To amend the America COMPETES Act to require certain agencies to develop scientific integrity policies, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 13, 2019

Mr. SCHATZ introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend the America COMPETES Act to require certain agencies to develop scientific integrity policies, and for other purposes.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Scientific Integrity Act”.

SEC. 2. DEFINITION OF COVERED AGENCY.

In this Act, the term “covered agency” means any agency, as defined in section 551 of title 5, United States Code, that funds, conducts, or oversees scientific research.
SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) science and the scientific process should inform and guide public policy decisions on a wide range of issues, including improvement of public health, protection of the environment, and protection of national security;

(2) the public must be able to trust the science and scientific process informing public policy decisions;

(3) science, the scientific process, and the communication of science should be free from politics, ideology, and financial conflicts of interest;

(4) policies and procedures that ensure the integrity of the conduct and communication of publicly funded science are critical to ensuring public trust;

(5) covered agencies should promote and maximize the communication and open exchange of data and findings to other agencies, policymakers, and the public of research conducted by a scientist or engineer employed or contracted by the covered agency; and

(6) covered agencies should work to prevent the suppression or distortion of the data and findings.
Section 1009 of the America COMPETES Act (42 U.S.C. 6620) is amended to read as follows:

“(a) DEFINITIONS.—In this section:

“(1) COVERED AGENCY.—The term ‘covered agency’ means any agency, as defined in section 551 of title 5, United States Code, that funds, conducts, or oversees scientific research or the analysis of research.

“(2) COVERED INDIVIDUAL.—The term ‘covered individual’ means a Federal employee or contractor who—

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

“(B) analyzes or publicly communicates information resulting from scientific activities; or

“(C) uses scientific information or analyses in making bureau, office, or agency policy, management, or regulatory decisions.

“(3) PUBLIC STATEMENT.—The term ‘public statement’ means any communication that is intended for, or should reasonably be expected to have, broad distribution outside the Federal Government, including—
“(A) public speeches, news releases and
advisories, news conferences, broadcast appear-
ances, and interviews or discussions with jour-
nalists;

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

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

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

“(b) PROHIBITED CONDUCT.—No covered individual
shall—

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

“(2) suppress, alter, interfere, or otherwise im-
pede the timely release and communication of sci-
entific or technical findings;

“(3) intimidate, coerce, or retaliate against cov-
ered individuals or others to alter or censor scientific
or technical findings; or
“(4) implement institutional barriers to co-
operation and the timely communication of scientific
or technical findings.

“(c) Scientific Publications and Con-
ferences.—

“(1) Dissemination of findings.—A covered
individual may disseminate scientific or technical
findings—

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

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

“(2) Review by Agencies.—

“(A) In general.—A covered agency may
require a covered individual to, before dissemi-
nating scientific or technical findings under
paragraph (1), submit the findings to the cov-
ered agency so that the agency may conduct a
review of the data and findings for technical ac-
curacy and compliance with subsection (b).

“(B) Approval.—If a covered agency does
not complete the review under subparagraph
(A) of data and findings submitted by a covered
individual within 30 days of the submission—
“(i) the submission shall be deemed approved by the covered agency; and

“(ii) the covered individual may proceed with plans to disseminate the scientific or technical findings.

“(d) LEADERSHIP IN THE SCIENTIFIC COMMUNITY.—Subject to applicable law governing ethics and conflicts of interest, a covered individual may—

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

“(2) join or hold leadership positions on scientific councils, societies, unions, and other professional organizations;

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

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

“(e) PUBLIC STATEMENTS ON BASIC OR APPLIED RESEARCH.—Whenever a covered agency seeks to make a public statement about the conclusions of basic or applied research in science or engineering conducted by a covered individual—

“(1) the covered individual shall have the opportunity to review the public statement for technical accuracy; and
“(2) if an inaccuracy is discovered as a result of the review under paragraph (1), the covered agency and the covered individual shall jointly revise the public statement.

“(f) INTERVIEW REQUESTS ON RESEARCH; PERSONAL STATEMENTS.—

“(1) INTERVIEW REQUESTS TO COVERED INDIVIDUALS.—A covered individual may respond to media interview requests regarding their scientific or technical findings from research conducted by the individual without prior approval from the covered agency supporting the research of the covered individual, but the covered agency may require the covered individual to report the subject of any such interview.

“(2) INTERVIEW REQUESTS TO AGENCIES.—In the event a covered agency supporting the research of a covered individual receives a media interview request regarding that research, the covered agency shall—

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

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

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

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

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

“(g) SCIENTIFIC INTEGRITY POLICIES.—Not later
than 90 days after the date of enactment of the Scientific
Integrity Act, the head of each covered agency shall—
“(1) develop, adopt, and enforce a scientific integrity policy; and

“(2) submit the scientific integrity policy to—

“(A) the Director of the Office of Science and Technology Policy; and

“(B) Congress.

“(h) REQUIREMENTS.—Each scientific integrity policy developed by a covered agency under subsection (g) shall—

“(1) be consistent with the principles established under subsections (b) through (f);

“(2) specifically address what is and what is not permitted or recommended under that policy, including procedures;

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

“(4) be applied uniformly throughout the covered agency; and

“(5) be publicly accessible and widely communicated to all covered individuals and grantees of the covered agency.

“(i) CONTENTS.—In addition to the requirements under subsection (h), each scientific integrity policy adopted by a covered agency under subsection (g) shall, at a minimum, ensure that—
“(1) scientific conclusions are not made based on political considerations;

“(2) the selection and retention of candidates for science and technology positions in the covered agency are based primarily on the expertise, scientific credentials, experience, and integrity of the candidate;

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

“(4) personnel actions regarding covered individuals, other than political appointees, are not made based on political consideration or ideology;

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

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

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

“(8) scientific or technological information considered in policy decisions is subject to well-established scientific processes, including peer review where appropriate;
“(9) procedures, including any applicable whistle-
bleower protections, are in place as are necessary
to ensure the integrity of scientific and technological
information and processes on which the covered
agency relies in decision making or otherwise uses;
and
“(10) include enforcement processes consistent
for an administrative hearing and an administrative
appeal.
“(j) APPLICATION.—Each scientific integrity policy
adopted under subsection (g) shall apply to covered indi-
viduals.
“(k) SCIENTIFIC INTEGRITY OFFICER.—Not later
than 30 days after the date of enactment of the Scientific
Integrity Act, each covered agency shall appoint a Sci-
entific Integrity Officer, who shall—
“(1) be a career employee at the covered agency
in a scientific or professional position;
“(2) have substantial technical knowledge and
expertise in conducting and overseeing scientific re-
search; and
“(3) direct the activities and duties described in
subsections (l), (m), and (n).
“(l) POLICIES, PROCESS, AND TRAINING.—Not later
than 180 days after the date of enactment of the Scientific
Integrity Act, each covered agency shall adopt and implement—

“(1) an administrative process and administrative appeal for dispute resolution consistent with the scientific integrity policy adopted by the covered agency under subsection (g); and

“(2) a training program to provide—

“(A) regular scientific integrity and ethics training to covered individuals;

“(B) covered individuals with training within 1 month of commencing employment;

“(C) information to ensure that covered individuals are fully aware of their rights and responsibilities regarding the conduct of scientific research, publication of scientific research, communication with the media and the public regarding scientific research; and

“(D) information to ensure that covered individuals are fully aware of their rights and responsibilities for administrative hearings and appeals established in the scientific integrity policy of the covered agency.

“(m) REPORTING.—Each Scientific Integrity Officer appointed by a covered agency under subsection (k) shall
post an annual report on the public website of the covered agency that includes—

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

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

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

“(n) RECORD.—Each scientific integrity policy, process, and report produced by a covered agency under this section shall be—

“(1) submitted to—

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

“(B) the Committee on Science, Space, and Technology of the House of Representatives; and

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

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

“(o) COORDINATION BY THE OFFICE OF SCIENCE AND TECHNOLOGY.—
“(1) Publication.—The Office of Science and Technology Policy shall collate, organize, and publicly share all information that the Office receives under subsection (n) on a single webpage on the website of the Office.

“(2) Annual convening.—The Director of the Office of Science and Technology Policy shall, on annual basis, convene the Scientific Integrity Officer of each covered agency appointed under subsection (k) to discuss best practices for implementing the requirements of this section.”.

SEC. 5. EXISTING POLICIES; RULE OF CONSTRUCTION.

(a) Existing Scientific Integrity Policies.—A scientific integrity policy of a covered agency that was in effect on the day before the date of enactment of this Act may satisfy the requirements of section 1009 of the America COMPETES Act (42 U.S.C. 6620), as amended by section 4 of this Act, if the head of the covered agency—

(1) makes a written determination that the policy satisfies the requirements of that section; and

(2) submits the written determination and the policy to the Director of the Office of Science and Technology Policy for review.
(b) Rule of Construction.—Nothing in this Act or the amendments made by this Act shall affect the application of United States copyright law.