

S.L.C.
Brian Schatz

119TH CONGRESS
2D SESSION

S. _____

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 SENATE OF THE UNITED STATES

Mr. SCHATZ (for himself, Mr. BENNET, Mr. BLUMENTHAL, Mr. HICKENLOOPER, Ms. KLOBUCHAR, Mr. LUJÁN, Mr. MARKEY, Mr. MERKLEY, Mr. PADILLA, Ms. ROSEN, Mr. SCHIFF, Mr. VAN HOLLEN, Mr. WARNER, Mr. WELCH, Mr. WHITEHOUSE, Mr. WYDEN, Mrs. SILAHEEN, Mr. SCHUMER, Mr. BOOKER, and Ms. WARREN) introduced the following bill; which was read twice and referred to the Committee on

Ms. Baldwin

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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”.

1 **SEC. 2. SENSE OF CONGRESS.**

2 It is the sense of Congress that—

3 (1) science and the scientific process should
4 help inform and guide public policy decisions on a
5 wide range of issues, including improvement of pub-
6 lic health, protection of the environment, and protec-
7 tion of national security;

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

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

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

17 (5) a Federal agency that funds, conducts, or
18 oversees research should not suppress, alter, inter-
19 fere with, or otherwise impede the timely commu-
20 nication and open exchange of data and findings to
21 other agencies, policymakers, and the public of re-
22 search conducted by a scientist or engineer employed
23 or contracted by a Federal agency that funds, con-
24 ducts, or oversees scientific research;

1 (6) Federal agencies that fund, conduct, or
2 oversee research should work to prevent the suppress-
3 sion or distortion of the data and findings;

4 (7) under the First Amendment to the Con-
5 stitution of the United States, citizens of the United
6 States have the right to “petition the government
7 for a redress of grievances”; and

8 (8) Congress has further protected those rights
9 under section 7211 of title 5, United States Code,
10 which states, “[t]he right of employees, individually
11 or collectively, to petition Congress or a member of
12 Congress . . . may not be interfered with or denied”.

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

14 Section 1009 of the America COMPETES Act (42
15 U.S.C. 6620) is amended by striking subsections (a) and
16 (b) and inserting the following:

17 “(a) **SCIENTIFIC INTEGRITY POLICIES.**—

18 “(1) **IN GENERAL.**—Not later than 90 days
19 after the date of the enactment of the Scientific In-
20 tegrity Act, the head of each covered agency shall—

21 “(A) adopt and enforce a scientific integ-
22 rity policy in accordance with subsections (b)
23 and (c); and

1 “(B) submit such policy to the Director of
2 the Office of Science and Technology Policy for
3 approval.

4 “(2) PUBLICATION.—Not later than 30 days
5 after the Director of the Office of Science and Tech-
6 nology Policy approves the scientific integrity policy
7 under paragraph (1) with respect to a covered agen-
8 cy, the head of that agency shall—

9 “(A) make such policy available to the
10 public on the website of the agency; and

11 “(B) submit such policy to the relevant
12 Committees of Congress.

13 “(b) REQUIREMENTS.—A scientific integrity policy
14 under subsection (a) for a covered agency—

15 “(1) shall prohibit any covered individual
16 from—

17 “(A) engaging in dishonesty, fraud, deceit,
18 misrepresentation, coercive manipulation, or
19 other scientific or research misconduct;

20 “(B) suppressing, altering, interfering
21 with, delaying without scientific merit, or other-
22 wise impeding the release and communication
23 of, scientific or technical findings;

24 “(C) intimidating or coercing an individual
25 to alter or censor, attempting to intimidate or

1 coerce an individual to alter or censor, or retali-
2 ating against an individual for failure to alter
3 or censor, scientific or technical findings; or

4 “(D) implementing an institutional barrier
5 to cooperation with scientists outside the cov-
6 ered agency and the timely communication of
7 scientific or technical findings;

8 “(2) shall allow a covered individual to—

9 “(A) disseminate scientific or technical
10 findings, subject to existing law, by—

11 “(i) participating in scientific con-
12 ferences; and

13 “(ii) seeking publication in online and
14 print publications through peer-reviewed,
15 professional, or scholarly journals;

16 “(B) sit on scientific advisory or governing
17 boards;

18 “(C) join or hold leadership positions on
19 scientific councils, societies, unions, and other
20 professional organizations;

21 “(D) contribute to the academic peer-re-
22 view process as reviewers or editors; and

23 “(E) participate and engage with the sci-
24 entific community;

1 “(3) may require a covered individual, before
2 disseminating scientific or technical findings as de-
3 scribed in paragraph (2)(A), to submit such findings
4 to the agency for the purpose of review by the agen-
5 cy of the data and findings for technical accuracy if
6 the scientific integrity policy outlines a clear and
7 consistent process for such review; and

8 “(4) shall require that—

9 “(A) scientific conclusions are not made
10 based on political considerations;

11 “(B) the selection and retention of can-
12 didates for science and technology positions in
13 the covered agency are based primarily on the
14 candidate’s expertise, scientific credentials, ex-
15 perience, and integrity;

16 “(C) personnel actions regarding covered
17 individuals, except for political appointees, are
18 not taken on the basis of political consideration
19 or ideology;

20 “(D) covered individuals adhere to the
21 highest ethical and professional standards in
22 conducting their research and disseminating
23 their findings;

24 “(E) appropriate rules, procedures, and
25 safeguards are in place to ensure the integrity

1 of the scientific process within the covered
2 agency;

3 “(F) scientific or technological information
4 considered in policy decisions is subject to well-
5 established scientific processes, including peer
6 review as appropriate;

7 “(G) procedures, including procedures with
8 respect to applicable whistleblower protections,
9 are in place as necessary to ensure the integrity
10 of scientific and technological information and
11 processes on which the covered agency relies in
12 its decisionmaking or that the covered agency
13 otherwise uses; and

14 “(H) enforcement of such policy is con-
15 sistent with the processes for an administrative
16 hearing and an administrative appeal.

17 “(c) IMPLEMENTATION.—In carrying out subsection
18 (a), the head of each covered agency shall—

19 “(1) design the scientific integrity policy under
20 such subsection to apply with respect to the covered
21 agency;

22 “(2) ensure that such policy is clear with re-
23 spect to what activities are permitted and what ac-
24 tivities are not permitted;

1 “(3) ensure that there is a process for individ-
2 uals not employed or contracted by the agency, in-
3 cluding grantees, collaborators, partners, and volun-
4 teers, to report violations of the scientific integrity
5 policy;

6 “(4) enforce such policy uniformly throughout
7 the covered agency; and

8 “(5) make such policy available to the public,
9 employees, private contractors, and grantees of the
10 covered agency.

11 “(d) SCIENTIFIC INTEGRITY OFFICER.—Not later
12 than 90 days after the date of the enactment of the Sci-
13 entific Integrity Act, each covered agency shall appoint a
14 Scientific Integrity Officer, who shall—

15 “(1) be a career employee at the covered agency
16 in a professional position;

17 “(2) have technical knowledge and expertise in
18 conducting and overseeing scientific research;

19 “(3) direct the activities and duties described in
20 subsections (e), (f), and (g); and

21 “(4) work closely with the inspector general of
22 the covered agency, as appropriate.

23 “(e) ADMINISTRATIVE PROCESS AND TRAINING.—
24 Not later than 180 days after the date of the enactment

1 of the Scientific Integrity Act, the head of each covered
2 agency shall establish—

3 “(1) an administrative process and administra-
4 tive appeal process for dispute resolution consistent
5 with the scientific integrity policy of the covered
6 agency adopted under subsection (a); and

7 “(2) a training program to provide—

8 “(A) regular scientific integrity and ethics
9 training to employees and contractors of the
10 covered agency;

11 “(B) training to new employees of the cov-
12 ered agency who are covered individuals within
13 1 month of commencing employment;

14 “(C) information to ensure that covered in-
15 dividuals are fully aware of their rights and re-
16 sponsibilities regarding the conduct of scientific
17 research, publication of scientific research, and
18 communication with the media and the public
19 regarding scientific research; and

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

25 “(f) REPORTING.—

1 “(1) ANNUAL REPORT.—Each year, each Sci-
2 entific Integrity Officer appointed by a covered agen-
3 cy under subsection (d) shall post an annual report
4 on the public website of the covered agency that in-
5 cludes, for the year covered by the report—

6 “(A) the number of complaints of mis-
7 conduct with respect to the scientific integrity
8 policy adopted under subsection (a)—

9 “(i) filed for administrative redress;

10 “(ii) petitioned for administrative ap-
11 peal; and

12 “(iii) still pending from years prior to
13 the year covered by the report, if any;

14 “(B) an anonymized summary of each such
15 complaint and the results of each such com-
16 plaint; and

17 “(C) any changes made to the scientific in-
18 tegrity policy.

19 “(2) INCIDENT REPORT.—

20 “(A) IN GENERAL.—Not later than 30
21 days after the date on which an incident de-
22 scribed in subparagraph (B) occurs, the head of
23 a covered agency shall submit a report describ-
24 ing the incident to the Office of Science and

1 Technology Policy and the relevant Committees
2 of Congress.

3 “(B) INCIDENT.—An incident described in
4 this subparagraph is an incident in which an in-
5 dividual, acting outside the channels established
6 under subsection (e), overrules the decision of
7 the Scientific Integrity Officer appointed under
8 subsection (d) with respect to a dispute regard-
9 ing a violation of the scientific integrity policy
10 adopted under subsection (a).

11 “(g) OFFICE OF SCIENCE AND TECHNOLOGY POL-
12 ICY.—The Director of the Office of Science and Tech-
13 nology Policy shall—

14 “(1) collate, organize, and publicly share all in-
15 formation received by the Director under subsection
16 (f) in 1 place on the website of the Office of Science
17 and Technology Policy; and

18 “(2) on an annual basis, convene the Scientific
19 Integrity Officer of each covered agency appointed
20 under subsection (d) to discuss best practices for im-
21 plementing the requirements of this section.

22 “(h) PERIODIC REVIEW AND APPROVAL.—

23 “(1) INTERNAL REVIEW.—The head of each
24 covered agency shall periodically conduct a review of

1 the scientific integrity policy adopted under sub-
2 section (a) and change such policy as appropriate.

3 “(2) REVIEW BY THE OFFICE OF SCIENCE AND
4 TECHNOLOGY POLICY.—

5 “(A) REVIEW OF SUBSTANTIAL UP-
6 DATES.—The head of each covered agency shall
7 submit to the Office of Science and Technology
8 Policy for approval any substantial changes to
9 the scientific integrity policy adopted under
10 subsection (a).

11 “(B) QUINQUENNIAL REVIEW.—Not later
12 than 5 years after the date of the enactment of
13 the Scientific Integrity Act, and every 5 years
14 thereafter, the head of each covered agency
15 shall submit the scientific integrity policy for
16 such agency to the Office of Science and Tech-
17 nology Policy for review and approval.

18 “(i) COMPTROLLER GENERAL REVIEW.—Not later
19 than 2 years after the date of the enactment of the Sci-
20 entific Integrity Act, the Comptroller General of the
21 United States shall conduct a review of the implementa-
22 tion of the scientific integrity policy by each covered agen-
23 cy.

24 “(j) 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) RELEVANT COMMITTEES OF CONGRESS.—
18 The term ‘relevant Committees of Congress’
19 means—

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

22 “(B) the Committee on Science, Space,
23 and Technology of the House of Representa-
24 tives.”.

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

2 (a) **EXISTING SCIENTIFIC INTEGRITY POLICIES.**—

3 Notwithstanding the amendments made by this Act, the
4 scientific integrity policy of a covered agency that was in
5 effect on the day before the date of the enactment of this
6 Act may satisfy the requirements under the amendments
7 made by this Act if the head of the covered agency—

8 (1) makes a written determination that the pol-
9 icy satisfies such requirements; and

10 (2) submits the written determination and the
11 policy to the Director of the Office of Science and
12 Technology Policy for review and approval.

13 (b) **CLARIFICATION.**—Nothing in this Act or the
14 amendments made by this Act shall affect the application
15 of United States copyright law.

16 (c) **COVERED AGENCY DEFINED.**—The term “cov-
17 ered agency” has the meaning given the term in section
18 1009 of the America COMPETES Act (42 U.S.C. 6620),
19 as amended by section 3.