a of title 5, and any rights under titles*
7 *17 and 35;*

8 “(ii) *to implement paragraph (1) to*
9 *the maximum extent feasible, considering*
10 *costs to the Federal Government; and*

11 “(iii) *in implementing paragraph (1),*
12 *to not make available in the docket for the*
13 *rulemaking of any rule of the Federal agen-*
14 *cy, or in the public administrative record*
15 *for any guidance, as applicable, informa-*
16 *tion that is prohibited from being disclosed*
17 *to the public under any statute.*

18 “(B) *EXPLANATION TO BE INCLUDED IN*
19 *DOCKET OR ADMINISTRATIVE RECORD.*—*If the*
20 *head of the Federal agency does not make critical*
21 *factual material available under paragraph (1),*
22 *subject to subparagraph (A) of this paragraph,*
23 *the head of the Federal agency shall include in*
24 *the docket for the rulemaking or the public ad-*

1 *ministrative record, if applicable, for the guid-*
2 *ance—*

3 *“(i) an explanation as to why such in-*
4 *formation cannot be made publicly avail-*
5 *able; and*

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

10 *“(3) FORMAT OF CRITICAL FACTUAL MATE-*
11 *RIAL.—*

12 *“(A) IN GENERAL.—Subject to paragraph*
13 *(2) and subparagraph (B), the head of each Fed-*
14 *eral agency shall make available any critical fac-*
15 *tual material required to be made available*
16 *under paragraph (1)(A) as an open Government*
17 *data asset.*

18 *“(B) EXCEPTION.—If an exception under*
19 *paragraph (2)(A) applies, the head of a Federal*
20 *agency may—*

21 *“(i) maximize public access to the crit-*
22 *ical factual material to the extent permitted*
23 *by law;*

24 *“(ii) make the critical factual material*
25 *available by citation or description; and*

1 “(iii) place in the docket for the rule-
 2 making or the administrative record for the
 3 guidance a specification of the identity of
 4 the entity that holds a legal right to pro-
 5 hibit or limit reproduction, distribution, or
 6 public display of the information and the
 7 means by which a member of the public
 8 may request to obtain a full copy of the in-
 9 formation from such holder.

10 “(d) *LIMITATION ON JUDICIAL REVIEW.*—Nothing in
 11 this section shall be construed to authorize rights to judicial
 12 review, other than to those rights in existence on the day
 13 before the date of enactment of the Information Quality As-
 14 surance Act, or create any additional rights under chapter
 15 5 or 7 of title 5 (commonly referred to as the ‘Administra-
 16 tive Procedure Act’).

17 “(e) *DEFINITIONS.*—In this section:

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

20 “(2) *INFORMATION QUALITY ACT.*—The term ‘In-
 21 formation Quality Act’ means section 515 of the
 22 Treasury and General Government Appropriations
 23 Act, 2001 (Public Law 106–554).”.

24 “(b) *TABLE OF SECTIONS.*—The table of sections for
 25 subchapter I of chapter 35 of title 44, United States Code,

1 *is amended by adding after the item relating to section 3521*
2 *the following:*

“3522. Information Quality Assurance.”.

3 *(c) NO ADDITIONAL FUNDS.—No additional funds are*
4 *authorized to be appropriated for the purpose of carrying*
5 *out this Act or the amendments made by this Act.*

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2^D Session

H. R. 7219

[Report No. 118-284]

AN ACT

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.

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