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Folder Title:
President's Council of Advisors for Science and Technology: Oversight Hearing [1991]

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June 18, 1991

MEMORANDUM TO OSTP ASSOCIATE AND ASSISTANT DIRECTORS

FROM: CARL BRETSCHER

SUBJ: RECODIFICATION OF FCCSET

As you are aware, we are currently preparing for a July oversight hearing on OSTP. One issue that is likely to be raised is "recodification" of FCCSET. FCCSET, originally included in the 1976 act (P.L. 94-282) that created OSTP, was abolished and reestablished by Executive Order two years later. FCCSET has been operating under Executive Order ever since. Certain committees of Congress, which are becomingly increasingly interested in FCCSET activities, would like to reestablish FCCSET in statute.

We would be interested in your comments on the advisability of recodifying FCCSET as well as the specifics of the proposed language (enclosed). This language is currently part of the "American Technology Preeminence Act" (H.R. 1989, S. 1034). (Some of you may already be familiar with this language from other discussions.)

Please provide me with your comments on this proposal by Friday morning, June 21. Thank you for your assistance.

102ND CONGRESS
1ST SESSION

S. 1034

To enhance the position of United States industry through the application of the results of Federal research and development, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 9 (legislative day, APRIL 25), 1991

Mr. HOLLINGS (for himself, Mr. GORE, Mr. BENTSEN, Mr. KEASY, Mr. BREAUX, and Mr. ROHR) introduced the following bill, which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To enhance the position of United States industry through the application of the results of Federal research and development, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 **SECTION 1. SHORT TITLE.**
4 This Act may be cited as the "American Technology
5 Preeminence Act of 1991".

1 SEC. 408. REPORT ON ADVANCED MANUFACTURING AND
2 QUALITY.

3 Within 1 year after the date of enactment of this Act,
4 the Secretary shall submit to Congress a report on the
5 feasibility and advisability of establishing, in affiliation
6 with the National Institute of Standards and Technology,
7 a Quality Institute and a privately funded foundation to
8 support that Quality Institute. As part of such report, the
9 Secretary shall consider whether it is feasible and advisa-
10 ble for such Quality Institute to—

- 11 (1) conduct workshops and company tours to
- 12 share with managers, engineers, and production em-
- 13 ployees in the United States advanced techniques for
- 14 improving manufacturing and service organization,
- 15 quality, and productivity, including team-oriented or-
- 16 ganizational approaches to managing production and
- 17 service technology and corporate research and devel-
- 18 opment;
- 19 (2) help develop and disseminate model curricu-
- 20 la on quality which might be used by educational in-
- 21 stitutions to provide training to students and manu-
- 22 facturing and service company employees; and
- 23 (3) carry out such other purposes as the Secre-
- 24 tary may recommend.

→ 1 SEC. 407. FUNCTIONS OF COUNCIL.

2 (a) INTERAGENCY RESEARCH PLANS.—Section
3 102(a)(6) of the National Science and Technology Policy,
4 Organization, and Priorities Act of 1976 (42 U.S.C.
5 6602(a)(6)) is amended to read as follows:

6 “(6) The development and implementation of
7 long-range, interagency research plans to support
8 policy decisions regarding identified national and
9 international concerns, and for which a sustained
10 and coordinated commitment to improving scientific
11 understanding or technology will be required.”

12 (b) COUNCIL.—Section 401 of the National Science
13 and Technology Policy, Organization, and Priorities Act
14 of 1976 (42 U.S.C. 6651) is amended to read as follows:

15 “MEMBERSHIP AND FUNCTIONS OF COUNCIL

16 “SEC. 401. (a) The Federal Coordinating Council for
17 Science, Engineering, and Technology (hereinafter in this
18 Act referred to as the ‘Council’) shall be composed of the
19 Director, who shall be Chairman of the Council, and one
20 representative of each of the Federal departments and
21 agencies which the President shall designate. Each such
22 representative shall be an official of policy rank appointed
23 by the head of the Federal department or agency des-
24 igned.

25 “(b) The Council shall consider problems and devel-
26 opments in the fields of science, engineering, and technolo-

1 gy and related activities affecting more than one Federal
2 agency, and shall recommend policies and other measures
3 designed to—

4 “(1) provide more effective planning and ad-
5 ministration of Federal scientific, engineering, and
6 technological programs;

7 “(2) identify research needs, including areas re-
8 quiring additional emphasis;

9 “(3) achieve more effective utilization of the sci-
10 entific, engineering, and technological resources and
11 facilities of Federal agencies, including the elimina-
12 tion of unwarranted duplication; and

13 “(4) further international cooperation in
14 science, engineering, and technology.

15 “(c) The Council may be assigned responsibility for
16 developing long-range and coordinated plans for scientific
17 and technical research which involve the participation of
18 more than two Federal agencies. Such plans shall—

19 “(1) identify research approaches and priorities
20 which most effectively advance scientific understand-
21 ing and provide a basis for policy decisions;

22 “(2) provide for effective cooperation and co-
23 ordination of research among Federal agencies; and

1 “(3) encourage domestic and, as appropriate,
2 international cooperation among Government, indus-
3 try, and university scientists.

4 “(d) The Council shall perform such other related ad-
5 visory duties as shall be assigned by the President or by
6 the Chairman of the Council.

7 “(e) For the purpose of carrying out the provisions
8 of this section, each Federal agency represented on the
9 Council shall furnish necessary assistance to the Council.

10 Such assistance may include—

11 “(1) detailing employees to the Council to per-
12 form such functions, consistent with the purposes of
13 this section, as the Chairman of the Council may as-
14 sign to them; and

15 “(2) undertaking, upon request of the Chair-
16 man, such special studies for the Council as come
17 within the scope of authority of the Council.

18 “(f) For the purpose of developing interagency plans,
19 conducting studies, and making reports as directed by the
20 Chairman, standing committees and working groups of the
21 Council may be established.”

22 (c) CONFORMING AMENDMENT.—Section 207(a)(1)
23 of the National Science and Technology Policy, (Organiza-
24 tion, and Priorities Act of 1976 (42 U.S.C. 6616(a)(1))
25 is amended by striking “established under Title IV”.

1 SEC. 406. STUDY OF TESTING AND CERTIFICATION.

2 (a) CONTRACT WITH NATIONAL RESEARCH COUN-

3 cil.—Within 90 days after the date of enactment of this
4 Act and within available appropriations, the Secretary
5 shall enter into a contract with the National Research
6 Council for a thorough review of international product
7 testing and certification issues. The Academy will be asked
8 to address the following issues and make recommendations
9 as appropriate:

10 (1) the impact of United States manufacturers,
11 testing and certification laboratories, certification or-
12 ganizations, and other affected bodies of the Europe-
13 an Community's plans for testing and certification
14 of regulated and nonregulated products of non-Euro-
15 pean origin;

16 (2) ways for United States manufacturers to
17 gain acceptance of their products in the European
18 Community and in other foreign countries and re-
19 gions;

20 (3) the feasibility and consequences of having
21 mutual recognition agreements between testing and
22 certification organizations in the United States and
23 those of major trading partners on the accreditation
24 of testing and certification laboratories and on qual-
25 ity control requirements;

1 (4) information coordination regarding product

2 acceptance and conformity assessment mechanisms
3 between the United States and foreign governments;
4 and

5 (5) the appropriate Federal, State, and private
6 roles in coordination and oversight of testing, certifi-
7 cation, accreditation, and quality control to support
8 national and international trade.

9 (b) MEMBERSHIP.—In selecting the members of the
10 review panel, the National Research Council shall consult
11 with and draw from, among others, laboratory accredita-
12 tion laboratories and organizations, Federal and State
13 government agencies involved in testing and certification,
14 professional societies, trade associations, small business,
15 and labor organizations.

16 (c) REPORT.—A report based on the findings and
17 recommendations of the review panel shall be submitted
18 to the Secretary, the President, and Congress within 18
19 months after the Secretary signs the contract with the Na-
20 tional Research Council.

21 **SEC. 406. REPORT ON A STRATEGY TO STIMULATE COM-**
22 **PETITIVE RESEARCH.**

23 (a) IN GENERAL.—No later than 120 days after the
24 date of enactment of this Act, the Director of the Office
25 of Science and Technology Policy shall submit to Congress

1 a report presenting a proposed strategy for improving the
 2 university research capabilities of those States which his-
 3 torically have received relatively little Federal research
 4 and development funding. The report shall particularly
 5 discuss the feasibility and advisability of using the Nation-
 6 al Science Foundation's Experimental Program to Stimu-
 7 late Competitive Research as a model for similar programs
 8 in other Federal departments and agencies which fund re-
 9 search and development.

10 (b) ANALYSIS AND DISCUSSION.—The report shall
 11 include an analysis and discussion of—

12 (1) the geographic distribution of Federal re-
 13 search and development grants and contracts;

14 (2) current Federal efforts to stimulate com-
 15 petitive research; and

16 (3) the feasibility and advisability of new Fed-
 17 eral programs to stimulate competitive research.

18 SEC. 410. INTERAGENCY COORDINATION.

19 The Secretary shall, within 180 days after the date
 20 of enactment of this Act, submit to the Committee on
 21 Commerce, Science, and Transportation of the Senate,
 22 and to the Committee on Science, Space, and Technology
 23 and the Committee on Energy and Commerce of the
 24 House of Representatives, a plan for coordination of Com-
 25 merce Department efforts with other Federal agencies for

1 activities related to high-resolution information systems,
 2 including research and development activities.

O

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF SCIENCE AND TECHNOLOGY POLICY
WASHINGTON, D.C. 20506

UIC
file

August 27, 1991

MEMORANDUM FOR PIERRE PERROLLE
SARA BOWDEN

FROM: TOM RATCHFORD *TR*
SUBJECT: RESPONSE TO HOUSE SCIENCE COMMITTEE
QUESTIONS

Attached are questions from the House Science Committee related to upcoming (but not yet scheduled) oversight hearings on the OSTP Organic Act. Note the September 15, 1991 deadline. Allowing for interagency clearance means that we have a very short fuse.

Pending further clarification within OSTP, I am asking Pierre to draft a response to Question 2 and Sara to do likewise for Question 11. Please see me immediately if you have questions.

cc: D. Allan Bromley
Associate Directors
Ken Yale
Carl Bretscher
Damar Hawkins

"CORRESPONDENCE TRACKING"

TYPE: CONGRESSIONAL DOCUMENT NUMBER: 9123594
ORIGINATOR: 02 STATUS I DIRECTORATE STATUS

FROM: BROWN, George E. and Robert S. Walker: COMMITTEE ON SCIENCE,
SPACE AND TECHNOLOGY

TO: DR. D.A. BROMLEY

DATE OF
CORRESPONDENCE: 08/22/91

SUBJECT: REQUEST TO ANSWER QUESTIONS IN ORDER TO INSURE THE
BEST POSSIBLE DIALOGUE DURING THE OVERSIGHT HEARINGS
ON OSTP.

DIRECTORATE STAFF
ASSIGNED: DIRECTOR'S OFFICE ASSIGNED:

ACTION STAFF
REQUIRED: COORDINATE RESPONSE FOR ACTION:
DAB'S SIGNATURE

SENDER'S DUE DATE: 09/15/91
OSTP DUE DATE: 08/30/91 STAFF DUE DATE
DATE COMPLETED: DATE COMPLETED/DEPT:

COPIES TO: D. Allan Bromley
Ken Yale
Damar Hawkins
ADMINISTRATION

International
PHYSICAL SCIENCES
FCCSET
INDUSTRIAL
ENVIRONMENT

WHITE HOUSE TRACKING #: CONTACT PERSON: DR. ROBERT E. PALMER
PHONE: 202/225-4494 EXT:
REMARKS: The assignment is to the Director's Office for Carl Bretscher.

OSTP RECEIVED: 08/26/91
DEPT RECEIVED:

FILE: EAC-CONGRESSIONAL

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91 AUG 26 P 1: 52
SUITE 2320 RAYBURN HOUSE OFFICE BUILDING
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OFFICE OF THE
DIRECTOR

August 22, 1991

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MICHAEL RODEMEYER

Chief Counsel

DAVID D. CLEMENT

Republican Chief of Staff

Dr. D. Allan Bromley, Director
Office of Science and Technology Policy
Executive Office Building
Washington, D.C. 20506

Dear Dr. Bromley:

The Committee on Science, Space, and Technology plans to hold oversight hearings this fall on the Office of Science and Technology Policy. In order to ensure the best possible dialogue during the hearing, we would appreciate receiving your answers to the attached questions by September 15, 1991. The point of contact on the Committee staff is Dr. Robert E. Palmer at 202-225-4494.

We will be in touch with your office soon regarding scheduling of the hearing. Thank you in advance for your attention to this matter.

Sincerely,


GEORGE E. BROWN, JR.
Chairman


ROBERT S. WALKER
Ranking Republican Member

QUESTIONS FOR OSTP

1. Sec. 102(b)(1)(E) of P.L. 94-282 calls for "reviewing systematically federal science policy and programs and recommending legislative amendment thereof when needed." What process is used by OSTP to review science policy and programs? What specific science policy and programs were reviewed in 1990 and 1991? What specific legislative amendments were recommended in 1990 and 1991?
2. Sec. 102(b)(2) of P.L. 94-282 requires the systematic transfer of scientific and technological information and the coordination of federal science and technology information systems. When did OSTP last review the coordination and dissemination of federal science and technology information systems? What actions were proposed and implemented as a result of the review? Sec. 103(a)(2) mandates a survey and analysis of the need for "improvements in existing systems for handling scientific and technical information on a Government-wide basis, including consideration of the appropriate role to be played by the private sector in the dissemination of such information." Have such a survey and analysis been undertaken? Please provide an executive summary of each survey.
3. Sec. 102(c) of P.L. 94-282 requires coordination procedures -- specifically, "Federal departments, agencies, and instrumentalities should assure efficient management of laboratory facilities and equipment in their custody, including acquisition of effective equipment, disposal of inferior and obsolete properties, and cross-servicing to maximize the productivity of costly property of all kinds". What coordination procedures does OSTP have in place to accomplish this goal? Which federal agencies maintain an inventory of facilities and equipment in their custody, including a repair-and-renovation timeframe and budgetary schedule? Please provide for all agencies.
4. When do you plan to submit the next "Science and Technology Report And Outlook" to Congress? What developments of national significance in science and technology will be included in the report?
5. At a meeting between Committee and OSTP staff in July, 1991, OSTP staff agreed to provide detailed, specific comments on language in the American Technology Preeminence Act related to FCCSET. At OSTP's request, the language was dropped from the House bill, with the understanding that OSTP would develop a position on language in the Act related to renewal of FCCSET's statutory authority. Please provide OSTP's review of this legislative language.

OSTP Questions
Page Two

6. What is the justification for the proposed rescission of funds for the Critical Technologies Institute? How would you intend to use the funds and to structure the Institute if the rescission is not granted? What kinds of limitations have OMB and the White House legal counsel placed on the expenditure of these funds? What role has the Department of Defense and the Department of Commerce played in those discussions?
7. Please provide a list of all instances in which OSTP has played a role, advisory or otherwise, in rulemakings or in review of regulations related to biotechnology, health, or the environment. For each instance, provide a summary of OSTP's role.
8. Recently, according to press reports, the non-profit organization Federal Focus transmitted to Vice President Quayle a proposed Executive Order giving OSTP a key role in standardizing federal agency risk assessments.
 - a. Please describe OSTP's current role in developing scientific requirements for risk assessments.
 - b. Please describe OSTP's current role in reviewing federal risk assessments.
 - c. Please describe the status of any efforts to increase OSTP's role in either of these areas.
 - d. Do you support an increase of OSTP's role in either of these areas?
9. In the past year, FCCSET has played a more prominent role in coordinating large, multi-agency initiatives and has instituted crosscuts in global climate; high performance computing and communications; advanced materials and processing; mathematics, science, and engineering education; and biotechnology.
 - a. What other inter-agency reviews and/or crosscuts are planned? For each of the crosscuts, Terms of Reference (TORs) have been developed and approved by FCCSET. Please provide and comment on the TORs for each.
 - b. Are all agencies continuing to adhere to the schedule for submitting budgetary information to OSTP according to the FCCSET-approved TORs?
 - c. Please comment on reports that the Department of Interior refused to provide information in a timely manner to FCCSET in accordance with original TORs. Please comment on how TORs were modified to account for Secretary Lujan's and others' concerns and how they differ from the originally crafted TORs. Provide a copy of any materials sent to you by departments or agencies indicating unwillingness to conform with the TORs.

OSTP Questions
Page Three

10. In August, 1990, you initiated a meeting between Administration officials and officials of the National Academy of Sciences to discuss a draft NAS report on global change. The purpose of the meeting (and its result) was to effect changes in the draft report. Please describe your reasons for involving yourself and other Administration officials in the editing of a draft NAS report. Have you ever intervened in other NAS reports?
11. Would you please explain OSTP's role in formulating and coordinating U.S. international science and technology policy. We understand that within the FCCSET structure there is a Committee on International Science, Engineering, and Technology (ISET) -- chaired by the Department of State. Is this committee a mechanism to identify and assess all U.S.G. science and technology cooperative activities? Please report on their activities and recommendations in such areas as (1) S&T cooperation with the European Community; (2) recommendations on resolving the impasse in negotiations with European Community member states on intellectual property rights for S&T agreements; and (3) general guidance for U.S. S&T activities and goals in Eastern Europe. Could you report on how their recommendations have been incorporated and implemented in USG policy?

"STAFF MEMOS"

TYPE: Action Item

DOCUMENT NUMBER: 9123952

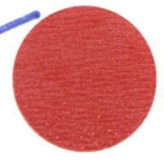
FROM: BRETSCHER, CARL

TO: AD'S AND ASSISTANTS

DATE OF
CORRESPONDENCE: 09/09/91

SUBJECT: BROWN/WALKER OVERSIGHT LETTER

*file
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RESULTING ACTION:

ASSIGNED TO: Tom Ratchford
Pierre Perrolle

OSTP DUE DATE:

DATE COMPLETED: _____

REMARKS:

DATE RECEIVED:

FILE: OVERSIGHT HEARINGS

September 9, 1991

MEMORANDUM FOR DIRECTOR AND ASSOCIATE AND ASSISTANT DIRECTORS

FROM: CARL BRETSCHER

SUBJ: BROWN/WALKER OVERSIGHT LETTER

Enclosed is a first draft of our response to the Brown/Walker letter, sent to us in preparation for the House Science Committee's planned oversight hearing on OSTP. The responses are essentially the same as those sent to me, with only relatively minor changes. While we are waiting for OMB and appropriate counsels to determine whether we can send the TORs and other materials requested in Question #9, please review all our suggested responses for accuracy and political sensitivity.

We need to get this letter through clearance as soon as possible, so please provide your comments to me by COB Tuesday, September 10. Thank you for your consideration of this matter.

cc: Ken Yale

DRAFT

Dear Chairman Brown:

Thank you for your letter of August 22 regarding the oversight hearing on the Office of Science and Technology Policy. Enclosed you will find the responses to your questions. I look forward to discussing these and other issues with you and your colleagues in the near future.

Sincerely,

D. Allan Bromley
Director

- (1) Sec. 102(b)(1)(E) of P.L. 94-282 calls for "reviewing systematically federal science policy and programs and recommending legislative amendment thereof when needed." What process is used by OSTP to review science policy and programs? What specific science policy and programs were reviewed in 1990 and 1991? What specific legislative amendments were recommended in 1990 and 1991?

OSTP relies on a number of mechanisms to review science policy and programs, including interagency coordination through the Federal Coordination Council for Science, Engineering, and Technology (FCCSET) and other White House councils; solicitation of outside advice through the President's Council of Advisers on Science and Technology (PCAST); internal review and analysis; and participation in OMB's budget-formulation and clearance processes. OSTP does not maintain lists of every interaction, but prominent examples of such participation include the High Performance Computing and Communications Program, the U.S. Global Change Research Program, and the math-science education initiative, "By the Year 2000." Furthermore, in September 1990, OSTP issued the report "U.S. Technology Policy," which was prepared by a joint OSTP-OMB team. This policy paper was the first ever issued on this subject by any Administration and was intended to serve as a baseline for future dialogue and discussion of technology issues, both inside and outside of the federal government. Other examples of OSTP participation in federal science policy-making, such as in biotechnology, health, and the international arena, are described in answers to other questions below. Should you have questions about any specific activities, I would be pleased to respond to them.

Sec. 102(b)(1) refers to executive branch "central policy elements," of which OSTP is one, to provide such reviews and legislative recommendations. OSTP has not itself recommended any specific legislative amendments in 1990 and 1991, because the Office's existing authority, derived from both statute and executive order, is sufficient to accomplish its tasks. Other agencies or offices may have provided their own legislative recommendations, in accordance with Sec. 102(b)(1)(E).

- (2) Sec. 102(b)(2) of P.L. 94-282 requires the systematic transfer of scientific and technological information and the coordination of federal science and technology information systems. When did OSTP last review the coordination and dissemination of federal science and technology information systems? What actions were proposed and implemented as a result of the review? Sec. 103(a)(2) mandates a survey and analysis of the need for "improvements in existing systems for handling scientific and technical information on a Government-wide basis, including consideration of the appropriate role to be played by the private sector in the dissemination of such information." Have such a survey and analysis been undertaken? Please provide an executive summary of each survey.

Sec. 102(b)(2) of P.L. 94-282 stresses the responsibility of the Federal Government "to facilitate the close coupling of institutional scientific research with commercial application of the useful findings of science" through the transfer of scientific and technological information. A major step in meeting that responsibility was the issuance of Executive Order 12591 on April 10, 1987 on "Facilitating Access to Science

and Technology". In particular, Sec. 1(3) orders heads of Executive departments and agencies to make available to State and local governments, universities and the private sector "information on the technology, expertise, and facilities available in Federal Laboratories."

P.L. 94-282 has no Section 103. The quoted excerpt is from Section 303(a)(2), which calls for a federal science, engineering, and technology survey to be carried out by the President's Committee on Science and Technology. The legislation provided that unless President acted otherwise, the Committee would be disbanded after submission of the survey, which was due to Congress within two years of enactment of the Act. However, that Committee was abolished by President Carter under Reorganization Plan No. 1 of 1977, paragraph 5A, 42 F.R. 56101, 91 Stat. 1634, and this one-time survey was never undertaken.

OSTP recognizes fully the importance of scientific and technical information (STI). Federal STI is both the immediate product of the Federal government's \$70 billion annual investment in R&D and the input for further advances in R&D in all sectors. Dramatic advances in information technology present enormous opportunities for making increasing amounts of technical data and information more easily available to potential users. In the process, overall economies in the cost of research may be realized. At the same time, advances in information technology are likely to affect the commercial and legal dimensions of the information marketplace and the current division of labor between the government and the private sector in the dissemination of governmental S&T information.

OSTP, in addition to supporting Executive Order 12591, has approached information issues in the context of the research needs of various areas and disciplines. For example, in July 1991, OSTP issued a set of policy statements on data management for global change research. The purpose of those statements is to facilitate full and open access to quality data for global change research. OSTP is also working with OMB on a number of STI-related matters. One is a review of STI dissemination activities of major federal agencies involved in R&D. In addition, OSTP is coordinating with OMB to ensure that various overall, general policies concerning federal information are consistent with national S&T information dissemination and management needs.

- (3) Sec. 102(c) of P.L. 94-282 requires coordination procedures -- specifically, "Federal departments, agencies, and instrumentalities should assure efficient management of laboratory facilities and equipment in their custody, including acquisition of effective equipment, disposal of inferior and obsolete properties, and cross-servicing to maximize the productivity of costly property of all kinds." What coordination procedures does OSTP have in place to accomplish this goal? Which federal agencies maintain an inventory of facilities and equipment in their custody, including a repair-and-renovation timeframe and budgetary schedule? Please provide for all agencies.

Title I of P.L. 94-282 is a statement of national science, engineering, and technology policy and priorities. Sec. 102(a) declares the principles behind this policy; Sec. 102(b) declares the means to implement that policy; and Sec. 102(c) declares the "coordinate procedures" that Congress believed to be of "paramount importance" for implementing the policy stated in Sec. 102(a). The word "coordinate" has several meanings, and it is interesting to note that the legislative history behind Sec. 102(c) does not mention interagency coordination at all. (See H.Rpt. 94-595, 1976 U.S. Code Congressional and Administrative News, pp. 911-912.) The statutory language of Sec. 102(c)(6) and the legislative history indicate that this is a directive to the federal agencies and departments, which are responsible for the management of their respective laboratories and facilities. OSTP has neither the staff nor the resources to coordinate this activity, nor does OSTP maintain for the agencies inventories or repair-and-renovation timetables or budgets.

- (4) When do you plan to submit the next "Science and Technology Report and Outlook" to Congress? What developments of national significance in science and technology will be included in the report?

The biennial "Science and Technology Report" is currently under review and should be submitted within a few months. The report will survey important developments and trends in basic research, information technology, biotechnology, the environment, competitiveness, and other areas, as directed in the legislation.

- (5) At a meeting between Committee and OSTP staff in July 1991, OSTP staff agreed to provide detailed, specific comments on language in the American Technology Preeminence Act related to FCCSET. At OSTP's request, the language was dropped from the House bill, with the understanding that OSTP would develop a position on language in the Act related to renewal of FCCSET's statutory authority. Please provide OSTP's review of this legislative language.

One of my highest priorities as Director of OSTP is to revitalize the FCCSET process. FCCSET's authority is currently derived from President Jimmy Carter's Executive Order 12039, which reorganized certain science and technology policy functions within the Executive Branch. Under this authority, FCCSET has been able to provide federal agencies with an effective forum to coordinate an impressive range of initiatives. These include the High Performance Computing and Communications Program, the U.S. Global Change Research Program, and the math-science education program. FCCSET is also becoming increasingly active in coordinating non-budgetary activities as well, such as in the health, biotechnology, and international arenas, as described below. In its current form, FCCSET is still a relatively new mechanism, one that represents a delicate balance among the agencies, OSTP, and other EOP offices. For these reasons, I do not believe that recodification of FCCSET is either necessary or desirable, and I will seek to preserve instead its current constitution, which has proven so effective.

- (6) What is the justification for the proposed rescission of funds for the Critical Technologies Institute? How would you intend to use the funds and to structure the Institute if the rescission is not granted? What kinds of limitations have OMB and the White House legal counsel placed on the expenditure of these funds? What role has the Department of Defense and the Department of Commerce played in those discussions?

The proposed rescission of funds for the Critical Technologies Institute (CTI) is based on the duplicative mission of the Institute and on certain legal and technical difficulties. Critical technologies issues are already being considered by the Federal agencies, OSTP, and other Executive Branch offices responsible for policy formulation. Using these existing mechanisms, the Administration is developing a number of initiatives related to critical technologies, including the High Performance Computing and Communications Program, budget and program cross-cuts in advanced materials and biotechnology, and a planning effort to increase government-private sector collaboration in advanced manufacturing research and development. The establishment of a new quasi-non-governmental entity to address such matters is likely to confuse and hamper, rather than advance critical technology policy development within the Federal government. Without being a true governmental organization, the Institute would be unable to participate in policy development or other internal Executive Branch deliberations in any meaningful way.

There are also a number of legal and technical issues that remain unresolved. In particular, the design of the Institute's board of trustees, which is not only unwieldy but would consist of both Federal and non-Federal individuals, could raise conflict of interest problems.

If the rescission is not granted, the funds will be used in accordance with standard Federal procurement procedures to establish the Institute along the lines of existing FFRDCs. While the rescission request is pending, the Department of Defense, following established procedures, has withdrawn the funds appropriated for CTI. neither OMB nor White House legal counsel has placed any limitations on the expenditure of these funds. The Department of Commerce has not played a role in those discussions.

- (7) Please provide a list of all instances in which OSTP has played a role, advisory or otherwise, in rulemakings or in review of regulations related to biotechnology, health, or the environment. For each instance, provide a summary of OSTP's role.

OSTP's participation in rule-making and regulatory review, as well as other Executive Branch activities, ranges from formal, ongoing mechanisms, such as FCCSET, to more ad hoc interactions, such as participation in certain clearance processes. Consequently, OSTP does not maintain a comprehensive list of all instances in which OSTP has so participated in rule-making and regulations. The following are prominent examples of OSTP's involvement in this arena. Should you have specific areas of interest, I would be pleased to address them.

Biotechnology. OSTP participates in the formulation of Administration positions and policies through the OMB clearance process as well as through the Working Group on Biotechnology, a subgroup of the Vice President's Council on Competitiveness. Proposed rules or regulations which OSTP has discussed as part of the interagency review are: USDA's "Proposed Guidelines for Research Involving the Planned Introduction into the Environment of Organisms with Deliberately Modified Hereditary Traits" (56 FR 4133); and EPA's draft proposed regulations for microbial pesticides under the Federal Insecticide, Fungicide and Rodenticide Act. OSTP also published for public comment last year the document, "Principles for Federal Oversight of Biotechnology: Planned Introduction into the Environment of Organisms with Deliberately Modified Hereditary Traits" (55 FR 31118).

Health. The FCCSET Committee on Life Sciences and Health (CLSH) reviewed the recommendations of the former President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research to establish a uniform policy governing Federally sponsored research involving human subjects. A final common rule implementing the Commission's recommendations was developed and published in the June 18, 1991 Federal Register. The common rule applies to those federal departments and agencies conducting or supporting research involving human subjects.

Environment. (Nancy Maynard)

- (8) Recently, according to press report, the non-profit organization Federal Focus transmitted to Vice President Quayle a proposed Executive Order giving OSTP a key role in standardizing federal agency risk assessments.
- (a) Please describe OSTP's current role in developing scientific requirements for risk assessments.
 - (b) Please describe OSTP's current role in reviewing federal risk assessments.

The answers to questions (a) and (b) are combined because the issues and mechanisms are closely intertwined. The Administration recognizes the importance of the scientific assumptions underlying risk assessment and the need for consistency across the agencies that conduct such assessments. Through the FCCSET mechanism, the agencies have established an Ad Hoc Working Group on Risk Assessment to review the scope of Federal risk assessment policies and to provide information on the scientific basis of risk assessment for input to the policy councils in the Administration. In addition, the FCCSET Committee on Life Sciences and Health has formed a Subcommittee on Risk Assessment. This Subcommittee provides to the Ad Hoc Working Group technical advice and staff support on a wide variety of issues related to risk assessment. Among its other activities, the Subcommittee will inventory current activities in the different agencies; identify appropriate data systems; develop

a research agenda; strengthen the scientific basis for risk assessment; and provide a forum for harmonizing and resolving interagency conflicts in risk assessment.

As part of an effort to harmonize approaches to risk assessment where appropriate, this Ad Hoc group established an Interagency Scaling Factor Work Group to develop a consensus draft on cross-species scaling of risk from animals to humans that could serve as a single default approach among the agencies. The Work Group intends to publish a Notice of Availability of the draft document in the Federal Register, requesting comments on both the technical content and the policy implications of the default approach.

The CLSH Subcommittee on Risk Assessment has established several working groups to review such areas as: identification of data systems needed to support risk assessments; determination of the scientific bases for risk assessments of non-cancer endpoints; and agency adoption of guidelines set forth in the 1985 OSTP carcinogenesis document. A subcommittee working group is also conducting a survey of current Federal risk assessment programs in order to ascertain their scope and range.

The CLSH Committee on Interagency Radiation Research and Policy Coordination (CIRRPC) has also reviewed the National Academy Sciences' report on the health risks of radon and other internally deposited alpha emitters. CIRRPC completed a report directed toward developing consistent health risk estimates for use by Federal agencies in risk assessment and management such alpha-emitting radioactive elements as radon, radium, uranium and plutonium. CIRRPC also sponsored a public workshop on finding ways to better inform the public on radiation and its potential health effects.

- (c) Please describe the status of any efforts to increase OSTP's role in either of these areas.

As described above, the FCCSET groups on risk assessment are now developing their activities in their respective fields. These groups will serve to better inform Federal risk assessors regarding on-going activities; improve communication across agencies and enhance public understanding of the process. Efforts are planned to solicit public input on potential areas for improvement in risk assessment and to identify further areas of concern.

- (d) Do you support an increase of OSTP's role in either of these areas?

OSTP's role rests on the needs and priorities in this area. As the working groups identify areas where risk assessment can be improved, OSTP will continue to be involved in catalyzing appropriate action to enhance harmonization, improve communication and strengthen underlying scientific principles. OSTP will pursue an agenda that will encourage the maximum level of interagency collaboration and better public understanding of the risk assessment process and its implications.

- (9) In the past year, FCCSET has played a more prominent role in coordinating large, multi-agency initiatives and has instituted crosscuts in global climate change; high performance computing and communications; advanced materials and processing; mathematics, science, and engineering education; and biotechnology.

Before answering your specific questions, I would like to take this opportunity to clarify certain aspects of the FCCSET process. I appreciate the support of the Committee for the three crosscuts that have been coordinated through the FCCSET process -- specifically, the U.S. Global Change Research Program, High Performance Computing and Communications, and the math-science education initiative. The FCCSET committees engaged in a crosscut develop, through interagency deliberations, a set of recommendations for a proposed research program, including objectives, a strategic plan, implementation priorities, agency roles, and budget options. This material is submitted to the head of each department or agency participating in a specific crosscut. The agency or department head will then consider those recommendations during the preparation of that agency or department's budget submission to OMB. The Cabinet secretaries and heads of independent agencies have the final say regarding the level of their organizations' participation in a particular crosscut. Once the agency and department heads have made their decisions, the FCCSET committees then make whatever adjustments are necessary to their recommendations to obtain a balanced program at the available funding level.

- (a) What other interagency reviews and/or crosscuts are planned? For each of the crosscuts, Terms of Reference (TORs) have been developed and approved by FCCSET. Please provide and comment on the TORs for each.

It is too early to say what topics will be selected for interagency reviews and/or crosscuts. The next round of crosscuts will be for the FY 1993 budget. Decisions on those topics, as well as review topics that are not crosscuts, will be made next year.

Copies of the Terms of Reference are attached for the five crosscuts currently in process. The TORs consist of common procedural elements and language that is specific to the topic of each crosscut. The TORs also reflect the state of development of the interagency effort in each area. For example, global change research and high performance computing and communications have been the subject of crosscuts for three and two budget cycles, respectively. The options for these two crosscuts are specified with reference to decisions made in FY 1991. Furthermore, the committees are expected to develop management plans to monitor the progress of the work already agreed to. For the crosscuts that are new for FY 1992, biotechnology and advanced materials and processing, much of the effort is directed to building a baseline inventory of current Federal activities, developing goals, priorities, and budget options that inform policy decisions about the scope and duration of work that might be proposed by the President in his budget submission to the Congress.

TORs will not be drafted for the FY 1993 crosscuts until after the topics are selected in the spring of 1992.

- (b) Are all agencies continuing to adhere to the schedule for submitting budgetary information to OSTP according to the FCCSET-approved TORs?

The participating agencies in each crosscut for the FY 1992 budget have made good faith efforts to provide the budgetary information in a timely manner. The budget schedules of individual departments and agencies differ and the timetables in the TORs are not able to reflect the full measure of this diversity. For example, the Department of Defense submitted both its FY 1992 and FY 1993 budgets to the Congress at the same time.

For new crosscuts, there are two waves of data collection. First, the inventory data are collected for past years and the current budget request that is before the Congress. The availability of these data is primarily a function of the degree of detail desired by the FCCSET committees compared to what data are kept routinely in departmental and agency records. Forward budget information is not available until Cabinet Secretaries and Heads of Independent Agencies have made their decisions about future years.

- (c) Please comment on reports that the Department of Interior refused to provide information in a timely manner to FCCSET in accordance with original TORs. Please comment on how TORs were modified to account for Secretary Lujan's and others' concerns and how they differ from the originally crafted TORs. Please provide a copy of any materials sent to you by departments or agencies indicating unwillingness to conform with the TORs.

The Secretary of Interior raised certain issues regarding the TORs. One major concern was the timing of budget decisions by the Secretary and its relation to the need of the crosscut groups for early indications of what these decisions might be. The Secretary of Interior did make decisions that were conveyed to the various crosscut groups in time for the construction of budget options. The staff of the Department of Interior decided not to propose new programs in some of the crosscut areas because of overall budgetary constraints.

The final TORs were modified to change the intermediate check dates by a week or so. There was relatively little leeway for schedule adjustments, however, because the FCCSET crosscut process must track the overall budget preparation schedule that is set by OMB and the President.

- (10) In August 1990, you initiated a meeting between Administration officials and officials of the National Academy of Sciences to discuss a draft NAS report on global change. The purpose of the meeting (and its result) was to effect changes in the draft report. Please describe your reasons for involving yourself

and other Administration officials in the editing of a draft NAS report. Have you ever intervened in other NAS reports?

(Nancy Maynard)

- (11) Would you please explain OSTP's role in formulating and coordinating U.S. international science and technology policy? We understand that within the FCCSET structure there is a Committee on International Science, Engineering, and Technology (CISSET) -- chaired by the Department of State. Is this committee a mechanism to identify and assess all U.S.G. science and technology cooperative activities?

OSTP carries out its role in formulating and coordinating U.S. international science and technology policy pursuant to Section 6614(a)(1) of OSTP's organic act and Section 503(a) of Title V of the FY 1979 Foreign Relations Authorization Act (P.L. 95-426). Section 6614(a) authorizes OSTP to:

"... seek to define coherent approaches for applying science and technology to critical and emerging national and international problems and for promoting coordination of the scientific and technological responsibilities and problems of the Federal departments and agencies in the resolution of such problems."

Section 503(a) provides that:

"The President, in consultation with the Director of the Office of Science and Technology Policy . . . shall . . .

"(2) identify and evaluate elements of major domestic science and technology programs and activities of the United States Government with significant international implications;

"(3) identify and evaluate international scientific or technological developments with significant implications for domestic programs and activities of the United States Government; and

"(4) assess and initiate appropriate international scientific and technological activities which are based upon domestic scientific and technological activities of the United States Government and which are beneficial to the United States and foreign countries."

OSTP implements these responsibilities through continuous and ongoing discussions with technical agencies and the Department of State (especially through its system of science counselors) to identify international science and technology issues, and to design, implement, and coordinate Federal department and agency policies, programs

and activities to address those issues. OSTP, through consultations with Federal agencies, designs policies to enhance domestic programs through international S&T cooperation and seeks to eliminate impediments to international cooperation where they may exist.

The purpose of the Committee on International Science, Engineering, and Technology (CISSET), which is chaired by the Department of State Under Secretary for International Security Affairs, is to advise and assist the Administration to increase the overall effectiveness and productivity of Federal efforts in international science, engineering, and technology affecting two or more Federal agencies. The Committee addresses significant international policy matters that cut across agency boundaries and provides a formal mechanism for interagency policy review, planning, coordination, as well as exchanges of information regarding international science, engineering, and technology.

CISSET has several specific functions: (1) to review and advise on Federal programs and issues in international science, engineering, and technology, including technical assistance; (2) to facilitate planning, coordination, and communication among Federal agencies engaged in international science, engineering, and technology; (3) review and advise on U.S. programs, policies, and positions concerning science, engineering, and technology in multilateral organizations; and (4) identify and recommend options for Federal priorities and plans in international science, engineering, and technology.

Please report on their activities and recommendations in such areas as (1) S&T cooperation with the European Community; (2) recommendations on resolving the impasse in negotiations with European Community member states on intellectual property rights for S&T agreements; and (3) general guidance for U.S. S&T activities and goals in Eastern Europe. Could you report on how their recommendations have been incorporated and implemented in USG policy?

(1) The CISSET Subcommittee on S&T Cooperation with Industrialized Countries, chaired by the NIH Fogarty International Center Director, has coordinated an interagency review of S&T policies and trends in the European Community (EC). At the request of the Director of OSTP, in October 1990, the Subcommittee completed an evaluation of the implications of EC integration for S&T in Europe and the U.S. relationship. The report recommended that, inter alia: U.S. Federal agencies should strengthen traditional bilateral relations with EC member states at the same time that they continue to cultivate carefully a US-EC relationship; Federal agencies, associated laboratories, and academic and industry experts actively represent U.S. S&T interests through the EC and appropriate international multilateral and bilateral fora in standards-setting bodies, regulatory bodies, the GATT, and other negotiating fora; capabilities be developed and enhanced to monitor the EC S&T community; a US-EC Joint Consultative Group on S&T be established to help strengthen such linkages and facilitate information exchange. This Group was established in November 1990 and met for the first time in February 1991 under the co-chairmanship of Dr. Bromley and the EC Vice President, Filippo Pandolfi.

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OSTP also participates in the U.S.-EC Task Force on Biotechnology Research, a subgroup of FCCSET. The goal of the Task Force is to increase mutual understanding of U.S. and EC programs and regulatory activities related to biotechnology research. The Task Force reports to the Biotechnology Research Subcommittee of FCCSET in the U.S. and to the Biotechnology Research, Development and Demonstration Committee of the Commission of European Communities. Members discuss priorities and science policy issues, plan joint workshops, and identify necessary components to enhance more favorable research environments. The second meeting of the Task Force took place July 15-16, 1991, in Brussels.

(2) The root of the impasse on intellectual property rights (IPR) negotiations with the EC and EC member states concerning S&T agreements has been the difficulty in prescribing a procedure for the territorial allocation of IPR among different states, as a result of movement towards the EC single market. Earlier this year, Ciset completed the development of an IPR annex that the USG has since proposed to the EC, and to EC member states with which we have S&T agreements under negotiation. This proposal provides that in cases of joint research, our bilateral agreements should direct researchers or research institutions to devise a joint management plan for allocating the intellectual property rights that might arise from the research. This proposal would remove the need for a rigid approach to territorial allocation of IPR among EC member states. We are still engaged in discussions with the EC and EC member states on this proposal.

(3) Again at the request of Dr. Bromley, the Ciset Subcommittee on Cooperation with Industrialized Countries has initiated a study on S&T Opportunities with Central and Eastern Europe. As currently outlined, the study seeks to review existing USG institutional arrangements and activities of associated USG technical agencies; U.S. foreign policy objectives in the region and how they relate to S&T cooperation; strengths and weaknesses of science and engineering research in Central and Eastern Europe; and U.S. long-term S&T objectives for the region, including agencies' recommendations for 1991-1996. The report is scheduled to be provided to Dr. Bromley in November 1991, at which time we will be in a position to provide further information.

ANSWER TO QUESTION 11
OSTP OVERSIGHT HEARINGS

OUTLINE

11. I. Define the Ciset responsibilities and describe Ciset establishment and membership
- II. Brief general summary of Ciset activities, followed by:
- (1) Summary of Ciset EC Report
Establishment and activities of JCG and its task forces
 - (2) Summary and history (ref. Law & Ex. Order) of IPR issue regarding S&T agreements; review development of general IPR annex and EC member state approach.
 - (3) Note establishment of Central European S&T review as an "in process" item; more information will be provided later.