

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. KISELL) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

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.

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. REQUIREMENT FOR FINAL GUIDELINES.**

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

1 integrity of scientific information relied upon by such
2 agency.

3 (b) CONTENT OF GUIDELINES.—The guidelines de-
4 scribed in subsection (a), with respect to a Federal agency,
5 shall ensure that—

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

8 (A) the information is subject to well-es-
9 tablished scientific processes, including peer re-
10 view where appropriate;

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

13 (C) except for information that is pro-
14 tected from disclosure by law or administrative
15 practice, the agency makes available to the pub-
16 lic the scientific information considered by the
17 agency;

18 (D) the agency gives greatest weight to in-
19 formation that is based on experimental, empir-
20 ical, quantifiable, and reproducible data that is
21 developed in accordance with well-established
22 scientific processes; and

23 (E) with respect to any proposed rule
24 issued by the agency, such agency follows proce-
25 dures that include, to the extent feasible and

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

3 (2) the agency has procedures in place to make
4 policy decisions only on the basis of the best reason-
5 ably obtainable scientific, technical, economic, and
6 other evidence and information concerning the need
7 for, consequences of, and alternatives to the deci-
8 sion; and

9 (3) the agency has in place procedures to iden-
10 tify and address instances in which the integrity of
11 scientific information considered by the agency may
12 have been compromised, including instances in which
13 such information may have been the product of a
14 scientific process that was compromised.

15 (c) APPROVAL NEEDED FOR POLICY DECISIONS TO
16 TAKE EFFECT.—No policy decision issued after January
17 1, 2013, by an agency subject to this section may take
18 effect prior to such date that the agency has in effect
19 guidelines under subsection (a) that have been approved
20 by the Director of the Office of Science and Technology
21 Policy.

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

1 to be arbitrary, capricious, an abuse of discretion, and oth-
2 erwise not in accordance with law.

3 (e) DEFINITIONS.—

4 (1) POLICY DECISION.—The term “policy deci-
5 sion” means, with respect to an agency, an agency
6 action as defined in section 551(13) of title 5,
7 United States Code, (other than an adjudication, as
8 defined in section 551(7) of such title), and in-
9 cludes—

10 (A) the listing, labeling, or other identifica-
11 tion of a substance, product, or activity as haz-
12 ardous or creating risk to human health, safety,
13 or the environment; and

14 (B) agency guidance.

15 (2) AGENCY GUIDANCE.—The term “agency
16 guidance” means an agency statement of general ap-
17 plicability and future effect, other than a regulatory
18 action, that sets forth a policy on a statutory, regu-
19 latory, or technical issue or on an interpretation of
20 a statutory or regulatory issue.

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