H. R. 1287

To ensure high standards for Federal agency use of scientific information.

IN THE HOUSE OF REPRESENTATIVES

MARCH 20, 2013

Mr. FINCHER (for himself, Mr. McINTYRE, Mr. CRAWFORD, Mr. PETERSON, Mr. BUCSHON, Mr. BISHOP of Georgia, and Mr. COLE) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

A BILL

To ensure high standards for Federal agency use of scientific information.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Sound Science Act of

2013”.

SEC. 2. ENSURING HIGH STANDARDS FOR AGENCY USE OF

SCIENTIFIC INFORMATION.

(a) REQUIREMENT FOR FINAL GUIDELINES.—Not later than January 1, 2014, 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 reason-
ably obtainable scientific, technical, economic, and
other evidence and information concerning the need
for, consequences of, and alternatives to the deci-
sion; and
(3) the agency has in place procedures to iden-
tify 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, 2014, 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 other- 
wise not in accordance with law.

(c) DEFINITIONS.—For purposes of this section:

(1) AGENCY.—The term “agency” has the meaning given such term in section 551(1) of title 5, United States Code.

(2) 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.

(3) 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.