

117TH CONGRESS
1ST SESSION

H. R. 849

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 HOUSE OF REPRESENTATIVES

FEBRUARY 4, 2021

Mr. TONKO (for himself, Ms. JOHNSON of Texas, Ms. STEVENS, Mr. LOWENTHAL, Ms. BONAMICI, Mr. BEYER, Mr. FOSTER, Mr. CASTEN, Mr. FITZPATRICK, Mr. PERLMUTTER, Mr. GARAMENDI, Mrs. HAYES, Mr. PASCRELL, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. KILMER, Ms. SEWELL, Ms. HOULAHAN, Mr. COOPER, Mr. HORSFORD, Mr. QUIGLEY, Mr. PANETTA, Mr. SMITH of Washington, Mr. DAVID SCOTT of Georgia, Mr. TAKANO, Ms. BROWNLEY, Ms. MATSUI, Mr. MORELLE, Ms. LEE of California, Ms. VELÁZQUEZ, Ms. CLARKE of New York, Mrs. KIRKPATRICK, Mr. MALINOWSKI, Mr. LIEU, Mr. SARBANES, Ms. DELBENE, Mr. MCGOVERN, Miss RICE of New York, Ms. MCCOLLUM, Mr. CARBAJAL, Mr. GALLEGGO, Mr. GARCÍA of Illinois, Mr. BUTTERFIELD, Ms. KUSTER, Mr. HUFFMAN, Mr. THOMPSON of California, Mr. SHERMAN, Mrs. BEATTY, Mr. VEASEY, Mr. KIM of New Jersey, Ms. BARRAGÁN, Mr. BERA, Mr. CRIST, Mr. SWALWELL, Mr. HASTINGS, Mr. HIGGINS of New York, Mr. CLEAVER, Mrs. DINGELL, Mr. LYNCH, Mr. STANTON, Mr. LAMB, Ms. SCANLON, Mr. MCEACHIN, Mr. NADLER, Ms. JACKSON LEE, Mr. KHANNA, Mr. MCNERNEY, Mr. CASE, Mr. KAHELE, Mr. PALLONE, Mr. RUSH, Mrs. NAPOLITANO, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. CONNOLLY, Ms. ESHOO, Mr. POCAN, Ms. SPANBERGER, Ms. WEXTON, Mr. RUPPERSBERGER, Ms. ROSS, Mr. SIRES, Mrs. CAROLYN B. MALONEY of New York, Mr. LANGEVIN, Ms. NORTON, Ms. BLUNT ROCHESTER, Mr. LARSEN of Washington, Mr. SUOZZI, Mr. DEFazio, Ms. DEGETTE, Mr. CROW, Ms. WASSERMAN SCHULTZ, Mr. JOHNSON of Georgia, Ms. SPEIER, Mrs. LURIA, Mr. PRICE of North Carolina, Mr. LEVIN of California, Mr. COHEN, Ms. CHU, Mr. DELGADO, Mr. ESPAILLAT, Mr. RASKIN, Mr. AUCHINCLOSS, Mr. PAPPAS, Ms. UNDERWOOD, Mr. WELCH, Ms. MANNING, Mr. HIMES, Mrs. FLETCHER, Mr. JONES, Mrs. WATSON COLEMAN, Mr. EVANS, Ms. DAVIDS of Kansas, Mr. GRIJALVA, Ms. CASTOR of Florida, Ms. DEAN, Mr. NEGUSE, Ms. LOIS FRANKEL of Florida, Mr. BLUMENAUER, Ms. STRICKLAND, Mrs. TRAHAN, Mr. YARMUTH, Ms. LEGER FERNANDEZ, Mr. DESAULNIER, Ms. KELLY of Illinois, Mr. VELA, Mrs. LAWRENCE,

Ms. SCHAKOWSKY, Mr. CICILLINE, Mr. SABLAN, Mr. SCOTT of Virginia, Mr. MEEKS, Ms. SÁNCHEZ, Mr. CÁRDENAS, Mrs. BUSTOS, Mr. DANNY K. DAVIS of Illinois, Ms. GARCIA of Texas, Mrs. DEMINGS, Ms. TLAIB, Ms. JAYAPAL, Ms. ADAMS, Mr. O'HALLERAN, Mr. KILDEE, Ms. ROYBAL-ALLARD, Ms. TITUS, Ms. NEWMAN, Mr. RYAN, Ms. CLARK of Massachusetts, Ms. LOFGREN, Mr. KEATING, Mr. LEVIN of Michigan, Ms. ESCOBAR, Ms. PINGREE, Ms. MOORE of Wisconsin, Mr. CORREA, Mr. TRONE, Ms. MENG, Mrs. MURPHY of Florida, Mrs. MCBATH, Mr. CUELLAR, Mrs. AXNE, Mr. GREEN of Texas, Ms. PORTER, Ms. KAPTUR, and Mr. THOMPSON of Mississippi) introduced the following bill; which was referred to the Committee on Science, Space, and Technology

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—

8 (1) science and the scientific process should
 9 help inform and guide public policy decisions on a
 10 wide range of issues, including improvement of pub-
 11 lic health, protection of the environment, and protec-
 12 tion of national security;

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

4 (3) science, the scientific process, and the com-
5 munication of science should be free from politics,
6 ideology, and financial conflicts of interest;

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

10 (5) a Federal agency that funds, conducts, or
11 oversees research should not suppress, alter, inter-
12 fere with, or otherwise impede the timely commu-
13 nication and open exchange of data and findings to
14 other agencies, policymakers, and the public of re-
15 search conducted by a scientist or engineer employed
16 or contracted by a Federal agency that funds, con-
17 ducts, or oversees scientific research;

18 (6) Federal agencies that fund, conduct, or
19 oversee research should work to prevent the suppres-
20 sion or distortion of the data and findings;

21 (7) under the First Amendment to the Con-
22 stitution, citizens of the United States have the right
23 to “petition the government for a redress of griev-
24 ances”; and

1 (8) Congress has further protected those rights
2 under section 7211 of title 5, United States Code,
3 which states, “the right of employees, individually or
4 collectively, to petition Congress or a member of
5 Congress . . . may not be interfered with or denied”.

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

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

10 “(a) SCIENTIFIC INTEGRITY POLICIES.—

11 “(1) IN GENERAL.—Not later than 90 days
12 after the date of enactment of the Scientific Integ-
13 rity Act, the head of each covered agency shall—

14 “(A) adopt and enforce a scientific integ-
15 rity policy in accordance with subsections (b)
16 and (c); and

17 “(B) submit such policy to the Director of
18 the Office of Science and Technology Policy for
19 approval.

20 “(2) PUBLICATION.—Not later than 30 days
21 after the Director of the Office of Science and Tech-
22 nology Policy approves the scientific integrity policy
23 under paragraph (1), the head of each covered agen-
24 cy shall—

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

3 “(B) submit such policy to the relevant
4 Committees of Congress.

5 “(b) REQUIREMENTS.—A scientific integrity policy
6 under subsection (a)—

7 “(1) shall prohibit any covered individual
8 from—

9 “(A) engaging in dishonesty, fraud, deceit,
10 misrepresentation, coercive manipulation, or
11 other scientific or research misconduct;

12 “(B) suppressing, altering, interfering
13 with, delaying without scientific merit, or other-
14 wise impeding the release and communication
15 of, scientific or technical findings;

16 “(C) intimidating or coercing an individual
17 to alter or censor, attempting to intimidate or
18 coerce an individual to alter or censor, or retali-
19 ating against an individual for failure to alter
20 or censor, scientific or technical findings; or

21 “(D) implementing an institutional barrier
22 to cooperation with scientists outside the cov-
23 ered agency and the timely communication of
24 scientific or technical findings;

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

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

3 “(i) participating in scientific con-
4 ferences; and

5 “(ii) seeking publication in online and
6 print publications through peer-reviewed,
7 professional, or scholarly journals;

8 “(B) sit on scientific advisory or governing
9 boards;

10 “(C) join or hold leadership positions on
11 scientific councils, societies, unions, and other
12 professional organizations;

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

15 “(E) participate and engage with the sci-
16 entific community;

17 “(3) may require a covered individual to, before
18 disseminating scientific or technical findings as de-
19 scribed in paragraph (2)(A), submit such findings to
20 the agency for the purpose of review by the agency
21 of the data and findings for technical accuracy if the
22 scientific integrity policy outlines a clear and con-
23 sistent process for such review; and

24 “(4) shall require that—

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

3 “(B) the selection and retention of can-
4 didates for science and technology positions in
5 the covered agency are based primarily on the
6 candidate’s expertise, scientific credentials, ex-
7 perience, and integrity;

8 “(C) personnel actions regarding covered
9 individuals, except for political appointees, are
10 not taken on the basis of political consideration
11 or ideology;

12 “(D) covered individuals adhere to the
13 highest ethical and professional standards in
14 conducting their research and disseminating
15 their findings;

16 “(E) the appropriate rules, procedures,
17 and safeguards are in place to ensure the integ-
18 rity of the scientific process within the covered
19 agency;

20 “(F) scientific or technological information
21 considered in policy decisions is subject to well-
22 established scientific processes, including peer
23 review where appropriate;

24 “(G) procedures, including procedures with
25 respect to applicable whistleblower protections,

1 are in place as are necessary to ensure the in-
2 tegrity of scientific and technological informa-
3 tion and processes on which the covered agency
4 relies in its decision making or otherwise uses;
5 and

6 “(H) enforcement of such policy is con-
7 sistent with the processes for an administrative
8 hearing and an administrative appeal.

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

11 “(1) design the scientific integrity policy to
12 apply with respect to the covered agency;

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

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

21 “(4) enforce such policy uniformly throughout
22 the covered agency; and

23 “(5) make such policy available to the public,
24 employees, private contractors, and grantees of the
25 covered agency.

1 “(d) SCIENTIFIC INTEGRITY OFFICER.—Not later
2 than 90 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 a professional position;

7 “(2) have technical knowledge and expertise in
8 conducting and overseeing scientific research;

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

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

13 “(e) ADMINISTRATIVE PROCESS AND TRAINING.—
14 Not later than 180 days after the date of enactment of
15 this Act, the head of each covered agency shall establish—

16 “(1) an administrative process and administra-
17 tive appeal process for dispute resolution consistent
18 with the scientific integrity policy of the covered
19 agency adopted under subsection (a); and

20 “(2) a training program to provide—

21 “(A) regular scientific integrity and ethics
22 training to employees and contractors of the
23 covered agency;

24 “(B) new covered employees with training
25 within one month of commencing employment;

1 “(C) information to ensure that covered in-
2 dividuals are fully aware of their rights and re-
3 sponsibilities regarding the conduct of scientific
4 research, publication of scientific research, and
5 communication with the media and the public
6 regarding scientific research; and

7 “(D) information to ensure that covered
8 individuals are fully aware of their rights and
9 responsibilities for administrative hearings and
10 appeals established in the covered agency’s sci-
11 entific integrity policy.

12 “(f) REPORTING.—

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

18 “(A) the number of complaints of mis-
19 conduct with respect to the scientific integrity
20 policy adopted under subsection (a)—

21 “(i) filed for administrative redress;

22 “(ii) petitioned for administrative ap-
23 peal; and

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

1 “(B) an anonymized summary of each such
2 complaint and the results of each such com-
3 plaint; and

4 “(C) any changes made to the scientific in-
5 tegrity policy.

6 “(2) INCIDENT REPORT.—

7 “(A) IN GENERAL.—Not later than 30
8 days after the date on which an incident de-
9 scribed in subparagraph (B) occurs, the head of
10 a covered agency shall submit a report describ-
11 ing the incident to the Office of Science and
12 Technology Policy and the relevant Committees
13 of Congress.

14 “(B) INCIDENT.—An incident described
15 under this paragraph is an incident in which an
16 individual, acting outside the channels estab-
17 lished under subsection (e), overrules the deci-
18 sion of the Scientific Integrity Officer with re-
19 spect to a dispute regarding a violation of the
20 scientific integrity policy.

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

1 “(1) collate, organize, and publicly share all in-
2 formation it receives under subsection (g) in one
3 place on its own website; and

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

8 “(h) PERIODIC REVIEW AND APPROVAL.—

9 “(1) INTERNAL REVIEW.—The head of each
10 covered agency shall periodically conduct a review of
11 the scientific integrity policy and change such policy
12 as appropriate.

13 “(2) REVIEW BY THE OFFICE OF SCIENCE AND
14 TECHNOLOGY POLICY.—

15 “(A) REVIEW OF SUBSTANTIAL UP-
16 DATES.—The head of each covered agency shall
17 submit to the Office of Science and Technology
18 Policy for approval any substantial changes to
19 the scientific integrity policy.

20 “(B) QUINQUENNIAL REVIEW.—Not later
21 than 5 years after the date of the enactment of
22 the Scientific Integrity Act, and quinquennially
23 thereafter, the head of each covered agency
24 shall submit the scientific integrity policy to the

1 Office of Science and Technology Policy for re-
2 view and approval.

3 “(i) COMPTROLLER GENERAL REVIEW.—Not later
4 than 2 years after the date of the enactment of the Sci-
5 entific Integrity Act, the Comptroller General shall con-
6 duct a review of the implementation of the scientific integ-
7 rity policy by each covered agency.

8 “(j) DEFINITIONS.—In this section:

9 “(1) AGENCY.—The term ‘agency’ has the
10 meaning given the term in section 551 of title 5,
11 United States Code.

12 “(2) COVERED AGENCY.—The term ‘covered
13 agency’ means an agency that funds, conducts, or
14 oversees scientific research.

15 “(3) COVERED INDIVIDUAL.—The term ‘cov-
16 ered individual’ means a Federal employee or con-
17 tractor who—

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

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

22 “(C) uses scientific information or analyses
23 in making bureau, office, or agency policy, man-
24 agement, or regulatory decisions.

1 “(4) RELEVANT COMMITTEES OF CONGRESS.—

2 The term ‘relevant Committees of Congress’
3 means—

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

6 “(B) the Committee on Science, Space,
7 and Technology of the House of Representa-
8 tives.”.

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

10 (a) EXISTING SCIENTIFIC INTEGRITY POLICIES.—

11 Notwithstanding the amendments made by this Act, a cov-
12 ered agency’s scientific integrity policy that was in effect
13 on the day before the date of enactment of this Act may
14 satisfy the requirements under the amendments made by
15 this Act if the head of the covered agency—

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

18 (2) submits the written determination and the
19 policy to the Director of the Office of Science and
20 Technology Policy for review and approval.

21 (b) CLARIFICATION.—Nothing in this Act shall affect
22 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).

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