U.S. DEPARTMENT OF COMMERCE — DEPARTMENT ADMINISTRATIVE ORDER 216-23: SCIENTIFIC INTEGRITY

Effective Date: August 19, 2026 (current revision)

SECTION 1. PURPOSE.

.01 Scientific integrity in the production and use of science by the Federal Government is critical to maintaining the trust of the American people and ensuring confidence in government decisions informed by science.

.02 This Department Administrative Order ("Order") establishes the expectations and procedures required to maintain Scientific Integrity at the U.S. Department of Commerce (Department).

SECTION 2. AUTHORITY.

.01 This Order is issued under the authority of 5 U.S.C. §§ 301, 302 and 15 U.S.C. §§ 1511, 1512.

.02 This Order is issued in accordance with Executive Order 14303 and "Agency Guidance for Implementing Gold Standard Science in the Conduct & Management of Scientific Activities" issued by the Executive Office of the President's Office of Science and Technology Policy on June 23, 2025.

SECTION 3. DEFINITIONS.

.01 "Department" refers to the Department of Commerce, including all Operating Units, Department bureaus, offices, and administrations.

.02 Covered Individuals. This Order applies to all persons at the Department who are engaged in Science, who conduct or manage Scientific Activities, or who handle or manage Scientific Information. This designation includes:

a. Government Personnel: Federal employees (as defined in 5 U.S.C. § 2105), political appointees, trainees, interns, and advisory committee members, including all members of Federal Advisory Committee Act (FACA) Committees (5 U.S.C. § 1001 et seq.); and

b. Non-Government Associates: Contractors, cooperators, affiliates, associates, partners, co-regulators, permittees, lessees, grantees, and volunteers acting pursuant to an agreement, contract, statement of work, memorandum of understanding, financial assistance award, or other document governing their relationship with the Department.

.03 "Science" refers to the full spectrum of scientific endeavors, including basic science, applied science, evaluation science, behavioral and social sciences, public health and medical sciences, life and earth sciences, engineering, physical sciences, economics, or probability and statistics. It also refers to the scientific and

technical information derived from these endeavors.

.04 “Scientific Activities” are activities that involve the application of scientific methods and theories and include, but are not limited to: data collection, inventorying, monitoring, statistical analysis, surveying, observations, experimentation, study, scientific research, integration, economic analysis, forecasting, predictive analytics, modeling, technology development, and scientific assessment.

.05 “Scientific information” is defined as factual inputs, data, models, analyses, technical information, or scientific assessments related Science as defined in Section 3.03 above. This includes but is not limited to such disciplines as the behavioral and social sciences, public health and medical sciences, life and earth sciences, engineering, physical sciences, economic data, or probability and statistics. This also includes any communication or representation of knowledge such as facts, statistics, or data, in any medium or form, including textual, numerical, graphic, cartographic, narrative (verbal), or audiovisual forms.

.06 “Research Misconduct” is defined as the fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results, including Scientific Activities. Research Misconduct does not include honest error or differences of opinion.

a. “Fabrication” is making up data or results and recording or reporting them;

b. “Falsification” is 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; and

c. “Plagiarism” is the appropriation of another person’s ideas, processes, results, or words without giving appropriate credit.

.07 “Scientific Integrity” is defined as the adherence to professional practice, ethical behavior, and the principles of honesty, objectivity, and transparency when conducting, managing, peer reviewing, using the results of, and communicating about Scientific Activities and Scientific Information.

.08 Department Operating Units. For purposes of this Order, an “Operating Unit” of the Department consists of any office of the Department defined in Section 3, subpart c of Department Organizational Order (DOO) 1-1.

SECTION 4. SCOPE.

.01 This Order establishes Department-wide policy and minimum requirements for Scientific Integrity related to Science, Scientific Activities, and Scientific Information generated, used, or managed by Covered Individuals.

.02 Operating Units within the Department may institute their own scientific integrity procedures or policies.

a. Any Operating Unit that adopts or implements its own policies and procedures under this section must ensure that those policies and procedures do not conflict with or supersede those contained within this Order, EO 14303, or the OSTP Guidance for Gold Standard Science, except where required by law.

b. The Department’s Scientific Integrity Officer is responsible for ensuring that all Operating Unit policies are in alignment with this Order, EO 14303, and the OSTP Guidance for Gold Standard Science.

SECTION 5. ROLES AND RESPONSIBILITIES.

.01 Department Scientific Integrity Official

a. The Secretary of Commerce shall designate a senior Department Employee to act as the Department Scientific Integrity Officer (SIO) to oversee the implementation of this Order and ensure compliance by Covered Individuals and Operating Unit heads. The Department SIO shall report to the Deputy Secretary. In absence of such designation, the Deputy Secretary or their designee shall serve as the Department SIO.

b. The Department SIO, contingent upon available resources, shall lead training and outreach initiatives to facilitate Covered Individuals' awareness and understanding of this Order.

c. The Section is designed to mirror that contained within DAO 216-23. Should that DAO be revised or rescinded, these passages shall survive and apply to this Order.

.02 Scientific Integrity Committee

a. Convening and Scope. When allegations of Research Misconduct or violations of Scientific Integrity arise (as defined in Section 6), the SIO shall conduct a preliminary inquiry to determine whether the allegations are sufficiently substantial to warrant a formal investigation. If the SIO determines that an investigation is warranted, the SIO shall convene a Scientific Integrity Committee (SIC). The SIC is an ad hoc body tasked with reviewing the specific allegation or set of related allegations, and it shall dissolve upon the fulfillment of its duties.

b. This authority applies specifically when the relevant Operating Unit lacks a standing policy and procedure for investigating alleged Research Misconduct or violations of Scientific Integrity.

c. Composition and Qualifications. To ensure a fair, decisive, and expert review, the SIC shall be composed of five (5) Department Employees selected by the SIO. The SIO shall not serve as a member of the Committee. The Committee structure shall be as follows:

1. Chairperson: A Senior-level employee with significant experience in research administration, ethics, or management.

2. Legal Representative: One member selected from the Department's Office of General Counsel (or the equivalent office of the Operating Unit where the allegation occurred).

3. Subject Matter Experts (3): Three members selected for their specific technical knowledge relevant to the allegation. These members must possess appropriate scientific credentials and pertinent expertise to evaluate the evidence.

4. To ensure impartiality, at least one Subject Matter Expert should be selected from an Operating Unit different from the one where the allegation originated.

a. Conflicts of Interest. Before any investigation begins, all prospective members of the SIC must disclose any financial, professional, or personal conflicts of interest related to the allegations, including any conflicts involving the Complainant or the Respondent. Any member found to have a verified conflict may be recused and replaced prior to the start of the investigation.

b. Adjudication Procedures. Allegations shall be adjudicated according to the existing policies and procedures of the Operating Unit where the alleged misconduct occurred. If the Operating Unit does not possess a

standalone policy, the allegation shall be reviewed and adjudicated pursuant to the standards outlined in Sections 6 and 7 of this Order.

c. Special Referrals. In the event that an allegation is made against an Employee or individual under the direct supervision of the Office of the Secretary or the Office of the Deputy Secretary, the SIO shall refer the matter to the Department's Office of the Inspector General (OIG) for review.

SECTION 6. INVESTIGATING ALLEGATIONS OF RESEARCH MISCONDUCT AND VIOLATIONS OF SCIENTIFIC INTEGRITY.

.01 Research Misconduct by Covered Individuals is prohibited. Research Misconduct does not include honest error or differences of opinion.

.02 Violations of Scientific Integrity by Covered Individuals is also prohibited.

.03 All allegations of Research Misconduct or violations of Scientific Integrity brought against Covered Individuals will be thoroughly assessed to determine if they are credible.

.04 Covered Individuals working within an Operating Unit that maintains established policies and procedures for addressing Research Misconduct and violations of Scientific Integrity shall adhere to that Unit's specific protocols for reporting alleged misconduct. The Operating Unit retains the authority to assess, investigate, and adjudicate allegations in accordance with its internal standards, provided those standards remain consistent with the directives set forth in Section 4.02. To ensure oversight, Operating Units must submit confidential, semiannual reports regarding the status and resolution of all allegations to the Department's Scientific Integrity Officer.

.05 Reporting Allegations. Any individual who has knowledge of suspected Research Misconduct or violations of Scientific Integrity that occur at an Operating Unit not covered by paragraph 6.04 above may make an allegation of Research Misconduct or violation of Scientific Integrity. This person shall be known below as the "Complainant." All allegations shall be made in writing to the Department's SIO. The written complaint should contain all of the following information, if applicable, before a complaint can be evaluated:

a. The name of each Covered Individual alleged to have engaged in Research Misconduct or violations of Scientific Integrity;

b. A statement of facts (e.g., dates, locations, actions) that support the allegation, including when and how the Complainant first learned the facts, and citations or other information identifying the alleged acts of fabrication, falsification, or plagiarism committed by the Respondent

c. A list of documents supporting the allegation;

d. A list of witnesses, if any, who can corroborate the allegation;

e. An explanation of any conflict of interest that the Complainant has with the Respondent or the subject matter of the allegation; and

f. A statement indicating whether the allegation has been submitted elsewhere, such as to the Respondent or the Office of the Inspector General, and the status of such submission.

.06 Allegation Assessment by the Scientific Integrity Officer.

a. Within 14 calendar days of receiving a written allegation of Research Misconduct or violations of Scientific Integrity, the Department's SIO shall conduct a review of the merits of the allegation to determine whether it falls within the scope of this Order, and if so, whether it warrants an official investigation.

b. Should the SIO determine that the allegation does not warrant further action, then the issue shall be closed, and the SIO shall notify the Respondent and the Complainant of the decision, and the reasoning for such decision.

c. If the SIO determines that the allegation warrants an investigation, then the SIO will form a SIC to conduct a full investigation, in accordance with Section 5.02 above.

d. Referral to Respondent Organization: If the Respondent is a Covered Individual who is not a Department Employee, but is subject to Section 3.02(b), the SIO shall notify the appropriate grants or contracting officer, who will in turn, notify the Respondent organization of their responsibility to address the allegations per the award or agreement terms. These organizations have the primary responsibility to prevent, detect, and investigate allegations of Research Misconduct and violations of Scientific Integrity. The designated grant or contracting officer will keep the SIO informed on the status of the institution's review of the allegation.

SECTION 7. INVESTIGATIONS.

.01 The following procedures shall apply to an SIC performing an official investigation of allegations of Research Misconduct or violations of Scientific Integrity under this Order.

.02 The SIC shall have up to 120 calendar days to complete its investigation, from the date that it is formed by the SIO. During the investigation, the Scientific Integrity Committee shall:

a. Collect additional information from the Complainant as appropriate.

b. Assess the allegation to determine whether the Respondent's alleged conduct constitutes Research Misconduct or violations of Scientific Integrity.

c. During the investigation phase, the Complainant may recommend additional witnesses who may provide testimony. The Respondent shall be permitted to provide written information and witness testimony to counter the allegation, and may suggest additional avenues of investigation, witnesses, or questions for the SIC's consideration. The SIC may meet together to question witnesses and examine counter evidence provided by the Respondent. Additionally, the SIC may independently seek, obtain, and consider any relevant information, evidence, or testimony not provided by either the Complainant or the Respondent, including but not limited to documents, data, expert opinions, or witness accounts identified through the course of its investigation. The SIC may determine at its discretion which lines of inquiry to pursue; if the SIC decides not to pursue a suggestion made by the Respondent, it shall state its reasons in the final report. Investigations will be conducted promptly, fairly, and confidentially, ensuring due process for all parties involved.

d. Report on Findings. Within 30 calendar days of completing its Investigation, the SIC shall provide a report of its findings. A majority of members of the SIC must agree with the findings before it can be submitted to the SIO. This report shall contain:

1. A Description of the allegation(s);

2. A Summary of process used by the SIC;

3. A Summary of the records reviewed and the witness testimony reviewed; and

4. A Recommendation.

e. Recommendations. The SIC shall make a recommendation for one of following three findings and actions to be taken by the Department:

1. Finding: No research misconduct or violations of Scientific Integrity occurred. Action: The allegation(s) shall be dismissed against the Respondent; or

2. Finding: There was honest error. Action: The allegations shall be dismissed against the Respondent because no research misconduct or violations of Scientific Integrity occurred. Specific recommendations on how to correct the scientific record shall be made, as appropriate; or

3. Finding: Research misconduct or violations of Scientific Integrity occurred. Action: Recommend any specific corrective action by the Department to restore the scientific record or scientific integrity.

f. Final Determination. Upon receiving the SIC's report, the Department's SIO shall have seven days to review its findings and recommendations and make a final determination as to whether a Covered Individual violated this Order. Based on that determination, the SIO shall recommend any appropriate disciplinary or corrective actions. The SIO shall also ensure that the relevant Operating Units of the Department carry out the requirements of Section 7.03 and Section 7.04.

.03 Correcting the Scientific Record. Scientific Information that contains falsifications, fabrications or plagiarism must be corrected. Operating Unit or Departmental Office must take appropriate actions to update the record. In addition, Scientific Information that contains incorrect information due to honest error must also be corrected. Notice of any updates to Scientific Information made in accordance with this section shall be communicated to the appropriate audiences and stakeholders both inside and outside the Department. Requests for Correction that fall under the Information Quality Act (IQA) should be handled according the Department's or Operating Unit's IQA guidance.

.04 Disciplinary and Corrective Action shall be taken following a finding that a Covered Individual violated this Order.

a. Respondents who are Department employees, or fall under the definition of Section 3.02, shall be referred to the appropriate supervisor in their Operating Unit by the SIO. Depending on the severity of the violation, disciplinary actions may include:

1. Written warning or reprimand

2. Mandatory training on scientific integrity

3. Suspension from Research or decision-making roles

4. Termination of employment or appointment

5. Referral to external authorities for legal violations (e.g., fraud or misconduct involving federal funds)

b. The Human Resources (HR) officials in the Respondent's Operating Unit shall follow their established procedures and policies for taking any disciplinary action. Covered Individuals subject to disciplinary action shall retain any right to appeal that disciplinary action through the HR grievance process outlined in the Operating Unit's established HR policies and procedures.

c. Organizations representing non-federal employee Respondents shall provide a copy of their organization's allegation response to their respective Grants or Contracting Officer, or equivalent official within the relevant Operating Unit per procedures established in the award/agreement terms. That official, in consultation with Federal Program Officer and scientific integrity official(s), may take actions, up to and including:

1. Termination of any contracts or financial assistance agreements, where appropriate;

2. Termination of any partnerships where appropriate;

3. Termination of any rights owed to the Respondent by the Department of Operating Unit, by contract.

d. Respondents will retain any right to file a grievance or otherwise protest in accordance with established procedures or policies in place.

SECTION 8. CONFIDENTIALITY.

.01 Protection of Identity. Disclosure of the identity of respondents, complainants, and witnesses as part of investigations described in Section 7 shall be limited, to the extent possible, to those who need to know in order to ensure a thorough, competent, objective, and fair process. Those who may need to know include, but are not limited to, institutional review boards, journals, editors, publishers, co-authors, and collaborating institutions.

.02 Duration of Confidentiality. This confidentiality protection applies throughout the course of the investigation. Once a final determination has been made, the limitation on disclosure of identity no longer applies with respect to the findings.

.03 Consultation and Investigation. Maintaining confidentiality does not prohibit officials from consulting, on a confidential basis and to the extent necessary, with other offices, individuals, or external persons with relevant experience or expertise needed to thoroughly investigate the allegations.

.04 Disclosure to Government Authorities. The identity of respondents, complainants, or other relevant persons may be disclosed to appropriate federal oversight bodies or government agencies as required by law or regulation.

.05 Protection of Research Subjects and Data Confidentiality must be maintained for any records or evidence from which research subjects might be identified. Nothing in this policy prohibits officials from managing published data or communicating with relevant publications regarding data that may be unreliable, without revealing the details of any ongoing investigation.

SECTION 9. EFFECT ON OTHER ORDERS AND LAWS.

.01 This Order supersedes the previous versions of DAO 216-23, dated January 15, 2025.

.02 This Order otherwise is in addition to, and does not alter the requirements of any other applicable federal statutes, regulations, or policies, or other Operating Unit or Department administrative orders. These include, but are not limited to:

a. Department Administrative Order 219-1, "Public Communications" (2008)

b. Information Quality Act (Public Law 106-554, Section 15)

c. Office of Management and Budget (OMB), _Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies_; Republication. 67 FR 8452 (2002)

d. Office of Management and Budget, _Final Information Quality Bulletin for Peer Review_. 70 FR 2664 (2005)

e. Office of Management and Budget, Memorandum M-05-03 (2004), _Final Information Quality Bulletin for Peer Review_

f. Office of Management and Budget, Memorandum M-19-15 (2019), _Improving Implementation of the Information Quality Act_

g. Office of Management and Budget, Memorandum M-19-18 (2019), Federal Data Strategy – _A Framework for Consistency_

h. Federal Policy on Research Misconduct, 65 F.R. 76,260 (December 6, 2000)

i. Foundations for Evidence-Based Policymaking Act of 2018

j. OMB Circular A-130

k. 5 CFR Part 2635 – Standard of Ethical Conduct for Employees of the Executive Branch

l. 2 CFR Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

m. Department Administrative Order 202-751, “Discipline” (1980)

.03 This Order shall not be interpreted to conflict with the rights of an employee under the law, including, but not limited to, the following:

a. The provisions within Federal Service Labor-Management Relations Statute 5 U.S. Code Chapter 75 – Adverse Actions, relating to disciplinary action of employees; and

b. The Whistleblower Protection Act of 1989, as amended (5 U.S.C. §§ 1201 et seq.), Merit Systems Protection Board, Office of Special Counsel, and Employee Right of Action.

Signed by:Secretary of Commerce

Office of Primary Interest: Office of Policy and Strategic Planning