

115TH CONGRESS  
1ST SESSION

# S. 578

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

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IN THE SENATE OF THE UNITED STATES

MARCH 8, 2017

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

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## 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 RULE MAK-**  
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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