

112TH CONGRESS
1ST SESSION

H. R. 2371

To amend title 5, United States Code, to require that scientific studies used in a rule making be published, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 24, 2011

Mr. BUCSHON (for himself, Mr. MCKINLEY, Mr. ISSA, Mr. GOSAR, Mr. FRANKS of Arizona, Mr. GIBBS, Mrs. BLACKBURN, and Mr. PAUL) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 5, United States Code, to require that scientific studies used in a rule making be published, 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 “Transparency in Rule
5 Making When Using Scientific Testing Act of 2011”.

6 **SEC. 2. REQUIRED PUBLICATION OF SCIENTIFIC STUDIES.**

7 (a) IN GENERAL.—Section 553(b) of title 5, United
8 States Code, is amended—

9 (1) in paragraph (2), by striking “and”;

1 (2) in paragraph (3), by striking the period at
2 the end and inserting “; and”; and

3 (3) by adding at the end the following:

4 “(4) any scientific research of which the agency
5 is aware and which is relevant to the rule making.”.

6 (b) DEFINITION.—Section 551 of title 5, United
7 States Code, is amended—

8 (1) in paragraph (13), by striking “and”;

9 (2) in paragraph (14), by striking the period at
10 the end and inserting “; and”; and

11 (3) by adding at the end the following:

12 “(15) ‘scientific study’ means a study that—

13 “(A) applies rigorous, systematic, and ob-
14 jective methodology to obtain reliable and valid
15 knowledge relevant to the subject matter in-
16 volved;

17 “(B) presents findings and makes claims
18 that are appropriate to, and supported by, the
19 methods that have been employed; and

20 “(C) includes, appropriate to the research
21 being conducted—

22 “(i) use of systematic, empirical meth-
23 ods that draw on observation or experi-
24 ment;

1 “(ii) use of data analyses that are
2 adequate to support the general findings;

3 “(iii) reliance on measurements or ob-
4 servational methods that provide reliable
5 and generalizable findings;

6 “(iv) strong claims of causal relation-
7 ships, only with research designs that
8 eliminate plausible competing explanations
9 for observed results, such as, but not lim-
10 ited to, random-assignment experiments;

11 “(v) presentation of studies and meth-
12 ods in sufficient detail and clarity to allow
13 for replication or, at a minimum, to offer
14 the opportunity to build systematically on
15 the findings of the research;

16 “(vi) acceptance by a peer-reviewed
17 journal or critique by a panel of inde-
18 pendent experts through a comparably rig-
19 orous, objective, and scientific review; and

20 “(vii) consistency of findings across
21 multiple studies or sites to support the
22 generality of results and conclusions.”.

○