

U.S. HOUSE OF REPRESENTATIVES  
COMMITTEE ON SCIENCE

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May 19, 2004

The President  
The White House  
Washington, DC 20500

Dear Mr. President:

As you know, there has been an ongoing controversy regarding the integrity of the science used in policy-making during your administration. Both Representative Waxman and the Union of Concerned Scientists, the later supported by 20 American Nobel prize-winners, have issued detailed reports documenting disturbing patterns of politicization of science and science advice during your tenure. We are sure that you are as concerned about this seeming pattern as we are.

In the wake of early press reports alleging that potential appointees to Federal scientific advisory panels had been asked inappropriate questions regarding their party affiliation, and that some scientists far from the mainstream in the field or with seemingly glaring conflicts-of-interest had been put in prominent advisory panel roles, we asked GAO to review the policies and procedures in the Executive branch relevant to Scientific Advisory Panels (SAP). GAO agreed to examine those policies and procedures to see if they could be tightened in ways that would limit an administration's ability to undermine the integrity of the process.

In sum, GAO argues that there need to be changes by most agencies as well as changes in the guidance and practices of the Office of Government Ethics and the General Services Administration. If the recommended policy changes had been in place when your administration came to office, it is unlikely that some of the events which have been reported could have occurred. We are pleased to share with you the findings of their efforts, and ask that you fully embrace those findings.

We would ask you to consider an additional policy change beyond those recommended by GAO: bar political appointees from taking the initiative in composing lists of potential SAP committee members. The stories that originally attracted our attention involved the HHS White House liaison, a political appointee, taking the lead in finding new appointees to the Advisory Committee on Children's Lead Poisoning Prevention as

well as appointments to the Secretary's Committee on Human Research Protections. We believe that the career civil servants that work with the relevant Committees are in a better position to identify appropriate potential Committee members than are political appointees who may know little of substance regarding the issues facing an Advisory panel. The final decision on invitations should, appropriately, reside with an official appointed by the President. Further, we note that there is no requirement that any Administration accept the advice scientists give them, as the Food and Drug Administration amply demonstrated in its decision regarding Plan B contraception, but the public deserves Scientific Advisory Panels that will be composed of the best experts to give the best advice to the government we can get. We believe limiting the role of political appointees in micromanaging the appointment process is a productive step in that direction.

Setting aside the particular instances of intervention by political appointees in the appointment of Scientific Advisory Panels, perhaps the most disturbing finding in the report is the over-reliance on "representative" members to compose SAPs. Representative members are free from scrutiny for financial conflicts of interest and generally receive much more superficial examination by those involved in recommending appointments than do the other category of "special government employee." GAO found that, government-wide, 65% of all SAP appointments are labeled as "representative" and some agencies—Interior, Energy and USDA routinely appoint all members of their panels as representative members. This makes sense when someone is being appointed to represent the "consumers' point of view" or the view of a particular segment of industry, but it makes no sense in cases where someone is being appointed for their scientific expertise, yet many, many "expert" appointments are treated as representative. Such appointments undermine public confidence in the integrity of the advisory process and can create the perception of bias, intended or not.

We note that your Office of Information and Regulatory Affairs has been pushing to establish a new Executive policy on peer review based on an asserted and undocumented notion that the current peer review process, varying as it does by agency, is broken. One of the key claims in OIRA's documentation is that there may be a perception of conflicts of interest in the composition of panels. Nothing in the OIRA proposal effectively addresses this issue; in contrast, the GAO report lays out a roadmap for how to avoid such conflicts. We hope that you will see the merit in adopting reforms that would enhance the credibility and perceived integrity of the Federal government's Scientific Advisory Panels.

Sincerely,



EDDIE BERNICE JOHNSON  
Ranking Member  
Subcommittee on Basic Research



BRIAN BAIRD  
Member of Congress