

116TH CONGRESS
2D SESSION

S. 4693

To amend title 5, United States Code, to provide requirements for agency decision making based on science.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 24, 2020

Mr. LANKFORD introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To amend title 5, United States Code, to provide requirements for agency decision making based on science.

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 “Better Evaluation of
5 Science and Technology Act” or the “BEST Act”.

6 **SEC. 2. USE OF SCIENTIFIC INFORMATION IN RULEMAK-**
7 **ING.**

8 Section 553 of title 5, United States Code, is amend-
9 ed by adding at the end the following:

1 “(f) To the extent that an agency makes a decision
2 based on science when issuing a rule under this section,
3 the agency shall use scientific information, technical pro-
4 cedures, measures, methods, protocols, methodologies, or
5 models, employed in a manner consistent with the best
6 available science, and shall consider as applicable—

7 “(1) the extent to which the scientific informa-
8 tion, technical procedures, measures, methods, proto-
9 cols, methodologies, or models employed to generate
10 the information are reasonable for and consistent
11 with the intended use of the information;

12 “(2) the extent to which the information is rel-
13 evant for use by the head of the agency in making
14 a decision related to issuing the rule;

15 “(3) the degree of clarity and completeness with
16 which the data, assumptions, methods, quality assur-
17 ance, and analyses employed to generate the infor-
18 mation are documented;

19 “(4) the extent to which the variability and un-
20 certainty in the information, or in the procedures,
21 measures, methods, protocols, methodologies, or
22 models, are evaluated and characterized; and

23 “(5) the extent of independent verification or
24 peer review of the information or of the procedures,

1 measures, methods, protocols, methodologies, or
2 models.

3 “(g) An agency shall make a decision described in
4 subsection (f) based on the weight of the scientific evi-
5 dence.

6 “(h) Each agency shall make available to the public—

7 “(1) all notices, determinations, findings, rules,
8 consent agreements, and orders of the head of the
9 agency in connection with a rule;

10 “(2) a nontechnical summary of each risk eval-
11 uation conducted in connection with a rule; and

12 “(3) a list of the studies considered by the
13 agency in carrying out each risk evaluation described
14 in paragraph (2), along with the results of those
15 studies.”.

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