

A. Accountability & Influence

A1. Agency telephone and email directories so that citizens can contact employees concerning specific matters at each agency.

Each agency shall provide a searchable online directory of all agency staff and any contractor with an agency office, email address, or phone number. Directories shall be updated in a timely fashion to reflect hirings, resignations, etc. Directories shall be searchable websites, with the ability to search by employee name or organization, and shall include employee name, title, organization, email address, mailing address, and phone number. Each agency shall link to the directory from the home page of its website. A common location should be recommended, e.g., example.gov/directory or example.gov/staff. OMB should explore providing federated search across all agencies.

Many agencies now provide a staff directory, but often inadequately. GSA's Federal Citizen Information Center maintains a list of these directories (<http://www.info.gov/phone.htm>). For instance:

- The State Department provides two separate PDF files: an Organizational Directory (<http://www.state.gov/documents/organization/112065.pdf>) which lists staff by organization with name, title, room number, and phone number; and an Alphabetical Listing of Employees (<http://www.state.gov/documents/organization/111781.pdf>) with the same information. Both lack email addresses and complete mailing addresses, and are riddled with unexplained acronyms.
- EPA's Employee Directory (<http://cfpub.epa.gov/locator/index.cfm>) is a searchable website which includes name, phone number, email address, and mailing address, but not staff title or organization. It lacks the ability to search by organization.

A2. Visitor logs for each of the agency's decision-makers, to be made public in timely (every 3 months at a minimum) fashion.

If the agency is not currently keeping such records, the agency should have a system in place to both store and make public visitor logs within three months. Exemptions could be established to address privacy issues and other concerns related to non-policy meetings, such as job interviews. The White House visitors log provides an example of the types of information that should be made public. Those logs list, among other things, the name of the visitor, the date of the visit, the date of the appointment, the name of the person being visited, and a general description of the reason for the visit. Agencies should follow the White House's example by making their visitors logs searchable, sortable, and downloadable.

The White House's policy for exempting certain information (<http://www.whitehouse.gov/VoluntaryDisclosure>) is a useful starting point for agencies.

The White House should improve on the interface for searching the visitor logs both to help the public better find information and to serve as a model for agencies.

A3. Lobby disclosure forms and data, including forms which government contractors and grantees must file when lobbying for additional funds.

(See B4)

A4. Communications with Congress, including but not limited to reports, responses to inquiries, testimony before committees and legislative proposals.

Each agency shall post on its website all Congressionally-mandated reports, responses to inquiries by members of Congress, testimony before Congress, and any other materials formally submitted to a member or committee of Congress. A working definition of "formal submissions" might be any document which is reviewed by OMB before communication to Congress. Documents shall be provided in a full-text searchable format and should be posted in a prominent central location on the website, e.g. example.gov/congress.

Many agencies currently post some testimony, responses, and reports. For instance, see a good reports webpage from Federal Aviation Administration (http://www.faa.gov/about/office_org/headquarters_offices/agi/reports/) or the congressional testimony page by Environmental Protection Agency (<http://www.epa.gov/ocirpage/hearings/index.htm>). However, these are generally not comprehensive. H.R. 6026, the Access to Congressionally Mandated Reports Act, is a proposal in the 111th Congress to open access to congressionally-mandated reports.

A5. A list of all Inspector General reports, with online access to all unclassified reports.

Each Office of the Inspector General shall maintain a searchable website listing all reports (audits, reports to Congress, etc.). Each website shall contain links to all unclassified reports.

Listings shall be searchable websites with each report listed by type (e.g., audit), subject or title, and date of release, with a link to each unclassified report. The home page of each OIG website shall link to the listing. New reports shall be posted in a timely fashion. OIGs should be encouraged to add reports retroactively as feasible.

Reports shall be provided in a full-text searchable format. Where possible, classified reports should be posted in part (i.e., with classified details redacted) or executive summaries provided. Any redacted information shall identify a specific FOIA exemption to justify nondisclosure.

Currently, almost every OIG maintains a website, and most contain a listing of reports with links to unclassified reports. The Council of Inspectors General on Integrity and Efficiency provides a list of OIG websites (<http://www.ignet.gov/igs/homepage1.html>). However, these are not always comprehensive and consistent. For instance:

- The Nuclear Regulatory Commission's OIG posts full-text searchable reports with protected information redacted, e.g., this report (<http://www.nrc.gov/reading-rm/doc->

[collections/insp-gen/2010/oig-10-a-21-redacted.pdf](#)) from September 2010. However, the redactions do not cite a specific FOIA exemption, but are merely marked "OFFICIAL USE ONLY".

- The Consumer Product Safety Commission's OIG posts reports but some are not full-text searchable, e.g., this report (<http://www.cpsc.gov/ABOUT/oig/privacy2009.pdf>) from December 2009.
- The Central Intelligence Agency's OIG does not appear to maintain a website. Select reports are posted on the CIA website.

A6. Calendars (with identification of people, companies and topics involved in meetings), correspondence logs, and ethics disclosure of top-level agency officials (e.g., the Secretary, Deputy Secretary, and Assistant Secretary).

In addition, large agencies with significant independent components or sub-agencies should provide this information for top-level officials for those entities. For example, the Department of Health and Human Services should provide this information for the Commissioner of Food and Drugs (head of the Food and Drug Administration), and the Department of Justice should provide it for the director of the Federal Bureau of Investigation.

In response to Freedom of Information Act requests, the Department of the Treasury has made public Secretary Timothy Geithner's calendar from the beginning of the administration through March 2010, as well as former Secretary Henry Paulson's calendar for 2006-2009 (<http://treasury.gov/foia/reading-room/docs/other-index.html>). Treasury simply posted printouts from their calendar software, with personal information redacted. News agencies and members of the public are using this data to inform the public.

Certain financial disclosures of top-level officials are already available to the public by statute. Currently, the public may request SF-278 financial disclosures listing assets, income, financial transactions, and other information through the Office of Government Ethics. Agencies should make these forms more easily available by posting them on their websites.

A7. Federal Advisory Committees, their members and recent (or all) meeting minutes as well as opportunities for public input.

Each agency shall maintain a listing of Advisory Committees to that agency. The listing shall include, or link to, the following information about each Committee:

- Each member's biography, including qualifications, past employers and funding sources, and reasons for appointment to the committee;
- Each member's waivers for conflict of interest and recusal agreements, if any;
- Each member's status as a special government employee (SGE) or a representative;
- Notification of the intent to select a new member for the committee, and an opportunity to submit nominations;
- Names and biographies of members under consideration for an advisory panel, and an opportunity for public comment;
- The committee's charter and a description of the committee's purpose and activities;

- Information on how to participate with the committee's work, including links to live online broadcasts of meetings to the extent feasible;
- The agenda for each meeting and any supporting materials, posted with adequate notice in advance of the meeting, and an opportunity for public comment;
- The minutes of each meeting, including draft minutes as early as feasible after each meeting;
- A video or audio recording and transcript of each meeting, posted in a timely fashion;

Such information shall be linked from both the agency's website and the FACA database at fido.gov.

Each agency shall publicly announce the intent to form a new scientific advisory committee, including the proposed committee's purpose and activities, and an opportunity for public comment.

Some committees have already provided a useful model for improved public disclosure:

- The EPA's Science Advisory Board (<http://yosemite.epa.gov/sab/sabpeople.nsf/WebCommittees/BOARD>) allows for public nomination of Board members, provides detailed biographical information on the Board members, and posts the Board's reports along with the agency's response.
- DOE's Blue Ribbon Commission on America's Nuclear Future (<http://brc.gov/>) posts video webcasts of the Commission's meetings and discloses the process used to avoid conflicts of interest.
- The FDA posts waivers given to conflicted members on its website.
- HR 1320, which passed by unanimous consent in the House on July 26, 2010, incorporates many of these reforms.

A8. Ethics Program Reviews conducted by the Office of Government Ethics.

The Office of Government Ethics (OGE) reviews Ethics programs of federal agencies, both of headquarters and regional offices, to determine whether an agency has an effective ethics program tailored to its mission. Typically, the OGE releases these reviews in response to FOIA requests so disclosure of the records is not in question. The issue is making the reviews easier to obtain by posting them online.

The ethics audit reports have periodically been posted online by the OGE, such this one for Postal Service (http://www.usoge.gov/about/foia/usps_prog_rev2010.pdf) but it is not done comprehensively or in any organized fashion. It would be helpful if the OGE listed all reviews conducted on its website with links to the reports. Agencies should also be required to post the review in an appropriate location on their website so that interested stakeholders can be made aware of the agency's performance in the review.

B. Spending

B1. Agency budget justification documents submitted to Congress with the annual budget request.

Currently, the executive branch publishes a great deal of budget information. For instance, the Office of Management and Budget publishes the President's budget, and each agency publishes their budget justifications. All of this information should be collected in one place, say budget.gov, where agencies can post their budget documents. Additionally, whenever possible, budget information should be published in open, machine readable formats, not PDF, to allow for easy tagging and cross-referencing.

Though most agencies have their budget justification documents online, none of them publish it in machine readable formats. The Department of Justice Budget and Performance page (<http://www.justice.gov/02organizations/bpp.htm>) has a good collection of budget documents including links to previous year. The budget justification information is made available in both PDF and Word formats (<http://www.justice.gov/jmd/2011justification/>) and provides excel format for the summary table.

B2. Information about agency spending: performance information about contractors.

OMB should begin allowing public access to past performance reviews posted on the Federal Awardee Performance and Integrity Information System (FAPIIS).

Sen. Bernie Sanders' (D-VT) amendment to the 2010 Supplementary Appropriations bill required the administrator of the General Services Administration (GSA) "to make publically available the contractor integrity and performance database established under the Clean Contracting Act of 2008." The amendment states that all information from FAPIIS, "excluding past performance reviews," should be made available to the public. Excluding past performance reviews, however, is not a specific prohibition against posting them. OMB could post the past performance reviews along with all other information contained in FAPIIS.

B3. Contract and award documents including but not limited to Requests for Proposals, Contracts, Task Orders and Contract Modifications.

OMB should amend the Federal Acquisition Regulation (FAR) to require federal agencies to post all federal contract and award documents – including but not limited to requests for proposals, contracts, task orders, and contract modifications – online to a searchable, public database.

OMB should follow through on an earlier proposed rule (FAR Case 2009-004, May 13, 2010) testing how to amend the FAR to enable public posting of all federal contract actions. These postings should not disclose a business's confidential commercial or financial information. OMB should begin requiring federal agencies to post a contract to a searchable, public database as soon as the agency creates the contract through a request for proposal. The federal agency should then post all contract and award documents related to that contract as they are created. Ideally, the database would be an existing, popular one, such as USASpending.gov. Currently solicitations and award notices are posted on FedBizOpps.gov but the information only goes back one year and does not link up to any other information such as USASpending.gov.

B4. Disclosure of contacts by the public to influence spending or financial awards.

The Office of Management and Budget (OMB) should amend Standard Form LLL (Disclosure of Lobbying Activities) to capture all contacts that involve attempts to seek contracts, grants, cooperative agreements, loans, insurance awards, tax expenditures, or any other financial arrangements, and put all submitted copies online in a searchable, public database.

OMB should modify SF-LLL to expand executive branch lobbying disclosure to shed sunlight on the wielding of unseen influence by all entities and those representing entities that are seeking to request, win, or influence any federal award or spending on any federal program above \$250,000. SF-LLL should cover disclosure not only by those with federal awards but also those without federal awards who seek to influence executive branch spending matters – any of their agents.

The steps to improve accountability include: (1) Make data collected under SF-LLL searchable through a website (and linked to websites such as USAspending.gov and Ethics.gov); (2) Expand the amount of information collected under the SF-LLL so as to better describe special interest influences; (3) Enforce the penalties under the Byrd amendment to force compliance; and (4) Expand who must report the SF-LLL to include all entities trying to influence federal spending.

B5. Post Treasury Account Information Online

Agencies should collect and publish online their Treasury account data. Treasury accounts, which act as the checkbooks for federal programs, are the source of the most accurate spending information available. Agencies can post the information to USAspending.gov, in the same way that they post contract, grant and loan information online. Agency officials would tag the data with their agency ID and the recipient ID (most likely the D&B number), so that the Treasury account information can be added to the existing USAspending.gov transaction information. The Treasury account data could then be tied into other data on USAspending.gov, including performance information and lobbying disclosure.

B6. Post Tax Expenditure Data Online

Tax expenditure data is also important spending information, but is not covered in Treasury account data. Since tax expenditures are functionally identical to agency spending, tax expenditure data should be made available to the same extent federal spending is available. That means that user should be able to see tax expenditure information on USAspending.com alongside any contracts, grants, or loans that entity received. For instance, if a company (individual tax information would not be released for the same privacy reasons that restrict individuals from being listed on USAspending.gov) received a renewable energy tax credit, that credit would be listed just like their contract to retrofit Navy barracks.

There are two possible ways for entering tax expenditure data into USAspending.gov, just as there are two ways for entering federal spending information. First, the Internal Revenue Service (IRS) could log the data into USAspending.gov in the same way agencies enter their spending

information. Once a year, after tax season and after the IRS has approved the tax expenditures, IRS employees would log the tax expenditures into USAspending.gov. Second, tax expenditure recipients could enter the information in themselves, just like they are required to report on their sub-recipient information now. The recipients would follow the same once-yearly schedule, requiring the recipients to report in on their tax expenditures after tax season.

C. Records and Data

C1. A list of all FOIA requests and any documents released as a result of a FOIA request must be posted to the web in an organized, searchable manner, on a timely basis, starting with electronic records.

While not all requests are appropriate for publication, the default for a modern FOIA request should be both digital and public, with support for paper-based or non-public requests still available. The system might use a 30- or 60-day waiting period before making FOIA requests and the disclosed records more broadly available to requestors. Such postings could start with the requests received electronically and the responses that disclose electronic records.

Under the Electronic Freedom of Information Act Amendments of 1996, agencies are required to disclose records likely to be the subject of multiple requests in electronic reading rooms. This effort would take that process to the next level by posting FOIA requests and the agency disclosure for all public requests.

The simplest approach would be to have agencies post sortable electronic versions of their FOIA logs online, with the ability to drill down into any request and see the documentation. The best current example of this process is the City of Chicago, which posts their entire FOIA log online (<http://data.cityofchicago.org/>). However, the City of Chicago site does not allow users to click through to see either the original request letter or the records disclosed in response to the request. Similar posting of electronic versions of agency FOIA logs would a significant and positive intermediary step as technical and policy issues with posting the large number of documents is considered.

It should be noted that some access groups are concerned that an overly transparent FOIA process could penalize some of the system's most important users – journalists. Disclosing investigative reporters requests too quickly can reveal the topic they are researching and damage their ability to complete and publish a story. Since agencies regularly release FOIA logs, when requested under FOIA, no one expects the confidentiality. However, some have suggested that brief delay in disclosing the requests and then the released documents would be a fair compromise between making FOIA more transparent and retaining its usefulness to reporters.

C2. Reports to the Information Security Oversight Office on agency classification and declassification activity, and other reports required by the executive order on classified national security information.

There has been intense interest in improving the government's handling of classified information, with particular emphasis on reducing the amount of information being unnecessarily

classified and more quickly processing declassification of records. Unfortunately, both goals have proven extremely challenging to make progress on. The Information Security Oversight Office oversees the classification system and annually reports to the president on their status. While the ISOO annual report is informative and useful, it aggregates the information to the point of making it difficult to evaluate individual agency performance beyond the conclusions of the report itself. To increase accountability for each agency in this challenging area, reports submitted from agencies to ISOO on classification and declassification should be disclosed.

The Freedom of Information Act is a good example of this process. While there are aggregate government-wide reports on FOIA performance by the Department of Justice and Government Accountability Office, each agency publishes their own annual report. Many advocates would like to see these individual FOIA reports become more robust but the classification process doesn't have any such agency reports.

C3. Audit of agency data sets with a public listing and metadata and, at a minimum, online publication of the data dictionary for each database.

The establishment of Data.gov has given agencies a renewed focus on their database holdings and better understanding of the usefulness of sharing these databases. However, the databases posted on Data.gov represent only a portion of the overall data holdings for each agency. Under the Open Government Directive, agencies were required to produce inventories of "high value datasets." Some agencies shared the list of identified high value datasets in their Open Government Plans, but rarely provided any detail on non-high value data sets. While it is helpful and responsible for agencies to make an effort to prioritize data disclosure, it may be that the agency does not realize the value or usefulness of some datasets to stakeholders. Additionally, interested stakeholders are not always aware of the precise holdings of an agency and unable to advocate for its release unless made aware of its existence.

Several agencies noted in their Open Government plans that they were conducting a full audit and inventory of all datasets and provided useful spreadsheets about the numbers and locations of data. The Department of Commerce and the General Services Administration were among the best listings of data holdings. Unfortunately, the listings did not identify the specific datasets or offer any description of their content. It was not clear if the final full inventory would be made public. Each agency should be required to fully audit all data holdings and make the listing of datasets public, even some datasets are not posted for automatic download or are even releasable to the public. Such full inventories will enable the public to better focus agency efforts to release the most useful data.

C4. Comprehensive, well-maintained, and searchable archive of documents, including those that have been removed from the Web site.

One of the most powerful things the government can do is to explain and take responsibility for all of their information, systematically. It's difficult to submit a FOIA request for information that you don't know exists, and it's hard to request better access to data that you are unaware is being collected.

From a management perspective, it's hard for government officials to set information policy and manage operations without a comprehensive sense of the information that agencies use to do their work, and the information by which their work can be judged.

Any requirement that gets agencies to audit and index their documents and data in a comprehensive way will cause fundamental and important changes in the way the government operates, even if much of that data is never released. This is one assumption behind the FOIA laws, and is referenced indirectly in the Paperwork Reduction Act, the Open Government Directive, and OMB Circular A-130 that came before it.

Unfortunately, any semblance of comprehensiveness has proved elusive, even when indexes and audits are included in statute, such as in the cases of the Government Information Locator Service (GILS) and the Federal Information Locator System (FILS) – both requirements of the Paperwork Reduction Act. However, given the increasing importance of having an index of government documents each agency should conduct an audit of their records and produce an online searchable index of the documents. Acknowledging the difficulty and magnitude of the task, agencies could develop a plan to populate such an index in stages beginning with the easiest records such as official publications and later include more challenging records.

C5. Proposed rules, regulations and other documents (NOIs, NPRM, etc) and an effective mechanism so that the public can easily submit comments.

Agency rulemaking dockets should be expanded to include a wide range of information related to the rulemaking and available in an easily searchable online format.

- All research, public or private, used in the rulemaking should be included in the rulemaking docket. This should include all studies relevant to the rulemaking that could inform the agency's decision, not just those studies on which the agency relied.
- Dockets should also include substantive communications regarding a rulemaking, including all written communications between or among federal agencies (including White House offices) and all substantive written and oral communications between and among agencies and outside interests. One model of disclosure is Section 307 of the Clean Air Act; documents can be posted sooner than the limits mentioned in this section since most information will be electronic.
- Agency meetings, including those held to provide policy advice, should be as open as possible, especially those meetings of federal advisory committees. (see A7)
- Disclosure should begin upon creation of the rulemaking dockets and should occur as soon as possible after documents, communications, or other types of information are available.

These recommendations are based on those found in the *Advancing the Public Interest through Regulatory Reform* report, submitted to the administration transition team in November 2008 and available at ombwatch.org/node/4196. It is also important to establish a common standard across all agencies on when a rulemaking docket is to be established.

C6. Current Privacy Impact Assessments and existing systems of records under the Privacy Act.

Advances in the use of computer technology have resulted in the collection and management of vast amounts of data by the federal government. As a result concerns have been raised about the possible privacy impact from such large computerized information systems. Privacy Impact Assessments (PIAs) are required by the E-Government Act of 2002, and Office of Management Budget (OMB) Circular No. A-11 to evaluate the possible impact on personal privacy from government data collection practices. Currently agencies produce PIAs when government agencies initiate new or expanded collections of personal information. Unfortunately, agencies do not always share the results of these assessments with the public, despite the obvious public interest in the results. Failure to disclose the PIAs prevents the public from being able to fully assess agency activities.

Similarly, it is important that agencies be open with the public about which data systems have possible privacy issues. The Privacy Act specifically requires each agency to publish notices of its systems of records in the Federal Register. A System of Records is a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifier assigned to the individual. Agencies should provide an inventory of these system of records in a central locations.

The Internal Revenue Service (IRS) seems to have one of the more comprehensive listings of PIAs (<http://www.irs.gov/privacy/article/0,,id=122989,00.html>) and offers the assessments in both PDF and HTML formats. The Department of Defense has a strong example of listing System of Records Notices (http://www.dhs.gov/files/publications/gc_1185458955781.shtm) with links to the federal register notice.

D. Policies

D1. Public policy and implementation plan for managing and preserving electronic records, including but not limited to email records.

According to the 2009 agency self-assessment report compiled by the National Archives and Records Administration, 77 percent of agencies reported having a policy for managing recordkeeping copies of e-mail (<http://www.archives.gov/records-mgmt/resources/self-assessment.pdf>). In addition, 87 percent of agencies said they have a records management directive, many of which are likely to address electronic records. These policies, and any other written agency e-records management and preservation plans, should be disclosed to the public.

D2. Public policy and implementation plan to ensure the permanent access and preservation of content made available to the public through the agency Web site.

A policy and plan for implementation needs to be created that will address the loss of content on agency sites when, for example, documents are removed – such as for new versions of a document or because the materials have been pulled for some reason (such as occurred frequently in the Bush Administration). Too often, these materials are at best ‘stored’ on a server

but are not findable and are not preserved. The public should be able to permanently gain access to all content disseminated over agency websites. An older version of a document should be preserved, for example, for comparison. This could be done by working with the Government Printing Office.

This problem does not entail preserving every version of databases that change regularly. It does entail noting when substantive changes are made to less dynamic databases – indications of the version of the data.

D3. Agency guidance or directives on national security information, controlled unclassified information, open government and freedom of information policy.

The guidance memos and directives that agencies issue to explain changes in policy and direct implemented are a critical element to agency performance. It can be extremely difficult to change the culture of an agency and create greater openness. Just as the public can see the policy memos from the White House or Attorney General, the public should be able to review all instructions, guidance, and/or implementation plan documents. Agencies should post in a central location all the documents issued to make personnel aware of the latest information policies (FOIA, Classification, CUI, OGD, etc.) and guide agency implementation. Agencies should also maintain an archive of previous versions of such documents to allow the public to understand how government approach has changed. While there may be concerns about such documents being internal agency records or some other category of exempt information, the transparency of these instructions are necessary to holding agencies accountable for their performance on transparency.

There are some examples of agencies doing a good job on posting FOIA guidance and documents. Many federal agencies post electronic versions of the latest Attorney General memo on FOIA or Executive Orders from the president, but only a few seem to provide a good accounting of the agency response to these policies. The Department of Interior's FOIA Guidance and Policy page (<http://www.doi.gov/foia/policy.html>) includes numerous Interior Department policy implementation memos. The Department of Defense's FOIA page includes some interesting FOIA training materials but does not include the agency's overall training plan (http://www.dod.mil/pubs/foi/dfoipo/foia_training_resources.html).

D4. Records retention policy along with records schedules (GRS or SF 115), a schedule of records that will be declassified and the timetable for such action.

Agencies are currently required to create and should make available electronically (the means by which they submit to NARA) the disposition schedule for all federal records (in groupings called records series). For records series that contain classified records, agencies could follow the 25-year automatic declassification timetable. Most records groups have some indication of dates of the records in the series or folders (a more granular level of organization), so an indication based on the folders/series of which they are a part. There would not be a need to indicate down to the individual file level.

The Environmental Protection Agency (EPA) has a helpful and functional records page (<http://www.epa.gov/records/policy/schedule/index.htm>) that offers explanations of terms and fields and allows users to search or browse a comprehensive list of records schedules. The browse table (<http://www.epa.gov/records/policy/schedule/program.htm>) can be resorted easily and links to html version of each record schedule. The Department of Energy (DoE) also has a good online version of its records schedules (<http://cio.energy.gov/records-management/adminrs.htm>) where each record category links to a PDF of DoE's latest schedule for each record type in that category.

D5. Public policies that clearly state the right of agency scientists and researchers to publish results without requiring policy review or approval by government officials.

Each agency shall adopt a scientific integrity policy clearly stating that agency scientists may submit their results for publication to the peer-reviewed scientific outlets of their choosing without review or approval from the agency. The policy may require that the scientist does not purport the results to be the official view or an official publication of the agency. Such policy shall be posted publicly online.

For example, the Fish and Wildlife Service's "Policy Review Guidance for Scientific Publications," (<http://www.fws.gov/policy/117fw1.html>) dated Jan. 26, 2010, makes clear that the Service does not review or approve its scientists' publications for policy purposes. The policy requires that scientists include a disclaimer that the conclusions do not necessarily reflect those of the service and advise their supervisor of the publication.

D6. Written and publicly available policies explaining how agency staff should communicate with the public and the media, and detailing the official procedures for peer review, clearance and release of agency information.

Each agency shall adopt policies:

- Ensuring that scientists and other staff have the fundamental right to express their personal views, speaking in their private capacity;
- Clarifying the roles and responsibilities of public affairs officers (PAOs) to facilitate communication, not to serve as gatekeepers;
- Providing for the release of preliminary or draft information, clearly marked as such, in the event of lengthy reviews or delays before release;
- Establishing guidelines for peer review and instructing that documents not meeting such guidelines not be referred to as "peer-reviewed" by agency officials; and
- Establishing that agency documents purporting to make scientific conclusions not be released without accompanying methodology.

Such policies shall be posted publicly online.

The Union of Concerned Scientists and Government Accountability Project have produced a Model Media Policy (http://www.ucsusa.org/scientific_integrity/solutions/big_picture_solutions/model-media-policy-ucs-and.html), modeled in large part by the policy in place at NASA.

See also Recommendations D.17 and D.18 of *Moving Toward a 21st Century Right-To-Know Agenda: Recommendations to President-elect Obama and Congress*, submitted to the administration transition team in November 2008 and available at <http://www.ombwatch.org/files/21strtkrecs.pdf>.

D7. Strong whistleblower protections that guarantee employees that disclose information about waste, fraud, abuse, mismanagement and other accountability issues will not be retaliated against.

Protection of federal employees who report waste, fraud and abuse in government from retaliation is essential to encourage a robust environment of accountability. Whistleblower protections were in the law as part of the Civil Service Reform Act of 1978, the Whistleblower Protection Act of 1989, and 1994 amendments to strengthen the Act. However, it is widely recognized that the law has failed to protect whistleblowers and has created far more retaliation victims than it helped. While aspects of this failure can be blamed on court rulings and poor oversight, the failure of agencies to properly instill upon their workforce and the public the importance of whistleblower protection is also a factor.

Agency whistleblower policies, guidance memos, training materials, and other resources that guide agency implementation should be made available in central location on the agency website. Such transparency makes the agency position on whistleblower protection more readily known by employees and the public but also allows interested stakeholders to better evaluate agency actions on this issue.

While the Office of Safety & Health Administration's whistleblower protection program has received strong criticisms of its effectiveness, the agency's website (<http://www.whistleblowers.gov/>) does serve as a good example of transparency of policy and materials. The site links to whistleblower statutes, regulations, and publications relevant to the agency. The site also links to an instruction manual and guidance for handling discrimination complaints related to whistleblowing.

D8. Scientific integrity policies that prevent political interference in the development of scientific research.

Each agency shall adopt a scientific integrity policy incorporating the principles expressed in the President's March 9, 2009 memo, and such policy shall apply to political as well as career employees. Such policy shall be posted publicly online.

For example, Interior Secretary Ken Salazar's Sept. 29, 2009 Secretarial Order, "Ensuring Scientific Integrity within the Department of the Interior," (<http://www.doi.gov/news/pressreleases/Salazar-Issues-Secretarial-Order-to-Ensure-Integrity-of-Scientific-Process-in-Departmental-Decision-Making.cfm>) applies to political as well as career employees. An earlier draft of the policy had excluded political appointees, for which it was criticized by good government groups.