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CARNEGIE COMMISSION
ON SCIENCE, TECHNOLOGY, AND GOVERNMENT

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Memorandum for the Record

Distribution: CCSTG Executive Committee & Staff Members, Guests, M. McGeary,
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Subject: Commission Discussion on Personnel 22 January

At the 22 January 1992 meeting of the Carnegie Commission a discussion was held on the subject of federal scientists and engineers. Guests for the discussion were:

Mark Abramson, President, Council for Excellence in Government
Alan Campbell, Chair, Panel on Career Scientists & Engineers
Kenneth Dam, Chair, Panel on Presidential Appointees
Scott Fosler, President, National Academy of Public Administration
John Trattner, Author, Science 60 Book
Robert M. White, President, National Academy of Engineering
Frank Weil, Chair, Council for Excellence in Government

Listed first are some of my conclusions from the discussion. Then, an account of the meeting follows.

I. Some ideas for consideration:

- a) The issues raised by the Dam Panel are of particular importance in the year of a Presidential Election, when turnover is likely to be greater. We need to make sure the recommendations about timely appointments are kept front and center through the campaign and after.
- b) Consultations with the Congress are required to address several facets of the appointments process. The Commission's Committee on the Congress might be of assistance in this regard.
- c) The Public Service Consortium (and its successor) might benefit from having a Working Group on Scientists and Engineers.
- d) A mechanism is required to collect information about Presidentially Appointed S&Es, monitor trends, and report periodically on issues and needs.
- e) The Science 60 (or 80), if they would begin to act as a cooperative network, might themselves become one of the main forces for implementation of several of the recommendations of the Dam Panel. It is important to foster the networking. The Prune Book can be very helpful in this regard, as well as other activities that recognize the importance of the group.

II. Account of the Meeting

After brief introductions by Joshua Lederberg and William Coleman, Lederberg asked Dam to describe the progress his Panel had made.

Dam reported that there is evidence of increasing problems with presidentially appointed scientists and engineers, especially those who are highly qualified and at the cutting edge. It matters a great deal exactly what kinds of candidates you are seeking, of course. There is evidence of longer vacancies for key positions and that there are fewer top candidates willing to be considered. There is anecdotal evidence that the people ultimately who become serious candidates are the 10th or 20th or 30th persons on the list. There is also high turnover, with 2.5 years about the average tenure. There is also some evidence of an increase in ideological screening. In sum, there may be a significant decline in the average level of high-level S&E appointees and this would certainly threaten key national capacities.

The question is why.

One major issue is conflict of interest regulations. There is a general problem of trust. There has been an attempt to secure uniform rules, which could be helpful, but there are more rules than ever, and these can be limiting and confusing. With S&E jobs there is the particular problem that most candidates do not see enormous advantages in taking these positions. The basic incentive is service itself. There is a need for integrity and public trust. The route taken to establish these may be counterproductive. For S&Es some of the post-employment restrictions are particularly troublesome, because there is often only a small pool of specialized positions for people to consider in their fields.

A second issue is inadequate pay. Executive Level III pay is now \$112,00, which is ok. Coupled with the conflict of interest limitations (and limits on outside income), the pay level however still means that most people will be losing financially by entering public service. Also, the government salaries will fall behind again. The Quadrennial Commission does not work well.

Another problem is that there are now 3000 presidentially appointed positions--the numbers are way up.

What are some of the possible solutions and responses? A key action for a new administration is early appointment of the Science Advisor. There should also be expertise on S&Es in the Office of Presidential Personnel, and this Office should work closely with the Science Advisor. For some positions, the best approach is to put more responsibility with the agencies. It is also possible to streamline the paperwork throughout the appointment process. Some of the positions themselves can be made more attractive. The status of positions can be enhanced. It may be useful to consider fixed terms for some. In some cases there are unnecessary levels and layers that obscure a position. It may be useful to remove some positions from the appointments process. There may simply be too many people in the non-career and SES system for it to work well; the number of people in the Presidential process could be reduced. The perception is bad that technical expertise is not what is looked for, and this

should be changed. Finally, industry and academia also have responsibilities to make the system work through reducing barriers to periods of public service.

W. Coleman then commented that we are dealing with a special type of person. We are or should be trying in many cases to get people just when their careers have taken off. Most of the pool comes from outside DC. It has different characteristics from the pool of lawyers and other professionals who are in ample supply for government jobs. But, we are only talking about 70-80 people in the entire federal government, so it should be possible to make the system work.

Coleman reiterated that the universities have some responsibility. The limit of two year leaves-of-absence acts as a detriment.

Coleman also agreed that we should not inflate the currency of Political Appointees. The number should be kept down to the few people who will really be used in critical ways. Although the positions may be dictated from the White House, the Cabinet Secretaries need better ways to identify the S&E pool and OSTP should be used more for this. Finally, while we recognize that politics is part of the process, the use of a political litmus test does discourage good candidates.

Lederberg asked if a rewrite of the Ethics Statutes should be attempted.

Dam responded that in practice these vary by agency. For example, there was an attempt to strip out additional provisions in DOE.

D. Kennedy mentioned that the Panel might wish to consult the testimony that preceded the 1979 Act. Dam noted that the Panel had heard from Lloyd Cutler and others involved in the process. The problem is to sell the philosophy that more is not necessarily better.

Lederberg inquired whether changes in Conflict-of-Interest or in the confirmation process were more problematic. Dam noted the importance of streamlining the different forms required by the White House, Congress, and others involved in the process.

L. Branscomb returned to the need for the early appointment of the Science Advisor. Three Advisors in a row had been appointed in the late spring or summer. There are processes when a new administration comes in that are critical.

Dam affirmed the Panel understood this. Also, there was sometimes a negative role played by the Office of Presidential Personnel.

Coleman noted that the Science Advisor won't precede the appointment of the Secretary of Defense, but should come early. Lederberg commented that one way to stimulate early appointment is for candidates to have Science Advisors during the campaign but that he is ambivalent about such involvements.

Admiral Inman complimented Dam strongly on the presentation and offered two

comments. First, the Conflict-of-Interest laws have to be changed. In '89 the Congress went too far. You can prosecute the Paisleys effectively without new rules that discourage the talent pool. There are not many Bill Perrys who will sell their stock at a big loss to take a job.

Second, we need to sell the theory that there are jobs that are non-partisan. Inman proposes basically three areas. One is military, such as the Joint Chiefs. The second is intelligence. The third is S&T. In 1988 there was empathy for this position through Election Day but it disappeared in two weeks after, as the question became how did they vote over competence. There are always the political realities of rewarding the faithful.

John Brademas agreed that it is important to make the Inman statement, but it comes down to the character of the political candidate. Brademas mentioned serving on the Volcker Commission on the Public Service, which tried to address the question of hostility to government. Jimmy Carter won by attacking government, so too Reagan, Bush is acting similarly, and now we see more of it in New Hampshire. Brademas commented that he also disapproved of the way the Members of Congress would run against the institution of which they are members. The attitude toward public service reflects an underlying societal problem. Daniel Boorstin has said we need secular archbishops. Brademas noted that in earlier decades people such as James Conant, Ted Hesburgh, and Clark Kerr could speak out with effect on national issues; this seems to be diminishing.

Brademas then noted that in 10 years as President of NYU he had never received a call or visit from any government official seeking help in recruiting. The government hardly recruits at all on campus. He also noted that there are comparable problems with S&T personnel at the State and Local levels.

Sidney Drell asked how immutable is the list of the Science 60. He noted that positions such as Assistant to the Secretary of Defense for Atomic Energy and Undersecretary of the Air Force are also extremely important. Trattner responded this was meant to be an indicative list; there was not time or space to cover every job. Coleman noted that the Dam Panel list and the Science 60 were slightly different, but in both cases were meant to be suggestive of the pool.

Drell also noted that in a field such as nuclear weapons, it was impossible to find anyone with expertise who does not have a conflict of interest. The expertise is only in the weapons labs. This is a real barrier.

Senator Mathias stressed how important it is to be dramatic on ethics. Congress likes to pass laws on sin. Mathias once threatened to filibuster Strom Thurmond on a particularly bad piece of ethics legislation, and Mathias prevailed; but Mathias then left the Senate, Thurmond passed the law the next year, and the effect has been devastating.

With regard to appointments and the confirmation process, Mathias stressed that the Administration was often too slow in getting names to the Senate and this should be remarked upon.

Dam then responded to the discussion in general by saying that first someone has to make the case and the Academy Panel and the Commission can do this, but changing the situation requires more than a report; a campaign is needed.

Frank Weil observed that in the Judiciary appointments go before the Bar Association for review, and this pushes the process in the right direction. Could some body fill a similar function for science? It is important to express views before the confirming process is far advanced. Dam noted a similar review has been opened for Ambassadorships, and it is not popular in the White House, partly because it can slow things down.

Coleman noted that the problem is not so much the lemons that get appointed (there are few), but rather that 20 people who are far better get turned off before becoming candidates. Lederberg agreed but noted that two of Allan Bromley's immediate predecessors might not have survived a peer review. But, these appointments were an intentional derogation of the position. Dam noted that not every single person who serves in the 60 or 80 key positions for S&T need be a scientist or engineer, and this would complicate a peer review.

William Perry stated that he had been watching the "Science 60" for 30 years and he believes the present crop is weaker than it has ever been. The problem may be intractable. One factor is increasing politicization to the point of cynicism. He is attracted to some sort of peer review, but perhaps only for a dozen of the 60. This could set a tone.

Perry also addressed his concern that deterrents to public service by capable people are high. And, they have gotten higher and worse. There is a necessity for a serious approach to Conflict-of-Interest. The present network of legislation in fact is too ambiguous. It completely circumscribes everything. A simplification is needed.

Lederberg commented that perhaps a "codification" of Conflict-of-Interest is a better term to describe the need. But, it is hard to mitigate ethics laws.

Frank Weil cited the remark that "the best of all disinfectants is sunlight." The issue is not conflicts but the misuse of them. Perhaps a helpful step would be a standing body keeping a view of Conflicts-of-Interest and those vulnerable to charges. This might be an effective alternative to more laws and conventional enforcement.

Perry mentioned the importance also of smaller irritants, such as requirements about moving expenses. Campbell noted that under the Federal Employee Pay and Compensation Act (FEPCA) this issue was solved for career and probably non-career recruits to 1st government jobs. However, these capabilities need to be used.

Rodney Nichols asked whether it might be possible to amplify some of the helpful aspects of the political appointments process. For example, the PL 313 legislation enabled senior people to recruit top quality more junior assistants, something that certainly makes the job of the senior person more attractive. Nichols also concurred that underlying the issue is the culture of mistrust that now pervades American politics. Dam agreed, but said this is

more than the Panel can address.

Scotty Campbell then described the recent efforts of his Panel on Career Federal S&Es. He began by noting the interaction of quality career and non-career employees. It is damaging if career people report to non-career people they do not respect. Non-career people will be difficult to recruit if the career workforce is weak. Campbell observed that the career service can be a better source of top people than it has customarily been.

Campbell then discussed how much has changed in the past couple of years. 2-3 years ago there was a great deal of concern about pay and about the difficulty of recruiting because of lack of availability of S&Es. Both the supply and demand side of the labor market have changed. The changes in the Defense Department and defense industries will affect the supply. And, the recession creates supply. A key question is now whether the government can take advantage of this opportunity in the labor market.

Campbell commented on the provisions and opportunities created by FEPCA. It improves pay and creates recruitment and retention bonuses. There is more flexibility for line managers. We now have tools. The need is for managers willing to use them. On the recruitment side, there are still inadequacies. It must be decentralized. The Panel report will address implementation and how to take advantage of the new tools.

Scott Fosler, new President of the National Academy of Public Administration, then briefly described the interests of NAPA, which is extremely supportive of efforts on government personnel. NAPA is part of the Public Service Consortium (which also includes the CEG), which was formed to carry on the work of the Volcker Commission. The hope is that a standing Presidential Commission on Public Service will supersede the Consortium and maintain a presence on these questions. NAPA itself has a standing Panel on Public Service which is concerned with long-term perspectives. Finally, NAPA is concerned with the question of career succession and skills of executives.

Mark Abramson and John Trattner then spoke about the activities of the Council for Excellence in Government. Abramson stressed that the Prune Books could make the jobs they profile more important and visible and help set standards for the jobs.

Trattner mentioned some of the general perceptions that arose in the course of preparing the S&T Prune Book. There are long-term problems in the ability to attract the most qualified people. These are the result of an accumulation of constraints. Yet, knowledge, energy, and dedication characterize most of the Science 60. One bit of evidence is that they stay in their positions a bit over 3 years, in contrast to the 18 months - 2 year average for all political appointees. This is weighted somewhat by the longer tenure of S&T professionals working for the Congress. Still, it clearly takes a year to master one of these jobs, and this suggests the amount of turnover is not cost-effective. About 3/4 of the Prune jobs are held by S&T professionals; only for a few are credentials insufficient. An important consideration for the incumbents is shortage of operating resources, which may also discourage candidates.

Trattner closed by mentioning some prospective uses of the S&T Prune book and concept: a mid-career fellows program for government S&T professionals using the book as a kind of text and the incumbents as faculty; and videotapes drawing on interviews with clusters of the incumbents to reach a larger audience about federal roles and responsibilities in S&T.