

115TH CONGRESS  
1ST SESSION

# S. 338

To protect scientific integrity in Federal research and policymaking, and  
for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

FEBRUARY 7 (legislative day, FEBRUARY 6), 2017

Mr. NELSON (for himself, Mr. PETERS, Mr. SCHATZ, Mr. BLUMENTHAL, Mr. UDALL, Mr. COONS, Mrs. GILLIBRAND, Mr. MERKLEY, Mr. VAN HOLLEN, Mr. WHITEHOUSE, Ms. BALDWIN, Mr. REED, Mr. HEINRICH, Mrs. FEINSTEIN, Ms. WARREN, Ms. HASSAN, Ms. STABENOW, Mr. MARKEY, Mr. BOOKER, Ms. CANTWELL, Mr. WARNER, Mrs. SHAHEEN, Mr. FRANKEN, Mr. CARDIN, Mrs. MURRAY, Mr. CARPER, and Ms. CORTEZ MASTO) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

---

## A BILL

To protect scientific integrity in Federal research and  
policymaking, 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 “Scientific Integrity  
5 Act”.

1 **SEC. 2. DEFINITION OF FEDERAL AGENCY.**

2 In this Act, the term “Federal agency” has the mean-  
3 ing given the term “agency” in section 551(1) of title 5,  
4 United States Code.

5 **SEC. 3. SENSE OF CONGRESS ON SCIENTIFIC INTEGRITY.**

6 It is the sense of Congress that—

7 (1) independent, impartial science and the sci-  
8 entific process should inform and guide public policy  
9 decisions on a wide range of issues, including im-  
10 provement of public health, protection of the envi-  
11 ronment, and protection of national security;

12 (2) the public must be able to trust the science  
13 and scientific process informing public policy deci-  
14 sions;

15 (3) science, the scientific process, and the com-  
16 munication of science should be free from political,  
17 ideological, or financial influence; and

18 (4) policies and procedures that ensure the reli-  
19 able conduct and communication of publicly funded  
20 science are critical to ensuring public trust.

21 **SEC. 4. PUBLIC COMMUNICATIONS.**

22 Except as provided in section 552(b) of title 5,  
23 United States Code, the head of each Federal agency that  
24 funds or conducts scientific research shall—

25 (1) promote and maximize the communication  
26 and open exchange of data and findings to other

1 agencies, policymakers, and the public of research  
2 conducted by a scientist employed or contracted by  
3 a Federal agency that funds or conducts scientific  
4 research; and

5 (2) prevent the intentional or unintentional sup-  
6 pression or distortion of the data and findings de-  
7 scribed in paragraph (1).

8 **SEC. 5. PRINCIPLES.**

9 Section 1009(a) of the America COMPETES Act (42  
10 U.S.C. 6620(a)) is amended to read as follows:

11 “(a) PRINCIPLES.—

12 “(1) IN GENERAL.—Not later than 30 days  
13 after the date of enactment of the Scientific Integ-  
14 rity Act, the Director of the Office of Science and  
15 Technology Policy, in consultation with the head of  
16 each Federal agency that funds or conducts sci-  
17 entific research, shall develop and issue an over-  
18 arching set of principles—

19 “(A) to ensure the communication and  
20 open exchange of data and findings to other  
21 agencies, policymakers, and the public of re-  
22 search conducted by a scientist employed or  
23 contracted by a Federal agency that funds or  
24 conducts scientific research; and

1           “(B) to prevent the intentional or uninten-  
2           tional suppression or distortion of the data or  
3           findings described in subparagraph (A).

4           “(2) EXCHANGE OF DATA AND FINDINGS.—In  
5           order to promote the sharing of data and findings,  
6           as appropriate, the principles shall—

7                   “(A) encourage the open exchange of data  
8                   and findings of research undertaken by a sci-  
9                   entist employed or contracted by a Federal  
10                  agency that funds or conducts scientific re-  
11                  search;

12                   “(B) be consistent with existing Federal  
13                  laws, including chapter 18 of title 35, United  
14                  States Code (commonly known as the ‘Bayh-  
15                  Dole Act’); and

16                   “(C) take into consideration the policies of  
17                  peer-reviewed scientific journals in which Fed-  
18                  eral scientists may currently publish findings.”.

19 **SEC. 6. SCIENTIFIC INTEGRITY POLICIES.**

20           (a) IN GENERAL.—Section 1009 of the America  
21           COMPETES Act (42 U.S.C. 6620) is amended by strik-  
22           ing subsection (b) and inserting the following:

23                   “(b) SCIENTIFIC INTEGRITY POLICIES.—Not later  
24           than 90 days after the date of enactment of the Scientific

1 Integrity Act, the head of each Federal agency that funds  
2 or conducts scientific research shall—

3 “(1) develop and enforce a scientific integrity  
4 policy, including procedures, regarding the release of  
5 data and findings to other agencies, policymakers,  
6 and the public of research conducted by a scientist  
7 employed or contracted by that Federal agency; and

8 “(2) submit the scientific integrity policy to the  
9 Director of the Office of Science and Technology  
10 Policy and Congress.

11 “(c) REQUIREMENTS.—A scientific integrity policy  
12 under subsection (b) shall—

13 “(1) be consistent with the principles estab-  
14 lished under subsection (a);

15 “(2) specifically address what is and what is  
16 not permitted or recommended under that policy, in-  
17 cluding procedures;

18 “(3) be specifically designed for the Federal  
19 agency;

20 “(4) be applied uniformly throughout the Fed-  
21 eral agency; and

22 “(5) be widely communicated and readily acces-  
23 sible to the public and all employees and contractors  
24 of the Federal agency.

1       “(d) CONTENTS.—At a minimum, each scientific in-  
2 integrity policy under subsection (b) shall ensure that—

3           “(1) the scientific conclusions and personnel ac-  
4 tions regarding scientists are not made based on po-  
5 litical considerations;

6           “(2) the selection and retention of candidates  
7 for science and technology positions in the Federal  
8 agency are based primarily on the candidate’s exper-  
9 tise, scientific credentials, experience, and integrity;

10          “(3) scientists adhere to the highest ethical  
11 standards of honesty and professionalism in con-  
12 ducting their research and disseminating their find-  
13 ings;

14          “(4) the appropriate rules, procedures, and  
15 safeguards are in place to ensure the integrity of the  
16 scientific process within the Federal agency, includ-  
17 ing procedures—

18           “(A) that allow for a scientist to review  
19 public release of materials that cite work from  
20 that scientist or otherwise claim to represent  
21 the scientist’s scientific opinion; and

22           “(B) to identify, evaluate the merits of,  
23 and address instances in which the scientific  
24 process or the integrity of scientific and techno-  
25 logical information may be compromised;

1           “(5) scientific or technological information con-  
2           sidered in policy decisions is subject to well-estab-  
3           lished scientific processes, including peer review  
4           where appropriate;

5           “(6) except as provided in section 552(b) of  
6           title 5, United States Code, each Federal agency  
7           makes publicly available scientific or technological  
8           findings that are considered or relied upon in policy  
9           decisions and regulatory proposals;

10           “(7) technical staff are able to ensure the tech-  
11           nical content of scientific documents, reports, press  
12           releases, and fact sheets accurately represents the  
13           relevant scientific data and conclusions; and

14           “(8) procedures, including any applicable whis-  
15           tleblower protections, are in place as are necessary  
16           to ensure the integrity of scientific and technological  
17           information and processes on which the Federal  
18           agency relies in its decisionmaking or otherwise uses.

19           “(e) APPLICATION.—A scientific integrity policy shall  
20           apply to each employee or contractor who conducts, han-  
21           dles, communicates, or supervises federally funded sci-  
22           entific research for the Federal agency or for a federally  
23           funded research and development center sponsored by the  
24           Federal agency.

1       “(f) DISSEMINATION OF SCIENTIFIC INTEGRITY  
2 POLICIES AND PROCEDURES.—The head of each Federal  
3 agency that funds or conducts scientific research shall—

4           “(1) make the scientific integrity policy avail-  
5 able to the public on the Federal agency’s website;

6           “(2) disseminate the scientific integrity policy  
7 to each new employee and contractor; and

8           “(3) develop and require training on the sci-  
9 entific integrity policy for each employee or con-  
10 tractor who conducts, handles, communicates, or su-  
11 pervises scientific research for the Federal agency.

12       “(g) DEFINITION OF FEDERAL AGENCY.—In this  
13 section, the term ‘Federal agency’ has the meaning given  
14 the term ‘agency’ in section 551(1) of title 5, United  
15 States Code.”.

16       (b) EXISTING SCIENTIFIC INTEGRITY POLICIES.—  
17 Notwithstanding section 1009(b) of the America COM-  
18 PETES Act (42 U.S.C. 6620(b)), as amended by this Act,  
19 a scientific integrity policy that was in effect on the day  
20 before the date of enactment of this Act may satisfy the  
21 requirements of section 1009 of that Act if the head of  
22 a Federal agency that funds or conducts scientific re-  
23 search—

24           (1) makes a written determination that the pol-  
25 icy satisfies the requirements of that section; and

1           (2) submits the written determination and the  
2           policy to the Director of the Office of Science and  
3           Technology Policy and Congress.

4 **SEC. 7. NAPA REVIEW.**

5           Not later than 90 days after the date of enactment  
6 of this Act, the Director of the Office of Science and Tech-  
7 nology Policy shall enter into an agreement with the Na-  
8 tional Academy of Public Administration—

9           (1) to study the effectiveness of the scientific  
10          integrity policies under section 1009 of the America  
11          COMPETES Act (42 U.S.C. 6620), as added by  
12          section 6 of this Act—

13                 (A) in promoting the communication and  
14                 open exchange of data and findings to other  
15                 agencies, policymakers, and the public of re-  
16                 search conducted by scientists employed or con-  
17                 tracted by a Federal agency; and

18                 (B) in preventing the intentional or unin-  
19                 tentional suppression or distortion of the data  
20                 and findings described in subparagraph (A);  
21                 and

22          (2) to recommend any improvements to the sci-  
23          entific integrity policies to achieve the purposes de-

- 1 scribed in subparagraphs (A) and (B) of paragraph
- 2 (1).

○