



The Deputy Secretary of Transportation

WASHINGTON, D.C. 20590

April 10, 2012

MEMORANDUM TO: Heads of Operating Administrations and Secretarial Officers

FROM:

John D. Porcari

SUBJECT:

Implementation of Departmental Scientific Integrity Policy

Action

This memorandum implements within the U.S. Department of Transportation (DOT) the Administration's policy on scientific integrity. It will serve as the framework for any modal scientific integrity policies and for a DOT Scientific Integrity Policy Implementation Manual that will provide further direction on the issue.

Background

On March 9, 2009, President Obama issued a memorandum articulating six principles central to the preservation and promotion of scientific integrity (see Attachment 1). On December 17, 2010, the Director of the Office of Science and Technology Policy (OSTP) issued a memorandum providing further guidance to executive departments and agencies to implement the Administration's policies on scientific integrity (see Attachment 2). Consistent with the OSTP memorandum, this memorandum establishes a Department-wide policy to guide and ensure the integrity of science and scientific products. It also should guide the formation of any scientific integrity policies developed within the operating administrations.

The context for the scientific integrity policy is scientific research. The overriding intent of this policy is that political appointees must not exert undue influence over scientists in the conduct of scientific research. Recognizing that the nature of the scientific inquiry includes formulating and exploring questions, it is to be expected that scientists may have different perspectives and develop multiple approaches in their research. The existence of disputes in research is not inconsistent with scientific integrity or with a policy that political appointees must not exercise undue influence over scientific inquiry.

This policy is not intended to stifle debate, but rather to allow scientific inquiry to flourish. Political appointees may consider any and all scientific research and policy aims that are permitted by law.

The Department is dedicated to preserving the integrity of the research it conducts and funds. It will not tolerate misconduct in the performance of these activities nor in the application of these activities to decision-making. This policy clearly defines the roles and responsibilities of DOT career staff and political appointees in upholding the principles of scientific integrity and conduct.

Political appointees at DOT should never suppress or alter research findings or conclusions. Political appointees are not to censure or coerce DOT employees to alter scientific findings. This policy also protects DOT employees that uncover and report such misconduct. This policy encompasses all sciences including all hard, natural and life, and social sciences, and all findings including results derived from data (actual or simulated).

Principles

This policy consists of the following nine elements:

- When DOT uses scientific or technological information in decision-making, that information will be the result of the most rigorous scientific processes that DOT can achieve within the available time and resources. The Department will document and make available to the public the scientific findings that are considered in its decision-making process to the extent allowable by law. Where appropriate, this should include data and models underlying regulatory proposals and policy decisions.
- The Department will communicate scientific and technological findings by including a clear explanation of underlying assumptions, including accurate contextualization of uncertainties, and describing the probabilities associated with both optimistic and pessimistic projections, including best-case and worst-case scenarios where appropriate.
- Data and research used to support DOT policy decisions will undergo independent peer review by qualified experts when required and consistent with law.
- The Department will facilitate the free flow of scientific and technological information, consistent with privacy and classification standards and applicable law. To this end, DOT will expand and promote access to scientific and technological information by making it available online in open formats, consistent with the Administration's Open Government Initiative. Where appropriate, this will include data and models underlying regulatory proposals and policy decisions.
- Political appointees will not suppress or alter scientific findings. They will not coerce employees to suppress or alter findings.
- The Department will have rigorous whistleblower protections to ensure scientific integrity in decision-making.
- The Department will not discipline an employee for refusing to alter findings at the request of a political appointee.
- The basis for the selection of candidates for science and technological positions will be the candidate's knowledge, credentials and experience. The Department will not hire individuals for these positions who do not have adequate credentials.
- The Department will identify, address, track, and resolve instances in which scientific integrity has been compromised.

In response to media requests concerning scientific dimensions of work, DOT will offer articulate and knowledgeable subject matter experts who can describe the work in an objective manner. With coordination from their immediate supervisor and the public affairs office, DOT scientists may speak to the media and the public about technological matters based on their official duties.

Supervisors and public affairs officers will not ask or direct federal scientists to alter or suppress findings. The Department will have mechanisms in place, as described in the forthcoming DOT Scientific Integrity Policy Implementation Manual, to resolve disputes that arise from decisions not to proceed with proposed interviews or other public information-related activities.

The Department promotes the professional development of its scientific staff that is consistent with Federal ethics rules, job responsibilities and existing DOT policy regarding political appointees. Scientific staff is encouraged to present research findings at professional meetings and to publish findings in professional and scholarly journals, consistent with applicable law. To the extent permitted by the federal ethics laws and regulations, DOT scientists can participate in professional societies and serve on committees, boards, and other working groups of these societies. Also, to the extent permitted by Federal ethics laws and regulations, scientists and engineers may receive honors and awards for their research and discoveries with the goal of minimizing, to the extent practicable, disparities in the potential for private-sector and public-sector scientists and engineers to accrue the professional benefits of such honors or awards.

The DOT will be transparent in its recruitment of members to Federal Advisory Committee Act committees (FACA committees) and its dissemination of professional biographic information of members. Except where prohibited by law, DOT will make any Conflict of Interest waivers granted to committee members publicly available. Factors to be considered in the selection of members to serve on a scientific or technical FACA committee will be expertise, knowledge, and contribution to the relevant subject area. Additional factors that may be considered are availability of the member to serve, diversity among members of the FACA committee, and the ability to work effectively on advisory committees. Committee membership will be balanced in terms of points of view represented with respect to the functions to be performed by the FACA committee. Unless prohibited by statute or regulation, all reports, recommendations, and other products produced by a scientific or technical FACA committee will be treated solely as products of such committee rather than of DOT, and thus are not subject to DOT revision.

Implementation

This memorandum implements all aspects of the attached White House memoranda. The Department will develop an accompanying Scientific Integrity Policy Implementation Manual to serve as further guidance on the issue.

I have designated Dr. Kevin Womack, the Research and Innovative Technology Administration's Associate Administrator for Research, Development and Technology, as the Department's Scientific Integrity Officer (DSIO) to provide DOT leadership, coordination and guidance. The DSIO will also be a point of contact with the corresponding Scientific Integrity Officers in the Operating Administrations.

Effective Date

The memorandum is effective immediately insofar as its principles shall be implemented at the soonest possible date. The entirety of the DOT Scientific Integrity Policy shall be effective upon publication of the forthcoming Scientific Integrity Policy Implementation Manual.

Authority (Statutes, Regulations, and Policy)

5 U.S.C. 301 allows the head of an Executive Department to prescribe regulations for the conduct of its employees.

The Information Quality Act, Consolidated Appropriations Act of 2001. Title V, Section 515 (Pub. L. 106-554).

Federal Acquisition Manual, 48 C.F.R. 1252.235-70, Research Misconduct.

Federal Policy on Research Misconduct, 65 F.R. 76260-76264, December 6, 2000.

DOT Order 1100.75. Implementation Guidance for Executive Office of the President, Office of Science and Technology Policy "Federal Policy on Research Misconduct." U.S. DOT, Research and Technology Coordinating Council, February 2002.

Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. 2635.

Attachments:

1. President's Memorandum on Scientific Integrity (March 9, 2009)
2. Memorandum for the Heads of Executive Departments and Agencies: Scientific Integrity, OSTP, December 17, 2010.

[Attachment 1]

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release March 9, 2009

**MEMORANDUM FOR THE HEADS OF
EXECUTIVE DEPARTMENTS AND AGENCIES**

SUBJECT: Scientific Integrity

Science and the scientific process must inform and guide decisions of my Administration on a wide range of issues, including improvement of public health, protection of the environment, increased efficiency in the use of energy and other resources, mitigation of the threat of climate change, and protection of national security.

The public must be able to trust the science and scientific process informing public policy decisions. Political officials should not suppress or alter scientific or technological findings and conclusions. If scientific and technological information is developed and used by the Federal Government, it should ordinarily be made available to the public. To the extent permitted by law, there should be transparency in the preparation, identification, and use of scientific and technological information in policymaking. The selection of scientists and technology professionals for positions in the executive branch should be based on their scientific and technological knowledge, credentials, experience, and integrity.

By this memorandum, I assign to the Director of the Office of Science and Technology Policy (Director) the responsibility for ensuring the highest level of integrity in all aspects of the executive branch's involvement with scientific and technological processes. The Director shall confer, as appropriate, with the heads of executive departments and agencies, including the Office of Management and Budget and offices and agencies within the Executive Office of the President (collectively, the "agencies"), and recommend a plan to achieve that goal throughout the executive branch.

Specifically, I direct the following:

1. Within 120 days from the date of this memorandum, the Director shall develop recommendations for Presidential action designed to guarantee scientific integrity throughout the executive branch, based on the following principles:

(a) The selection and retention of candidates for science and technology positions in the executive branch should be based on the candidate's knowledge, credentials, experience, and integrity;

- (b) Each agency should have appropriate rules and procedures to ensure the integrity of the scientific process within the agency;
- (c) When scientific or technological information is considered in policy decisions, the information should be subject to well-established scientific processes, including peer review where appropriate, and each agency should appropriately and accurately reflect that information in complying with and applying relevant statutory standards;
- (d) Except for information that is properly restricted from disclosure under procedures established in accordance with statute, regulation, Executive Order, or Presidential Memorandum, each agency should make available to the public the scientific or technological findings or conclusions considered or relied on in policy decisions;
- (e) Each agency should have in place procedures to identify and address instances in which the scientific process or the integrity of scientific and technological information may be compromised; and
- (f) Each agency should adopt such additional procedures, including any appropriate whistleblower protections, as are necessary to ensure the integrity of scientific and technological information and processes on which the agency relies in its decisionmaking or otherwise uses or prepares.

2. Each agency shall make available any and all information deemed by the Director to be necessary to inform the Director in making recommendations to the President as requested by this memorandum. Each agency shall coordinate with the Director in the development of any interim procedures deemed necessary to ensure the integrity of scientific decisionmaking pending the Director's recommendations called for by this memorandum.

3. (a) Executive departments and agencies shall carry out the provisions of this memorandum to the extent permitted by law and consistent with their statutory and regulatory authorities and their enforcement mechanisms.

(b) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) authority granted by law to an executive department, agency, or the head thereof; or

(ii) functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

4. The Director is hereby authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA

[Attachment 2]

December 17, 2010

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: John P. Holdren *JPH*
Assistant to the President for Science and Technology and
Director of the Office of Science and Technology Policy

SUBJECT: Scientific Integrity

On March 9, 2009, the President issued a Memorandum articulating six principles central to the preservation and promotion of scientific integrity and assigning to the Director of the Office of Science and Technology Policy the responsibility for ensuring the highest level of integrity in all aspects of the executive branch's involvement with scientific and technological processes.

Consistent with the President's memorandum, I am issuing this memorandum to provide further guidance to executive departments and agencies (agencies) to implement the Administration's policies on scientific integrity.

I. Foundations of Scientific Integrity in Government

Scientific and technological information is often a significant contributor to the development of sound policies. Thus it is important that policymakers involve science and technology experts where appropriate and that the scientific and technological information and processes relied upon in policymaking be of the highest integrity. Successful application of science in public policy depends on the integrity of the scientific process both to ensure the validity of the information itself and to engender public trust in Government. For this reason, agencies should develop policies that:

1. Ensure a culture of scientific integrity. Scientific progress depends upon honest investigation, open discussion, refined understanding, and a firm commitment to evidence. Science, and public trust in science, thrives in an environment that shields scientific data and analyses from inappropriate political influence; political officials should not suppress or alter scientific or technological findings.
2. Strengthen the actual and perceived credibility of Government research. Of particular importance are: a) ensuring that selection of candidates for scientific positions in the executive branch is based primarily on their scientific and technological knowledge, credentials, experience, and integrity, b) ensuring that data and research used to support

policy decisions undergo independent peer review by qualified experts, where feasible and appropriate, and consistent with law, c) setting clear standards governing conflicts of interest, and, d) adopting appropriate whistleblower protections.

3. Facilitate the free flow of scientific and technological information, consistent with privacy and classification standards. Open communication among scientists and engineers, and between these experts and the public, accelerates scientific and technological advancement, strengthens the economy, educates the Nation, and enhances democracy. Consistent with the Administration's Open Government Initiative, agencies should expand and promote access to scientific and technological information by making it available online in open formats. Where appropriate, this should include data and models underlying regulatory proposals and policy decisions.

4. Establish principles for conveying scientific and technological information to the public. The accurate presentation of scientific and technological information is critical to informed decision making by the public and policymakers. Agencies should communicate scientific and technological findings by including a clear explication of underlying assumptions; accurate contextualization of uncertainties; and a description of the probabilities associated with both optimistic and pessimistic projections, including best-case and worst-case scenarios where appropriate.

II. Public Communications

Agencies should develop public communications policies that promote and maximize, to the extent practicable, openness and transparency with the media and the American people while ensuring full compliance with limits on disclosure of classified information. Such policies should ensure that:

1. In response to media interview requests about the scientific and technological dimensions of their work, agencies will offer articulate and knowledgeable spokespersons who can, in an objective and nonpartisan fashion, describe and explain these dimensions to the media and the American people.
2. Federal scientists may speak to the media and the public about scientific and technological matters based on their official work, with appropriate coordination with their immediate supervisor and their public affairs office. In no circumstance may public affairs officers ask or direct Federal scientists to alter scientific findings.
3. Mechanisms are in place to resolve disputes that arise from decisions to proceed or not to proceed with proposed interviews or other public information-related activities.

III. Use of Federal Advisory Committees

Agencies should develop policies, in coordination with the General Services Administration and consistent with the Administration's guidance on lobbyists serving on Federal advisory committees (FACs)¹, for convening FACs tasked with giving scientific advice, consistent with the following:²

1. The recruitment process for new FAC members should be as transparent as practicable. Departments and agencies should, when practicable and appropriate, announce FAC member vacancies widely, including notification in the Federal Register with an invitation for the public to recommend individuals for consideration and for self-nominations to be submitted.
2. Professional biographical information (including current and past professional affiliations) for appointed committee members should be made widely available to the public (e.g., via a website) subject to Privacy Act and other statutory/regulatory considerations. Such information should clearly illustrate the individuals' qualifications for serving on the committee.
3. The selection of members to serve on a scientific or technical FAC should be based on expertise, knowledge, and contribution to the relevant subject area. Additional factors that may be considered are availability of the member to serve, diversity among members of the FAC, and the ability to work effectively on advisory committees. Committee membership should be fairly balanced in terms of points of view represented with respect to the functions to be performed by the FAC.
4. Except when prohibited by law, agencies should make all Conflict of Interest waivers granted to committee members publicly available.
5. Except when explicitly stated in a prior agreement between an agency and a FAC, all reports, recommendations, and products produced by FACs should be treated as solely the findings of such committees rather than of the U.S. Government, and thus are not subject to intra- or inter-agency revision.

IV. Professional Development of Government Scientists and Engineers

Agencies should establish policies that promote and facilitate, as permitted by law, the professional development of Government scientists and engineers. Such policies should, consistent with Federal ethics rules, job responsibilities, and existing agency policies regarding political appointees:

¹ <http://www.whitehouse.gov/the-press-office/presidential-memorandum-lobbyists-agency-boards-and-commissions>

² Peer-review committees convened solely for the purpose of reviewing research proposals to provide input on intra- or extramural funding decisions are *not* covered by this recommendation.

1. Encourage publication of research findings in peer-reviewed, professional, or scholarly journals.
2. Encourage presentation of research findings at professional meetings.
3. Allow Government scientists and engineers to become editors or editorial board members of professional or scholarly journals.
4. Allow full participation in professional or scholarly societies, committees, task forces and other specialized bodies of professional societies, including removing barriers for serving as officers or on governing boards of such societies.
5. Allow Government scientists and engineers to receive honors and awards for their research and discoveries with the goal of minimizing, to the extent practicable, disparities in the potential for private-sector and public-sector scientists and engineers to accrue the professional benefits of such honors or awards.

V. Implementation

The scope of an agency's scientific work and its relationship to the mission of each department or agency may necessitate distinct mechanisms be used by each to implement this guidance. In addition, the Director of the Office of Management and Budget (OMB) will be issuing guidance to OMB staff concerning the review of draft executive branch testimony on scientific issues prepared for presentation to the Congress. That guidance will provide standards that are to be applied during the review of scientific testimony. I ask that all agencies report to me within 120 days the actions they have taken to develop and implement policies in the areas above.

Nothing in this memorandum shall be construed to impair or otherwise affect:

- (i) authority granted by law to an executive department, agency, or the head thereof; or
- (ii) functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

Any questions regarding this memorandum should be directed to integrity@ostp.gov.