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(Original Signature of Member)

115TH CONGRESS
1ST SESSION

H. R. _____

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

IN THE HOUSE OF REPRESENTATIVES

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

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”.

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

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

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

2 It is the sense of Congress that—

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

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 **SEC. 4. PUBLIC COMMUNICATIONS.**

18 Except as provided in section 552(b) of title 5,
19 United States Code, and consistent with privacy and clas-
20 sification standards, the head of each Federal agency that
21 funds or conducts scientific research shall—

22 (1) promote and maximize the communication
23 and open exchange of data and findings to other
24 agencies, policymakers, and the public of research
25 conducted by a scientist or engineer employed or

1 contracted by a Federal agency that funds or con-
2 ducts scientific research; and

3 (2) prevent the suppression or distortion of the
4 data and findings described in paragraph (1).

5 **SEC. 5. PRINCIPLES.**

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

8 “(a) PRINCIPLES.—

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

16 “(A) to ensure the communication and
17 open exchange of data and findings to other
18 agencies, policymakers, and the public of re-
19 search conducted by a scientist or engineer em-
20 ployed or contracted by a Federal agency that
21 funds or conducts scientific research, while pro-
22 tecting privacy, confidentiality, and national se-
23 curity; and

1 “(B) to prevent the suppression or distor-
2 tion of the data or findings described in sub-
3 paragraph (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 or engineer employed or contracted by a
10 Federal agency that funds or conducts scientific
11 research, while protecting privacy, confiden-
12 tiality, and national security; and

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

17 **SEC. 6. SCIENTIFIC INTEGRITY POLICIES.**

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

21 “(b) SCIENTIFIC INTEGRITY POLICIES.—Not later
22 than 90 days after the date of enactment of the Scientific
23 Integrity Act, the head of each Federal agency that funds
24 or conducts scientific research shall—

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

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

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

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

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

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

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

21 “(5) be publicly accessible and widely commu-
22 nicated to all employees and private contractors of
23 the Federal agency.

24 “(d) CONTENTS.—At a minimum, each scientific in-
25 tegrity policy under subsection (b) shall ensure that—

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

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

7 “(3) personnel actions regarding scientists and
8 engineers are not made based on political consider-
9 ation or ideology;

10 “(4) scientists and engineers adhere to the
11 highest ethical and professional standards in con-
12 ducting their research and disseminating their find-
13 ings;

14 “(5) 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 “(6) 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 “(7) except as provided in section 552(b) of
6 title 5, United States Code, and consistent with pri-
7 vacy and classification standards, each Federal
8 agency makes publicly available scientific or techno-
9 logical findings that are considered or relied upon in
10 policy decisions and regulatory proposals;

11 “(8) scientific and technical staff are able to
12 ensure the scientific and technical content of sci-
13 entific documents, reports, press releases, and fact
14 sheets accurately represents the relevant scientific
15 data and conclusions; and

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

22 “(e) APPLICATION.—A scientific integrity policy shall
23 apply to each employee or contractor who conducts, han-
24 dles, communicates, supervises, or manages federally
25 funded scientific research for the Federal agency or for

1 a federally funded research and development center spon-
2 sored by the Federal agency.

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

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

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

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

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

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

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

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

6 (c) CLARIFICATION.—Nothing in this Act shall affect
7 the application of United States copyright law.

8 **SEC. 7. NAPA REVIEW.**

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

13 (1) to study the appropriateness of the sci-
14 entific integrity policies under section 1009 of the
15 America COMPETES Act (42 U.S.C. 6620), as
16 added by section 6 of this Act—

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

22 (B) in preventing the suppression or dis-
23 tortion of the data and findings described in
24 subparagraph (A); and

1 (2) to recommend any improvements to the sci-
2 entific integrity policies to achieve the purposes de-
3 scribed in subparagraphs (A) and (B) of paragraph
4 (1).