

## Markup of H.R. 4012, The Secret Science Reform Act of 2014

Committee Members present

Lamar Smith (R-TX), Chairman

Eddie Bernice Johnson (D-TX), Ranking Member

David Schweikert (R-AZ)

Suzanne Bonamici (D-OR)

Dana Rohrabacher (R-CA)

Ralph M. Hall (R-TX)

F. James Sensenbrenner (R-WI)

Frank D. Lucas (R-OK)

Randy Neugebauer R-TX)

Paul Broun (R-GA)

Steven Palazzo (R-MS)

Mo Brooks (R-AL)

Randy Hultgren (R-IL)

Larry Bucshon (R-IN)

Steve Stockman (R-TX)

Bill Posey (R-FL)

Thomas Massie (R-KY)

Randy Weber (R-TX)

Chris Collins (R-NY)

Bill Johnson (R-OH)

Zoe Lofgren (D-CA)

Daniel Lipinski (D-IL)

Eric Swalwell (D-CA)

Dan Maffei (D-NY)

Alan Grayson (D-FL)

Joe Kennedy (D-MA)

Scott Peters (D-CA)

Derek Kilmer (D-WA)

Ami Bera (D-CA)

Elizabeth Esty (D-CT)

Marc Veasey (D-TX)

Julia Brownley (D-CA)

Robin Kelly (D-IL)

Katherine Clark (D-MA)

The House Science, Space, and Technology Committee held a markup on June 24 for H.R. 4012, the Secret Science Reform Act of 2014. This bill, introduced by Representative David Schweikert (R-AZ), would prohibit the Environmental Protection Agency (EPA) from using scientific studies to form regulations if the data from those studies is not “publicly available in a manner sufficient for independent analysis and substantial reproduction of research results.”

Rep. Schwiekert said in a statement that, "For far too long, the EPA has approved regulations that have placed a crippling financial

burden on economic growth in this country with no public evidence to justify their actions."

Although members showed bipartisan support for increased transparency and public access to the scientific data used in policy decisions, Democrats expressed concern that the bill could be used to prevent the EPA from using findings from "sound science" sources. Ranking Member Eddie Bernice Johnson (D-TX) cited a letter from the American Lung Association and the American Thoracic Society that said this bill would force the EPA "to either ignore the best science by prohibiting the agency from considering peer-reviewed research that is based on confidential patient information or force EPA to publicly release confidential patient information, which would violate federal law." Committee Democrats were not satisfied by Republican assurances that the bill explicitly states that the disclosure of confidential information is not required. Republicans referenced a letter of support for the bill signed by over 80 scientists and academics that stated, "Complying with H.R. 4012 can be accomplished without imposing unnecessary burdens, discouraging research, or raising confidentiality concerns." Rep. Schweikert argued that blinding data to prevent the release of confidential information should be easy.

Representatives Suzanne Bonamici (D-OR) and Joe Kennedy (D-MA) proposed amendments to H.R. 4012. The Bonamici amendment would have replaced the proposed bill with a public access policy that would create a repository for published peer-reviewed research funded by the federal government. This amendment would also prohibit the EPA from using scientific studies that do not disclose their funding sources. The Kennedy amendment attempted to clarify the language of the bill so that the EPA would be able to use scientific findings in their regulations if they disclose the studies used but not the underlying confidential data. Rep. Kennedy stated that the bill is unnecessary because policies, in the form of directives from the Office of Science and Technology Policy (OSTP), already exist requiring transparency in the science used in policy making. Rep. Schweikert believes the language of the Kennedy amendment contains loopholes and expressed interest in working with Rep. Kennedy on the language of the bill. The proposed amendments were voted down on party line voice votes.

Congresswoman Zoe Lofgren (D-CA) clarified with the Committee Chairman that the bill is intended to be prospective rather than retrospective and asked for the language on this issue in the bill to be clearer.

The bill passed the full committee on a party line recorded vote. The bill will next be considered by the full House.

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