

115TH CONGRESS
1ST SESSION

H. R. 1358

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 2, 2017

Mr. TONKO (for himself, Ms. TSONGAS, Mr. LOWENTHAL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LIPINSKI, Mr. CONNOLLY, Mr. KILMER, Mr. GRIJALVA, Mr. GALLEGO, Mr. SOTO, Ms. LEE, Mr. NADLER, Mr. DESAULNIER, Mr. RYAN of Ohio, Mrs. NAPOLITANO, Ms. NORTON, Ms. SLAUGHTER, Ms. CLARK of Massachusetts, Mr. CONYERS, Mr. LEWIS of Georgia, Ms. WILSON of Florida, Mr. BEYER, Ms. LOFGREN, Mr. BLUMENAUER, Ms. MOORE, Mr. RUSH, Ms. MENG, Ms. ROSEN, Mr. KEATING, Mr. QUIGLEY, Mr. TED LIEU of California, Mr. MCGOVERN, Mr. RASKIN, Mr. TAKANO, Mr. CICILLINE, Ms. SCHAKOWSKY, Mr. CARTWRIGHT, Mr. MOULTON, Mr. KENNEDY, Mr. ENGEL, Mr. NEAL, Mr. PASCRELL, Mr. BEN RAY LUJÁN of New Mexico, Mr. POCAN, Ms. BONAMICI, Ms. SPEIER, Ms. JUDY CHU of California, Mrs. LAWRENCE, Ms. KAPTUR, Mr. BUTTERFIELD, Ms. MATSUI, Mr. MCNERNEY, Mr. PERLMUTTER, Mrs. WATSON COLEMAN, Mr. PALLONE, Ms. MCCOLLUM, Ms. JACKSON LEE, Ms. HANABUSA, Mr. CLEAVER, Mr. POLIS, Mr. SWALWELL of California, Mr. KHANNA, Mr. LANGEVIN, Ms. BROWNLEY of California, Mr. FOSTER, Mr. DANNY K. DAVIS of Illinois, Mr. CRIST, Mrs. DINGELL, Ms. ESTY, Mr. CUMMINGS, Mr. GARAMENDI, Mr. HUFFMAN, Mr. BERA, Ms. SÁNCHEZ, Mr. SCOTT of Virginia, Mr. MEEKS, and Ms. WASSERMAN SCHULTZ) introduced the following bill; which was referred to the Committee on Science, Space, and Technology

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.

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

11 It is the sense of Congress that—

12 (1) science and the scientific process should in-
13 form and guide public policy decisions on a wide
14 range of issues, including improvement of public
15 health, protection of the environment, and protection
16 of national security;

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

20 (3) science, the scientific process, and the com-
21 munication of science should be free from politics,
22 ideology, and financial conflicts of interest; and

23 (4) policies and procedures that ensure the in-
24 tegrity of the conduct and communication of publicly
25 funded science are critical to ensuring public trust.

1 **SEC. 4. PUBLIC COMMUNICATIONS.**

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

6 (1) promote and maximize the communication
7 and open exchange of data and findings to other
8 agencies, policymakers, and the public of research
9 conducted by a scientist or engineer employed or
10 contracted by a Federal agency that funds or con-
11 ducts scientific research; and

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

14 **SEC. 5. PRINCIPLES.**

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

17 “(a) PRINCIPLES.—

18 “(1) IN GENERAL.—Not later than 30 days
19 after the date of enactment of the Scientific Integ-
20 rity Act, the Director of the Office of Science and
21 Technology Policy, in consultation with the head of
22 each Federal agency that funds or conducts sci-
23 entific research, shall develop and issue an over-
24 arching set of principles—

25 “(A) to ensure the communication and
26 open exchange of data and findings to other

1 agencies, policymakers, and the public of re-
2 search conducted by a scientist or engineer em-
3 ployed or contracted by a Federal agency that
4 funds or conducts scientific research, while pro-
5 tecting privacy, confidentiality, and national se-
6 curity; and

7 “(B) to prevent the suppression or distor-
8 tion of the data or findings described in sub-
9 paragraph (A).

10 “(2) EXCHANGE OF DATA AND FINDINGS.—In
11 order to promote the sharing of data and findings,
12 as appropriate, the principles shall—

13 “(A) encourage the open exchange of data
14 and findings of research undertaken by a sci-
15 entist or engineer employed or contracted by a
16 Federal agency that funds or conducts scientific
17 research, while protecting privacy, confiden-
18 tiality, and national security; and

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

1 **SEC. 6. SCIENTIFIC INTEGRITY POLICIES.**

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

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

9 “(1) develop and enforce a scientific integrity
10 policy, including procedures, regarding the release of
11 data and findings to other agencies, policymakers,
12 and the public of research conducted by a scientist
13 or engineer employed or contracted by that Federal
14 agency; and

15 “(2) submit the scientific integrity policy to the
16 Director of the Office of Science and Technology
17 Policy and Congress.

18 “(c) REQUIREMENTS.—A scientific integrity policy
19 under subsection (b) shall—

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

22 “(2) specifically address what is and what is
23 not permitted or recommended under that policy, in-
24 cluding procedures;

25 “(3) be specifically designed for the Federal
26 agency;

1 “(4) be applied uniformly throughout the Fed-
2 eral agency; and

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

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

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

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

14 “(3) personnel actions regarding scientists and
15 engineers are not made based on political consider-
16 ation or ideology;

17 “(4) scientists and engineers adhere to the
18 highest ethical and professional standards in con-
19 ducting their research and disseminating their find-
20 ings;

21 “(5) the appropriate rules, procedures, and
22 safeguards are in place to ensure the integrity of the
23 scientific process within the Federal agency, includ-
24 ing procedures—

1 “(A) that allow for a scientist to review
2 public release of materials that cite work from
3 that scientist or otherwise claim to represent
4 the scientist’s scientific opinion; and

5 “(B) to identify, evaluate the merits of,
6 and address instances in which the scientific
7 process or the integrity of scientific and techno-
8 logical information may be compromised;

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

19 “(8) scientific and technical staff are able to
20 ensure the scientific and technical content of sci-
21 entific documents, reports, press releases, and fact
22 sheets accurately represents the relevant scientific
23 data and conclusions; and

24 “(9) procedures, including any applicable whis-
25 tleblower protections, are in place as are necessary

1 to ensure the integrity of scientific and technological
2 information and processes on which the Federal
3 agency relies in its decisionmaking or otherwise uses.

4 “(e) APPLICATION.—A scientific integrity policy shall
5 apply to each employee or contractor who conducts, han-
6 dles, communicates, supervises, or manages federally
7 funded scientific research for the Federal agency or for
8 a federally funded research and development center spon-
9 sored by the Federal agency.

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

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

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

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

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

1 (b) EXISTING SCIENTIFIC INTEGRITY POLICIES.—
2 Notwithstanding section 1009(b) of the America COM-
3 PETES Act (42 U.S.C. 6620(b)), as amended by this Act,
4 a scientific integrity policy that was in effect on the day
5 before the date of enactment of this Act may satisfy the
6 requirements of section 1009 of that Act if the head of
7 a Federal agency that funds or conducts scientific re-
8 search—

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

11 (2) submits the written determination and the
12 policy to the Director of the Office of Science and
13 Technology Policy and Congress.

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

16 **SEC. 7. NAPA REVIEW.**

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

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

1 (A) in promoting the communication and
2 open exchange of data and findings to other
3 agencies, policymakers, and the public of re-
4 search conducted by scientists employed or con-
5 tracted by a Federal agency; and

6 (B) in preventing the suppression or dis-
7 tortion of the data and findings described in
8 subparagraph (A); and

9 (2) to recommend any improvements to the sci-
10 entific integrity policies to achieve the purposes de-
11 scribed in subparagraphs (A) and (B) of paragraph
12 (1).

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