

116TH CONGRESS
1ST SESSION

S. 775

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.

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 COVERED AGENCY.**

7 In this Act, the term “covered agency” means any
8 agency, as defined in section 551 of title 5, United States
9 Code, that funds, conducts, or oversees scientific research.

1 **SEC. 3. SENSE OF CONGRESS.**

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;

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) covered agencies should promote and maxi-
18 mize the communication and open exchange of data
19 and findings to other agencies, policymakers, and
20 the public of research conducted by a scientist or en-
21 gineer employed or contracted by the covered agen-
22 cy; and

23 (6) covered agencies should work to prevent the
24 suppression or distortion of the data and findings.

1 **SEC. 4. PRINCIPLES; IMPLEMENTATION AND SCIENTIFIC**
2 **INTEGRITY POLICIES.**

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

5 “(a) DEFINITIONS.—In this section:

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

11 “(2) COVERED INDIVIDUAL.—The term ‘cov-
12 ered individual’ means a Federal employee or con-
13 tractor who—

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

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

18 “(C) uses scientific information or analyses
19 in making bureau, office, or agency policy, man-
20 agement, or regulatory decisions.

21 “(3) PUBLIC STATEMENT.—The term ‘public
22 statement’ means any communication that is in-
23 tended for, or should reasonably be expected to have,
24 broad distribution outside the Federal Government,
25 including—

1 “(A) public speeches, news releases and
2 advisories, news conferences, broadcast appear-
3 ances, and interviews or discussions with jour-
4 nalists;

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

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

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

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

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

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

23 “(3) intimidate, coerce, or retaliate against cov-
24 ered individuals or others to alter or censor scientific
25 or technical findings; or

1 “(4) implement institutional barriers to co-
2 operation and the timely communication of scientific
3 or technical findings.

4 “(c) SCIENTIFIC PUBLICATIONS AND CON-
5 FERENCES.—

6 “(1) DISSEMINATION OF FINDINGS.—A covered
7 individual may disseminate scientific or technical
8 findings—

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

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

14 “(2) REVIEW BY AGENCIES.—

15 “(A) IN GENERAL.—A covered agency may
16 require a covered individual to, before dissemi-
17 nating scientific or technical findings under
18 paragraph (1), submit the findings to the cov-
19 ered agency so that the agency may conduct a
20 review of the data and findings for technical ac-
21 curacy and compliance with subsection (b).

22 “(B) APPROVAL.—If a covered agency does
23 not complete the review under subparagraph
24 (A) of data and findings submitted by a covered
25 individual within 30 days of the submission—

1 “(i) the submission shall be deemed
2 approved by the covered agency; and

3 “(ii) the covered individual may pro-
4 ceed with plans to disseminate the sci-
5 entific or technical findings.

6 “(d) LEADERSHIP IN THE SCIENTIFIC COMMU-
7 NITY.—Subject to applicable law governing ethics and con-
8 flicts of interest, a covered individual may—

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

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

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

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

18 “(e) PUBLIC STATEMENTS ON BASIC OR APPLIED
19 RESEARCH.—Whenever a covered agency seeks to make
20 a public statement about the conclusions of basic or ap-
21 plied research in science or engineering conducted by a
22 covered individual—

23 “(1) the covered individual shall have the op-
24 portunity to review the public statement for tech-
25 nical accuracy; and

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

5 “(f) INTERVIEW REQUESTS ON RESEARCH; PER-
6 SONAL STATEMENTS.—

7 “(1) INTERVIEW REQUESTS TO COVERED INDI-
8 VIDUALS.—A covered individual may respond to
9 media interview requests regarding their scientific or
10 technical findings from research conducted by the
11 individual without prior approval from the covered
12 agency supporting the research of the covered indi-
13 vidual, but the covered agency may require the cov-
14 ered individual to report the subject of any such
15 interview.

16 “(2) INTERVIEW REQUESTS TO AGENCIES.—In
17 the event a covered agency supporting the research
18 of a covered individual receives a media interview re-
19 quest regarding that research, the covered agency
20 shall—

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

23 “(B) provide a knowledgeable spokesperson
24 who can, in an objective, nonpartisan, and ar-
25 ticulate manner, describe and explain the sci-

1 entific and technical findings to the media and
2 the people of the United States.

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

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

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

22 “(g) SCIENTIFIC INTEGRITY POLICIES.—Not later
23 than 90 days after the date of enactment of the Scientific
24 Integrity Act, the head of each covered agency shall—

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

3 “(2) submit the scientific integrity policy to—

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

6 “(B) Congress.

7 “(h) REQUIREMENTS.—Each scientific integrity pol-
8 icy developed by a covered agency under subsection (g)
9 shall—

10 “(1) be consistent with the principles estab-
11 lished under subsections (b) through (f);

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

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

17 “(4) be applied uniformly throughout the cov-
18 ered agency; and

19 “(5) be publicly accessible and widely commu-
20 nicated to all covered individuals and grantees of the
21 covered agency.

22 “(i) CONTENTS.—In addition to the requirements
23 under subsection (h), each scientific integrity policy adopt-
24 ed by a covered agency under subsection (g) shall, at a
25 minimum, 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 covered
5 agency are based primarily on the expertise, sci-
6 entific credentials, experience, and integrity of the
7 candidate;

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

11 “(4) personnel actions regarding covered indi-
12 viduals, other than political appointees, are not
13 made based on political consideration or ideology;

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

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

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

22 “(8) scientific or technological information con-
23 sidered in policy decisions is subject to well-estab-
24 lished scientific processes, including peer review
25 where appropriate;

1 “(9) procedures, including any applicable whis-
2 tleblower protections, are in place as are necessary
3 to ensure the integrity of scientific and technological
4 information and processes on which the covered
5 agency relies in decision making or otherwise uses;
6 and

7 “(10) include enforcement processes consistent
8 for an administrative hearing and an administrative
9 appeal.

10 “(j) APPLICATION.—Each scientific integrity policy
11 adopted under subsection (g) shall apply to covered indi-
12 viduals.

13 “(k) SCIENTIFIC INTEGRITY OFFICER.—Not later
14 than 30 days after the date of enactment of the Scientific
15 Integrity Act, each covered agency shall appoint a Sci-
16 entific Integrity Officer, who shall—

17 “(1) be a career employee at the covered agency
18 in a scientific or professional position;

19 “(2) have substantial technical knowledge and
20 expertise in conducting and overseeing scientific re-
21 search; and

22 “(3) direct the activities and duties described in
23 subsections (l), (m), and (n).

24 “(l) POLICIES, PROCESS, AND TRAINING.—Not later
25 than 180 days after the date of enactment of the Scientific

1 Integrity Act, each covered agency shall adopt and imple-
2 ment—

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

7 “(2) a training program to provide—

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

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

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

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

23 “(m) REPORTING.—Each Scientific Integrity Officer
24 appointed by a covered agency under subsection (k) shall

1 post an annual report on the public website of the covered
2 agency that includes—

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

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

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

11 “(n) RECORD.—Each scientific integrity policy, proce-
12 ss, and report produced by a covered agency under this
13 section shall be—

14 “(1) submitted to—

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

17 “(B) the Committee on Science, Space,
18 and Technology of the House of Representa-
19 tives; and

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

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

24 “(o) COORDINATION BY THE OFFICE OF SCIENCE
25 AND TECHNOLOGY.—

1 “(1) PUBLICATION.—The Office of Science and
2 Technology Policy shall collate, organize, and pub-
3 licly share all information that the Office receives
4 under subsection (n) on a single webpage on the
5 website of the Office.

6 “(2) ANNUAL CONVENING.—The Director of
7 the Office of Science and Technology Policy shall, on
8 annual basis, convene the Scientific Integrity Officer
9 of each covered agency appointed under subsection
10 (k) to discuss best practices for implementing the re-
11 quirements of this section.”.

12 **SEC. 5. EXISTING POLICIES; RULE OF CONSTRUCTION.**

13 (a) EXISTING SCIENTIFIC INTEGRITY POLICIES.—A
14 scientific integrity policy of a covered agency that was in
15 effect on the day before the date of enactment of this Act
16 may satisfy the requirements of section 1009 of the Amer-
17 ica COMPETES Act (42 U.S.C. 6620), as amended by
18 section 4 of this Act, if the head of the covered agency—

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

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

1 (b) RULE OF CONSTRUCTION.—Nothing in this Act
2 or the amendments made by this Act shall affect the appli-
3 cation of United States copyright law.

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