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112TH CONGRESS
2D SESSION

H. R. 5952

To require each Federal agency to submit and obtain approval from the Director of the Office of Science and Technology Policy of guidelines for ensuring and maximizing the quality, objectivity, utility, and integrity of scientific information relied upon by the agency.

IN THE HOUSE OF REPRESENTATIVES

JUNE 18, 2012

Mr. MANZULLO (for himself, Mr. MCINTYRE, Mr. BUCSHON, Mr. FINCHER, Mr. JOHNSON of Illinois, Mr. BOSWELL, and Mr. KISSELL) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

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A BILL

To require each Federal agency to submit and obtain approval from the Director of the Office of Science and Technology Policy of guidelines for ensuring and maximizing the quality, objectivity, utility, and integrity of scientific information relied upon by the agency.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REQUIREMENT FOR FINAL GUIDELINES.

(a) IN GENERAL.—Not later than January 1, 2013, each Federal agency shall have in effect guidelines for ensuring and maximizing the quality, objectivity, utility, and

integrity of scientific information relied upon by such agency.

(b) CONTENT OF GUIDELINES.—The guidelines described in subsection (a), with respect to a Federal agency, shall ensure that—

(1) when scientific information is considered by the agency in policy decisions—

(A) the information is subject to well-established scientific processes, including peer review where appropriate;

(B) the agency appropriately applies the scientific information to the policy decision;

(C) except for information that is protected from disclosure by law or administrative practice, the agency makes available to the public the scientific information considered by the agency;

(D) the agency gives greatest weight to information that is based on experimental, empirical, quantifiable, and reproducible data that is developed in accordance with well-established scientific processes; and

(E) with respect to any proposed rule issued by the agency, such agency follows procedures that include, to the extent feasible and

permitted by law, an opportunity for public comment on all relevant scientific findings;

(2) the agency has procedures in place to make policy decisions only on the basis of the best reasonably obtainable scientific, technical, economic, and other evidence and information concerning the need for, consequences of, and alternatives to the decision; and

(3) the agency has in place procedures to identify and address instances in which the integrity of scientific information considered by the agency may have been compromised, including instances in which such information may have been the product of a scientific process that was compromised.

(c) APPROVAL NEEDED FOR POLICY DECISIONS TO TAKE EFFECT.—No policy decision issued after January 1, 2013, by an agency subject to this section may take effect prior to such date that the agency has in effect guidelines under subsection (a) that have been approved by the Director of the Office of Science and Technology Policy.

(d) POLICY DECISIONS NOT IN COMPLIANCE.—A policy decision of an agency that does not comply with guidelines approved under subsection (c) shall be deemed

to be arbitrary, capricious, an abuse of discretion, and otherwise not in accordance with law.

(e) DEFINITIONS.—

(1) POLICY DECISION.—The term ''policy decision'' means, with respect to an agency, an agency action as defined in section 551(13) of title 5, United States Code, (other than an adjudication, as defined in section 551(7) of such title), and includes—

(A) the listing, labeling, or other identification of a substance, product, or activity as hazardous or creating risk to human health, safety, or the environment; and

(B) agency guidance.

(2) AGENCY GUIDANCE.—The term ''agency guidance'' means an agency statement of general applicability and future effect, other than a regulatory action, that sets forth a policy on a statutory, regulatory, or technical issue or on an interpretation of a statutory or regulatory issue.

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