

## A Brief Overview Of The Legislative History Surrounding The Information Quality Act and the Paperwork Reduction Act of 1995

The historical record clearly shows that Congress had been compelled to enact the IQA after a failed six-year effort<sup>1</sup> to induce the Clinton administration to implement the directives<sup>2 3 4</sup> contained in the 1995 PRA amendments.<sup>5 6 7</sup> Amid repeated but ignored congressional calls for compliance, the House OMB Appropriations Subcommittee, during late March 2000, convened a hearing to question former OMB Director Jacob Lew about why OMB had not yet issued any rules “with regard to data quality.”<sup>8 9</sup> In testimony delivered before the committee, the former OMB Director responded<sup>10</sup> that he had been reluctant to implement the 1995 PRA amendments’ out of concern that their call for federal agency establishment of administrative review mechanisms enabling stakeholders to contest incorrect agency information “would create rights of action *where there [weren’t any] consequences*” (emphasis added).<sup>11</sup> However, it has since been surmised that Mr. Lew’s recalcitrance had more likely been motivated by the prior administration’s deeper concern that the imposition of high standards of scientific quality on the scientific and statistical data underlying scientific assessments would curtail regulators’ future ability to issue new environmental, health and safety regulations.<sup>12</sup>

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<sup>1</sup> See United States Senate, *Paperwork Reduction Action of 1995, Report of the Committee on Governmental Affairs, [Together with Additional Views to Accompany S. 244]*, 104<sup>th</sup> Cong., 1<sup>st</sup> Sess., Rept. 104–8 (Feb. 14, 1995), at pp. 2–3, available at: <http://www.gpo.gov/fdsys/pkg/CRPT-104srpt8/pdf/CRPT-104srpt8.pdf> See also United States Senate, Republican Policy Committee, *RPC Backgrounder: The Data Quality Act: History and Purpose* (Jan. 18, 2005), at p. 3, available at: <http://thecre.com/pdf/Jan1805DQABackgrounderPG.pdf>.

<sup>2</sup> See U.S. House of Representatives, *Paperwork Reduction Act of 1995 – Committee on Government Reform and Oversight Report Together With Additional Views [To accompany H.R. 830]*, 104<sup>th</sup> Cong. 1<sup>st</sup> Sess., Rept. 104–37 (Feb. 15, 1995), at pp. 40, 67–68, available at: <http://www.gpo.gov/fdsys/pkg/CRPT-104hrpt37/pdf/CRPT-104hrpt37.pdf>.

<sup>3</sup> In addition, Section 3506(b) of the PRA of 1995 provided as follows: “Section 3506 [...] *Subsec. (b)* With respect to general information resources management, each agency is to undertake several specified actions: 1. Manage information resources to reduce information collection burdens, increase program efficiency and effectiveness, and improve the integrity, quality, and utility of information to users both within and outside the agency” (underlined emphasis added; italicized emphasis in original). *Id.*, at p. 43. See §3506(a) and (b)(1)(C), pp. 43, 73, 89.

<sup>4</sup> *Id.*, at § 3506(e)(1), p. 93.

<sup>5</sup> See U.S. House of Representatives, *Treasury, Postal Service and General Government Appropriations Bill, 1999 – Report Together With Additional Views [To accompany H.R. 4104]*, 105<sup>th</sup> Cong., 2<sup>d</sup> Sess., Rept. 105–592 (June 22, 1998), at p. 49, available at: <http://www.gpo.gov/fdsys/pkg/CRPT-105hrpt592/pdf/CRPT-105hrpt592.pdf>. See also House of Representatives, *Treasury and General Government Appropriations Act, 1999 (H.R. 4104)*, 105<sup>th</sup> Cong. 2<sup>d</sup> Sess. (Sept. 3, 1998), available at: <http://www.gpo.gov/fdsys/pkg/BILLS-105hr4104pp/pdf/BILLS-105hr4104pp.pdf>. See also The Library of Congress, *H.R. 4104 - Bill Summary & Status*, 105<sup>th</sup> Congress (1997–1998), available at: <http://thomas.loc.gov/cgi-bin/bdquery/z?d105:H.R.4104>; Govtrack.us, *H.R. 4104 (105th): Treasury and General Government Appropriations Act, 1999*, available at: <https://www.govtrack.us/congress/bills/105/hr4104>; U.S. House of Representatives, *An Act Making Omnibus Consolidated and Emergency Appropriations for the Fiscal Year ending September 30, 1999, and for other purposes*, Publ. L. 105-277, 112 STAT. 2681 (Oct. 21, 1998), available at: <http://www.gpo.gov/fdsys/pkg/PLAW-105publ277/pdf/PLAW-105publ277.pdf>.

<sup>6</sup> See U.S. House of Representatives, *Treasury, Postal Service and General Government Appropriations Bill, 1999 – Report Together With Additional Views [To accompany H.R. 4104]*, 105<sup>th</sup> Cong., 2<sup>d</sup> Sess., Rept. 105–592 (June 22, 1998), *supra* at p. 49.

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<sup>7</sup> See House of Representatives, *Making Appropriations for the Treasury Department, The United States Postal Service, the Executive Office of the President, and Certain Independent Agencies, for the Fiscal Year Ending September 30, 1999, and for other purposes*, Conference Report [To accompany H.R. 4104], 105<sup>th</sup> Cong. 2d Sess., Rept. 105-789 (Oct. 7, 1998), at pp. 17, 84, available at: <http://www.gpo.gov/fdsys/pkg/CRPT-105hrpt789/pdf/CRPT-105hrpt789.pdf>.

<sup>8</sup> See *Letter from Congress Member Bliley to OMB Director, The Honorable Jacob Lew* (May 20, 1999), The Center for Regulatory Effectiveness website, available at <http://www.thecre.com/quality/letter-bliley-lew.html>; *Letter from Congress Member Emerson to OMB Director, The Honorable Jacob Lew* (May 6, 2009), The Center for Regulatory Effectiveness website, available at: <http://www.thecre.com/quality/letter-emerson-lew.html>; *Letter from Congress Member Emerson to John Spotila, Administrator, Office of Information and Regulatory Affairs* (March 29, 2000), The Center for Regulatory Affairs website, available at: <http://www.thecre.com/quality/EmersonLetter20000320.html>. See also TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS FOR FISCAL YEAR 2001, Part 3, “Executive Office of the President and Funds Appropriated to the President”, Hearings Before the SUBCOMMITTEE ON THE TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS, OF THE COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, 106<sup>th</sup> Cong. 2d Sess., Rept. 64-960 (March 28, 2000), at pp. 477-479, 509-517, 558, available at: available at: <http://www.gpo.gov/fdsys/pkg/CHRG-106hhrg64690/html/CHRG-106hhrg64690.htm>.

<sup>9</sup> See *Letter from Administrator, Office of Information and Regulatory Affairs, to The Honorable Jo Ann Emerson, US House of Representatives* (April 18, 2000), Center for Regulatory Effectiveness website, available at: [http://thecre.com/quality/20041012\\_letter.htm](http://thecre.com/quality/20041012_letter.htm).

<sup>10</sup> See TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS FOR FISCAL YEAR 2001, Part 3, “Executive Office of the President and Funds Appropriated to the President”, Hearings Before the SUBCOMMITTEE ON THE TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS, OF THE COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, 106<sup>th</sup> Cong. 2d Sess., Rept. 64-960 (March 28, 2000), *supra* at pp. 477-479, 509-517, 558.

<sup>11</sup> *Id.*

<sup>12</sup> See United States Senate, Republican Policy Committee, *RPC Backgrounder: The Data Quality Act: History and Purpose* (Jan. 18, 2005), *supra* at pp. 2-3.