U.S. DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C. 20250

DEPARTMENTAL REGULATION	NUMBER: DR 1074-001
SUBJECT: Scientific Integrity	DATE: May 2, 2024
OPI: Office of the Chief Scientist	EXPIRATION DATE: May 2, 2029

1. PURPOSE

a. This Departmental Regulation (DR) establishes the U.S. Department of Agriculture's (USDA) Scientific Integrity policy and provides instruction and guidance to Departmental leadership and employees to ensure the highest level of integrity in all aspects of the Department's and USDA Mission Area's, agency's, and staff office's involvement with (and use of) scientific and technological processes, research, analyses, and products.

b. This DR includes instructions and guidance for decision makers as they develop public policies informed by science and relevant to food, agriculture, natural resources, rural development, and related issues. This DR is intended to instill public confidence in USDA research, evidence-based, and science-based public policymaking by articulating the principles of scientific integrity and the roles and responsibilities of all USDA employees, including career staff and political appointees, in upholding these principles.

2. SCOPE

a. This DR applies to:

(1) All USDA Mission Areas, agencies, and staff offices;

(2) All USDA employees, political and career, who:

(a) Engage in, supervise, manage, or report on scientific activities (see Appendix B(ff));

(b) Analyze or publicly communicate information resulting from scientific activities; and

(c) Utilize information derived from scientific activities in policy and decision making.

b. All contractors, cooperators, partners, permittees, lessees, grantees, and volunteers, who engage or assist in the activities identified in Section 2a(2)(a) through (c) on behalf of USDA, are expected to uphold the principles of scientific integrity established by this DR. However, any express requirements will be set forth in documents, such as individual agreements, contracts, statements of work, or memoranda of understanding, or established via issuance of a separate rule or other Departmental policy.

Research institutions that receive allegations of research misconduct involving USDA-funded extramural research should refer to *Research Institutions Conducting USDA-Funded Extramural Research; Research Misconduct*, 2 Code of Federal Regulations (CFR) Part 422.

3. SPECIAL INSTRUCTIONS/CANCELLATIONS

a. This DR supersedes DR 1074-001, *Scientific Integrity*, dated November 18, 2016.

b. Relative to the previously issued versions of DR 1074-001 (2016) and associated guidance, this updated DR 1074-001 continues to:

(1) Incorporate additional clarifications and provisions to ensure and promote scientific integrity in Departmental and USDA agency activities;

(2) Implement robust and well-defined procedures for responding to allegations of compromised scientific integrity;

(3) Harmonize the procedures previously used for responding to alleged violations of the USDA Scientific Integrity Policy with those used for responding to allegations of research misconduct made against USDA employees (see Departmental Manual (DM) 1074-001, *Procedures for Responding to Allegations of Compromised Scientific Integrity*);

(4) Clarify the roles of the USDA Chief Scientist, Departmental Scientific Integrity Officer (DSIO), and Agency Scientific Integrity Officers (ASIOs) in overseeing Departmental and USDA Mission Area, agency, and staff office responses to allegations of compromised scientific integrity; and

(5) Ensure that the work and views of USDA scientists are accurately represented in USDA media communications by providing Departmental guidance on the acknowledgement of public funding and the harmonization of language used for disclaimers to clarify the status of outside scientific publications.

c. This DR will not be interpreted to conflict with the rights of an employee under the law, including:

(1) The Federal Service *Labor-Management Relations* Statute (5 United States Code (U.S.C.) §§ 7101-7135);

(2) Applicable collective bargaining agreements;

(3) Those provisions of *Employees* statute (5 U.S.C. §§ 7101- 7901) relating to disciplinary action of employees;

(4) The *Whistleblower Protection Act of 1989* (WPA) Public Law (P.L.) 101-12; and

(5) The *Whistleblower Protection Enhancement Act of 2012* (WPEA) P.L. 112-199.

d. Additionally, this DR will not be interpreted to conflict with any rights accorded a union representative under the Federal Service Labor-Management Relations Statute when communicating as a union representative. Further, it is recognized that the implementation of this DR may be subject to collective bargaining.

4. BACKGROUND

a. On December 6, 2000, the White House Office of Science and Technology Policy (OSTP) published the *Federal Policy on Research Misconduct* in the Federal Register (FR) (65 FR 76260). The purpose of this Federal Government-wide policy was to enhance consistency in the responses to allegations of research misconduct that pertain to research conducted or supported by the Federal Government. The policy established:

(1) A Federal-wide definition of research misconduct;

(2) Criteria required for making a finding of research misconduct;

(3) A multi-phase process for responding to allegations of research misconduct; and

(4) Guidelines for safeguarding the interests of informants (hereafter referred to as complainants) and the subjects of allegations. The policy directed Federal Departments and Agencies that conduct or support research to implement the policy.

b. On March 9, 2009, the White House issued a Presidential Memorandum on *Scientific Integrity* for the Heads of Federal Departments and Agencies. This memorandum emphasized that the public must be able to trust the science and scientific process used to inform public policy decisions. As a follow-up to the Presidential Memorandum, OSTP issued a memorandum, *Scientific Integrity*, dated December 17, 2010, directing Federal Departments and Agencies to develop and implement scientific integrity policies to address:

(1) The foundations of scientific integrity;

(2) The public communication of scientific and technological findings;

(3) The use of Federal Advisory Committees (FAC) tasked with providing scientific advice; and

(4) The professional development of Federal Government scientists and engineers.

c. On January 27, 2021, the White House issued a *Memorandum on Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking* for the Heads of Federal Departments and Agencies. This memorandum reiterated the importance of public trust in science and scientific process used to inform public policy decisions as well as emphasizing the importance of protecting scientists, employees, and scientific processes from inappropriate influences including political interference. The memorandum directed the analysis of scientific integrity policies across the Federal Government which resulted in the publication of a report on current practices and a subsequent framework of principles to strengthen scientific integrity policies and practices across the Federal Government.

d. In January 2022, the National Science and Technology Council (NSTC) issued a report to the Heads of Federal Departments and Agencies titled, *Protecting the Integrity of Government Science*. This report was responsive to the 2021 Presidential Memorandum, which called for an interagency Scientific Integrity Task Force to review agency scientific integrity policies; consider whether they prevent political interference in the conduct, management, communication, and use of science; and identify effective practices for improving their implementation. The report identified the current practices across the government and recommended areas for additional consideration.

e. As a follow up to the report, on January 12, 2023, OSTP issued *A Framework for Federal Scientific Integrity Policy and Practice* (Framework) to Heads of Executive Departments and Agencies. The guidance, which is intended to serve as a roadmap to help strengthen scientific integrity policies and practices across the Federal Government, proposed five additional principles to foster a culture and practice of scientific integrity in the Federal Government, that address the following:

(1) Protection of legitimate scientific dissent;

(2) Scientific Integrity should be a "Whole of Government" undertaking;

(3) Science should be at the policy table to inform decision-making;

(4) Transparency in publicly sharing science; and

(5) Accountability for violation of Scientific Integrity.

f. On June 25, 2021, the President issued Executive Order (E.O.) 14035, *Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce*. In response to the E.O., USDA created and issued their *Diversity, Equity, Inclusion and Accessibility Strategic Plan* in March 2022, which seeks to create and advance a diverse, inclusive culture that champions dignity and respect, and where employees feel welcomed and motivated to do their best. A dynamic, inclusive environment is foundational for achieving a culture of scientific integrity. To support these goals, the strategic plan outlines six focus areas including:

(1) Build a culture that drives trust, belonging, transparency, accountability, and employee empathy;

(2) Achieve a workforce representative of Americans that inspires development of innovative ideas and best practices;

(3) Foster a workplace environment that is physically, mentally, and emotionally safe;

(4) Establish leadership and governance structures to support long-term and sustainable Diversity, Equity, Inclusion, and Accessibility (DEIA) efforts;

(5) Promote empowerment, responsibility, and accountability for DEIA through developing the workforce, and;

(6) Demonstrate a commitment to a diverse, equitable, inclusive, and accessible USDA through accountability, data collection, analysis, and effective policymaking.

g. On September 30, 1993, E.O. 12866, *Regulatory Planning and Review,* was issued. This E.O. directed Federal agencies to base their regulatory decisions on "the best reasonably obtainable scientific, technical, economic, and other information" concerning the need for, and consequences of, intended regulations. On January 18, 2011, E.O. 13563, titled *Improving Regulation and Regulatory Review,* was issued. Section 5 of this E.O. indicated that "[c]onsistent with the President's Memorandum for the Heads of Executive Departments and Agencies, "Scientific Integrity*"* (March 9, 2009), and its implementing guidance, each agency shall ensure the objectivity of any scientific and technological information and processes used to support the agency's regulatory actions." As further explained in a memorandum (Office of Management and Budget (OMB), Memorandum M-11-10, *Executive Order 13563, "Improving Regulation and Regulatory Review"*) issued on February 2, 2011, E.O. 13563 extends the President's 2009 Memorandum on Scientific Integrity to agency use of scientific and technological information relied upon to support regulatory actions. On April 6, 2023, E.O. 12866 was updated by E.O. 14094, *Modernizing Regulatory Review*, to enhance stakeholder involvement and build trust in the science and data analyses used to inform federal decisions.

h. This DR is issued in response to, and is consistent with, the Federal Policy on Research Misconduct, the 2009 Presidential Memorandum on Scientific Integrity, the 2010 OSTP Memorandum on Scientific Integrity, the 2021 Presidential Memorandum on Restoring Trust in Government through Scientific Integrity and Evidence-Based Policy Making, the 2022 NSTC Report on Protecting the Integrity of Government Science, and the 2023 OSTP Framework.

5. POLICY

Pursuant to the Federal Policy on Research Misconduct, the 2009 Presidential Memorandum on Scientific Integrity, the 2010 OSTP Memorandum on Scientific Integrity, the 2021 Presidential Memorandum on Restoring Trust in Government through Scientific Integrity and Evidence-Based Policy Making, the 2022 NSTC Report on Protecting the Integrity of Government Science, the 2023 OSTP Framework and in accordance with applicable statutes, regulations, trade agreements, or international protocols, Executive Orders, or Presidential Memoranda, the policy of the Department is to:

a. Promote a culture of scientific integrity. Science, and public trust in science, thrives in an environment that shields scientific data and analyses as well as their use in policymaking from political interference or inappropriate influence. Scientific findings and products must not be suppressed or altered for political purposes and must not be subjected to inappropriate influence. To help foster a culture of scientific integrity, the Department will:

(1) Ensure that all employees and contractors receive training in scientific integrity when hired.

(a) Employees and contractors (Section 2(b)), who have roles covered under Section 2(a)2, must receive role-based training.

(b) All other employees and contractors (Section 2(b)) must receive awareness training.

(2) Ensure that all covered employees and contractors (Section 5(a)1(a)) receive refresher training in scientific integrity biennially.

b. Select and retain candidates for scientific and technical positions at USDA based on the candidate's scientific and technical knowledge, credentials, experience, and integrity, and hold them and their supervisors to the highest standard of professional and scientific ethics, including those described in the *USDA Code of Scientific Ethics* (see Appendix D).

c. Ensure the quality, accuracy, and transparency of all scientific information used to support policy and decision making, including to:

(1) Use scientific information that is derived from well-established scientific processes;

(2) Ensure that scientific data, scientific products, and research used to support policy decisions have undergone independent peer review by qualified experts, where feasible and appropriate, and consistent with law (See OMB, Memorandum M-05-03, *Issuance of OMB's "Final Information Quality Bulletin for Peer Review"*);

(3) Reflect scientific information appropriately and accurately (including OMB *Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies*); and

(4) Make scientific findings or conclusions considered or relied on in policy decisions publicly available online and in open formats, to the extent practicable, consistent with the *Open Government Initiative*, the *Freedom of Information Act*, 5 U.S.C. § 552, as amended by the *OPEN Government Act of 2007,* P.L. 110-175, the *Administrative Procedure Act*, 5 U.S.C. §§ 551-559 and other applicable statutes, regulations or document-handling procedures and policies. Where feasible and appropriate, the following will also be provided: information on the specific approach, data, and models used to develop such scientific conclusions, including a clear explanation of underlying assumptions and uncertainties; and, where appropriate, probabilities associated with a range of projections or scenarios.

d. Continue to develop policies (in coordination with the General Services Administration and consistent with the Administration's guidance on lobbyists serving on FACs) for convening FACs tasked with giving scientific advice, consistent with the following:

(1) The recruitment process for new FAC members should be as transparent as practicable. When practicable and appropriate, FAC member vacancies will be

announced widely, including notification in the Federal Register with an invitation for the public to recommend individuals for consideration and for self-nominations;

(2) Professional biographical information of FAC appointees (including current and past affiliations) will be made widely available to the public (e.g., via a website) subject to the Privacy Act and other statutory or regulatory considerations. The information should clearly illustrate the appointees' qualifications for serving on the committee;

(3) The selection of members to serve on a scientific or technical FAC will be based on expertise, knowledge, and contribution to the relevant subject area. Additional factors for consideration will include the 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, USDA will make all Conflict of Interest waivers granted to the committee members publicly available; and

(5) Except when explicitly stated in a prior agreement between USDA and a FAC, all reports, recommendations, and products produced by FACs will be treated as solely the findings of such committees rather than of the U.S. Government, and will not be subjected to intra- or inter-agency revision.

(6) FAC reports, recommendations, and other products are strictly advisory. The Department and USDA Mission Areas, agencies, and staff offices are not obligated to implement committee scientific recommendations, unless specifically provided by statute or Presidential directive.

e. Facilitate the free flow of scientific and technological information, and support scientific integrity in the communication of scientific findings and products. The facilitation of the dissemination of scientific and technological information will be to the extent allowed by, and consistent with, privacy and classification standards, as well as with other applicable policies (for example, *The United States Government Policy for Oversight of Life Sciences Dual Use Research of Concern*, issued March 29, 2012 and the *United States Government Policy for Institutional Oversight of Life Sciences Dual Use Research of Concern*, issued September 24, 2014) and guidelines for communicating scientific information responsibly.

(1) Accordingly, the Department will:

(a) Encourage, but not require, USDA scientists to participate in communications with the media regarding their scientific findings (data and results). Scientists should coordinate media queries or opportunities (e.g., requests for interviews, requests for submissions of written commentary, etc.) with their immediate

supervisors and public affairs offices in accordance with the applicable policies of their respective Mission Areas, agencies or staff offices. Agencies are expected to coordinate with the Office of Communications (OC), which provides a centralized operational direction for communications about the work of the Department. The OC's role in communications regarding research and analysis done by USDA scientists is to assist with presentation, style, and logistics of the communications, and to advise on potential media requests or media outreach strategies. USDA agencies and staff offices may also identify and offer knowledgeable spokespersons, other than the scientist who originally received the media query, to respond to the query in an objective, non-partisan, and articulate manner.

(b) Ensure that the work and views of USDA scientists are accurately represented in USDA media communications. Additionally, as required by section 5(f) of DR 1410-001, *Publications Review and Clearance Policy*, the additional requirements will be implemented to disclose the funding status, including potential conflict of interest, and, as necessary, to differentiate the status of products of scientific activity from official policy positions.

1 All outside publications should continue to acknowledge and disclose the public funding of the published work by USDA (and any other sources of funding). Funding acknowledgement statements raise the visibility of USDA-funded research efforts and allows the public to readily identify publications from USDA scientists and employees.

A model funding acknowledgement statement is:

> "This [research or work or presentation] was supported [in part] by the U.S. Department of Agriculture, [insert agency name]."

2 Each agency within USDA will continue to use its own internal policies and discretion to determine when the inclusion of a disclaimer statement is warranted as part of any outside scientific and technical publication by USDA scientists and employees, who are appearing in their official capacity and whose work has not been formally disseminated by the Department as official government positions. When such a disclaimer is deemed necessary to identify the status of the publication, uniform language will be used that states:

> "The findings and conclusions in this [publication or presentation or blog or report] are those of the author(s) and should not be construed to represent any official USDA or U.S. Government determination or policy."

(c) Ensure that USDA scientists can communicate their scientific findings (data and results) objectively without political interference or inappropriate

influence, while at the same time complying with USDA policies and procedures for planning and conducting scientific activities, reporting scientific findings, and reviewing and releasing scientific products. This includes permitting scientists to communicate scientific information on social media platforms as is consistent with Departmental and Mission Area, agency or staff office policies. Scientific communications for non-USDA media (e.g., manuscripts and presentations for scientific journals, workshops, conferences, and symposia) should adhere to agency technical review procedures.

1 When reporting scientific findings or communicating with the media or the public in their official capacities as USDA employees, USDA scientists should refrain from making or publishing statements that could be construed as being judgments of, or recommendations on, USDA or any other Federal Government policy, unless they have secured appropriate prior approval to do so. Such communications should remain within the bounds of their scientific or technological findings, unless otherwise authorized.

2 When communicating with the media or the public in their personal capacities, USDA scientists may express their personal views and opinions; however, they should not claim to officially represent the Department or its policies, or use the Department or other U.S. Government seals or logos. Personal or private activities must not violate Federal ethics rules.

(d) Ensure that scientific information is accurately represented in all external communications including responses to Congressional inquiries, testimony and other external publications.

(2) USDA officials, including public affairs officers, may not direct USDA scientists and technology experts to alter scientific and technological research findings for political or public relations purposes.

(3) USDA officials, including public affairs officers, may neither ask nor suggest that USDA scientists and technology experts alter the presentation of their scientific findings in a manner that may compromise the objectivity or accurate representation of those findings.

(a) USDA scientists and technology experts are free to express differing scientific opinions about scientific findings (data and results) and USDA officials may not retaliate against these employees for their differing opinions.

(4) The provisions in this DR are not meant to limit the obligations of political appointees and agency leadership in setting research priorities or the priorities of other scientific activities. The provisions in this DR are also not intended to limit the ability of USDA public affairs staff to make decisions about whether or not the Department issues press releases or other external communications vehicles about research findings and other scientific activities.

f. Encourage USDA scientists and other USDA employees involved in USDA scientific activities to interact with the broader scientific community, in a manner that is consistent with Federal rules of ethics, job responsibilities, and existing agency policies, and to the extent that is practicable given the availability of funding to support such interactions and any budgetary restraints. This includes:

(1) Encouraging publication of research findings in peer-reviewed, professional, or scholarly journals;

(2) Encouraging presentation of research findings at professional meetings;

(3) Allowing service on editorial boards or as editors of professional or scholarly journals;

(4) Allowing participation in professional societies, committees, task forces, and other specialized bodies of professional societies, including removing barriers to serving as officers or on governing boards of such societies, to the extent allowed by law; and

(5) Allowing honors and awards to be received for contributions to scientific activities, discoveries, and products 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 recognition of such honors or awards.

(6) USDA employees who have general questions about financial conflicts of interest, activities involving foreign entities, Federal criminal ethics statutes, the *Ethics in Government Act* (5 U.S.C. Part IV), and the executive branch-wide *Standards of Ethical Conduct for Employees of the Executive Branch*, 5 CFR Part 2635, should seek advice and guidance from USDA's Office of Ethics (OE) at DAEO.ethics@usda.gov.

g. Ensure that mechanisms are in place to respond to allegations of compromised scientific integrity (See Appendix E and DM 1074-001).

h. Protect USDA employees who uncover and report allegations of compromised scientific integrity in good faith, as well as those USDA employees alleged to have compromised scientific integrity in the absence of a finding that the individual compromised scientific integrity, from prohibited personnel practices (as defined in *Prohibited Personnel Practices*, 5 U.S.C. § 2302(b)).

i. Continue to comply with the requirements of the WPA, and its expanded protections enacted by the act, *To Reauthorize the Office of Special Counsel and for Other Purposes*, P.L. 103-424, and the WPEA. The USDA will also continue to comply with all Department- and agency-specific WPA regulations, rules, and policies.

(1) USDA employees, former USDA employees, and applicants for USDA employment who make allegations of compromised scientific integrity consistent with the WPA and the WPEA may seek redress for retaliation as provided under these Acts.

(2) Those individuals who believe they have been improperly retaliated against may contact the USDA Office of Inspector General (OIG), the USDA Whistleblower Protection Ombudsman, the U.S. Office of Special Counsel or a combination of these points of contact.

j. Prohibit the compromise of scientific integrity, including research misconduct. (See Appendices B(dd) and B(hh)(1)).

6. SUMMARY OF PROCESS FOR HANDLING ALLEGATIONS OF COMPROMISED SCIENTIFIC INTEGRITY

a. The procedures for responding to allegations of compromised scientific integrity, including research misconduct, are described in DM 1074-001. The DM establishes a multi-phase framework for responding to allegations of compromised scientific integrity, including, as applicable, inquiry, investigation, adjudication, and appeal phases, consistent with the Federal Policy on Research Misconduct. The DM also establishes safeguards for those who make allegations of compromised scientific integrity (informants or complainants) in good faith and the subjects (respondents) of said allegations.

b. To establish a finding that scientific integrity has been compromised:

(1) There must be a loss or breach of scientific integrity (*see* Appendix B(9hh)(1)) in the conducting or reporting of scientific activities, or the use or application of the results of scientific activities; and

(2) There must be a failure to comply with the policies set forth in this DR or a significant departure from accepted practices of the relevant research, scientific, or statistical community; and

(3) The allegation must be proven by a preponderance of evidence.

c. Research misconduct is a subset of compromised scientific integrity.

(1) To establish a finding of research misconduct:

(a) The alleged behavior must fall within the definition of research misconduct (i.e., fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results); and

(b) There must be a significant departure from accepted practices of the relevant research community; and

(c) The misconduct must be committed intentionally, knowingly, or recklessly; and

(d) The allegation must be proven by a preponderance of evidence.

(2) Research misconduct does not include honest error or differences of opinion.

d. For the purposes of this DR, accepted practices of the relevant research or scientific community include, but are not limited to, those delineated in the USDA Code of Scientific Ethics.

7. ROLES AND RESPONSIBILITIES

a. The Under Secretary for USDA's Research, Education and Economics (REE) Mission Area, as the Chief Scientist, will have responsibilities, which may be delegated as appropriate, that include:

(1) Overseeing all aspects of this DR;

(2) Having oversight authority for USDA proceedings to review and resolve allegations of compromised scientific integrity;

(3) Providing leadership for the Department on scientific integrity;

(4) Ensuring Departmental compliance with this DR and DM 1074-001 for responding to allegations of compromised scientific integrity, including recognition of, and prompt action is taken to address and prevent, compromised scientific integrity;

(5) Seeking consultation with the USDA Science Council in regard to implementation of this DR;

(6) Reviewing USDA mission area, agency, and office compliance with this DR;

(7) Updating this DR and any accompanying guidance, as appropriate; and

(8) Designating the duties of the DSIO to a senior career staff person with scientific or scholarly credentials or both.

b. The DSIO will:

(1) Serve as the primary Department-level contact for questions regarding the policies of this DR;

(2) Develop training and conduct outreach activities to facilitate USDA employee awareness and understanding of the policies of this DR;

(a) Coordinate reporting of training compliance and training module availability; and

(b) Report results to OSTP as required by the Framework.

(3) Serve as the Scientific Integrity Officer for the Office of the Secretary;

(4) Serve as the USDA Scientific Integrity Official;

(a) Serve as the USDA representative on the NSTC Subcommittee on Scientific Integrity;

(b) Keep ASIOs and USDA scientific integrity community aware of scientific integrity developments across the government.

(5) Serve as a neutral point of contact (ombudsman) for receiving allegations of compromised scientific integrity that are made against USDA employees through the OIG hotline, directly from the public, or from other sources;

(6) Refer allegations of compromised scientific integrity, if received by the DSIO, to the appropriate ASIO within 5 days of receipt, unless the ASIO is the individual alleged to have compromised scientific integrity or has an identified conflict of interest;

(7) Provide oversight of Departmental and agency responses to allegations of compromised scientific integrity referred for an inquiry or investigation, including:

(a) Reviewing ASIO-submitted reports of allegations and their disposition; and

(b) Maintaining a status report of responses to allegations as a means of monitoring the progress toward resolution;

(8) Serve as the USDA Research Integrity Officer (USDA RIO) as described in Research Institutions Conducting USDA-Funded Extramural Research; Research Misconduct (2 CFR Part 422);

(9) Coordinate with the Office of the General Counsel (OGC), OIG, OE, Office of Human Resources Management, OC, the Office of the Chief Information Officer (OCIO), and other offices, as necessary, to ensure that scientific integrity-related policies are aligned and guidance is appropriate and consistent;

(10) Report any potentially criminal behavior to OIG that is uncovered during the course of responding to an allegation of compromised scientific integrity, and coordinate with the appropriate USDA entity to ensure that all records, documents, or other materials related to the allegation are provided to OIG;

(11) Keep the Chief Scientist and the Science Council informed on the status of the implementation of this DR and any compliance concerns, as warranted;

(a) Lead formation and serve as chair of the Scientific Integrity Committee under the Science Council; and

(b) Periodically report to the Science Council on the activities of the Scientific Integrity Committee.

(12) Maintain a publicly accessible website with the following or a link to the following:

(a) This DR;

(b) Procedures for reporting and responding to allegations of compromised scientific integrity;

(c) Contact information for the DSIO and ASIOs; and

(d) A summary of closed scientific integrity cases involving formal allegations referred for an inquiry or investigation. The summary will include a description of the nature and disposition of the allegations.

c. Assistant Secretaries and Under Secretaries will:

(1) Ensure that their respective Mission Areas, agencies and staff offices comply with this DR and DM 1074-001; and

(2) Ensure that applicable USDA Mission Area, agency, and staff office policies and guidance are consistent with this DR.

d. USDA Agencies will:

(1) Implement this DR as it pertains to their agency;

(2) Develop agency-specific scientific integrity policies and guidance, as appropriate and necessary, including appropriate language in contracts, grants, permits, leases, and cooperative agreements;

(3) Ensuring, to the extent practicable, that agency publications fairly and accurately assign authorship to contributing scientists and employees where applicable as described in the USDA Code of Scientific Ethics, Appendix D;

(4) Coordinate, as necessary, with the appropriate employee relations and labor management staff, ethics officer, information integrity officer, peer review officer, public affairs officer, the DSIO, advisory committee Designated Federal Officers, contracting and grant personnel, and others to ensure that agency policies and guidance are consistent with this DR;

(5) Ensure that agency employees, who are covered by the scope of this DR, are aware of the policies in the DR and the procedures for reporting allegations of compromised scientific integrity;

(6) Provide agency employees, who are covered by the scope of this DR, with any necessary guidance and training to understand and fulfill their responsibilities under this DR and any agency-specific guidance on scientific integrity;

(7) Ensure that contractors, cooperators, partners, permittees, lessees, grantees, and volunteers are aware of any applicable obligations (as specified in agreements, contracts, statements of work, memorandum of understanding, etc.) that they are to uphold, as applicable to the nature and scope of their work;

(8) Monitor and report compliance with this DR to the DSIO, including activities undertaken to implement the DR;

(9) Ensure that the DSIO is notified of all allegations of compromised scientific integrity referred for an inquiry or investigation, and that the DSIO receives periodic reports on the status of the responses to said allegations;

(10) Ensure that inquiry and investigation reports, decision memoranda, and other substantive documents generated in the course of responding to allegations of compromised scientific integrity are provided to the DSIO, if requested; and

(11) Appoint an agency employee to serve as the ASIO. The appointee must be a career appointee (i.e., non-political appointee), and should have previous experience conducting scientific activities and sufficient institutional authority, stature, and credentials to be able to fulfill the required responsibilities.

e. USDA Staff Offices:

(1) Will apply the responsibilities delineated for agencies in Section 6d(1) through (11) to their staff offices and employees, as applicable;

(2) May, but are not required to, appoint an office employee to serve as the Scientific Integrity Officer.

(a) If an individual is appointed to serve as a Scientific Integrity Officer, the individual must be a career appointee (i.e., non-political appointee), and should

have previous experience conducting scientific activities and sufficient institutional authority, stature, and credentials to be able to fulfill the required responsibilities. For the purposes of this DR, individuals appointed to serve as Scientific Integrity Officers for Departmental staff offices are considered to be ASIOs.

(b) If a Departmental staff office does not appoint an individual, the DSIO will fulfill the ASIO responsibilities for that office as they apply to the receipt and handling of allegations of compromised scientific integrity;

f. ASIOs will:

(1) Keep agency or staff office leadership informed on the status of implementation of this DR;

(2) Receive and process allegations of compromised scientific integrity in accordance with DM 1074-001;

(3) Serve as a representative on the Scientific Integrity Committee of the USDA Science Council;

(4) Conduct an initial assessment of allegations and submitted materials received from the DSIO, OIG, or other sources, following established procedures, to determine whether the allegations pertain to compromised scientific integrity and the appropriate handling of said allegations;

(5) Notify the DSIO of all allegations of compromised scientific integrity referred for an inquiry or investigation, including notifying the DSIO within 10 days of an ASIO's initial assessment determination that an allegation should be referred for an inquiry;

(6) Coordinate with the DSIO and appropriate employee relations or labor relations staff on responses to all allegations of compromised scientific integrity referred for an inquiry or investigation so as to facilitate the integrity of, and consistency in, the process used across the Department for responding to said allegations;

(7) Provide oversight of proceedings to address allegations of compromised scientific integrity;

(8) Provide records (e.g., inquiry and investigation reports, evidentiary exhibits, decision memoranda) if requested, and status reports to the DSIO of the disposition of allegations;

(9) Notify immediately OIG and the DSIO if behavior that is or may be criminal in nature is discovered at any point during the agency or staff office response to allegations of compromised scientific integrity; and

(10) Serve as, and fulfill the responsibilities of, the Agency Research Integrity Officer (ARIO) as described in 2 CFR 422, unless an agency specifically designates another individual to serve as the ARIO for handling allegations of research misconduct involving USDA-funded extramural research.

g. Managers and Supervisors, who are covered under the scope of this DR or have management or supervisory responsibilities for employees covered under Section 2a(2) of this DR, will:

(1) Be aware of and uphold the principles contained in this DR, including the USDA Code of Scientific Ethics (Appendix D);

(2) Implement and comply with this DR and DM 1074-001 as it pertains to their area of management or supervision;

(3) Abide by the USDA Code of Scientific Ethics and adhere to accepted professional values and practices of the relevant research or scientific communities so as to ensure scientific integrity;

(4) Report any knowledge of compromised scientific integrity to the ASIO;

(5) Ensure that their employees, who are covered under Section 2a(2) of this DR, are informed about and receive training on this DR; and

(6) Consult, as appropriate depending upon the nature of the allegation, with the ASIO, human resources officer, contracting and grant personnel, ethics officer, DSIO, OIG, OGC, and the Office of the Assistant Secretary of Civil Rights.

h. Employees who are covered under Section 2(a)(2):

(1) Will participate in training to become aware of the principles contained in this DR, and the USDA Code of Scientific Ethics (Appendix D);

(2) Must comply with this DR and any additional agency or office-specific policies and guidance pertaining to scientific integrity;

(3) Must abide by the USDA Code of Scientific Ethics, and adhere to accepted professional values and practices of the relevant research or scientific communities so as to ensure scientific integrity; and

(4) Are encouraged to report to the ASIO or DSIO any knowledge of compromised scientific integrity.

i. Contractors, cooperators, partners, permittees, lessees, grantees, and volunteers, who engage or assist in the activities identified in Section 2a(2) on behalf of USDA are

expected to uphold the principles of scientific integrity set forth in this DR. However, any express requirements will be set forth in individual agreements, contracts, statements of work, memoranda of understanding, or established via issuance of a separate rule or other Departmental policy.

Research institutions that receive allegations of research misconduct involving USDA-funded extramural research should also refer to Research Institutions Conducting USDA-Funded Extramural Research; Research Misconduct (2 CFR Part 422).

8. INQUIRIES

Questions about this DR should be directed to the Office of the Chief Scientist and the DSIO at researchintegrity@usda.gov. Additional contact information can be found on the Office of the Chief Scientist (OCS) Scientific Integrity and Research Misconduct website.

-END-

APPENDIX A

ACRONYMS AND ABBREVIATIONS

ARIO	Agency Research Integrity Officer
ASIO	Agency Scientific Integrity Officer
CFR	Code of Federal Regulations
DEIA	Diversity, Equity, Inclusion, and Accessibility
DM	Departmental Manual
DR	Departmental Regulation
DSIO	Departmental Scientific Integrity Officer
E.O.	Executive Order
FAC	Federal Advisory Committee
FR	Federal Register
Framework	OSTP publication, A Framework for Federal Scientific Integrity Policy and Practice
IACUC	Institutional Animal Care and Use Committee
IRB	Institutional Review Board
NSTC	National Science and Technology Council
OC	Office of Communications
OCS	Office of the Chief Scientist
OE	Office of Ethics
OGC	Office of the General Counsel
OIG	Office of Inspector General
OMB	Office of Management and Budget
OSTP	Office of Science and Technology Policy
P.L.	Public Law
REE	Research, Education and Economics
RIO	Research Integrity Officer
U.S.C.	United States Code
USDA	United States Department of Agriculture
WPA	Whistleblower Protection Act of 1989
WPEA	Whistleblower Protection Enhancement Act of 2012

APPENDIX B

DEFINITIONS

a. Accessibility. The design, construction, development, and maintenance of facilities, information and communication technology, programs, and services so that all people, including people with disabilities, can fully and independently use them. Accessibility includes the provision of accommodations and modifications to ensure equal access to employment and participation in activities for people with disabilities, the reduction or elimination of physical and attitudinal barriers to equitable opportunities, a commitment to ensuring that people with disabilities can independently access every outward-facing and internal activity or electronic space, and the pursuit of best practices such as universal design.

b. Adjudication. The stage in response to an allegation of compromised scientific integrity when the outcome of the investigation is reviewed and a determination is made as to whether scientific integrity was compromised and what corrective actions are warranted.

c. Advisory Committee. Any committee, board, commission, council, conference, panel, task force, or other similar group that is established by statute, or established or utilized by the President or by an agency official, for the purpose of obtaining advice or recommendations for the President or on issues or policies within the scope of an agency official's responsibilities.

d. Agency. An organizational unit of the Department, other than a staff office, whose head reports to an Under Secretary.

e. Agency Scientific Integrity Officer (ASIO). The individual appointed by a USDA agency or staff office who is responsible for overseeing agency or staff office responsibilities and activities related to scientific integrity, including receiving and overseeing agency or staff office responses to allegations of compromised scientific integrity. ***NOTE:*** *For allegations of research misconduct involving USDA-funded extramural research, ASIOs will also serve as, and fulfill the responsibilities of, the ARIO, as described in 2 CFR 422, unless an agency specifically designates another individual to serve as the ARIO.*

f. Allegation. A disclosure of a suspected compromise of scientific integrity through any means of communication. The disclosure may be by written or oral statement, or by other means of communication to a USDA official.

g. Appeal. The stage in the response to an allegation of compromised scientific integrity when a respondent (i.e., the individual against whom the allegation has been made), who has been found to have compromised scientific integrity, may appeal the finding or corrective actions to restore scientific integrity.

h. Conflict of Interest. Any financial or non-financial interest that conflicts with the actions or judgments of an individual when conducting scientific activities because it could: (1) impair the individual's objectivity; (2) create an unfair competitive advantage for any person or organization; or (3) create the appearance of either (1) or (2).

i. Corrective Action. A corrective action is an administrative action that is recommended and implemented for the purpose of ensuring or restoring scientific integrity based on finding(s) that scientific integrity was compromised. For the purposes of this DR, corrective actions do not include adverse personnel actions or disciplinary actions. ***NOTE:*** *Procedures for implementing adverse personnel actions or disciplinary actions are not covered by this DR or DM 1074-001. Such actions may be proposed and implemented as allowed by and in accordance with other USDA policy, procedure, or applicable collective bargaining agreement, separate from this DR, based on final findings that scientific integrity was compromised (i.e., those findings adjudicated by an agency or staff office and, if appealed, upheld by the USDA Chief Scientist).*

(1) The following is a non-exhaustive list of corrective actions, some or all of which may be recommended and implemented, based on findings that scientific integrity was compromised. The implementation of certain of these actions may require further proceedings as specified in other USDA rules, regulations, or policies.

(a) Government-wide debarment;

(b) Removal from a particular research project, or suspension or termination of an active research award;

(c) Correction or retraction of published scientific products;

(d) Correction or retraction of USDA media releases pertaining to scientific products;

(e) Release of inappropriately suppressed scientific products;

(f) Monitoring or supervision of future USDA scientific activities, use of scientific information, or dissemination of scientific information;

(g) Required validation of data or sources (references and contributors); and

(h) Training or mentoring.

j. Decision-makers. Employees who may: (1) develop policies or make determinations about policy or management; (2) make determinations about expenditures of USDA funds; (3) implement or manage activities that involve, or rely on, scientific activities; or (4) supervise employees who engage in or report on scientific activities.

k. Designated Federal Officer. An individual designated by the agency head, for each advisory committee for which the agency head is responsible, to implement the provisions of sections 10(e) and (f) of the Federal Advisory Committee Act, P.L. 92-463, and any advisory committee procedures of the agency.

l. Diversity. The practice of including the many communities, identities, races, ethnicities, backgrounds, abilities, cultures, and beliefs of the American people, including underserved communities.

m. Equity. The consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment.

n. Extramural Research. Research or scientific activities conducted by any research institution other than the Federal agency to which the funds supporting the activities were appropriated. Research institutions conducting extramural research may include Federal research facilities.

o. Fabrication. Making up data or results and recording or reporting them.

p. Falsification. Manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record.

q. Financial Interest. Any matter affecting a personal financial interest or a financial interest imputed to the individual (including, but not limited to, the individual's spouse and any entity for which the individual serves in a personal capacity as an officer or board member, such as due to fiduciary duties to the organization under state law). (*Acts Affecting a Personal Interest*, 18 U.S.C. § 208)

This definition will be applied consistently with any rule issued by the U.S. Office of Government Ethics permitting the appointment of Federal employees to serve in their official capacities on the boards of directors and as officers of nonprofit organizations, including scientific organizations, professional societies, and similar bodies that are actively involved in matters under the jurisdiction of the Department. (*Government Employees Serving in Official Capacity in Nonprofit Organizations; Sector Unit Investment Trusts*, 76 FR 24816)

r. Inappropriate Influence. The attempt to shape or influence scientific activities or findings, objective communication about, or the production or use of a scientific product against the judgment of a non-partisan and apolitical scientific or statistical agency. More specifically, it includes, but is not limited to:

(1) The suppression of an agency's responsibility to offer its best judgment on how to most accurately and reliably study or measure a given phenomenon;

(2) The decision to prevent an agency from using state-of-the-art science;

(3) The insistence on the preclearance of a scientific product, which is based on state-of-the-art science, for purposes other than providing advance notification or an opportunity to review for technical merit; or

(4) The suppression, alteration, or delay of the release of a scientific product for any reason other than technical merit or providing advance notification, as determined through standard agency or staff office procedures.

s. Inclusion. The recognition, appreciation, and use of the talents and skills of employees of all backgrounds.

t. Inquiry. The stage in the response to an allegation of compromised scientific integrity when an assessment is made to determine whether the allegation has substance and whether an investigation is warranted.

u. Intramural Research. Research or scientific activities conducted by a Federal agency to which funds were appropriated for the purpose of conducting the activities.

v. Investigation. The stage in the response to an allegation of compromised scientific integrity when the factual record is formally developed and examined, leading to a recommendation to dismiss the allegation, make a finding that scientific integrity was compromised, or implement corrective actions to restore scientific integrity.

w. Non-financial Conflict of Interest. Individual participation in a matter where one of the parties has, or is represented by someone with whom the individual has, a covered relationship (including, but not limited to, a spouse's employer and any entity for which the individual is actively involved in a personal capacity) (5 C.F.R. 2635.502(b)).

x. Office of the Secretary. The immediate office of the Secretary, the Deputy Secretary, and the Under and Assistant Secretaries.

y. Plagiarism. The appropriation of another person's ideas, processes, results, or words without giving appropriate credit. ***NOTE:*** *The proposing and conducting of research often involves collaboration and may result in the joint development of products (e.g., concepts, methods, descriptive language, results, etc.). The ownership of such jointly developed products is often unclear, and a collaborative history may support a presumption of implied consent for individual collaborators to independently use jointly developed products. For these reasons, disputes among collaborators pertaining to subsequent independent use of products resulting from prior joint efforts may be determined to involve authorship or credit disputes rather than plagiarism.*

z. Political Interference. To engage in *Inappropriate Influence* in an attempt to gain partisan or regional advantage. More specifically, it includes, but is not limited to:

(1) The politically motivated suppression of an agency's responsibility to offer its best judgment on how to most accurately and reliably measure a given phenomenon;

(2) The politically motivated decision to prevent an agency from using state-of-the-art science;

(3) The politically motivated insistence on the pre-clearance of a major scientific product that is based on state-of-the-art science; and

(4) The politically motivated suppression, alteration, or delay of the release of a scientific product for any reason other than technical merit or providing advance notification, as determined through standard agency or staff office procedures.

aa. Preponderance of the Evidence. Proof by information that, compared with that opposing it, leads to the conclusion that a particular matter or asserted fact is probably more true than not. (A "preponderance of the evidence" is a lower burden of proof than "by clear and convincing evidence" or "beyond a reasonable doubt.")

bb. Recklessly. Compromising scientific integrity "recklessly" is characterized by a conscious or willful disregard for ensuring scientific integrity that a reasonable individual would take in like circumstances.

cc. Research. Research means a systematic investigation, including research development, testing, and evaluation, designed to develop or contribute to generalizable knowledge. Research includes all basic, applied, and demonstration research in all fields of science, technology, engineering, and mathematics. This includes, but is not limited to, research in economics, education, linguistics, medicine, nutrition, psychology, natural sciences, social sciences, statistics, and research involving human subjects, animals, and *in vitro* and *in silico* techniques. Activities which meet this definition constitute research (scientific activity) for purposes of this policy, whether or not they are conducted or supported under a program which is considered "research" for other purposes. For example, some demonstration and service programs may include research or scientific activities.

dd. Research Misconduct. Fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results. Research misconduct does not include honest error or differences of opinion.

ee. Research Record. The record of data or results that embody the facts resulting from scientific inquiry, and includes, but is not limited to, research proposals, laboratory records, progress reports, abstracts, theses, oral presentations, internal reports, and journal articles. Research records may exist in physical, electronic, or other forms.

ff. Scientific Activities. Activities, such as data collection, inventorying, monitoring, statistical analysis, surveying, observations, experimentation, study, research, analysis, integration, economic analysis, forecasting, predictive analytics, modeling, scientific

assessment, and technology development, that involve the application of well-accepted scientific methodologies in a systematic manner. Activities which meet this definition constitute scientific activity for purposes of this policy, whether or not they are conducted or supported under a program which is considered "research" for other purposes. For example, some demonstration and service programs may include scientific activities

gg. Scientific Assessment. Evaluation of a body of scientific, economic, or technical knowledge, which typically synthesizes multiple factual inputs, data, models, assumptions, or applies best professional judgment to bridge uncertainties in the available information. Scientific assessments include, but are not limited to, state-of-science reports; technology assessments; weight-of-evidence analyses; meta-analyses; health, safety, or ecological risk assessments; toxicological characterizations of substances; integrated assessment models; hazard determinations; and exposure assessments.

hh. Scientific Integrity. The adherence to professional practices, ethical behavior, and the principles of honesty and objectivity when conducting, managing, using the results of, and communicating about science and scientific activities. Inclusivity, transparency, and protection from inappropriate influence are hallmarks of scientific integrity.

(1) For the purposes of this regulation:

(a) Scientific Integrity is also the condition resulting from such adherence.

(b) This condition ensures objectivity, clarity, and reproducibility, while providing insulation from fabrication, falsification, plagiarism, bias, inappropriate influence, political interference, censorship, as well as from inadequate procedural and information security.

(2) Compromise of Scientific Integrity. The loss or breach of scientific integrity in the conducting or reporting of scientific activities, or the use or application of the results of scientific activities. Compromised scientific integrity includes, but is not limited to:

(a) Using scientific products that are not representative of the current state of scientific knowledge and research (for example because of a lack of appropriate peer review, poor methodology, or flawed analyses) to inform decision making and policy formulation;

(b) Misrepresenting the underlying assumptions, uncertainties, or probabilities of scientific products, both USDA products and externally produced products;

(c) Inappropriately influencing, or politically interfering with, funding, design, proposal, conduct, review, management, evaluation, or reporting of scientific activities or resulting scientific products (*see* Appendix B(r) and B(z));

(d) Inappropriately influencing, or politically interfering with, the release of scientific products (*see* Appendix B(r) and B(z));

(e) Inappropriately suppressing or censoring the objective communication of findings (i.e., data and results) resulting from scientific activities;

(f) Inappropriately altering or misrepresenting scientific products in public communications; and

(g) Inappropriately restricting resources or capacity that would limit and reduce scientific activities or the availability of scientific products outside of normal budgetary or priority-setting processes or without scientific justification.

(3) Compromised scientific integrity also includes research misconduct (*see* Appendix B(dd)).

(4) For the purposes of this DR, compromised scientific integrity does not include ethical improprieties and regulatory non-compliance that do not constitute a loss or breach of scientific integrity as defined in Appendix B(hh)(1). Examples of such improprieties include but are not limited to: misallocation of funds, sexual harassment, discrimination, and breaches of human subject protections or animal welfare requirements. ***NOTE:*** *Breaches of human subject protections or animal welfare requirements should be reported, respectively, to the appropriate Institutional Review Board (IRB) or Institutional Animal Care and Use Committee (IACUC).*

ii. Scientific Product. The results of scientific activities, including the analysis, synthesis, compilation, tool or translation of scientific, statistical, economic, and technological information and data into formats for the use of USDA or the Nation. Official policy, budget, or management documents are not considered scientific products. For the purposes of this DR, a regulatory impact analysis is also not considered to be a scientific product; however, the use and representation of scientific information in a regulatory impact analysis is covered by this DR (see Section 5c).

jj. Staff Office. A Departmental administrative office whose head reports to an official within the Office of the Secretary.

kk. Statistical Agency. A Federal statistical agency is a unit of the Federal Government whose principal function is the compilation and analysis of data and the dissemination of information for statistical purposes.

ll. Transparent (Transparency). Characterized by visibility or accessibility of information (the quality or state of being transparent).

mm. Underserved Communities. Populations sharing a particular characteristic, as well as geographic communities, that have been systemically denied a full opportunity to participate in aspects of economic, social, and civic life. In the context of the Federal workforce, this term includes individuals who belong to communities of color, such as Black and African American, Hispanic, and Latino, Native American, Alaska Native, and Indigenous, Asian American, Native Hawaiian and Pacific Islander, Middle Eastern, and North African persons. It also includes individuals who belong to communities that face discrimination based on sex, sexual orientation, and gender identity (including lesbian, gay, bisexual, transgender, queer, gender nonconforming, and non-binary (LGBTQI+) persons); persons who face discrimination based on pregnancy or pregnancy-related conditions; being parents; and being caregivers. It also includes individuals who belong to communities that face discrimination based on their religion or disability; first-generation professionals or first-generation college students; individuals with limited English proficiency; immigrants; individuals who belong to communities that may face employment barriers based on older age or former incarceration; persons who live in rural areas; veterans and military spouses; and persons otherwise adversely affected by persistent poverty, discrimination, or inequality. Individuals may belong to more than one underserved community and face intersecting barriers.

nn. USDA Departmental Scientific Integrity Officer (DSIO). The individual designated by the USDA Chief Scientist who is responsible for implementing this DR under the direction of the Chief Scientist and the USDA Science Council, and who is responsible for providing oversight of, and consultation on, Departmental and agency responses to allegations of compromised scientific integrity. ***NOTE:*** *For allegations of research misconduct involving USDA-funded extramural research, the DSIO will also serve as, and fulfill the responsibilities of, the USDA RIO, as described in 2 CFR Part 422.*

oo. USDA Science Council. A group representing USDA Mission Areas and offices, chaired by the USDA Chief Scientist, to facilitate cross-Department coordination and collaboration among all USDA agencies.

APPENDIX C

AUTHORITIES AND REFERENCES

2 CFR Part 422, *Research Institutions Conducting USDA-Funded Extramural Research; Research Misconduct*

5 CFR Part 735, *Employee Responsibilities and Conduct*

5 CFR Part 2635, *Standards of Ethical Conduct for Employees of the Executive Branch*

7 CFR § 2.21(a)(11), *Office of the Secretary, USDA*, *Delegations of Authority to the Under Secretary for Research, Education, and Economics Related to Scientific Integrity*

7 CFR § 2.69, *Office of the Secretary, USDA, Establishment of the Office of the Chief Scientist*

65 FR 76260-76264, *Federal Policy on Research Misconduct*, December 6, 2000

67 FR 8452-8460, *Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies*, February 22, 2002

70 FR 2664-2677, *Final Information Quality Bulletin for Peer Review*, December 16, 2004

73 FR 12622-12626, *Statistical Policy Directive No. 4: Release and Dissemination of Statistical Products Produced by Federal Statistical Agencies*, March 6, 2008

76 FR 24816, *Government Employees Serving in Official Capacity in Nonprofit Organizations; Sector Unit Investment Trusts*, May 3, 2011

79 FR 71610-71616, *Statistical Policy Directive No. 1: Fundamental Responsibilities of Federal Statistical Agencies and Recognized Statistical Units*, December 2, 2014

84 FR 14682-14684, *Statistical Policy Directive No. 3: Compilation, Relevance, and Evaluation of Principal Federal Economic Indicators*, April 11, 2019

5 U.S.C. Part IV, *Ethics in Government Act*

5 U.S.C. § 301, *Departmental Regulations*

5 U.S.C. §§ 551-559, *Administrative Procedure Act*

5 U.S.C. § 552, *Freedom of Information Act*

5 U.S.C. § 2302(b), *Prohibited Personnel Practices*

5 U.S.C. §§ 7101-7135, *Labor-Management Relations*

5 U.S.C. §§ 7101- 7901, *Employees*

18 U.S.C. § 208, *Acts Affecting a Personal Interest*

E.O. 12866, *Regulatory Planning and Review*, September 30, 1993

E.O. 13563, *Improving Regulation and Regulatory Review,* January 18, 2011

E.O. 14035, *Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce, June 25, 2021*

E.O. 14094, *Modernizing Regulatory Review*, April 6, 2023

Federal Advisory Committee Act, P.L. 92-463, October 6, 1972, as amended

Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994, P.L. 103-354, October 13, 1994

HHS, The United States Government Policy for Oversight of Life Sciences Dual Use Research of Concern, March 29, 2012

HHS, United States Government Policy for Institutional Oversight of Life Sciences Dual Use Research of Concern, September 24, 2014

Information Quality Act, P.L. 106-554, Section 515, December 21, 2000

NSTC, *Protecting the Integrity of Government Science*, January 2022

OMB, *Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies*, October 1, 2001

OMB, Memorandum M-11-10, *Executive Order 13563, "Improving Regulation and Regulatory Review*, February 2, 2011

OMB, Memorandum M-05-03, *Issuance of OMB's "Final Information Quality Bulletin for Peer Review"*, December 16, 2004

OPEN Government Act of 2007, P.L. 110-175, December 31, 2007

OSTP, *A Framework for the Federal Scientific Integrity Policy and Practice*, January 2023

OSTP, *Scientific Integrity*, December 17, 2010

To Reauthorize the Office of Special Counsel and for Other Purposes, P.L. 103-424, October 29, 1994

USDA, *Diversity, Equity, Inclusion and Accessibility Strategic Plan*, March 2022

USDA, DR 1041-001, *Advisory Committee Management*, February 8, 1993

USDA, DM 1074-001, *Procedures for Responding to Allegations of Compromised Scientific Integrity*, XX/XX, 2023

USDA, DR 1410-001, *Publications Review and Clearance Policy*, January 14, 2021

USDA, DR 1495-001, *New Media Roles, Responsibilities, and Authorities*, May 23, 2011

USDA, DR 4070-735-001, *Employee Responsibilities and Conduct*, October 4, 2007

USDA, Ethics Issuance No. 09-1, *Ethics Issues Related to USDA Scientists*

Whistleblower Protection Act of 1989 (WPA), Public Law 101-12, April 10, 1989

Whistleblower Protection Enhancement Act of 2012 (WPEA), Public Law 112-199, November 27, 2012

White House, Presidential Memorandum, *Memorandum on Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking*, January 27, 2021

White House, Presidential Memorandum, *Scientific Integrity*, March 9, 2009

White House, website, *Open Government Initiative*

APPENDIX D

USDA CODE OF SCIENTIFIC ETHICS

1. I dedicate myself to the pursuit, promotion, and advancement of scientific knowledge.

2. I will design, conduct, manage, evaluate, and report scientific research honestly and thoroughly, and will disclose any conflicts of interest to my supervisor or other appropriate USDA official(s) for their determination as to whether a recusal, disclaimer, or other appropriate notification would be appropriate.

3. I will prevent abuse of all research resources entrusted to me, and will conduct research involving the participation of human subjects and the use of non-human animals in accordance with applicable, established, ethical standards.

4. I will not compromise scientific integrity.

5. I will make all reasonable efforts to ensure the accuracy of the research record and to correct identified inaccuracies that pertain to my contribution to the research reported in the research record.

6. I will not willfully hinder the research of others.

7. I will welcome constructive criticism of my scientific research and offer the same to my colleagues in a manner that fosters mutual respect amid objective scientific debate.

8. I will recognize, as appropriate (i.e., in accordance with accepted practices of the relevant research community), past and present contributors to my research and will neither accept nor assume unauthorized or unwarranted credit for another's accomplishments.

9. I will claim authorship for a research product only if I am willing to be held responsible for both the interpretation of the data and the conclusions as presented.

10. I will claim authorship for a research product only if I have made a major intellectual contribution (as part of conception, design, data collection, data analysis, or interpretation) and made significant contributions to its preparation (written, reviewed, or edited).

11. I will not publish or use the original ideas, unpublished research data, or unpublished findings of others without, as appropriate (i.e., in accordance with accepted practices of the relevant research community), securing written approval or providing acknowledgment.

12. I will refrain from duplicative publication of the same research findings as original.

13. I will show appropriate diligence toward preserving and maintaining research resources, such as records of data and results that are entrusted to me.