

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 1709
OFFERED BY Mr. Tonko

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Scientific Integrity
3 Act”.

4 SEC. 2. SENSE OF CONGRESS.

5 It is the sense of Congress that—

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

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

14 (3) science, the scientific process, and the com-
15 munication of science should be free from politics,
16 ideology, and financial conflicts of interest;

1 (4) policies and procedures that ensure the in-
2 integrity of the conduct and communication of publicly
3 funded science are critical to ensuring public trust;

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

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

15 (7) under the First Amendment to the Con-
16 stitution, citizens of the United States have the right
17 to “petition the government for a redress of griev-
18 ances”; and

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

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

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

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

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

9 “(A) adopt and enforce a scientific integ-
10 rity policy in accordance with subsections (b)
11 and (c); and

12 “(B) submit such policy to the Director of
13 the Office of Science and Technology Policy for
14 approval.

15 “(2) **PUBLICATION.**—Not later than 30 days
16 after the Director of the Office of Science and Tech-
17 nology Policy approves the scientific integrity policy
18 under paragraph (1), the head of each covered agen-
19 cy shall—

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

22 “(B) submit such policy to the relevant
23 Committees of Congress.

24 “(b) **REQUIREMENTS.**—A scientific integrity policy
25 under subsection (a)—

1 “(1) shall prohibit any covered individual
2 from—

3 “(A) engaging in dishonesty, fraud, deceit,
4 misrepresentation, coercive manipulation, or
5 other scientific or research misconduct;

6 “(B) suppressing, altering, interfering
7 with, delaying without scientific merit, or other-
8 wise impeding the release and communication
9 of, scientific or technical findings;

10 “(C) intimidating or coercing an individual
11 to alter or censor, attempting to intimidate or
12 coerce an individual to alter or censor, or retali-
13 ating against an individual for failure to alter
14 or censor, scientific or technical findings; or

15 “(D) implementing an institutional barrier
16 to cooperation with scientists outside the cov-
17 ered agency and the timely communication of
18 scientific or technical findings;

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

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

22 “(i) participating in scientific con-
23 ferences; and

1 “(ii) seeking publication in online and
2 print publications through peer-reviewed,
3 professional, or scholarly journals;

4 “(B) sit on scientific advisory or governing
5 boards;

6 “(C) join or hold leadership positions on
7 scientific councils, societies, unions, and other
8 professional organizations;

9 “(D) contribute to the academic peer-re-
10 view process as reviewers or editors;

11 “(E) participate and engage with the sci-
12 entific community;

13 “(F) respond to media interview requests
14 regarding scientific or technical findings from
15 research conducted by, or research related to
16 that conducted by the individual, while ensuring
17 full compliance with limits on disclosure of clas-
18 sified information; and

19 “(G) present a viewpoint in an interview
20 described in subparagraph (F) that is beyond
21 the scope of the scientific or technical findings
22 of the research conducted by such individual
23 and that incorporates the expert or personal
24 opinions of such individual if such individual in-
25 dicates that such viewpoint is presented on be-

1 half of such individual and not on behalf of
2 such covered agency;

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

10 “(4) shall include clear guidelines for how a
11 covered individual may respond to a media request
12 as described in paragraph (2)(F) except such guide-
13 lines shall not delay or impede without scientific
14 merit the communication of scientific or technical
15 findings to the media; and

16 “(5) shall require that—

17 “(A) scientific conclusions are not made
18 based on political considerations;

19 “(B) the selection and retention of can-
20 didates for science and technology positions in
21 the covered agency are based primarily on the
22 candidate’s expertise, scientific credentials, ex-
23 perience, and integrity;

24 “(C) personnel actions regarding covered
25 individuals, except for political appointees, are

1 not taken on the basis of political consideration
2 or ideology;

3 “(D) covered individuals adhere to the
4 highest ethical and professional standards in
5 conducting their research and disseminating
6 their findings;

7 “(E) the appropriate rules, procedures,
8 and safeguards are in place to ensure the integ-
9 rity of the scientific process within the covered
10 agency;

11 “(F) scientific or technological information
12 considered in policy decisions is subject to well-
13 established scientific processes, including peer
14 review where appropriate;

15 “(G) procedures, including procedures with
16 respect to applicable whistleblower protections,
17 are in place as are necessary to ensure the in-
18 tegrity of scientific and technological informa-
19 tion and processes on which the covered agency
20 relies in its decision making or otherwise uses;
21 and

22 “(H) enforcement of such policy is con-
23 sistent with the processes for an administrative
24 hearing and an administrative appeal.

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

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

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

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

13 “(4) enforce such policy uniformly throughout
14 the covered agency; and

15 “(5) make such policy available to the public,
16 employees, private contractors, and grantees of the
17 covered agency.

18 “(d) SCIENTIFIC INTEGRITY OFFICER.—Not later
19 than 90 days after the date of enactment of this Act, each
20 covered agency shall appoint a Scientific Integrity Officer,
21 who shall—

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

24 “(2) have technical knowledge and expertise in
25 conducting and overseeing scientific research;

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

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

5 “(e) ADMINISTRATIVE PROCESS AND TRAINING.—

6 Not later than 180 days after the date of enactment of
7 this Act, the head of each covered agency shall establish—

8 “(1) an administrative process and administra-
9 tive appeal process for dispute resolution consistent
10 with the scientific integrity policy of the covered
11 agency adopted under subsection (a); and

12 “(2) a training program to provide—

13 “(A) regular scientific integrity and ethics
14 training to employees and contractors of the
15 covered agency;

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

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

24 “(D) information to ensure that covered
25 individuals are fully aware of their rights and

1 responsibilities for administrative hearings and
2 appeals established in the covered agency's sci-
3 entific integrity policy.

4 “(f) REPORTING.—

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

10 “(A) the number of complaints of mis-
11 conduct with respect to the scientific integrity
12 policy adopted under subsection (a)—

13 “(i) filed for administrative redress;

14 “(ii) petitioned for administrative ap-
15 peal; and

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

18 “(B) an anonymized summary of each such
19 complaint and the results of each such com-
20 plaint; and

21 “(C) any changes made to the scientific in-
22 tegrity policy.

23 “(2) INCIDENT REPORT.—

24 “(A) IN GENERAL.—Not later than 30
25 days after the date on which an incident de-

1 scribed in subparagraph (B) occurs, the head of
2 a covered agency shall submit a report describ-
3 ing the incident to the Office of Science and
4 Technology Policy and the relevant Committees
5 of Congress.

6 “(B) INCIDENT.—An incident described
7 under this paragraph is an incident in which an
8 individual, acting outside the channels estab-
9 lished under subsection (e), overrules the deci-
10 sion of the Scientific Integrity Officer with re-
11 spect to a dispute regarding a violation of the
12 scientific integrity policy.

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

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

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

23 “(h) PERIODIC REVIEW AND APPROVAL.—

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

1 the scientific integrity policy and change such policy
2 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.

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

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

22 “(j) DEFINITIONS.—In this section:

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

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

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

7 “(A) is engaged in, supervises, or manages
8 scientific activities;

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

11 “(C) uses scientific information or analyses
12 in making bureau, office, or agency policy, man-
13 agement, or regulatory decisions.

14 “(4) RELEVANT COMMITTEES OF CONGRESS.—
15 The term ‘relevant Committees of Congress’
16 means—

17 “(A) the Committee on Commerce,
18 Science, and Transportation of the Senate; and

19 “(B) the Committee on Science, Space,
20 and Technology of the House of Representa-
21 tives.”.

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

23 (a) EXISTING SCIENTIFIC INTEGRITY POLICIES.—
24 Notwithstanding the amendments made by this Act, a cov-
25 ered agency’s scientific integrity policy that was in effect

1 on the day before the date of enactment of this Act may
2 satisfy the requirements under the amendments made by
3 this Act if the head of the covered agency—

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

6 (2) submits the written determination and the
7 policy to the Director of the Office of Science and
8 Technology Policy for review and approval.

9 (b) CLARIFICATION.—Nothing in this Act shall affect
10 the application of United States copyright law.

11 (c) COVERED AGENCY DEFINED.—The term “cov-
12 ered agency” has the meaning given the term in section
13 1009 of the America COMPETES Act (42 U.S.C. 6620).

