

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 6329
OFFERED BY MR. COMER OF KENTUCKY**

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 I of chapter 35 of title
6 44, United States Code, is amended by adding at the end
7 the following:

8 “SEC. 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 of 2025, the Director shall—

12 “(1) update the guidelines issued under the In-
13 formation Quality Act—

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

1 “(i) used by the heads of Federal
2 agencies to develop or issue rules and guid-
3 ance made available to the public; or

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

7 “(B) in a manner consistent with—

8 “(i) this chapter; and

9 “(ii) the amendments made by the
10 Foundations for Evidence-Based Policy-
11 making Act of 2018 (Public Law 115–435;
12 132 Stat. 5529); and

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

16 “(b) CONTENT OF GUIDELINES.—Not later than 1
17 year after the Director updates the guidelines under sub-
18 section (a), the head of each Federal agency to which the
19 guidelines apply shall—

20 “(1) update any guidelines issued by the head
21 of the Federal agency under the Information Quality
22 Act to ensure that, in the case of influential infor-
23 mation or evidence, the best reasonably available in-
24 formation and evidence that is fit-for-purpose is re-
25 lied on in developing, issuing, or informing the pub-

1 lic about the rules and guidance of the Federal
2 agency;

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

6 “(3) ensure the administrative mechanisms es-
7 tablished under subparagraph (B) of subsection
8 (b)(2) of the Information Quality Act are made
9 available, as applicable, with respect to seeking and
10 obtaining the correction of any influential informa-
11 tion or evidence disseminated by agencies that the
12 Federal agency uses to develop or issue a rule or
13 guidance made available to the public, or to inform
14 the public of the nature and basis of any rule or
15 guidance of the Federal agency, that does not com-
16 ply with the guidelines issued under paragraph (1);
17 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.—

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

13 “(i) the critical factual material upon
14 which the head of the Federal agency re-
15 lied as part of the rulemaking or guidance
16 development process; and

17 “(ii) a citation to any other source
18 used to inform the rulemaking or guidance
19 development process, including a citation
20 to any public comment that is referenced
21 in a final rulemaking action.

22 “(B) PROCESS.—

23 “(i) IN GENERAL.—Except as pro-
24 vided under clause (ii), the guidance re-
25 quired under subparagraph (A) shall direct

1 an agency to make available the informa-
2 tion that must be made available under
3 that subparagraph as soon as reasonably
4 possible before, but at a minimum at, the
5 time that the Federal agency promulgates
6 a rule or issues guidance.

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

18 “(C) REVISIONS.—If the critical factual
19 material under subparagraph (A)(i) is revised
20 in a manner that may materially affect the
21 rulemaking or guidance after the public is given
22 notice and an opportunity to comment pursuant
23 to subparagraph (B)(ii), but before the rule or
24 guidance is published, the head of the Federal
25 agency shall make the revision available in the

1 docket for the rulemaking or in the applicable
2 administrative record for the guidance in a
3 timely manner.

4 “(2) IMPLEMENTATION OF PUBLIC DISCLOSURE
5 REQUIREMENT EXCEPTIONS.—

6 “(A) IN GENERAL.—The guidance under
7 paragraph (1) shall direct the head of the Fed-
8 eral agency—

9 “(i) to implement paragraph (1) con-
10 sistent with this chapter, sections 552 and
11 552a of title 5, and any rights under titles
12 17 and 35;

13 “(ii) to implement paragraph (1) to
14 the maximum extent feasible, considering
15 costs to the Federal Government; and

16 “(iii) in implementing paragraph (1),
17 to not make available in the docket for the
18 rulemaking of any rule of the Federal
19 agency, or in the public administrative
20 record for any guidance, as applicable, in-
21 formation that is prohibited from being
22 disclosed to the public under any statute.

23 “(B) EXPLANATION TO BE INCLUDED IN
24 DOCKET OR ADMINISTRATIVE RECORD.—If the
25 head of the Federal agency does not make crit-

1 ical factual material available under paragraph
2 (1), subject to subparagraph (A) of this para-
3 graph, the head of the Federal agency shall in-
4 clude in the docket for the rulemaking or the
5 public administrative record, if applicable, for
6 the guidance—

7 “(i) an explanation as to why such in-
8 formation cannot be made publicly avail-
9 able; and

10 “(ii) a description of any steps being
11 taken to increase access to such informa-
12 tion, even if the information cannot be
13 made public.

14 “(3) **FORMAT OF CRITICAL FACTUAL MATE-**
15 **RIAL.—**

16 “(A) **IN GENERAL.—**Subject to paragraph
17 (2) and subparagraph (B), the head of each
18 Federal agency shall make available any critical
19 factual material required to be made available
20 under paragraph (1)(A) as an open Government
21 data asset.

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

1 “(i) maximize public access to the
2 critical factual material to the extent per-
3 mitted by law;

4 “(ii) make the critical factual material
5 available by citation or description; and

6 “(iii) place in the docket for the rule-
7 making or the administrative record for
8 the guidance a specification of the identity
9 of the entity that holds a legal right to
10 prohibit or limit reproduction, distribution,
11 or public display of the information and
12 the means by which a member of the pub-
13 lic may request to obtain a full copy of the
14 information from such holder.

15 “(d) DEFINITIONS.—In this section:

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

18 “(2) INFLUENTIAL INFORMATION OR EVI-
19 DENCE.—The term ‘influential information or evi-
20 dence’ means information or evidence about which
21 an agency can reasonably determine that reliance on
22 or dissemination of the information will have or does
23 have a clear and substantial impact on important
24 public actions, policies or statements or on impor-
25 tant private sector decisions.

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

5 (b) TABLE OF SECTIONS.—The table of sections for
6 subchapter I of chapter 35 of title 44, United States Code,
7 is amended by adding after the item relating to section
8 3521 the following:

 “3522. Information Quality Assurance.”.

9 (c) NO ADDITIONAL FUNDS.—No additional funds
10 are authorized to be appropriated for the purpose of car-
11 rying out this Act or the amendments made by this Act.

