

# Presidential Documents

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Executive Order 13xxx of \_\_\_\_ xx, 2018

Title 3—

The President

## Protecting the Public's Right to Obtain Correction of Government Misinformation

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

**Section 1. Findings.** (a) Federal dissemination of inaccurate, incomplete, misleading, or biased information has caused incalculable economic losses to the people of the United States and has disrupted innumerable lives.

(b) The Office of Management and Budget is directed by the Paperwork Reduction Act of 1995 and by the Information Quality Act of 2001 to establish quality standards that are applicable to virtually all information disseminated by federal agencies. The Information Quality Act also requires that the quality standards be enforceable and it endows affected members of the public with the right to “seek and obtain” correction of federally-disseminated information that does not meet the standards.

(c) OMB has used its rulemaking authority to establish binding, government-wide information quality standards and it also required that each agency establish its own conforming set of information quality guidelines. As directed by the IQA, OMB requires that each agency operate an administrative process by which affected members of the public can seek correction of government misinformation that does not comply with federal information quality standards.

(d) The US Court of Appeals for the District of Columbia in *Prime Time Int'l, Inc. v. Vilsack* held that the OMB information quality standards are binding legislative rules. Agency decisions that are made under these binding information quality rules are thus subject to judicial review under the Administrative Procedure Act.

**Sec. 2. Policy.** (a) It shall be the policy of the executive branch, to the extent consistent with law, to respect and protect the right of the people to seek and obtain correction of government-disseminated misinformation. Accordingly, agencies shall not challenge the public's right to seek judicial review under the APA for asserted violations of OMB's information quality standards.

(b) This policy shall have no effect on an agency's flexibility in defending the quality of its information disseminations.

**Sec. 3. General Provisions.** (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

THE WHITE HOUSE,  
\_\_\_\_\_ xx, 2018.