

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

# S. 3276

To provide for the application of sections 552, 552a, and 552b of title 5, United States Code (commonly referred to as the Freedom of Information Act and the Privacy Act), and the Federal Advisory Committee Act (5 U.S.C. App.) to the Smithsonian Institution, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

JULY 16, 2008

Mr. GRASSLEY (for himself and Mr. SPECTER) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

---

## A BILL

To provide for the application of sections 552, 552a, and 552b of title 5, United States Code (commonly referred to as the Freedom of Information Act and the Privacy Act), and the Federal Advisory Committee Act (5 U.S.C. App.) 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 2008”.

1 **SEC. 2. APPLICATION OF OPEN GOVERNMENT STATUTES**  
2 **TO THE SMITHSONIAN INSTITUTION.**

3 (a) IN GENERAL.—The following provisions shall  
4 apply to the Smithsonian Institution:

5 (1) Section 552 of title 5, United States Code  
6 (commonly referred to as the Freedom of Informa-  
7 tion Act).

8 (2) Sections 552a of title 5, United States Code  
9 (commonly referred to as the Privacy Act).

10 (3) Sections 552b of title 5, United States Code  
11 (relating to open meetings).

12 (4) The Federal Advisory Committee Act (5  
13 U.S.C. App.).

14 (b) AGENCY.—For purposes of each provision of law  
15 under subsection (b)—

16 (1) the Smithsonian Institution shall be an  
17 agency; and

18 (2) the Secretary of the Smithsonian Institution  
19 shall be the head of the agency.

20 (c) EFFECTIVE DATE AND APPLICATION.—

21 (1) EFFECTIVE DATE.—This section shall take  
22 effect on the date of enactment of this Act.

23 (2) APPLICATION.—This section shall apply  
24 to—

25 (A) all actions taken by the Board of Re-  
26 gents of the Smithsonian Institution or any of-

1           ficer or employee of the Smithsonian Institution  
2           before, on, or after the date of enactment of  
3           this Act;

4                 (B) any record created before, on, or after  
5           that date; and

6                 (C) any meeting held before, on, or after  
7           that date.

8 **SEC. 3. DISCLOSURE OF INFORMATION TO CHAIRPERSON**  
9                   **OR RANKING MEMBER OF COMMITTEE OF**  
10                   **CONGRESS.**

11           Section 552a(b)(9) of title 5, United States Code  
12 (commonly referred to as the Privacy Act), is amended—

13                 (1) by inserting “(A)” after “(9)”;

14                 (2) by adding “or” after the semicolon; and

15                 (3) by adding at the end the following:

16                 “(B) to the chairperson or ranking member of  
17           a committee, subcommittee, or joint committee de-  
18           scribed under subparagraph (A) upon the request of  
19           that chairperson or ranking member;”.

○