

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.

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## 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. GALLEG0, 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

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## 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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