

## Union Calendar No. 677

114<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3387

**[Report No. 114–864]**

To amend the Freedom of Information Act, the Privacy Act, and the Federal Advisory Committee Act to apply the requirements of such Acts to the Smithsonian Institution, and for other purposes.

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### IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2015

Ms. NORTON introduced the following bill; which was referred to the  
Committee on Oversight and Government Reform

DECEMBER 12, 2016

Reported with amendments, committed to the Committee of the Whole House  
on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on July 29, 2015]

# **A BILL**

To amend the Freedom of Information Act, the Privacy Act, and the Federal Advisory Committee Act to apply the requirements of such Acts to the Smithsonian Institution, 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 “Open and Transparent*  
5 *Smithsonian Act of 2016”.*

6 **SEC. 2. APPLICATION OF OPEN GOVERNMENT LAWS TO**  
7 **SMITHSONIAN INSTITUTION.**

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

13 *“(n) For purposes of this section, the Smithsonian In-*  
14 *stitution shall be considered an agency, and the Secretary*  
15 *of the Smithsonian Institution shall be considered the head*  
16 *of the agency.”.*

17 *(b) PRIVACY ACT.—Section 552a(a)(1) of title 5,*  
18 *United States Code (commonly referred to as the Privacy*  
19 *Act), is amended by striking the semicolon at the end and*  
20 *inserting “, except that such term also includes the Smithso-*  
21 *nian Institution;”.*

22 *(c) REQUIRING OPEN MEETINGS.—Section 552b(a)(1)*  
23 *of title 5, United States Code (relating to open meetings)*  
24 *is amended by striking the semicolon at the end and insert-*

1 ing “, except that such term also includes the Smithsonian  
2 Institution;”.

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

4 (a) *EFFECTIVE DATE.*—This Act and the amendments  
5 made by this Act shall take effect on the date of enactment  
6 of this Act.

7 (b) *APPLICATION.*—

8 (1) *FREEDOM OF INFORMATION ACT; PRIVACY*  
9 *ACT.*—Subsections (a) and (b) of section 2 and the  
10 amendments made by such subsections shall apply to  
11 any record created before, on, or after the date of the  
12 enactment of this Act.

13 (2) *OPEN MEETINGS.*—Subsection (c) of section 2  
14 and the amendments made by such subsection shall  
15 apply to any meeting held on or after the date of the  
16 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.”.



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