

116TH CONGRESS
1ST SESSION

H. R. 1709

To amend the America COMPETES Act to establish certain scientific integrity policies for Federal agencies that fund, conduct, or oversee scientific research, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 13, 2019

Mr. TONKO (for himself, Ms. JOHNSON of Texas, Ms. STEVENS, and Mr. LOWENTHAL) introduced the following bill; which was referred to the Committee on Science, Space, and Technology

A BILL

To amend the America COMPETES Act to establish certain scientific integrity policies for Federal agencies that fund, conduct, or oversee scientific research, 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”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 It is the sense of Congress that—

1 (1) science and the scientific process should in-
2 form and guide public policy decisions on a wide
3 range of issues, including improvement of public
4 health, protection of the environment, and protection
5 of national security;

6 (2) the public must be able to trust the science
7 and scientific process informing public policy deci-
8 sions;

9 (3) science, the scientific process, and the com-
10 munication of science should be free from politics,
11 ideology, and financial conflicts of interest;

12 (4) policies and procedures that ensure the in-
13 tegrity of the conduct and communication of publicly
14 funded science are critical to ensuring public trust;

15 (5) Federal agencies that fund, conduct, or
16 oversee research should promote and maximize the
17 communication and open exchange of data and find-
18 ings to other agencies, policymakers, and the public
19 of research conducted by a scientist or engineer em-
20 ployed or contracted by a Federal agency that funds,
21 conducts, or oversees scientific research; and

22 (6) Federal agencies that fund, conduct, or
23 oversee research should work to prevent the suppres-
24 sion or distortion of the data and findings.

1 **SEC. 3. AMENDMENT TO AMERICA COMPETES ACT.**

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

4 “(a) PROHIBITED CONDUCT.—No covered individual
5 shall—

6 “(1) engage in dishonesty, fraud, deceit, mis-
7 representation, coercive manipulation, or other sci-
8 entific or research misconduct;

9 “(2) suppress, alter, interfere with, or otherwise
10 impede the timely release and communication of, sci-
11 entific or technical findings;

12 “(3) intimidate or coerce an individual to alter
13 or censor, or retaliate against an individual for fail-
14 ure to alter or censor, scientific or technical find-
15 ings; or

16 “(4) implement institutional barriers to co-
17 operation and the timely communication of scientific
18 or technical findings.

19 “(b) SCIENTIFIC PUBLICATIONS AND CON-
20 FERENCES.—

21 “(1) DISSEMINATION OF FINDINGS.—Subject to
22 existing law, a covered individual may disseminate
23 scientific or technical findings—

24 “(A) by participating in scientific con-
25 ferences; and

1 “(B) seeking publication in online and
2 print publications through peer-reviewed, pro-
3 fessional, or scholarly journals.

4 “(2) REVIEW BY AGENCIES.—

5 “(A) IN GENERAL.—A covered agency may
6 require a covered individual to, before dissemi-
7 nating scientific or technical findings under
8 paragraph (1), submit the findings to the cov-
9 ered agency so that the agency may conduct a
10 review of the data and findings for technical ac-
11 curacy and compliance with subsection (a).

12 “(B) APPROVAL.—If a covered agency does
13 not complete the review under subparagraph
14 (A) of data and findings submitted by a covered
15 individual within 30 days of the submission—

16 “(i) the submission shall be deemed
17 approved by the covered agency; and

18 “(ii) the covered individual may pro-
19 ceed with plans to disseminate the sci-
20 entific or technical findings.

21 “(c) LEADERSHIP IN THE SCIENTIFIC COMMU-
22 NITY.—Subject to applicable law governing ethics and con-
23 flicts of interest, a covered individual may—

24 “(1) sit on scientific advisory or governing
25 boards;

1 “(2) join or hold leadership positions on sci-
2 entific councils, societies, unions, and other profes-
3 sional organizations;

4 “(3) contribute to the academic peer-review
5 process as reviewers or editors; and

6 “(4) participate and engage with the scientific
7 community.

8 “(d) PUBLIC STATEMENTS ON BASIC OR APPLIED
9 RESEARCH.—Whenever a covered agency seeks to make
10 a public statement about the conclusions of basic or ap-
11 plied research in science or engineering conducted by a
12 covered individual—

13 “(1) the covered individual shall have the op-
14 portunity to review the public statement for tech-
15 nical accuracy; and

16 “(2) if an inaccuracy is discovered as a result
17 of the review under paragraph (1), the covered agen-
18 cy and the covered individual shall jointly revise the
19 public statement.

20 “(e) INTERVIEW REQUESTS ON RESEARCH; PER-
21 SONAL STATEMENTS.—

22 “(1) INTERVIEW REQUESTS TO COVERED INDI-
23 VIDUALS.—A covered individual may respond to
24 media interview requests regarding their scientific or
25 technical findings from research conducted by the

1 individual without prior approval from the covered
2 agency supporting the research of the covered indi-
3 vidual, but the covered agency may require the cov-
4 ered individual to report the subject of any such
5 interview.

6 “(2) INTERVIEW REQUESTS TO AGENCIES.—In
7 the event a covered agency supporting the research
8 of a covered individual receives a media interview re-
9 quest regarding that research, the covered agency
10 shall—

11 “(A) offer the covered individual the choice
12 of responding to the interview directly; or

13 “(B) provide a knowledgeable spokesperson
14 who can, in an objective, nonpartisan, and ar-
15 ticulate manner, describe and explain the sci-
16 entific and technical findings to the media and
17 the people of the United States.

18 “(3) PERSONAL STATEMENTS.—A covered indi-
19 vidual may present viewpoints in an interview under
20 paragraphs (1) and (2) that extend beyond the sci-
21 entific or technical findings of the covered individual,
22 and incorporate the expert or personal opinions of
23 the covered individual, including on matters of policy
24 only if the covered individual indicates that they are
25 presenting their individual opinions.

1 “(4) CONFLICTS OF INTEREST.—Any covered
2 individual presenting viewpoints under paragraph
3 (3) shall disclose any apparent, potential, or actual
4 financial conflicts of interest or non-financial con-
5 flicts of interest.

6 “(5) BIOGRAPHICAL INFORMATION.—Any cov-
7 ered individual presenting viewpoints under para-
8 graph (3) may note their affiliation with a covered
9 agency as part of their biographical information,
10 provided that the affiliation is noted as 1 of several
11 biographical details of the covered individual.

12 “(f) SCIENTIFIC INTEGRITY POLICIES.—Not later
13 than 90 days after the date of enactment of the Scientific
14 Integrity Act, the head of each covered agency shall—

15 “(1) develop, adopt, and enforce a scientific in-
16 tegrity policy; and

17 “(2) submit the scientific integrity policy to the
18 Director of the Office of Science and Technology
19 Policy and Congress.

20 “(g) REQUIREMENTS.—A scientific integrity policy
21 under subsection (b) shall—

22 “(1) be consistent with the principles estab-
23 lished under subsections (a) through (d);

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

4 “(3) be specifically designed for the covered
5 agency;

6 “(4) be applied uniformly throughout the cov-
7 ered agency; and

8 “(5) be publicly accessible and widely commu-
9 nicated to all employees, private contractors, and
10 grantees of the covered agency.

11 “(h) CONTENTS.—In addition to the requirements in
12 subsection (g), each scientific integrity policy under sub-
13 section (g) shall, at a minimum, ensure that—

14 “(1) scientific conclusions are not made based
15 on political considerations;

16 “(2) the selection and retention of candidates
17 for science and technology positions in the covered
18 agency are based primarily on the candidate’s exper-
19 tise, scientific credentials, experience, and integrity;

20 “(3) no covered individual shall suppress, alter,
21 interfere, or otherwise impede the timely release and
22 communication of scientific or technical findings;

23 “(4) personnel actions regarding covered indi-
24 viduals, except for political appointees, are not made
25 based on political consideration or ideology;

1 “(5) covered individuals cannot intimidate or
2 coerce others to alter or censor scientific findings;

3 “(6) covered individuals adhere to the highest
4 ethical and professional standards in conducting
5 their research and disseminating their findings;

6 “(7) the appropriate rules, procedures, and
7 safeguards are in place to ensure the integrity of the
8 scientific process within the covered agency;

9 “(8) scientific or technological information con-
10 sidered in policy decisions is subject to well-estab-
11 lished scientific processes, including peer review
12 where appropriate;

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

19 “(10) include enforcement processes consistent
20 for an administrative hearing and an administrative
21 appeal.

22 “(i) APPLICATION.—Each scientific integrity policy
23 adopted under subsection (f) shall apply to covered indi-
24 viduals.

1 “(j) SCIENTIFIC INTEGRITY OFFICER.—Not later
2 than 30 days after the date of enactment of this Act, each
3 covered agency shall appoint a Scientific Integrity Officer,
4 who shall—

5 “(1) be a career employee at the covered agency
6 in an science and professional positions;

7 “(2) have substantial technical knowledge and
8 expertise in conducting and overseeing scientific re-
9 search; and

10 “(3) direct the activities and duties described in
11 subsections (k), (l), and (m).

12 “(k) POLICIES, PROCESS, AND TRAINING.—Not later
13 than 180 days after the date of enactment of this Act,
14 each covered agency shall adopt and implement—

15 “(1) an administrative process and administra-
16 tive appeal for dispute resolution consistent with the
17 covered agency’s scientific integrity policy adopted
18 under subsection (f); and

19 “(2) a training program to—

20 “(A) provide regular scientific integrity
21 and ethics training to employees and contrac-
22 tors of the covered agency;

23 “(B) provide new covered employees with
24 training within one month of commencing em-
25 ployment;

1 “(C) provide information to ensure that
2 covered individuals are fully aware of their
3 rights and responsibilities regarding the con-
4 duct of scientific research, publication of sci-
5 entific research, communication with the media
6 and the public regarding scientific research; and

7 “(D) provide information to ensure that
8 covered individuals are fully aware of their
9 rights and responsibilities for administrative
10 hearings and appeals established in the covered
11 agency’s scientific integrity policy.

12 “(1) REPORTING.—Each Scientific Integrity Officer
13 appointed by a covered agency under subsection (j) shall
14 post an annual report on the public website of the covered
15 agency that includes—

16 “(1) the number of misconduct cases filed for
17 administrative redress for the year covered by the
18 report;

19 “(2) the number of misconduct cases petitioned
20 for administrative appeal for the year covered by the
21 report; and

22 “(3) the number of cases still pending from
23 years prior to the year covered by the report, if any.

1 “(m) RECORD.—Each scientific integrity policy, proc-
2 ess, and report produced by a covered agency under this
3 section shall be—

4 “(1) submitted to—

5 “(A) the Committee on Commerce,
6 Science, and Transportation of the Senate;

7 “(B) the Committee on Science, Space,
8 and Technology of the House of Representa-
9 tives; and

10 “(C) the Office of Science and Technology
11 Policy; and

12 “(2) made available to the public on the website
13 of the covered agency.

14 “(n) COORDINATION BY THE OFFICE OF SCIENCE
15 AND TECHNOLOGY POLICY.—The Office of Science and
16 Technology Policy shall collate, organize, and publicly
17 share all information it receives under subsection (m) in
18 one place on its own website. In addition, the Director of
19 the Office of Science and Technology Policy shall, on an-
20 nual basis, convene the Scientific Integrity Officer of each
21 covered agency appointed under subsection (j) to discuss
22 best practices for implementing the requirements of this
23 section.

24 “(o) DEFINITIONS.—In this section:

1 “(1) AGENCY.—The term ‘agency’ has the
2 meaning given the term in section 551 of title 5,
3 United States Code.

4 “(2) COVERED AGENCY.—The term ‘covered
5 agency’ means an agency that funds, conducts, or
6 oversees scientific research.

7 “(3) COVERED INDIVIDUAL.—The term ‘cov-
8 ered individual’ means a Federal employee or con-
9 tractor who—

10 “(A) is engaged in, supervises, or manages
11 scientific activities;

12 “(B) analyzes or publicly communicates in-
13 formation resulting from scientific activities; or

14 “(C) uses scientific information or analyses
15 in making bureau, office, or agency policy, man-
16 agement, or regulatory decisions.

17 “(4) PUBLIC STATEMENT.—The term ‘public
18 statement’ means any communication that is in-
19 tended for, or should reasonably be expected to have,
20 broad distribution outside the Federal Government,
21 including—

22 “(A) public speeches, news releases and
23 advisories, news conferences, broadcast appear-
24 ances, and interviews or discussions with jour-
25 nalists;

1 “(B) public writings, such as articles or
2 papers in publications or other writings distrib-
3 uted through mass-mailing, e-mail, or posting
4 on a website or social media platform;

5 “(C) materials and presentations for public
6 educational instruction, lectures, conferences,
7 seminars, and similar venues; and

8 “(D) public distribution of audiovisual
9 works, such as slide sets, PowerPoint presen-
10 tations, podcasts, online video, and exhibits.”.

11 **SEC. 4. EXISTING POLICIES; CLARIFICATION.**

12 (a) **EXISTING SCIENTIFIC INTEGRITY POLICIES.**—
13 Notwithstanding the amendments made by this Act, a cov-
14 ered agency’s scientific integrity policy that was in effect
15 on the day before the date of enactment of this Act may
16 satisfy the requirements of this Act if the head of the cov-
17 ered agency—

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

20 (2) submits the written determination and the
21 policy to the Director of the Office of Science and
22 Technology Policy for review.

23 (b) **CLARIFICATION.**—Nothing in this Act shall affect
24 the application of United States copyright law.

1 (c) COVERED AGENCY DEFINED.—The term “cov-
2 ered agency” has the meaning given the term in section
3 1009 of the America COMPETES Act (42 U.S.C. 6620).

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