

106TH CONGRESS
1ST SESSION

H. R. 574

To require peer review of scientific data used in support of Federal regulations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 1999

Mr. POMBO (for himself, Mr. DOOLITTLE, Mr. NORWOOD, and Mr. COBURN) introduced the following bill; which was referred to the Committee on Government Reform, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require peer review of scientific data used in support of Federal regulations, 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 “Science Integrity Act”.

5 **SEC. 2. PEER REVIEW REQUIREMENT.**

6 (a) IN GENERAL.—Not later than January 1, 2001,
7 the head of each Federal department or agency which
8 issues or may issue regulations supported by scientific

1 data shall issue regulations under this section establishing
2 procedures to ensure that the acquisition, interpretation,
3 incorporation, and application of all such scientific data
4 is subject to peer review by at least 2 but not more than
5 5 individuals from the list created pursuant to subsection
6 (b).

7 (b) LIST OF PEER REVIEWERS.—The head of each
8 Federal department or agency which issues or may issue
9 regulations supported by scientific data shall create, using
10 the Federal Register, scientific and commercial journals,
11 the National Academy of Sciences, and other similar re-
12 sources, a list of individuals who are qualified and willing
13 to perform peer review functions for the department or
14 agency. Such list shall include only individuals who—

15 (1) by virtue of advanced education, training, or
16 avocational, academic, commercial, research, or
17 other experience, are competent to review the appro-
18 priateness of any scientific methodology supporting
19 regulations that the department or agency may
20 issue, the validity of any conclusions drawn from the
21 supporting data, and the competency of the research
22 or preparation of the scientific data; and

23 (2) are not otherwise employed by or under con-
24 tract with the department or agency.

1 (c) SELECTION OF PEER REVIEWERS.—The head of
2 each department or agency shall select individuals from
3 the list created pursuant to subsection (b) to peer review
4 each proposed regulation of the department or agency that
5 is supported by scientific data. No individual shall be se-
6 lected who—

7 (1) has actively participated in advocating or
8 opposing the issuance of the proposed regulation;

9 (2) has a direct financial interest in the pro-
10 posed regulation; or

11 (3) is employed by or related to any person hav-
12 ing a direct financial interest in the proposed regula-
13 tion.

14 (d) PROVISION OF SCIENTIFIC DATA TO PEER RE-
15 VIEWERS.—Peer reviewers selected under subsection (c)
16 shall be provided with all scientific data used in support
17 of the proposed regulation, and any other related data re-
18 quested by the peer reviewer that is reasonably available
19 to the department or agency.

20 (e) EXPENSES.—Peer reviewers selected under sub-
21 section (c) shall be reimbursed by the department or agen-
22 cy for expenses directly incurred in performing the peer
23 review, but shall not otherwise be compensated for per-
24 forming the peer review.

1 (f) AVAILABILITY FOR PUBLIC COMMENT.—Upon re-
2 ceipt of all peer review reports for a proposed regulation,
3 the head of a department or agency shall publish in the
4 Federal Register a notice of the availability of those re-
5 ports, and the scientific data reviewed therein, for public
6 comment. The department or agency shall make such re-
7 ports and scientific data readily available upon request
8 and shall receive public comment thereon for a period of
9 60 days after the publication of notice in the Federal Reg-
10 ister.

11 (g) CONGRESSIONAL REVIEW.—Within 30 days after
12 the completion of a public comment period described in
13 subsection (f), the head of a department or agency shall
14 transmit to the Congress—

- 15 (1) each peer review report;
16 (2) all scientific data used in support of the
17 proposed regulation or requested by a peer reviewer;
18 (3) the response of the head of the department
19 or agency to points of disagreement, if any, among
20 the peer reviewers; and
21 (4) all public comments received.

22 The proposed regulation may not be issued in final form
23 until 30 days after the transmittal under this subsection.

24 (h) FINAL ISSUANCE.—The publication of a final reg-
25 ulation peer reviewed under this section shall include a

1 summary of the related peer review reports and any points
2 of disagreement among the peer reviewers, and the re-
3 sponse of the head of the department or agency to the
4 peer review reports.

5 (i) EMERGENCY EXCEPTION.—Regulations issued
6 under subsection (a) shall include provisions that permit
7 the issuance of regulations supported by scientific data in
8 emergency circumstances without peer review, on the con-
9 dition that peer review be completed within 90 days after
10 such issuance.

11 **SEC. 3. DEFINITION OF PEER REVIEW.**

12 For purposes of this Act, the term “peer review”
13 means identifying technical or scientific deficiencies of a
14 proposal, assessing whether the methodology and analysis
15 supporting a proposal conform to the standards of the aca-
16 demic and scientific community, and determining whether
17 a proposal is supported by sufficient credible evidence.

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