

**Guidance on Scientific Integrity Issued by GSA to
Executive Department and Agency Committee Management Officers
February 7, 2011**

On December 17, 2010, Dr. John Holdren, Assistant to the President for Science and Technology, and Director of the Office of Science and Technology Policy (OSTP), issued a memo for the Heads of Executive Departments and Agencies on scientific integrity. Dr. Holdren's Memo provides guidance to implement the six principles central to the preservation and promotion of scientific integrity that were outlined in the President's March 9, 2009 memo.

Section III of Dr. Holdren's Memo, **Use of Federal Advisory Committees**, directs agencies to develop policies, in coordination with the General Services Administration, for convening Federal advisory committees tasked with giving scientific advice (*please note this guidance is not applicable to peer review committees convened solely for the purpose of reviewing research proposals to provide input on intra- or extramural funding decisions*). Dr. Holdren's Memo directs agencies to develop policies, consistent with the Administration's guidance on lobbyists serving on Federal advisory committees, that are also consistent with: a transparent recruitment process for new Federal advisory committee members; making member bios widely available to the public (subject to the Privacy Act and other applicable legislation); a balanced committee membership; making conflict of interest waivers publicly available, except where prohibited by law; and regarding Federal advisory committee products as the findings of the committee and not the U.S. Government. Agencies are required to report to Dr. Holdren within 120 days (approximately April 17) regarding the actions they have taken to develop and implement the policies discussed in Dr. Holdren's Memo.

GSA's Guidance on Implementing Section III

1. For agencies with peer review committees that are not covered under Dr. Holdren's Memo (those convened solely for the purpose of reviewing research proposals to provide input on intra- or extramural funding decisions), those agencies should note, in their response to Dr. Holdren, that some of their committees fall under this exclusion.
2. Agencies should determine, if they haven't already, which committees in their agency are "tasked with giving scientific advice," and document in their files the process used to make that determination.
3. If there are any agencies that do not have committees "tasked with giving scientific advice," those agencies should work with their FACA attorneys and other appropriate agency officials to determine an appropriate response to Dr. Holdren.
4. Unless all of the Federal advisory committees at an agency are "tasked with giving scientific advice," the policies developed in response to Dr. Holdren's Memo may not apply to an agency's Federal advisory committees agency-wide. In addition, the approval process for modifying the administrative guidelines for implementing the Federal Advisory Committee Act at an agency may not make it viable to revise its administrative guidelines in time to meet the April deadline. Therefore, GSA recommends addressing Dr. Holdren's Memo through an addendum to each agency's current administrative guidelines.

5. Several requirements in Dr. Holdren's Memo speak to agency-specific procedures, including recruitment and selection of Federal advisory committee members, and making professional biographical information for appointed committee members widely available to the public, such as via a website. A number of agencies already have policies that implement many of these requirements, and agencies should work with their FACA attorneys and other appropriate agency officials to determine how to capture and highlight this information, or address these requirements if policies are not currently in place. Each agency's policy for implementing the GSA Committee Management Secretariat Federal Advisory Committee Membership Balance Plan guidance should be cited in support of ensuring committee membership is fairly balanced in terms of the points of view represented and the functions to be performed by its Federal advisory committees.
6. Agency responses to Dr. Holdren's Memo should be sent directly to Dr. Holdren in OSTP, with a copy to the GSA Committee Management Secretariat for GSA's records.
7. As a reminder, the FACA statute (5 U.S.C. App, Section 5(b)(3)) and the FACA implementing regulations (41 CFR 102-3.105(g)) require that the advice and recommendations of advisory committees will not be inappropriately influenced by the appointing authority or by any special interest, but will instead be the result of the advisory committee's independent judgment.

Since each agency has its own administrative guidelines, we did not see the benefit of suggesting a common government-wide format for a response. We would appreciate each agency keeping their GSA FACA Desk Officers informed of progress on this effort, and sharing drafts of their agency's response, as appropriate. The GSA FACA Desk Officers are willing to assist, in whatever way they can, as agencies develop or document their policies for complying with Dr. Holdren's Memo.

Other Relevant GSA Guidance

GSA Guidance on the Use of Lobbyists on Federal Advisory Committees
(<http://www.gsa.gov/portal/content/103799>)

GSA Guidance on Preparing a Membership Balance Plan

Other Factors to Consider

HR 1144 – Transparency and Openness in Government Act -Title I of this Act is the Federal Advisory Committee Act Amendments. This bill was referred to the House Committee on Oversight and Government Reform on March 17, 2011. Many of the provisions of Section III of Dr. Holdren's memo are addressed in this draft bill.

GSA's New FACA Website (www.gsa.gov/efaca) will provide interested observers with links (via RSS Feed) of the latest FAC membership nomination notices. [Please note: This site is expected to go "live" on April 1, but the RSS feeds will not be active for at least another month due to technical difficulties).

Information on all Federal advisory committees is available on www.fido.gov/facadatabase