

# **THE NATIONAL ACADEMIES**

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## **SCIENCE AND TECHNOLOGY IN THE NATIONAL INTEREST: ENSURING THE BEST PRESIDENTIAL AND ADVISORY COMMITTEE APPOINTMENTS --- 3RD EDITION**

### **SUMMARY**

An ad hoc committee will prepare the third edition of the National Academies' Committee on Science, Engineering, and Public Policy's (COSEPUP) report examining the most senior scientific and technical appointments to federal government positions and update the accompanying list of the 50 most urgent S&T presidential appointments. The 2004 edition will cover not only presidential appointments to top science and technology leadership positions but also the selection of scientists, engineers, and health professionals to federal advisory committees on science-based policy or the review of research proposals.

### **CONTEXT**

The government of the United States today is deeply involved in important policy areas that require scientific and technical expertise. To effectively mobilize that expertise, leadership in key positions is required and on a much broader scale, federal agencies need access to independent, expert advice.

Leadership of the government's role in science and technology is exercised by presidentially-appointed executives in fewer than 100 positions. They include posts in the Executive Office of the President and in the agencies and departments that support scientific and industrial research and development; manage large-scale defense, space, energy, health research, and environmental programs; and regulate activities with large technology components. Most of these top S&T positions are traditionally held by scientists or engineers, and the rest could be. These high-level officials make decisions at the point where government intersects with science and technology.

In addition, the government frequently calls upon scientists and engineers to provide objective, independent advice. Advisory committees have been established from the time of Presidents Washington and Jefferson and their roles continued throughout the nineteenth century, with special importance during World War I and II.

Today, approximately 1000 committees advise the federal government. Many of these advisory committees address scientific and technical issues. Their members may be appointed by the President or an agency head, or by other senior executive staff.

The S&T federal advisory committees vary in terms of their purpose and nature. Some examples include:

- Standing committees that address a perennial issue for the head of that agency;
- Ad-hoc committees that focus on a particular problem and provide advice to a mid-level manager;
- Ad-hoc committees that inform the debate on a timely policy issue;
- Standing committees that provide routine management advice;
- Committees that evaluate proposals and provide guidance to an agency as to which research should be funded.

The nation needs exceptionally able scientists and engineers in both the executive positions and on federal advisory committees to weigh the advice of scientific technical specialists and, in the case of presidential appointees, to make key programmatic and policy decisions. The government's capacity to perform these science and technology functions would be seriously affected by increasing difficulties in recruiting highly qualified personnel.

COSEPUP's report "Science and Technology in the National Interest: The Presidential Appointment Process" (2000) updated a 1992 report it issued on the same topic. In the second edition, an adhoc committee of former S&T presidential appointees reviewed and analyzed the data available on S&T Presidential Appointments and made a number of recommendations as to how the process could be conducted in a more efficient fashion and how the breadth and depth of the pool of candidates willing to accept such appointments could be increased. As discussed in the technical context section, sufficient changes have occurred since that report was released to warrant a new edition that could be used for the next presidential term.

The committee who developed COSEPUP's S&T Presidential Appointments report also considered addressing the issue of advisory committees. At that time, the committee decided to focus instead on just presidential appointments. Former members of that committee who have now been consulted to see if they felt that federal S&T advisory committees should now be included in a study agreed that it should.

### **Impact of COSEPUP's S&T Presidential Appointments Report**

COSEPUP has analyzed the degree to which the findings and recommendations in its 2000 report have been the subject of Congressional or Executive branch changes. Examples of actions since the last report include:

- Several post-employment restrictions were relaxed as a result of President Bush's Executive order 13184. The order lifts the one-year ban on an ex-official's appearance before his or her former agency. Additionally, Senate-confirmed ex-officials paid at the EL-V or EL-IV level are no longer restricted from lobbying a former agency employer

for 5 years.

- On July 16, 2003, the Office of Government Ethics sent a proposal for legislation "to amend the Ethics in Government Act of 1987 (5U.S.C. App.) to modernize the financial disclosure process for Federal Personnel, and for other purposes."
- The OGE has taken significant steps to review and standardize criminal conflict of interest laws which impact post-employment. On February 18, 2003, OGE published a proposed rule at 68 FR 7843-7892 which would provide comprehensive guidance concerning the executive branch post-employment restrictions.
- In April 2003, Sen. George Voinovich reintroduced S. 765 which proposes four reforms: 1. Streamline the financial disclosure forms for executive branch employees, 2. Require agencies to examine the number of presidentially-appointed positions, 3. Allow Presidential candidates to obtain a list of appointee positions 15 days after they receive their party's nomination 4. Mandate a review of the legal framework governing conflict-of-interest laws by the Office of Government Ethics.
- The Brookings Institution Presidential Appointment Initiative (PAI) "Confirmation Countdown" data describing the length of the confirmation process in the inaugural year found that the Bush administration obtained Senate confirmation for 79% of nominees in 4 months or less from the date of announcement of intention to appoint.
- Some streamlining of the appointee approval process occurred with the release of Nomination Forms software on Feb 5, 2002. in an effort led by The Pew Charitable Trusts/The Presidential Appointee Initiative/The Transition to Governing Project.
- Changes were made in the National Academies list of the "Top 50" S&T Presidential Appointees, including the S&T appointments in the new Department of Homeland Security and a reorganization of the White House Office of Science and Technology Policy.

### **Science Federal Advisory Committee Activities**

On the issue of federal advisory committees, the General Services Administration (GSA) has the responsibility for providing regulatory guidance for the selection process. GSA has basic quantitative data on all of the federal S&T advisory committees that could be analyzed in this report.

The General Accounting Office (GAO) has begun work on a Congressionally-requested study that will examine how scientific advisory committees are managed to ensure balance and independence. As part of that study, they will analyze the overall and specific federal agency policies that govern the appointment of scientists and engineers to federal advisory committees. The GAO study will address the following questions:

- 1) What roles do science advisory committees play in the development of national policies

- and regulations and how do they vary in size, scope, authority, and issues?
- 2) Are the policies and procedures used by agencies and federal advisory committees adequate to ensure that the committees can provide scientifically sound, independent, and balanced advice?

The results of that study are due to be released in January 2004, and will inform the analysis for our committee's report.

Donald Kennedy, Editor-in-Chief of *Science*, has proposed the establishment of criteria for standards that could be applied to a hierarchy of categories for scientific appointments. He recommended that for:

- A) senior appointments by the President and members of the Cabinet to federal advisory committees—a review based on scientific merit and tests of political support;
- B) committees and panels advising science agencies—a review with an emphasis on scientific merit, with the allowance of relevant policy considerations; and
- C) individuals who are requested to evaluate the quality of research proposals or findings—a review based on scientific merit alone.

Kennedy also suggested that a group of outside scientists and others, mandated by Congress, monitor the development of the criteria and their use in the advisory committee appointment process.

## **PLAN OF ACTION**

### **Statement of Task**

An ad hoc committee will prepare the third edition of COSEPUP's report examining the most senior scientific and technical appointments to federal government positions and update the accompanying list of the 50 most urgent S&T presidential appointments. The 2004 edition will cover not only presidential appointments to top science and technology leadership positions but also the selection of scientists, engineers, and health professionals to federal advisory committees on science-based policy or the review of research proposals.

Some of the specific questions to be explored by the committee include:

- 1) What measures have been taken in the areas highlighted by the findings and recommendations for S&T presidential appointments in the 1992 and 2000 reports? (a) Initiate early appointments of S&T leadership; (b) Increase the breadth and depth of the pool of candidates; (c) Establish a timely approval process.
- 2) How should the "50 Most Urgent S&T Presidential Appointments" list issued in 2000 be updated?
- 3) Are there new issues for Presidential appointees not addressed in the 2000 report that should be addressed today?

- 4) What are the roles of federal advisory committees and the range of appointments available? How does the involvement of scientists, engineers and health professionals strengthen science-based policy and federal research programs?
- 5) What principles govern the selection and appointment of members to advisory committees associated with science-based policy or the review of research proposals? How are principles codified and how do they vary among agencies?
- 6) What principles should guide the roles of scientists, engineers, and health professionals on federal advisory committees associated with science-based policy or the review of research proposals?
- 7) What is the depth and breadth of the pool of potential committee members? How could the application and selection processes for different kinds of committees be strengthened to encourage the best-qualified nominees to contribute to the national research enterprise?

Appendix A, “Getting to Know the Committee Process,” provides a description of the study committee process, in which the resulting written report reflects the consensus reached by an expert study committee.

### **Project Oversight and Management**

The project will be performed by an ad-hoc committee, overseen by COSEPUP, a joint committee of the National Academy of Sciences, National Academy of Engineering, and the Institute of Medicine.

COSEPUP has a long history of seminal work in the area of science and technology policy including the studies *Science and Technology in American Government: Ensuring the Best Presidential Appointments* (1992) and *Science and Technology in the National Interest: The Presidential Appointment Process* (2000), available at [http://www.nationalacademies.org/cosepup/COSEPUP\\_Publications.html](http://www.nationalacademies.org/cosepup/COSEPUP_Publications.html)

The PI, who would work with the committee as study director, has extensive experience in staffing science and technology policy studies related to decision-making including *Science and Technology in the National Interest: The Presidential Appointment Process* (2000). She also has a relevant academic background of a BS in engineering, an MBA, and a PhD in public administration/policy analysis. Staff for the project will also include individuals with expertise in science and technology policy.

In addition, National Academies Science and Technology Policy interns, who are graduate students in science, engineering, and public policy will contribute to and learn from the study as part of their education and training activities while at the National Academies (see [www.nationalacademies.org/internship](http://www.nationalacademies.org/internship) for more information).

Preliminary Work Plan:

The committee of 12 individuals would meet twice with other consultations conducted via conference call. The initial work will be to determine the extent to which the existing report text needs to be revised, what additions need to be made, and what text is no longer pertinent.

A preliminary timeline for the project follows:

MONTH	KEY ACTIVITIES
1	Conference call to establish first meeting agenda.
2	First meeting to scope study, hear presentations from related studies, and establish research needs
3	Committee deliberations to develop findings via conference call
4	Committee meeting to develop report recommendations
5	Committee approves report for external review
6	Report out for external review.
7	Response to review
8	Committee & report review committee sign off
9	Report formatting and printing.
10	Release & dissemination activities.

The project would begin in January 2004 with a goal of releasing the document shortly after the November Presidential election.

The report's format will be similar to that of the 2000 COSEPUP report on presidential appointments, available at <http://www.nationalacademies.org/presidentialappointments/>. A short version of approximately eight printed pages will be published simultaneously with the full version with in-depth analysis and information for scholars in the field.

**PRODUCT AND PRELIMINARY DISSEMINATION PLAN**

**Product**

The anticipated product will be the third edition of COSEPUP's report examining the most senior scientific and technical appointments to federal government positions and an update of the accompanying list of the 50 most urgent S&T presidential appointments. The report will be widely disseminated to the public including posting on the World Wide Web.

**Audience**

The audience for the study will be agency officials, congressional committees and staff, policy leaders, the general public, professional societies, and the research and technical communities.

**Elements of a Dissemination Plan**

When the report is disseminated, activities will likely include public briefings, a public release meeting and Webcast, an editorial, a press announcement, and a press conference.