

AMENDMENT TO RULES COMMITTEE PRINT 112-

28

(TEXT OF H.R. 4078)

OFFERED BY MR. MANZULLO OF ILLINOIS

Add at the end of the bill the following:

1 **TITLE VIII—ENSURING HIGH**
2 **STANDARDS FOR AGENCY**
3 **USE OF SCIENTIFIC INFOR-**
4 **MATION**

5 **SEC. 801. REQUIREMENT FOR FINAL GUIDELINES.**

6 (a) IN GENERAL.—Not later than January 1, 2013,
7 each Federal agency shall have in effect guidelines for en-
8 suring and maximizing the quality, objectivity, utility, and
9 integrity of scientific information relied upon by such
10 agency.

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

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

16 (A) the information is subject to well-es-
17 tablished scientific processes, including peer re-
18 view where appropriate;

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

3 (C) except for information that is pro-
4 tected from disclosure by law or administrative
5 practice, the agency makes available to the pub-
6 lic the scientific information considered by the
7 agency;

8 (D) the agency gives greatest weight to in-
9 formation that is based on experimental, empir-
10 ical, quantifiable, and reproducible data that is
11 developed in accordance with well-established
12 scientific processes; and

13 (E) with respect to any proposed rule
14 issued by the agency, such agency follows proce-
15 dures that include, to the extent feasible and
16 permitted by law, an opportunity for public
17 comment on all relevant scientific findings;

18 (2) the agency has procedures in place to make
19 policy decisions only on the basis of the best reason-
20 ably obtainable scientific, technical, economic, and
21 other evidence and information concerning the need
22 for, consequences of, and alternatives to the deci-
23 sion; and

24 (3) the agency has in place procedures to iden-
25 tify and address instances in which the integrity of

1 scientific information considered by the agency may
2 have been compromised, including instances in which
3 such information may have been the product of a
4 scientific process that was compromised.

5 (c) APPROVAL NEEDED FOR POLICY DECISIONS TO
6 TAKE EFFECT.—No policy decision issued after January
7 1, 2013, by an agency subject to this section may take
8 effect prior to such date that the agency has in effect
9 guidelines under subsection (a) that have been approved
10 by the Director of the Office of Science and Technology
11 Policy.

12 (d) POLICY DECISIONS NOT IN COMPLIANCE.—A
13 policy decision of an agency that does not comply with
14 guidelines approved under subsection (c) shall be deemed
15 to be arbitrary, capricious, an abuse of discretion, and oth-
16 erwise not in accordance with law.

17 (e) DEFINITIONS.—For purposes of this section:

18 (1) AGENCY.—The term “agency” has the
19 meaning given such term in section 551(1) of title
20 5, United States Code.

21 (2) POLICY DECISION.—The term “policy deci-
22 sion” means, with respect to an agency, an agency
23 action as defined in section 551(13) of title 5,
24 United States Code, (other than an adjudication, as

1 defined in section 551(7) of such title), and in-
2 cludes—

3 (A) the listing, labeling, or other identifica-
4 tion of a substance, product, or activity as haz-
5 ardous or creating risk to human health, safety,
6 or the environment; and

7 (B) agency guidance.

8 (3) AGENCY GUIDANCE.—The term “agency
9 guidance” means an agency statement of general ap-
10 plicability and future effect, other than a regulatory
11 action, that sets forth a policy on a statutory, regu-
12 latory, or technical issue or on an interpretation of
13 a statutory or regulatory issue.

