

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 3387  
OFFERED BY MS. NORTON OF THE DISTRICT OF  
COLUMBIA**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Open and Transparent  
3 Smithsonian Act of 2016”.

**4 SEC. 2. APPLICATION OF OPEN GOVERNMENT LAWS TO  
5 SMITHSONIAN INSTITUTION.**

6 (a) FREEDOM OF INFORMATION ACT.—Section 552  
7 of title 5, United States Code (commonly referred to as  
8 the Freedom of Information Act), as amended by section  
9 2(7) of the FOIA Improvement Act of 2016, is amended  
10 by adding at the end the following new subsection:

11 “(n) For purposes of this section, the Smithsonian  
12 Institution shall be considered an agency, and the Sec-  
13 retary of the Smithsonian Institution shall be considered  
14 the head of the agency.”.

15 (b) PRIVACY ACT.—Section 552a(a)(1) of title 5,  
16 United States Code (commonly referred to as the Privacy  
17 Act), is amended by striking the semicolon at the end and

1 inserting “, except that such term also includes the Smith-  
2 sonian Institution;”.

3 (c) REQUIRING OPEN MEETINGS.—Section  
4 552b(a)(1) of title 5, United States Code (relating to open  
5 meetings) is amended by striking the semicolon at the end  
6 and inserting “, except that such term also includes the  
7 Smithsonian Institution;”.

8 **SEC. 3. EFFECTIVE DATE AND APPLICATION.**

9 (a) EFFECTIVE DATE.—This Act and the amend-  
10 ments made by this Act shall take effect on the date of  
11 enactment of this Act.

12 (b) APPLICATION.—

13 (1) FREEDOM OF INFORMATION ACT; PRIVACY  
14 ACT.—Subsections (a) and (b) of section 2 and the  
15 amendments made by such subsections shall apply to  
16 any record created before, on, or after the date of  
17 the enactment of this Act.

18 (2) OPEN MEETINGS.—Subsection (c) of section  
19 2 and the amendments made by such subsection  
20 shall apply to any meeting held on or after the date  
21 of the enactment of this Act.

Amend the title so as to read: “A bill to amend the  
Freedom of Information Act and the Privacy Act to apply  
the requirements of such Acts to the Smithsonian Insti-  
tution, and for other purposes”.

