

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. _____
OFFERED BY M. _____

Strike all after the enacting clause and insert the following:

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 1 of chapter 35 of
6 title 44, United States Code, is amended by adding at the
7 end 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 Assur-
11 ance Act, the Director shall—

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

15 “(A) to provide policy and procedural guid-
16 ance to the heads of Federal agencies for better
17 ensuring and maximizing the quality, objec-

1 tivity, utility, and integrity of influential infor-
2 mation or evidence—

3 “(i) used by the heads of Federal
4 agencies to develop or issue rules and guid-
5 ance; or

6 “(ii) disseminated to the public to in-
7 form the public about the nature and bases
8 of such rules and guidance; and

9 “(B) in a manner consistent with—

10 “(i) this chapter; and

11 “(ii) the amendments made by the
12 Foundations for Evidence-Based Policy-
13 making Act of 2018 (Public Law 115-
14 435); and

15 “(2) make the guidelines updated under para-
16 graph (1) available on the website of the Office of
17 Management and Budget.

18 “(b) CONTENT OF GUIDELINES.—In updating the
19 guidelines under subsection (a), the Director shall require
20 that the head of each Federal agency to which the guide-
21 lines apply, not later than 1 year after the Director up-
22 dates such guidelines—

23 “(1) update any guidelines issued by the head
24 of the Federal agency under the Information Quality
25 Act to ensure that, in the case of influential infor-

1 mation or evidence, the best reasonably available in-
2 formation and evidence is relied on in developing,
3 issuing, or informing the public about the rules and
4 guidance of the Federal agency;

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

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

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

1 “(c) PUBLIC DISCLOSURE.—

2 “(1) AVAILABILITY.—Except as provided under
3 paragraph (2), the head of the Federal agency shall
4 make available in the docket for the rulemaking of
5 any rule of the Federal agency, or in the administra-
6 tive record for any guidance, in a timely manner be-
7 fore the promulgation of the rule or issuance of the
8 guidance document—

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

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

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

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

21 “(2) EXCEPTION.—

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

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

4 “(ii) may not make available in the
5 docket for the rulemaking of any rule of
6 the Federal agency, or in the administra-
7 tive record for any guidance, information
8 that is prohibited from being disclosed to
9 the public under any statute.

10 “(B) EXPLANATION TO BE INCLUDED IN
11 DOCKET OR ADMINISTRATIVE RECORD.—If the
12 head of the Federal agency does not make a
13 model, methodology, or source available under
14 paragraph (1)(A) pursuant to paragraph
15 (2)(A), the head of the Federal agency shall in-
16 clude in the docket for the rulemaking or the
17 administrative record for the guidance docu-
18 ment—

19 “(i) an explanation as to why such in-
20 formation cannot be made publicly avail-
21 able, including a citation to the applicable
22 law and policy; and

23 “(ii) a description of any steps being
24 taken to increase access to such informa-

1 tion, even if the information cannot be
2 made public.

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

8 “(d) DEFINITIONS.—In this section:

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

11 “(2) INFLUENTIAL INFORMATION OR EVI-
12 DENCE.—The term ‘influential information or evi-
13 dence’ means information or evidence (including sci-
14 entific, technical, demographic, economic, financial,
15 and statistical information or evidence) that the
16 head of the Federal agency can reasonably deter-
17 mine will have or does have a clear or substantial
18 impact on—

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

21 “(B) informing the public of the nature
22 and basis of any rule or guidance of the Fed-
23 eral agency.

24 “(3) INFORMATION QUALITY ACT.—The term
25 ‘Information Quality Act’ means section 515 of the

1 Treasury and General Government Appropriations
2 Act, 2001 (Public Law 106–554).”.

3 (b) TABLE OF CONTENTS.—The table of contents for
4 subchapter I of chapter 35 of title 44, United States Code,
5 is amended by adding after the item relating to section
6 3521 the following:

“3522. Information Quality Assurance.”.

