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(Original Signature of Member)

116TH CONGRESS  
1ST SESSION

**H. R.**

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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.

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IN THE HOUSE OF REPRESENTATIVES

Mr. TONKO introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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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”.

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

7       It is the sense of Congress that—

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;

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 fferences; 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                  “(l) 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).