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**The Report of the  
President's Commission  
on the  
Federal Appointment  
Process**

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DECEMBER 1990

on Executive Exchange; Jane Ley, the Office of Government Ethics; Vernon Parker, the Office of Personnel Management; Ambassador Edward J. Perkins, Director General of the Foreign Service and Director of Personnel, Department of State; Jacques Klein, Chief, Training and Liaison Staff, Department of State; and to Kenneth Ballen, John Feehery, Alan Maness, Alexander Netchvolodoff, and Theodore Van der Meid of the legislative branch.

The Commission expresses its special appreciation to Deputy Assistant Secretary of State Amy L. Schwartz for her work with the Commission while serving in the Office of the Counsel to the President.

The Commission values the experience and knowledge brought to this enterprise by these many civic-minded individuals.

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## INTRODUCTION

President Bush established the President's Commission on the Federal Appointment Process by Executive Order 12719, pursuant to Section 203 of the Ethics Reform Act of 1989 (Public Law 101-194), on July 11, 1990. The need for the Commission and its purpose were first identified by the President's Commission on Federal Ethics Law Reform. Recommendation 18 of that report stated:

The Commission recommends that a coordinating committee composed of ethics officials of the three branches of Government study ways to simplify the Presidential appointment process by reducing the number and complexity of forms to be completed by potential appointees.

The President, members of Congress, and many others familiar with the appointment process have noted that the ever-increasing amount of requirements prospective nominees must meet has retarded, if not impeded, the pace of the appointment process. As G. Calvin Mackenzie wrote in the April 1990 issue of *Government Executive*, "...the character of transitions has changed significantly in recent years. Procedural changes, new legislation, escalating media scrutiny and more complex politics have all slowed the appointment process."

Mackenzie identified the major causes of delay. He and others have noted a few more, including the increased technical knowledge required for certain posts and the volume of paperwork that precedes the actual appointment. To quote Mackenzie again:

Explaining rules to potential appointees has become an increasingly time-consuming part of the recruiting process. Once a candidate agrees to accept a nomination, further delays often occur in completing and reviewing financial disclosure forms and in altering personal portfolios to avoid potential conflicts of interest.

It is not surprising that a growing number of thoughtful people, conversant with the workings of government, should turn their attention to delays in the appointment process. The issue strikes to the heart of the democratic process under which our nation operates. As the elected head of state, the President receives a mandate from the people. Those appointed to public office serve as instruments in carrying out that mandate. The people have every right to expect the person they elect as President to assume control of the government quickly and to carry out his or her charge promptly.

Long delays in the nomination, confirmation, and appointment processes leave the operation of the government in the hands of acting officials and appointees of a previous administration who may not share the goals of the new administration or be willing to anticipate its desires in the absence of high-level political appointees heading agencies and departments. Delays also impede another important aspect of the democratic process; the ability of the public to hold public officials accountable through its duly elected representatives. This requirement is best satisfied by having in place top-level presidentially selected appointees to testify before Congress and represent the administration before other public forums.

The Commission commends the President and the Congress for recognizing that improvements in the process will enhance the functioning of the government and contribute to the health of democratic procedures and institutions. As President Bush said in his "Remarks to Members of the Senior Executive Service" on January 26, 1989:

There is a mandate to fulfill. And there are problems to solve....Above all we have a compact with the American people. They pay for excellent government, and they deserve to receive it.

Executive Order 12179 succinctly states the Commission's mission.

The Commission shall advise the President on the best means of simplifying the Presidential appointment process through reducing the number and complexity of forms to be completed by Presidential nominees. The Commission shall give special attention to: (i) achieving coordination between forms required in the executive branch clearance process and forms required by Senate Committees for confirmation hearings; and (ii) identification of opportunities for the Office of Government Ethics to simplify the SF-278 Executive Financial Disclosure Report and its instructions, pursuant to the Ethics in Government Act of 1978, as amended.

It stands to reason that a process fraught with duplication, complication, and outright confusion eventually will take its toll on the quality and the effectiveness of government. Such a system will either prevent excellent people from assuming their posts quickly or discourage them from serving at all. The President's Commission on Federal Ethics Law Reform accurately described the situation facing prospective nominees as it existed in 1989:

In addition to the financial disclosure reports for executive and judicial branch nominees (SF-278), candidates for presidential appointments are currently required to provide personal information on numerous forms, such as the Personal Data Statement used by the White House, the Federal Bureau of Investigation personal history form (SF-86), and separate forms required by the particular Senate committee considering the appointment. Since the forms are not shared among the different entities, the information required to complete each form overlaps, and in some cases the forms call for the same basic information to be presented in a different way. No mechanism currently exists for resolving this or other interbranch differences in procedure and interpretation.

This Commission was created to be that mechanism. Because its fourteen members all work in government, they are particularly sensitive to the issues before them. Some have made government work their careers. Others are part of the group commonly referred to as "in and outers." Each of them has either been through the process or assisted in steering others through it. All have demonstrated, prior to their appointments to this Commission, the ability to understand and appreciate the concerns of candidates and those of appointing and confirming authorities.

The Commission agrees with the President that "government service is a noble calling and a public trust." It believes that the public has a right to expect its public officials to be of the highest caliber and to meet high standards of character and performance. It also determined that speed in the appointment process should not come at the expense of responsible and sensible scrutiny of potential nominees. Fair and reasonable scrutiny protects the public from the effects of corruption and incompetence. The Commission began its work convinced that speed and scrutiny were not incompatible goals. It worked to further both objectives throughout its deliberations. It concluded that forms could indeed be streamlined or eliminated without sacrificing either objective.

The President's Commission on Federal Ethics Law Reform accurately set forth the paper maze facing prospective presidential nominees before being appointed. The SF-278, SF-86, and the Personal Data Statement are the first forms given to a prospective nominee. The SF-278, which has more pages of instructions than pages to complete, often confuses those who have to file it. The SF-86, which is required for many sensitive positions, includes contradicting directions and a supplemental form for presidential nominees. The White House's Personal Data Statement contains questions that appear on both other forms and later on a Senate committee's form. The Senate committees all have their own forms, which further complicates assisting the prospective nominee.

The Commission took steps to remedy this situation. It met as a whole five times, on September 11, October 2, November 9 and 28, and December 7. In addition, some members of the Commission served on a subcommittee on forms that met four times. Half of the subcommittee dealt with executive branch forms while the other half worked on the Senate forms. The members of the Commission, as government employees, intend to continue working to implement many of the recommendations. Members of the subcommittee working on the Senate forms plan to remain particularly active in this regard.

The Commission found that some delays were caused by the forms themselves and recommended appropriate alterations. It discovered that other delays were not rooted in the forms but in some of the procedures connected with the appointment process. The first section of the report contains recommended changes to the forms. The second suggests changes in the procedures.

The third section contains actions the Commission believed could be undertaken prior to awaiting these other changes. These include recommendations that involve supporting and improving upon revisions already started by other government entities. For example, while the Commission sat, the SF-86 was in the process of being revised by the Office of Personnel Management. The Commission became involved in that process and hopes that its observations and recommendations will improve the final product. The Commission discovered upon conducting its research that the Office of Government Ethics was also in the midst of revising its form, making the SF-278 easier to read, understand, and complete. The Commission supports this effort. Changes to the actual content of the SF-278 would require legislation. Some commissioners feel changes are warranted. Others do not. All agreed that such recommendations were beyond the charge of this Commission.



Most of the Commission's recommendations relate directly to reducing the number and complexity of forms and to reducing the delays in the processing of those forms. The Commission, however, was careful not to lose sight of the underlying principle that led to its creation. It has therefore included a fourth section that speaks to the state of the public service and ways to improve it. It has done so in the belief that government can only be as good as the people it attracts.

As Paul Volcker, the Chairman of the National Commission on the Public Service, eloquently wrote in the August 5, 1990 edition of *The New York Times*:

In this exciting and challenging time for all Americans, nations everywhere seek to emulate our democracy, our freedoms and our economic success. How tragic it would be if at this time of unparalleled challenge and potential success, we let the ordinary processes of democratic government erode—and put the whole enterprise at risk.

It is to these ends that the Commission has devoted its attention. It is confident that its efforts will strengthen the public service and lead to more responsive and effective government.

## RECOMMENDATIONS

### FORMS

The President's Commission on the Federal Appointment Process noted at its outset that prospective nominees for Senate confirmed presidential appointments must complete four different forms prior to confirmation: Standard Form (SF) 278, which is the financial disclosure form, SF-86, which is the FBI form, the White House's Personal Data Statement, and the appropriate Senate committee form for nominees. It observed that much of the same information was requested on all of them. It recommends that this duplication of effort and substance be reduced in the following ways:

1. The Senate should adopt one basic form for all committees, with the committees reserving the right to include addenda customized to suit their particular requirements.

2. Each Senate committee should consider carefully whether a net worth statement should be a part of its addendum questionnaire (sent to some or all of the nominees submitted to that committee), or whether other existing forms (the SF-278 and/or, in rare circumstances, an IRS 1040 form) could serve as an adequate alternative to the net worth statement in some cases. Committees choosing the latter course would reserve the option to request a net worth statement from nominees when they deem it necessary.

3. The executive branch and the Senate should reach agreement as to what forms will be required of a nominee and distribute the bulk of the forms at one time, with committees reserving the right to add supplemental forms addressed to the nominee after his or her nomination is submitted to Congress.

4. The FBI should provide nominees awaiting Senate confirmation with their FBI files within days of their requests. (Under the Freedom of Information Act, they have to wait several months.) Current excisions should be maintained to protect confidentiality.

5. The appointing authority should encourage prospective nominees to submit copies of previously filed SF-86 forms along with the completed new forms to assist the FBI in expediting their investigations.

6. Beginning with the adoption of the new FBI form for prospective presidential nominees, the FBI should accept an old copy of this new form if a prospective nominee had previously filed it for a different position. The prospective nominee should also submit an addendum updating information and stating that certain prior information remains correct. The FBI should also enunciate a consistent policy as to when it deems it necessary to repeat, rather than update, full field investigations.

7. The Commission recommends that any questions on the revised SF-86 pertaining to the mental health background of candidates for nomination or appointment minimize any unnecessary intrusion into the medical and psychological histories of candidates for office. The Commission believes it is important that questions regarding this issue not be asked in ways that discourage candidates from seeking either professional care or public office.

## PROCEDURES

The Commission recognized that, over time, the best way to reduce forms and the workload of all entities involved in the appointment process would be to avail present and future Presidents of the strongest possible candidates for PAS positions as early in their terms as possible and to increase the average length of service of good people after they have been confirmed in their posts. It is the opinion of the Commission that the historic trend of shorter lengths of service for "in and outers" coupled with the increasing amount of time it takes for the average confirmation will prove harmful to the efficient and effective functioning of the government. It recommends the following clerical and procedural remedies as ways to accelerate the selection and confirmation process and to reduce the level of frustration prospective nominees often experience.

8. The Executive Clerk to the President and the departments should maintain and update job descriptions for presidentially appointed Senate confirmed (PAS) positions. This would increase the government's institutional memory by describing positions and listing needed qualifications. These job descriptions would assist present and future Presidential Personnel Offices in recruiting nominees of the highest caliber. The list of job descriptions should be public information.

9. Appropriate personnel should be retained on the White House staff to assist prospective nominees with filling out the necessary forms. The White House Office of Presidential Personnel and the Counsel to the President should devise a system of keeping prospective nominees as well informed as practical about their candidacies.

10. The Republican and Democratic National Committees or the two presidential campaign staffs should establish personnel offices for their presidential candidates immediately after the respective nominating conventions to identify prospective appointees beneath the cabinet rank. This step would ensure an earlier start for filling positions in the new administration. It would also remove the appearance of candidates being overconfident because each candidate would have a personnel operation. Each candidate's personnel office should have access to the Executive Clerk to the President's job description data bank. Congress should consider amending the Presidential Transition Act to financially assist the campaigns with this expense.

11. The executive and legislative branches should work together to keep PAS Boards and Commissions to a minimum. The sheer number of PAS positions has made the appointment process more cumbersome. The Senate committees should review existing boards and commissions under their jurisdiction as they come up to determine if they still need to have PAS status.

12. The prevailing ethical standards for the executive branch should be fair and the equivalent of those that exist in the other branches of government.

13. The Office of Government Ethics should continue to enhance the quality of ethics advice available to presidentially appointed advisory commissions and their equivalents by stressing that agencies take an active role in the process and by assisting in the training of ethics officials. OGE's role should be better known

to these entities, and its written opinions on ethical matters should be more widely disseminated.

14. The Commission recommends that unsubstantiated or uncorroborated anonymous allegations not ordinarily serve as a basis for judging the qualifications of a candidate for a non-judicial appointment, nomination, or confirmation. This recommendation in no way precludes the FBI from concluding, based on its judgment and experience, that such allegations are necessary for judging the qualifications of a candidate in specific cases and thus should be included in its report.

## ACCOMPLISHMENTS

The Commission was able to help effect certain changes in forms and their content in the course of its work. It dovetailed with ongoing White House and Office of Personnel Management efforts to simplify forms and was able to assist in those initiatives. To date, the following improvements have been made:

15. The staff and subcommittee on forms created a sample Senate Form for the Senate's consideration. Several of the Commissioners will be discussing adopting some version of it with the Senate committees' staff directors. The Commission is hopeful that a standardized form will be accepted by most committees early next year. In the meantime, the Commission is arranging to have the committees' existing forms sent simultaneously with those the White House sends.

16. The White House Counsel's Office has revamped the Personal Data Statement. If the Senate committees adopt one Senate form that can be sent with the White House forms to candidates for nomination, the Personal Data Form can be further streamlined.

17. Working with the Commission, the Office of Personnel Management is specifically redoing the SF-86, the FBI form, for presidential appointees. This revision will eliminate the SF-86 supplemental form now given to presidential nominees and simplify the long and complicated directions for filling out the form. These directions often directly contradict directions on the form itself because the previous form was not specifically targeted to presidential appointees, who are held to stricter requirements than the rest of the form answering population.

18. The Office of Government Ethics and the White House are enhancing the level of coordination required in the processing of nominations. This entails the timely notification of nominations.

19. The Office of Government Ethics and the Department of Justice are working on clarifying and standardizing the ethics regulations. These steps were mandated by statute, and the Commission encourages and supports their efforts.

20. The Commission recommended that the FBI only investigate the years after the last background check if a nominee has been the subject of a full field investigation in the past. The White House Counsel's Office and the FBI have agreed that the FBI will now request the old file on a nominee as soon as the name check request is submitted by the White House. The name check request is made to the FBI before the nominee fills out the SF-86. This change gives the FBI enough time to receive and review the old file. Investigators will be able to avoid time-consuming reinvestigations of old information.

21. The Office of Government Ethics is preparing to issue de minimis waiver standards. These standards will dramatically simplify conflict of interest clearances and compliance. The Commission supports this effort.

## CONCLUSION: IMPROVING THE PUBLIC SERVICE

While the Commission's primary charge was to eliminate the duplication of information collected on forms and to reduce the size and number of forms, it recognized that the existence of forms and the burdens they impose on those who complete them are reflections of something broader in scope than paperwork. They reflect the desire of policy makers to hold those in public office accountable to those they serve. They are also attempts to set and maintain high standards for public service.

The Commission believes that these are worthy goals and has considered ways of addressing them that extend beyond the realm of forms. It is unanimous in its opinion that the quality and effectiveness of government depend on the quality of the people who serve in it. It is disturbed by the findings of previous commissions that government service is not widely held in high esteem and that this negative perception is deterring talented people from seeking or accepting positions in government. Unless remedied, the Commission believes, the long-term effects of this situation will prove harmful to our representative system of government, which draws its strength from the willingness of citizens to seek and accept full- and part-time government positions.

The Commission applauds the strides that the government has made in recruiting people of promise into government. It shares the views of well-respected academicians and "good government" organizations that even more can be done to enhance the quality of the career and non-career services. The Commission is particularly impressed with proposals that involve active participation of the public, private, and non-profit sectors in this effort.

The Commission envisions cooperation in several ways and at several levels. The Commission encourages all branches of the federal, state, and local governments to use their "bully pulpit" powers to trumpet the challenges of public service. It hopes business, professional, civic, and charitable associations will devise incentives to encourage the best of their number to spend at least a part of their professional lives in government.

The Commission suggests that the government enlist the most inspiring and motivating career and non-career government officials to recruit college students to government service. It should also continue experimentation with "on the spot" hirings.

The Commission also encourages the establishment of more fellowships, internships, and exchange programs among personnel in the public, private, and non-profit sectors. These could be modeled on the Congressional Fellowship Program that the American Political Science Association has established for political scientists and journalists. Other professional associations could serve as sponsors.

The Commission notes that the President signed legislation on August 14, 1990 that would establish a National Advisory Council on the Public Service, "...to provide the President and the Congress with bipartisan, objective assessments of, and recommendations concerning, the federal work force." The

Council, which is to include representatives of all three branches of government as well as the public, could help ensure that the quality and effectiveness of the public service of government remain high on the nation's agenda. The Commission feels that the Council is the body best equipped to examine the thinking behind the questions on the SF-278 form. It believes that body should also investigate issues that, while outside the scope of this Commission, repeatedly surfaced in the course of its activities, such as post-employment restrictions and conflict of interest laws as they affect the holdings and activities of spouses of prospective nominees.

While none of the proposals to improve the public service will in and of themselves reduce the number and complexity of forms in the future, all will better the public service. This should help restore public confidence in government. The Commission is unanimous in its support of that goal.

## APPENDIX 1

### **COUNCIL FOR EXCELLENCE IN GOVERNMENT**

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#### **STATEMENT**

**MARK A. ABRAMSON, PRESIDENT**

**COUNCIL FOR EXCELLENCE IN GOVERNMENT**

**BEFORE THE PRESIDENT'S COMMISSION ON THE**

**FEDERAL APPOINTMENT PROCESS**

**October 2, 1990**

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STATEMENT

MARK A. ABRAMSON, PRESIDENT  
COUNCIL FOR EXCELLENCE IN GOVERNMENT

BEFORE THE PRESIDENT'S COMMISSION ON THE  
FEDERAL APPOINTMENT PROCESS

October 2, 1990

On behalf of the Council for Excellence in Government, it is my pleasure to appear before you today. We commend the work of the Commission and applaud its efforts to improve the federal appointments process. We look forward to continuing to work with you on this important task and hope that we can be of assistance to you in this effort.

As President of the Council for Excellence in Government, it has been my privilege to get to know and work closely with nearly 600 former government officials who are now leaders in the private sector. These individuals -- who comprise the Council's membership -- believe deeply that public servants should meet the highest possible standards of ethics and integrity -- before, during, and after government service. But they have a serious concern about the extensive paperwork burdens and disclosure requirements that are required to enter public service these days. They believe the process has become so difficult and cumbersome that it places unnecessary burdens and costs on both potential appointees and the government, and, in some cases, discourages highly qualified

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candidates from either being considered for positions in government or accepting positions when offered.

II. THE CHALLENGE BEFORE THE COMMISSION

Before discussing the Council's specific recommendations for needed changes in reducing both the number and complexity of the forms to be completed by presidential nominees, I would like to first discuss what, I feel, are the larger issues facing this Commission.

On one level, you have been asked to assess questions such as whether there should be more or less than eight boxes in Block C of Schedule A of SF 278. But on another level, you have been asked to examine our democratic system of government.

Our democratic form of government consists of an electoral system in which a President is elected every four years. With each new Administration, we have developed -- over time -- a system in which a new Administration appoints citizens from outside of the government to senior policy-making positions in government. We do not have a British Parliamentary system in which a permanent corps of career civil servants occupy most of the top positions in government.

It is my contention that we -- as a society -- have not yet fully come to grips with the implications of our democratic political system of "in and outers." I do not argue that our system should be changed. Many years ago, our nation rejected a parliamentary system of government. The issue before us today is

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how can we best make our system of "ins and outers" more effective.

The context in which we address the issue of political appointees is far different today than it was twenty, thirty, or forty years ago. It is a cliché to say that our nation and our society has become more complex and complicated -- but this cliché is true. We have come a long way from our agrarian roots. I think Thomas Jefferson would be very surprised to read *Business Week* and *Fortune* magazines. I don't think he envisioned a world of leveraged buy-outs and corporate take-overs.

The increasing complexity of our society has special implications for our political appointees. By definition, an "in and outer" brings a potential conflict of interest to the table -- not only when he or she enters government, but also when he or she leaves government. The challenge before you is to examine the current presidential appointment process and decide whether or not the attempt to avoid conflicts of interest discourages precisely those individuals with the most expertise and experience from public service.

Theoretically, if the objective of ethics rules and regulations are to bring an end to any potential conflicts of interests, a couple of easy options are available. First, we could populate our senior positions in government with career civil servants. There are many capable, civil servants who would be qualified to assume many of these positions. If they have spent their careers in government -- as many have -- they would bring no conflict of interests to the table from past positions. Many would

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be honored to take traditional political positions and then retire -- without facing potential conflicts of interest by entering the private sector after their service in government. (By tradition or requirement, the presumption would be that individuals would not enter the private sector upon leaving government.) The only drawback is that this is not the political system we have adopted in the United States. Nor are we likely to move in this direction.

Or, second, we could only appoint individuals with little or no prior experience in a given policy area. The only potential problem that they would face would be on entering or reentering the private sector. This, however, is equally unrealistic.

The challenge therefore is to find the right balance between several conflicting goals:

- Recruiting the best, most qualified people into government;
- Keeping public confidence in government, by preventing conflicts of interest on the part of senior government decision-makers;
- Maintaining some degree of the right to privacy of senior government decision-makers;
- Developing ethics laws and regulations which are effective, but which are not unnecessarily burdensome, costly or time-consuming.

The larger task before this committee is thus not simply to change the number of boxes in Form SF 278, but to address whether we have currently achieved the right balance among the above four objectives. The Council for Excellence feels strongly that the



system is currently out of balance -- with the proverbial pendulum having swung too far in the direction of discouraging qualified individuals from accepting presidential appointments.

I'd like to now turn to our specific recommendations.

### III. RECOMMENDATIONS

#### Recommendation One: Develop a Better Understanding of the Process

As one who has spent much time examining our system of political appointments, I must admit that I still do not fully understand all the steps in the labyrinthine process that has developed. I have often wished to see a simple flow chart of the process and to discover exactly the average length of time that each step takes in the process. Such a chart might point out exactly where the blockages -- if any -- and redundancies exist in the system. While I realize that every appointment is somewhat different, it might be useful to develop a flow chart which might also be used to inform potential appointees about the process and the many hurdles in it.

If such a chart has not yet been developed, we recommend that the Commission consider developing one. Given the limited resources of the Commission, the Council for Excellence would like to offer its resources to assist in this task.

#### Recommendation Two: Improve the FBI Clearance Process

One important advantage of understanding the process better would be more information on exactly the time required by the FBI clearance procedures. Based on anecdotal evidence, it appears that this work is lengthy and time-consuming. If it is -- in fact -- a major time delay in the process, several options might be considered:

- Option One:** Reduction in the number of full field investigations. It is my impression that all appointees must undergo a new full field investigation -- regardless of how recently an individual underwent a previous investigation. This system does not appear to be cost-effective.
- Option Two:** Devote additional resources to the "SPIN Unit," the part of the Criminal Investigation Division of the FBI responsible for special inquiries from the White House. It is our impression that some of the over-lengthy process results from an inadequate number of clerical staff supporting the "SPIN Unit." If this is correct, additional resources might clearly be justifiable to speed things up.

Recommendation Three: Changes in the Executive Personnel Financial Disclosure Report (SF 278)

The Ethics Reform Act of 1989 (PL 101-194) made a start -- albeit a small start -- in changing some of the SF 278 reporting requirements in raising the threshold for income to be reported from \$100 to \$200. We feel, however, that Congress did not go far enough. We support the findings of the President's Commission on Federal Ethics Law Reform that "use of unduly narrow categories for specifying asset value and income seems to the Commission to result in a needless burden on filers without providing particular useful information to the public and also increases the risk that filers will make inadvertent mistakes."

In preparing my statement before you today, I called upon several of the Principals of the Council to discuss this issue. The issue provoked a lively discussion which I must admit, resulted in two points of view. The first was that it is not necessary to know the amount of an individual's income and valuation of assets. The only issue is whether a holding -- of whatever size -- creates a conflict of interest. Thus, this point of view argues that simple disclosure of the existence of assets and sources of income (without listing size) meets the need to determine whether a potential conflict of interest exists and protects the right of privacy to potential appointees.

The second point view is that the size of income or assets does make a difference and that public disclosure of the amount of income and assets is necessary. This group, however, argues that

while disclosure of size is necessary, significant changes should be made in the categories of disclosure:

- The minimum category should be raised from \$200 to \$1,000 for income and raised to \$5,000 for value of assets.
- The number of categories should be drastically reduced from the present eight for income to no more than two or three. Two or three categories would also be more than adequate for assets.

After considering the above two points of view, we recommend that the first approach be adopted -- listing only the sources of income and sources of assets. This change would both simplify the task of correctly filling out the forms and maintain the privacy of one's financial history.

Recommendation Four: Acceptance of a Revised SF 278 For Use by Both the Executive Branch and Legislative Branch

A related area of concern is the duplication of effort now caused when individual Senate committees request additional financial information over and above that supplied by the current SF 278 form. This results in additional time and preparation costs for potential appointees. We are very pleased that this Commission has been designed to include representatives of the United States Congress. Since the provisions of the Executive Personnel Financial Disclosure Report is statutorily mandated by Congress, the Senate has an ample opportunity to specify the necessary information it needs to evaluate a potential nominee. In special

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cases, Senate committees can request additional financial information from appointees. The norm, however, should be the submission of a single set of financial data to both the executive and legislative branches of government.

Recommendation Five: The Increased Use of Waiver Authority

Once the Executive Branch receives a full listing of sources of income and assets, decisions then must be made as to whether a conflict of interest exists. Given the increasing complexity of our society and the growing interrelationship between the public and private sectors, we believe that potential conflicts of interest will continue to appear and that we must balance the need for expertise and top talent with the need to avoid -- at any cost -- the appearance of a conflict. We do not want to discourage individuals with long and distinguished careers in the academic or business communities from accepting positions in government solely because of the negative consequences of divestiture. We applaud the action of Congress in accepting the recommendations of the President's Commission on Federal Ethics Law Reform to allow tax relief for persons required to divest assets to avoid conflicts of interest.

As one remedy for this problem, we recommend the increased use of waiver authority when appropriate. We applaud the recent decision to grant a waiver to Secretary of Commerce Mosbacher as significant step. Full public disclosure of a waiver, as was done in the case of Secretary Mosbacher, should prevent any abuses in

Statement before President's Commission on Appointments Process  
Page 10

the authority.

In conclusion, we wish to commend the Commission again on this important undertaking. We look forward to working with you in the months ahead.

## APPENDIX 2

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MISSOURI

COMMITTEES:  
COMMERCE, SCIENCE,  
AND TRANSPORTATION  
FINANCE  
INTELLIGENCE

### United States Senate

WASHINGTON, DC 20510

#### PRESIDENT'S COMMISSION ON THE FEDERAL APPOINTMENT PROCESS

OCTOBER 2, 1990

Thank you for your invitation to present my views to this Commission on the federal appointment process. During my years in the Senate, I have come to the conclusion that the current appointment process sets up a number of hurdles that discourage the best and brightest candidates from entering government service. These hurdles include long delays, unreasonable invasions of privacy, inadequate compensation, and strained readings of conflicts of interest requirements.

#### Delay

One of the problems with the appointment process is the requirement that nominees put their lives on hold for seemingly interminable periods. For example, on March 21, Senator Bond and I wrote Attorney General Richard Thornburg and the White House, recommending the appointment of Willie Greason, Jr. of St. Louis for nomination as U.S. Marshall for the Eastern District of Missouri. Mr. Greason has 18 years of experience with the U.S. Marshall Service, including the last seven as a chief deputy U.S. Marshall in the Southern District of Illinois. Mr. Greason still has not been nominated. On March 21, Senator Bond and I also wrote the Attorney General and the White House concerning the nomination of Larry Joiner to be the U.S. Marshall for the Western District of Missouri. Mr. Joiner was a member of the

Kansas City Police Department for 16 years and its chief for six years. He retired in June, but has yet to be nominated.

It should not take this long to complete background checks on two men who have been involved in law enforcement for most of their adult lives. Unfortunately, such delay is typical of the current appointment process.

#### Privacy

Another problem is unreasonable and intrusive investigations of potential candidates' lives. A candidate for a presidential appointment must answer questions that require him to divulge sensitive, personal information, including whether at some time in his past he has used illegal drugs. Candidates are also subject to extensive FBI background checks. These questions and checks may not screen out persons who would fail to perform their duties ethically, but rather may merely discourage honest people who truthfully answer sensitive questions from entering government service. In addition, the Senate's treatment of this confidential information can discourage honest candidates.

A good example of such a destructive inquiry is the case of Timothy Ryan. This spring, Mr. Ryan was nominated to be Director of the Office of Thrift Supervision. While the Senate Banking Committee was considering the nomination, there were apparent leaks of Mr. Ryan's confidential FBI information. As I have reconstructed the facts, the following occurred:

Around 6 p.m. on Friday, March 30, an ABC News White House reporter informed Alixe Glen of the White House press office that ABC News had been told by a Senator and two Senate staff aides that Mr. Ryan's FBI report includes information relating to occasional drug use two decades ago. ABC News withheld its report on this information while seeking White House comment.

On that same evening, Friday, March 30, the NBC Evening News included a report by Andrea Mitchell on the Ryan nomination. Near the end of that report, Andrea Mitchell stated: "In addition to Ryan's lack of experience, Senators told NBC News they are troubled by information in his FBI file -- occasional use of cocaine two decades ago."

Around 7:30 or 8 p.m. on Friday, March 30, the ABC News White House reporter once again told Alixe Glen that the information on drug use by Mr. Ryan contained in the FBI report was provided to ABC News by a Senator and his two staff aides.

Any divulgence of confidential FBI information is a clear breach of the Senate's rules. The Ethics Committee is presently investigating this incident. Regardless of the outcome of this investigation, the public disclosure of this information had a devastating effect on the nominee involved and a chilling effect on potential nominees.

#### Salary

A major recruitment problem for the federal government is the federal pay cap. Qualified candidates are expected to work for a much lower salary than that offered in a comparable private sector position. Here are some examples:

The National Institutes for Health (NIH). The highest paid scientists are earning less than half the average amount earned by persons who chair clinical science departments at American medical schools. During the last five years, senior scientists have abandoned NIH for positions in academia, industry, and independent research laboratories at salary increases ranging from 50 to 300 percent. Salary levels for existing NIH vacancies last year were less than candidates' current salaries by amounts varying from 20 to 263 percent. For example, the salary offered for the Ophthalmology Clinic Director at NIH was \$62,000. An ophthalmologist at Washington Hospital Center earned \$225,000.

The Department of Energy. The Department is having difficulty competing for the highly qualified managerial talent it needs to direct some of its complex technical programs and initiatives. For example, although it has been recruiting for nearly nine months, the Department continues to be without an Associate Director to lead the Superconducting Super Collider program, a multi-billion program that will make the United States the world leader in high energy physics research.

NASA. At NASA, senior scientists and engineers have their pay capped at \$78,200, while the peers they manage in the private sector are earning up to \$250,000. For example, an Assistant Associate Administrator at NASA earns \$83,600. A scientist in a similar position at General Electric earns \$150,000. The NASA Division Chief at Ames Research Center recently left his \$71,910 per year job to take a position as a Vice President at Apple Computer paying more than double his NASA salary. Inadequate pay is a serious disadvantage for NASA. Last month, the New York Times reported, that on two key measures, NASA's preeminence in the scientific field has declined. First, the number of citations to NASA research papers have dropped. Second, the number of NASA patents cited in other scientists' patents has also declined.

#### Conflicts of Interest

Another hurdle for potential federal employees is the extraordinarily broad interpretation of what constitutes a conflict of interest under 18 U.S.C. Section 208 or what constitutes an impermissible supplementation of salary by a federal official under 18 U.S.C. Section 209.

Dr. Louis Sullivan's nomination as Secretary of Health and Human Services is a good example of this problem. Following his nomination, the media raised questions about a \$300,000 severance payment to which Dr. Sullivan was entitled under his employment contract with the Morehouse School of Medicine. The contract provided him a severance payment that was based on his 13.5 years of service at Morehouse. In a confirmation hearing before the Senate Finance Committee, Dr. Sullivan announced his intention to renounce his right to the severance payment in order to eliminate any ethical ambivalence it would cast on his nomination or on the Morehouse School of Medicine. Senator John Chafee summarized the reaction of the Committee to the announcement:

"We don't expect people to come into Government as paupers and go out as rich people, but we certainly don't expect people to come into Government moderately well off and leave as paupers, either. I don't know what arrangement there has to be to cause somebody to give up \$300,000 to serve in a job that will require 24 hours of your day and all kinds of grief. I think we ought to take a look at the ethics laws we are promulgating around this place. Well, I know it is a tremendous privilege to work with us. But I don't think you ought to go through a toll booth where the charge is \$300,000."

Fortunately, this issue ultimately was resolved in favor of Dr. Sullivan. The contract was reconsidered by the Office of Government Ethics which determined that, if Dr. Sullivan was entitled to his payment under his contract, such a payment would not violate federal conflicts of interest rules.

A member of this Commission, Mr. Thomas Murrin, had an experience similar to that of Dr. Sullivan. Initially, Mr. Murrin was informed during his consideration for the position of Deputy Secretary of Commerce that he would have to divest himself of the pension he had earned while working for Westinghouse. It took the bipartisan efforts of Senator Hollings and myself to convince the White House Counsel, the Office of Government Ethics, and the Commerce Department that such a requirement was so unreasonable that it would discourage many qualified individuals from entering federal service. Subsequently, it was determined that Mr. Murrin could keep his pension without creating a conflict of interest.

#### Recommendations

The current appointment process needs a number of revisions. First, the process should be streamlined to minimize delays. By eliminating the need for nominees to provide different sets of information to the White House, the FBI, and the relevant Senate Committees, time-consuming and frustrating duplication can be avoided. Moreover, we should confine our inquiry to material relevant to a person's ability to perform the job in an ethical and competent manner. Again, this leads me to a point about privacy. We

should ask ourselves why candidates for office are being asked sensitive questions, such as whether they have ever smoked marijuana. If the candidate answers "yes," is it a disqualification for federal office? If not, then why are we asking the question in the first place? Furthermore, the Senate should severely limit access to confidential FBI information. Only the chairman and ranking member of the relevant committee should have access to this information. Moreover, the Senate Ethics Committee should investigate promptly any breach of the confidentiality protections afforded this information.

Another area we must address is compensation. We cannot attract the best and the brightest to government unless we are prepared to pay salaries that are roughly commensurate to those available to highly skilled professionals working in academic or corporate settings.

Finally, we can improve the process by ending the strained readings of the conflicts of interest requirements. A nominee should not have to make the Hobson's choice of either foregoing government service or foregoing rightfully earned compensation, such as a vested pension of a retired employee, or a severance payment under an employment contract negotiated years before a nomination.

Again, thank you for your invitation to offer my thoughts on this important matter.



## APPENDIX 3

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### Statement of Hugh Heclo

before

The President's Commission on Federal Appointments

Washington, D.C.

October 2, 1990

The concerns expressed in this Commission's mandate are certainly understandable. The clearance process for Presidential appointments has become at best irksome and at worst inhibiting for the recruitment of first-rate political executives.

Thirty years ago policy managers came into their jobs through word-of-mouth ratings and informal procedures. Today we have a bureaucratized process of public disclosures -- the paperwork equivalent of what is known in judicial circles as strict scrutiny. "Guilty until proven innocent" seems to be the underlying message to would-be Presidential appointees.

While some changes could reduce unnecessary detail and duplication of disclosure forms, the fact is that the irksome procedures we have today are the symptoms of two more fundamental trends.

One such trend has been higher public expectations and standards for government service. A second trend has been a growing distrust of public officials. Higher public standards and greater suspicion have grown hand in hand. There is little prospect that these two tendencies will soon be reversed.

To acknowledge these developments is not to say that we must follow the line of least resistance in responding to the public's mistrust and fear of corruption. In this case the line of least resistance is to tighten the noose of rules around government personnel with ever more clearances, disclosure requirements and restrictions. Doing so chokes initiative and substitutes mere scandal-avoidance for genuine, results-oriented accountability in the public service.

There is an alternative. Rather than trying to micro-manage the ethical pedigree of each appointment, we could scale back some clearance requirements (do we really need to know about investment income of \$101?) and refocus attention on certain

centers of accountability. This approach is more in keeping with our basic political tradition than is the current drift toward bureaucratic regulation. The Founding Fathers, in noting that men fall short of angels, did not conclude by drawing up a code of conduct for public servants. They wisely sought to arrange offices to be a check on each other, to connect the self-interest of different persons with the duties of different places in government.

Let me relate this to the Federal appointment process. It seems to me that we have gotten hold of the wrong end of the stick. The current process is trying too hard to "front-load" the scrutiny so as to produce appointees who are purer than Caesar's wife. This is unrealistic as a strategy and counterproductive as a means of recruiting talented people. The people who can be above suspicion are likely to be those who know little about the personalities and issues in any given policy field. Far better to improve the backstops in the system so that those knowledgeable, experienced appointees, who might otherwise be tempted to mistreat their public trust with a wink and a nod, realize the odds are very great that they will be found out. Prospective scrutiny of credentials is a hope on fragile wings; the haunting thought that someone will probably catch one's mistakes is a barbed hook more surely attached to check behavior.

To focus accountability I would recommend moving on several fronts:

1. For cabinet secretaries, deputy secretaries, undersecretaries, and assistant secretaries I would keep the existing procedures of strict scrutiny more or less intact, with the White House office playing a more active role in consulting and assisting with the existing reporting requirements. Senate confirmation should routinely include questioning of both the nominee as principal and White House Personnel Office as consultant.
2. For departmental appointees with non-statutory responsibilities (personal assistants and the like) the accountability for proper credentials should -- with a few guidelines of public disclosure -- rest with the office of secretary in the respective department or agency.
3. The bulk of other presidential appointments I would transform into employment contracts, possibly for three-year, renewable terms. The office of secretary or comparable agency head would be the government's contracting party, with clearance required from the White House Personnel Office and oversight by the Senate and House committees.
4. Finally, to create a reliable check on the letter and spirit of this system, I would augment the ability of Congress, aided by the General Accounting Office, to produce an annual, critical audit of department and agency management. This is not the place to go into details; the point is that executive branch

managers should not be allowed to count on Congress's short, scandal-prone attention span to conceal ongoing management problems.

Our aim should be to focus responsibility for political personnel hiring and retention decisions on people who have a stake in producing results. To do so is to attach the self-interest of appointees to the purposes of government. Focusing accountability for personnel decisions, and increasing the risk of exposure for bad decisions, will make it much easier for most people to do what is right.

All of this is probably too abstract and radical to help this Commission very much in its current assignment. Let me therefore conclude on what I hope will be a more specific point. Your Commission has been asked to recommend means of simplifying the presidential appointment process. That is too narrow a mandate. To simplify the federal appointment process in any significant way one must also rationalize the political appointment structure. Trying to do the former without the latter is like trying to reform a transportation system by changing traffic signals without considering the road plan. Process and structure must be considered together. Tidying up the process will, at the margins, be helpful. To make a substantial contribution to the larger issues, a second-generation commission with a larger mandate covering both process and structure is desirable.

## APPENDIX 4



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Remarks of David M. Mason, Deputy Vice President for Government Relations, The Heritage Foundation, to the President's Commission on the Federal Appointments Process. October 2, 1990.

This Commission has a limited task. But if you don't cheat a bit by looking beyond those limits for a context, you may not only perform your task poorly, but contribute to underlying problems.

Narrowly drawn, your task is to suggest revisions to the forms required for Presidential appointees. These forms are perceived to be a problem because they discourage qualified people from seeking or accepting government positions, and because they add delays to an already lengthy process. I am convinced that both of these problems are genuine. I am equally convinced that neither is caused by the forms themselves.

The problem behind these forms is a bureaucratic approach to an essentially spiritual problem. The approach is at the same time constricted and invasive and designed to avoid last year's problems. For instance, many of the questions on the personal data sheet have a specific incident at their root. After the horse is gone, the barn door is slammed shut and padlocked. This only makes it more difficult to get new horses (or appointees) into the stable. This result should not surprise us, because the personal data statement has nothing to do with identifying qualified or honorable appointees and everything to do with avoiding confirmation problems. It was designed from its inception to make the appointment process more difficult.

The problem with this approach is that it seeks not excellence but safety. Even worse, will inevitably fail to achieve its own aim. Human nature being not subject to repeal, some mistakes are going to slip through. Adding questions to the personal data statement based on past incidents only guarantees that you'll make -- as Yogi Berra but it -- the wrong mistake.

The reaction to the HUD scandal is a perfect example. Because the discretionary grant system was abused through political influence peddling, discretionary grants were

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Remarks of David M. Mason, The Heritage Foundation

abolished. The baby went out with the bathwater. Now, no matter how urgent the need or deserving the cause, HUD will not help without specific legislation. New approaches are delayed and the ability to experiment through small demonstrations is stifled. HUD's central mission, assistance to those in need of housing, has been damaged far more by this reaction than by the skimming of a few dollars by sleazy politicians or the location of apartment buildings in one area rather than another.

What's worse is that the problem could have been solved by the application of leadership: we don't do things that way, and to avoid even the appearance of impropriety, we won't discuss grant matters with political associates.

Reaction to various nomination and lobbying controversies have had a similar effect. Conflict of interest requirements and post-employment restrictions have made government service much less attractive.

The immediate reaction is to seek a balance between ethics requirements and the need to attract qualified people. The problem is that such an approach treats ethics as something that can be balanced with other factors: you decide how much you can afford and buy it. Politically as well as morally this approach won't fly: you'll not convince anyone that we should accept a little scandal and cheating as the cost of doing business more efficiently.

But the current approach to ethics -- regulating employment and financial holdings -- has the same flaw: it treats ethics as something that can be quantified. Yet we all instinctively know that ethics has to do with who a person is, not what he owns. Nearly every report on the subject, including the one which spawned this commission, speak briefly of the central importance of this more spiritual aspect, and descend immediately into 27 quantifiable recommendations which have nothing to do with the real problem.

The attempt to quantify and narrowly define ethics is far worse than useless: it tends to destroy what it claims to seek. In the business world, for instance, most transactions are done without contracts. Vast numbers of orders are taken over the phone. Trust is the oil that smoothes the gears. If every transaction required a contract or a written order the commercial system would implode. By treating prospective appointees as suspects, by stripping them of assets, the current regulatory system may do more to damage than to enhance the ethical climate of government service.

The government has far less to fear from a person of

Remarks of David M. Mason, The Heritage Foundation

reasonable wealth than from those with no "conflicts of interest". I would go so far as to say that eliminating stock holdings will never prevent unethical behavior. Those unethical individuals who slip through any system are far more likely to look for surer opportunities to profit.

The only way out of this morass is, as "To Serve with Honor" points out, leadership, more specifically, exercising the ability to make judgments about the behavior and character of other people.

An alternative approach of this sort would seek persons of known character and reputation in their fields, with far less regard than currently is given to financial holdings. It would require that supervisors at every level make judgments about subordinates' behavior, and take action accordingly. It would require that officials take more responsibility for the administration of their duties.

Of what practical use is this to you in your more limited task? First, you should be willing to drop many detailed questions about financial holdings, and some about personal background. If you choose to consolidate forms, you must above all avoid designing a super-questionnaire which collects all information that every current interlocutor requests of any appointee. Rather, you must convince some of those in the process to live without certain data, or to accept it in a different format. In my experience it is not so much the plethora of forms as the information requested that discourages potential appointees.

You should consider substituting tax returns for much of the required financial data. You might also use commercial credit checks for most loan information, requiring reporting only of non-commercial loans or of loans at a much higher threshold. You should consider consolidating data collection with the FBI, which has the manpower and computer resources to serve the needs of other interested parties, and which presumably provides better protection of confidential information. Having the FBI computerize the data might also allow it to be adapted to different formats or released in partial form. Under a centralized system, the Senate should consider designating the Secretary of the Senate as the coordinating authority for nomination information. The Senate's system for coordinating security clearances may provide a partial model.

On a more difficult level, you should consider distinctions between political and career appointees. Contrary to the Commission on Federal Ethics Law Reform, I would argue that restrictions on political appointees should be diminished,

Remarks of David M. Mason, The Heritage Foundation

particularly for those at lower levels. First, political appointees are in their jobs for far shorter periods, and second, they can easily be fired, which would be far better way of handling minor ethical problems than through the courts, and might do more to elevate attention to ethical matters.

On a related note, let me urge you to take advantage of a less discussed part of Recommendation 18 of "To Serve with Honor": an inter-branch body to establish government-wide standards of ethical conduct. My recommendation, again contrary to "To Serve", is that the executive branch become more like Congress, rather than the other way around. Even if such a body was unable to come up with inter-branch standards, a continuing forum for discussion might give legislators a better understanding of the burdens imposed on the executive by the detailed and overlapping laws now on the books.

Finally, you should institute better supervision of agency ethics offices. Through overly cautious interpretations and insensitive behavior, these ethics bureaucrats give a bad name to government ethics and contribute substantially to those aspects of the system that discourage persons from the private sector from entering the government.

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George Mason University

James P. Pfiffner  
Professor

Statement Before the President's Commission  
on Federal Appointments

**James P. Pfiffner**  
Professor of Government and Politics  
George Mason University

October 2, 1990

The recruitment of presidential appointees has come a long way since the time the President Lincoln was hounded by office seekers and even from the time that President Truman decided to designate one aide whose primary responsibility was political recruitment. The Office of Presidential Personnel (known by various names over the years) has increased markedly in complexity and professionalism over the past several decades. The status of the presidential recruiter as Assistant to the President is now in accord with the importance of the duties of that office. Background investigations are now more thorough and outreach much more systematic than in the past. Major improvements have been made in the process by the regular orientation of new appointees at presidential and agency levels. These orientations are now institutionalized and given appropriate resources.

Despite these innovations and professionalization, there is still room for improvement. Since the charge of this Presidential Commission is to propose changes that will strengthen the process, there are three areas of concern that I will speak to: the institutional capacity of the presidential recruitment office, the need to seek out the best and the brightest for government service, and impediments to public service.

### I. The Institutional Capacity of the Office

I have been struck by the descriptions of a series of presidential recruiters of the tremendous volume of applications, referrals, and recommendations that flood the Office of Presidential Personnel at the beginning of each new administration, with more than 45,000 applications coming in to the Bush administration in its first five months in office. At the same time that the Office of Presidential Personnel must handle these letters, many with great sensitivity, all of the other important imperatives of a presidential transition must be carried out.

In order to be able to handle this predictable volume of work advance planning would help, and I would recommend that each presidential candidate immediately after nomination have set up a small operation to plan personnel recruitment. This is an extremely delicate task fraught with the dangers of embarrassing leaks, distracting attention from the campaign, resentment from the campaign operation, and the appearance of arrogance. For these and other compelling reasons Candidate Bush prohibited his transition team from even recruiting office staff, much less setting up a personnel planning operation. But the increasing number of political appointees and the increasing time it takes to fill positions at the beginning of an administration makes advance planning more important.

So I favor the legitimization of early preparation for a transition personnel operation, at least to the extent of setting up an office capacity so that the recruitment function can begin at full speed immediately after the election. I also think that the institutional memory of the Presidency can be improved for the benefit of the nation as a whole. I was surprised in my interviewing for my book to find that there was no systematic list of PAS positions more elaborate than the minimal information contained in the Plum Book. Elaborate position descriptions may have been compiled by certain administrations, but they disappeared when the administration left office.

I would recommend that such a list be constructed and preserved for the permanent institutional memory of the Presidency. This list or data base, would include position descriptions, necessary candidate qualifications, an analysis of how the position has been used over the years, and the names and addresses of former incumbents. The Prune Book, published by the Council for Excellence, compiled such a list for 100 of the highest subcabinet positions in the executive branch. Such a list for all PAS positions would have to be updated regularly because of the changing missions of agencies and different ways that the positions are used by different administrations.

While the Office of Presidential Personnel may have this information, much of their information is too politically sensitive to pass on to a new administration. So the position descriptions should be left in a place of more permanent memory, perhaps in the office of administration of the Executive Office of the Presidency or in the Office of Management and Budget.

### II. Active Recruitment Outreach

Professional personnel recruiters emphasize that the more attention should be devoted to seeking out good candidates than to considering applications that come in over the transom. But with limited resources and the pressure to fill hundreds of positions in a very short time period, this advice is difficult to implement. The professional network of the relevant cabinet secretary may be of great help in this outreach task.

While no professional recruiter will ever admit to compromising on the quality or competence of a candidate, the trade-off between expediency, legitimate political concerns, pressures for patronage, and competence is very real. The job qualifications in the data base described above can be a valuable asset in the quest for the right combination of expertise, experience, and political background in potential candidates. Having a list of position qualifications as well as qualified candidates will also help the President resist pressures for patronage. While good political credentials are important for appointees in working with the Hill and political circles, professional credentials are important for gaining the respect of subordinates and professionals outside the government.

It might seem obvious that Presidents themselves and their White House staffs ought to be the ones who decide who will be appointed to presidential positions, but there is historical precedent and a managerial argument that qualify the President's legal and constitutional prerogative. In the 1950s and 1960s cabinet secretaries often prevailed in disputes with the White House over particular appointments in their departments. This was because the White House recruitment capacity was not as fully developed then as it is now, but also because it was recognized that chief executives of organizations ought to have some say in putting together their own management teams.

Chase Untermeyer's formulation is a good one, "No department or agency chief will have an appointee forced down his or her throat, that is, imposed by the White House. Conversely, every decision is a presidential decision." My recommendation is that the Office of Presidential Personnel use the presidential prerogative to override a cabinet secretary's preference in a



subordinate sparingly. The White House and cabinet secretary must work together in selecting subcabinet PAS appointees, and in general, the White House should leave most agency head appointments to the discretion of agency heads.

I would like to make one final point about the recruitment operation. From a number of interviews and conversations with political appointees over the past decade I have picked up a feeling on the part of nominees that they felt ardently courted up until the time that they agreed to be nominated, but were then abandoned to the tender mercies of an impersonal process conducted by a number of different government agencies. Investigations by the FBI and Senate committees can be dilatory, and it can be discouraging to wait for months with no official word or news of progress.

While much of this waiting cannot be avoided because of necessary investigations, some of the negative psychological effects might be mitigated by systematic follow-up of nominations by the Office of Presidential Personnel. Of course this would take resources (and it may be being done now), but assigning OPP personnel to help with financial disclosure forms and planning a move to Washington, D.C. would help. Perhaps the most important function to be performed would be to keep the nominee up to date on the status of the nomination process and to reassure the candidate that things are on track or the reasons for delay.

### III. Impediments to Public Service

Even with a professional outreach and recruiting capacity in the Office of Presidential Personnel and a popular President to draw talent to the government, potential nominees are faced with serious obstacles to accepting an appointment that may cause them to hesitate to accept an invitation to public service. The impediments that I want to emphasize include: executive pay, ethics legislation, private sector organizations, and public attitudes.

With the series of quadrennial and other commissions that have addressed the pay issue, there is no dearth of data to demonstrate that the pay level for many government executives leaves the government in a not very competitive position in a very competitive executive labor market. No one argues that executive pay in the government ought to be comparable to private sector executive salaries, but when pay levels for university presidents, hospital administrators, and city managers exceed the salaries of cabinet secretaries, the executive labor market is sending us a message.

While the prestige of a cabinet appointment is enough to overcome serious financial sacrifices, the salary level is a greater factor at the assistant secretary level, where we are trying to recruit mid-career people who may have children in college and would have to relocate to Washington. We often must

ask these people to make serious financial sacrifices in order to accept a presidential appointment. The recent pay reforms will help this situation, but they will not solve the problem. At some point it may be necessary to de-link executive branch from congressional salaries.

But pay in itself, as serious as the problem is, may not be the most important impediment to public service. The frustrations imbedded in our system of ethics legislation also present serious disincentives to accepting presidential appointments. Over the years there have been serious abuses of the public trust, and our ethics laws were passed to ensure that the public is protected from corrupt public officials. I do not question the intent behind these laws nor the reality of the abuses that led to their passage. But the cumulation of the laws, their complexity, and uncertainty about their application presents us with serious problems in recruiting people to the public service.

I am not an expert in the details of the laws or the financial disclosure forms that must be completed, but in my judgement, and to put it in technical terms, it is time to lighten up a bit. My judgement is based on interviews with appointees, presidential recruiters and upon the systematic survey data collected in the Presidential Appointee Project of the National Academy of Public Administration.

First, I think that the sacrifice in privacy caused by the public disclosure of personal financial data is a high price to pay for people who may have nothing to hide. Who wants his or her personal finances displayed before the public, friends, and relatives? The laws governing financial disclosure could be modified to make the details of personal financial statements available to relevant persons in the appointee's department, the White House, the Office of Government Ethics, and the relevant Senate committee. This would accomplish the public's purpose without subjecting the nominee to unlimited public exposure.

Second, the intent of the conflict of interest restrictions is important, and the public has the right to be assured that the decisions of government officials will not be affected by financial self interest. But in our zeal to prevent the abuses of the few, we may also be throwing up roadblocks for the many conscientious citizens who may want to serve but are not willing to make the sacrifices that are now demanded of them.

Closing the revolving door is justified when people use the information they gain in public service to give an unfair advantage to the firms they join after public service. But we should not draw the strictures so tightly that people are prevented from pursuing their professions when they leave public service. The exchange of talent and ideas between the public and private sectors carries important benefits for our economy and government.



I would encourage a reexamination of conflict of interest legislation that leads to the mitigation of the financial sacrifices necessary when divestiture is required and of the post-employment restrictions. The uncertainty that can be caused by what GAO calls the "vague and confused" set of post-employment restrictions has already led to the resignations of top officials in the government and the inability to attract others to important posts. While we should not shrink from asking our public servants to make some sacrifices that are necessary to ensure the integrity of the system, it is short sighted and self defeating to make the hurdles so high that our best prospects for executive positions will not consider serving.

These changes that I am recommending should not, and should not be perceived to, undercut the intent of the various ethics in government laws. But there is no way to prove that the existence of these laws has prevented corruption and the risk that some scurrilous people may slip through the screen may be necessary to reduce the impediments to serving for the many highly ethical people we are trying to attract to government service.

With respect to the various financial disclosure and personal background forms that this Commission is charged with examining, I would encourage you to consolidate and simplify as much as possible. You all know better than I the difficulty in going through past records and the need for some to hire accountants and lawyers to help fill out the financial disclosure forms. I would especially try to eliminate criminal penalties for mistakes in filling out the forms. Disclosing income or financial interest of less than \$1000 is probably not necessary.

These remarks have been concerned so far with impediments to public service generated by the government, but I would like at least to mention other institutions in our society that might contribute to our ability to attract first rate talent for several years of public service. Business firms can help by encouraging their executives on the fast track to take several years out to serve in Washington and to facilitate their return to the corporate hierarchy with no penalty for public service. You might seek the advice of private sector personal specialists as to how to coordinate the salary and pension issues in the transition from business to government and back. Universities can do their part by being generous in granting leaves of absence and not placing undue restrictions on the period of time that a professor can be gone without giving up his or her position and tenure.

I would also like to mention the special difficulties in recruiting scientists and engineers for the government at a time when international competitiveness demands that our policy makers in technical areas be of first rate talent. In my work for the National Academy of Science I have been struck by the special

problems of recruiting in technical fields. The problem is not only that scientists and technical specialists are in a particularly competitive labor market with respect to the salaries the government can offer, as Chase Untermeyer has stated. But in addition to the salary and the impediments mentioned above there are professional and cultural factors that make many scientists different from the typical presidential appointee. The subculture of science is often antithetical to the political atmosphere in Washington. Scientists are much less likely than lawyers or even business executives to gain the type of political experience that makes them visible to presidential recruiting operations. There are no easy solutions to these problems, but it might help if presidential recruiters were particularly sensitive to the suspicion with which many scientists view partisan politics.

Finally I want to mention what the Volcker Commission concluded is perhaps the greatest and most intractable obstacle to public service in the United States, and that is negative public attitudes toward public service. The origins of these attitudes stem from deep seated mistrust of concentrated power in our political philosophy and constitutional heritage. But they have been exacerbated in recent decades by political and governmental scandals along with a number of anti-government political campaigns. The most encouraging development in this area has been President Bush's leadership in affirming the honor of public service as exemplified in his career and his use of the "bully pulpit" to praise the best of our public servants. Turning around public attitudes is the most daunting and difficult task in our attempt to bring the best talent into the government. But what is at stake is the future of our economy, our security, and the long run viability of our polity.

## APPENDIX 6



National Academy of Public Administration  
Chartered by Congress

STATEMENT OF  
ROGER L. SPERRY  
DIRECTOR OF DEVELOPMENT AND OPERATIONS  
NATIONAL ACADEMY OF PUBLIC ADMINISTRATION

BEFORE THE  
PRESIDENT'S COMMISSION ON THE  
FEDERAL APPOINTMENT PROCESS

October 2, 1990

Mr. Chairman and Members of the Commission:

I am pleased to have this opportunity to appear before the Commission. The presidential appointments process has been a long-standing area of interest to the National Academy of Public Administration. We have issued several reports on this topic, including two 1983 publications, "America's Unelected Government: Appointing the President's Team," and "The Presidential Appointment Process: Panel Discussions on America's Unelected Government," a November 1985 report entitled "Leadership in Jeopardy: The Fraying of the Presidential Appointments System," "The Presidential Appointee's Handbook," first published in 1985 and updated in 1988, and "The Executive Presidency: Federal Management for the 1990s," issued for the 1988-1989 presidential transition. Copies have been made available to the Commission.

The Academy applauds the establishment of the Commission and supports its purpose to "study the best means of simplifying the Presidential appointment process." We urge that you go beyond the issue of forms and their processing. Many improvements are needed and you have an opportunity to call attention to them all.

One cannot stress enough the importance of effective and competent leadership to the workings of a democratic society. As stated in the report of the National Commission

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on the Public Service (the Volcker Commission), "A strong executive leadership is essential to the effective management of the federal government and to a successful Presidency. The President needs . . . the energizing force of committed political executives to lead governmental agencies," and strong leadership depends upon a sound and practical appointment process.

The presidential appointment process, however, has only become more complex and troublesome in recent years. As a result, we are concerned about both the quality of appointees and the timeliness of their appointments. Over the past three decades, the appointment process has accumulated layers of laws, procedures and expectations that have changed it significantly. Those changes include the substantial increases in politically appointed positions, the increasingly scientific and technical character of many appointed positions, the FBI's full field investigation on all political appointees, an invigoration of Senate confirmation procedures and investigations -- fueled by the growth in Senate committee staffs -- and the Ethics in Government Act of 1978 and other ethics law changes which have caused many potential appointees to turn down offered positions and slowed the appointment process for all others.

Good advance planning is the key to a new administration getting off to a fast start in making appointments. Such planning should begin no later than the month in which the major party candidates are nominated. Government funds authorized by the Presidential Transition Act should be allocated for that purpose. Such funds would help overcome candidates' sensitivity to be seen as "jumping the gun" before the election. A 1988 Senate bill contained such authorization, but it was dropped from the final bill amending the Transition Act.

The sheer number of appointments also needs to be considered. We had reservations about the Volcker Commission recommendation calling for a one-third reduction in the number of political appointees. However, the 1985 Academy report on the presidential appointments system recognized the difficulties of relying so heavily on an "in-and-outer" system to manage government and recommended a reduction in the number of presidential appointees.

Our concern is less with the numbers and more with the quality and the roles of political appointees and the way they interact with the career service. Rather than serve as policy makers and trusted political advisors -- the recognized sphere of the political appointee -- many appointees have assumed technical operating positions for which they have no special skills or experience. It is at this level, generally below the presidential appointee level, where considerations of professional competence and long-term commitment to the successful execution of programs must be paramount. This is not the place for "in-and-outer" generalists who, Academy studies show, come and go on the average of every 18 months. Poor or frequently changing leadership in these positions can be damaging to program performance, and costly to the administration and to the taxpayer.

We believe that the current appointment process can be substantially simplified in order to accomplish the objective of improving the quality of political appointees. The recent past has demonstrated to us that efforts must focus on the recruitment and retention of outstanding leadership. The initial application process is the key to restructuring the appointment process. A balance needs to be struck between necessary information gathering and turning off qualified applicants. The Academy has made specific recommendations to address this issue, the most significant of which we would like to reiterate today.

First, the Congress and the Office of Government Ethics should simplify and clarify the government's financial disclosure forms. Specifically, the income and property value reporting requirements in the forms should be compressed into two categories, one of "less than \$10,000" and one of "greater than \$10,000." There should be no requirement for reporting any income or holding of less than \$1,000 in value.

As appointees are often forced to sell stocks or assets to avoid conflict-of-interest laws, the president should recommend legislation permitting presidential appointees to delay the impact of the capital gains taxes they incur in divesting assets to comply with these laws and/or the mandates of Senate committees.

In an effort to curtail the number of appointees who prematurely return to the private sector, a ban should be placed on the solicitation or discussion of future employment in the private sector by any presidential appointee during the time of his or her appointment. However, at the end of their service, those appointees with genuine financial need should be provided up to three months of severance pay to afford them a period of transition out of the federal government.

The days that immediately follow the acceptance of a presidential appointment are a time of great confusion for many appointees, especially for those going through this process for the first time. Therefore, all appointees should be provided a clear and comprehensive set of briefing papers to guide them through the clearances and reviews that have become a routine part of the appointments process.

Opportunities for improvement are not limited to the Executive Branch. Although the Senate confirmation process has historically been a useful check on the Executive and Congress is entitled to appropriate information on nominees, improvements can be made to expedite and simplify the process. Each Senate committee with confirmation responsibilities should review its own procedures to prevent duplication and unnecessary detail in the reporting requirements it imposes on nominees. Perhaps the Senate Committee on Rules and Administration could serve as an agent of the leadership in reconciling differences in confirmation procedures and information requirements among the authorizing committees.

Lastly, the Federal Bureau of Investigation should be required to streamline investigations presidential appointees and adapt them to the nature of the positions being filled. Rather than using the same investigation format for all appointees, the FBI could develop several types of background investigations. There is no reason why a candidate for Assistant Secretary of Agriculture for Rural Development should have as rigorous a background investigation as a candidate for Secretary for Defense.

We would be pleased to respond to any questions.

## APPENDIX 7

# Common Cause

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ARCHIBALD COX  
*Chairman*

FRED WERTHEIMER  
*President*

JOHN W. GARDNER  
*Founding Chairman*

December 6, 1990

Deputy Secretary Thomas Murrin  
Chairman  
President's Commission on the Federal Appointment Process  
Department of Commerce  
Washington, DC 20230

Dear Chairman Murrin:

Common Cause appreciates the opportunity to respond to the draft recommendations of the President's Commission on the Federal Appointment Process.

As we stated during our testimony before the Commission, we support efforts to bring an improved degree of uniformity to the appointment process and to eliminate over-burdensome requirements that unnecessarily delay or act as a disincentive for government service. As we have also stated, we believe that implementation of these goals must be accomplished without weakening existing ethics rules and standards and must be done in a way that does not restrict the Senate's authority to effectively carry out its constitutional responsibility to advise and consent.

After reviewing the draft recommendations, we are pleased to note a number of proposals which we believe can serve to constructively improve the appointment process. These include the creation of a basic form for Senate Committees, providing nominees with expedited review of their FBI files, providing for better utilization of previously filed forms and previous field investigations, and improving personnel operations during elections and transitions through early outreach and assistance. We believe each of these recommendations is supported by good arguments and should be tried as a means of improving the process.

We would also like to comment further on several recommendations which we believe merit specific attention:

**1. Basic Form for Senate Committees**

As we noted above, we agree with the recommendation to create a basic form for Senate committees. We also strongly sup-

port that portion of the recommendation which reserves for committees "the right to include addenda customized to suit their particular requirements."

The basic form will be an essential ingredient in the confirmation process and must be designed to obtain complete and thorough information. A Common Cause 1977 study of the appointment process entitled "The Senate Rubberstamp Machine" found that the vast majority of Senate-confirmed appointments receive perfunctory review. For example, in looking at 50 nominees, the study found that only ten had hearings that lasted beyond one day and only two beyond two days. Another Common Cause study entitled "Assembly-Line Approval" published in 1986 documented similar results with regard to judicial nominees. Since the confirmation process for most nominees is often treated as simply routine, it is likely that in these cases committees will rarely go beyond the information contained in the standard form. It is therefore essential that this form be thorough and inclusive. (We have just received a copy of the proposed basic form and are currently reviewing it.)

#### 2. Information Regarding Net Worth

We believe that the recommendation regarding Committee requests for net worth strikes the appropriate balance. It is likely that the committee forms and the SF-278 (as amended by the 1989 Ethics in Government Act Amendments) will in many cases provide Senate committees with the bulk of information they need. However, we strongly support that portion of the recommendation allowing committees to reserve the option to request a net worth statement when they deem it necessary.

#### 3. Issuance of Regulations

Several recommendations reference the work by the Office of Government Ethics (OGE) on new ethics regulations. We understand from the staff of OGE that specific references to work on the de minimis waiver standards and to work by OGE and the Department of Justice are not new initiatives, but refer to current regulations being drafted pursuant to the 1989 ethics bill and the President's Executive Order. We understand there will be ample opportunity through the normal public comment channels to review any proposed changes. Again, we strongly believe that any attempts to standardize ethics rules must avoid backtracking on current ethics requirements.

#### 4. Presidentially-Appointed Commissions Requiring Senate Approval

While we understand the concerns about the large number of boards and commissions whose members require Senate confirmation, we believe that any efforts to reduce this requirement must be pursued with care. While the confirmation process may seem overly burdensome in these cases, it should also be noted that it is this process that provides an important check for the system.

The growth in the number of such boards and commissions and of the tasks delegated to these commissions, in fact, argues for more careful review of who is receiving this delegation of potentially important public power.

In a related issue, we noted that the Commission supported efforts to strengthen "the willingness of citizens to seek and accept full- and part-time government positions." While there is a legitimate role for part-time employment in some positions in the federal government, part-time appointments in sensitive positions can raise potentially serious conflict-of-interest problems that must be prevented. For example, Common Cause recently contacted President Bush to express opposition to the appointment on a part-time basis of Daniel Evans to serve as chair of the new Federal Housing Finance Board (FHFB), stating that there is no justification for allowing an individual to serve in this extremely sensitive position on a part-time basis while continuing to engage in the private practice of law and avoiding government conflict-of-interest requirements.

Finally, we wish to warmly endorse the Commission's words regarding the importance of public service and ensuring that government attracts and retains the "best and the brightest." To that end, Common Cause has from its inception fought to promote the values of public service and has lobbied for appropriate compensation levels for public officials while supporting high ethical standards. As Common Cause founder John Gardner stated in his book, In Common Cause:

We must bring about a renaissance in politics. We must make it possible for our ablest, most gifted individuals to be active in that part of our national life. Men and women of the greatest integrity, character, and courage should turn to public life as a natural duty and natural for their talents.

Thank you again for this opportunity to share our views. We look forward to working with you.

Sincerely,



Ann McBride  
Senior Vice President

cc: Alvin S. Felzenberg, Executive Director

## APPENDIX 8

# COUNCIL FOR EXCELLENCE IN GOVERNMENT

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December 5, 1990

Mr. Tom Murrin  
Chairman  
President's Commission on the Federal Appointment Process  
Department of Commerce  
14th and Constitution  
Washington, DC

Dear Chairman Murrin:

The Council for Excellence in Government is pleased to submit written comments in response to the draft recommendations of the President's Commission.

### Comments on Overall Report

We commend the Commission on the draft report. With the few exceptions noted below, the Council supports the recommendations. When adopted, we believe the Commission recommendations will greatly improve the appointments process.

We are especially impressed with the recommendations that the Senate adopt one basic form for all committees; that Senate committees discontinue requiring net worth statements; that an improved FBI clearance process be put in place; that executive and legislative branches work together to keep PAS Boards and Commissions to a minimum; and that de minimis waiver standards be issued.

The Council also commends the Commission on its comments regarding public service. We applaud the Commission's strong endorsement of public service and the statement that the "quality and effectiveness of government is dependent on the quality of the people who serve in it." We hope that the final report will be widely disseminated and that attention will be given to this section on public service.

### Comments on Subjects Not Addressed by the Commission

While pleased with the overall draft report, we are concerned that the four topics discussed below were not addressed by the Commission. Prior to issuing the final report, we believe the Commission should address these issues. If the Commission decides not to make specific recommendations in these areas, we suggest that the Commission report at least make note of the four topics as worthy of additional attention and discussion.



1. Simplification of SF-278 Forms.

The Council continues to support the findings of the President's Commission on Federal Ethics Law Reform that "use of unduly narrow categories for specifying asset value and income seems to the Commission to result in a needless burden on filers without providing particularly useful information to the public and also increases the risk that filers will make inadvertent mistakes."

We regret the Commission did not recommend elimination -- if not reduction -- of the present eight detailed categories of income and asset disclosure. We urge the Commission to again consider dramatically simplifying the present form or at least recommend that Congress consider such changes in the future.

The Council also recommends the same simplification of the financial disclosure forms used by the United States Congress in reporting the income and assets of Representatives, Senators, and staff members. We believe that whenever possible, similar standards and reporting requirements should exist for members of the Legislative and Executive Branches of government.

2. Recognition of Problems Related to Post-employment Restrictions

While the draft recommendations recognized many of the problems that discourage outstanding individuals from entering public service, it is silent on the major issue of post-employment restrictions. The Council continues to be alarmed about the expanding number of post-employment restrictions being placed on public servants. If this trend continues, we believe it may have a significant impact on the recruitment and retention of senior federal executives.

If the Commission does not make a recommendation in this area, the Council recommends that it recognize this problem area and ask that another organization within government collect information, study, and report on the impact of these restrictions on retention and recruitment.

3. Discussion of Potential Problems Related to the Department of Justice Ruling

The Council continues to be concerned about the potential impact of the Department of Justice ruling that the holding of stock in a given company prohibits that individual from being involved in issues related to the industry within which the company is located. The Council believes that such an interpretation may not be required by the relevant law and may be having a negative impact on the operations of government, since many key officials are being recused from issues on which they might contribute.

The most recent apparent example has been Secretary of State's Baker inability to participate in considerations of certain environmental issues. We think this issue deserves attention and further analysis.

4. Continued research on improving the process

We applaud the Commission for the new information -- such as length of time required by the process -- which it did collect on the presidential appointment process. Given the short tenure of the Commission, we understand that further research could not be undertaken. We do suggest, however, that the Commission take advantage of its research and experience, and recommend that additional information be collected and that additional analysis of the process continue.

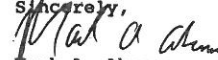
Suggested Language Changes in Report

As discussed above, the Council is supportive of the recommendations set forth by the Commission. We suggest, however, that each recommendation be assigned to specific organizations within government and that a timetable for implementation be recommended. Such specificity will greatly enhance the monitoring of each recommendation.

In addition, the Council believes that there are several recommendations which might be improved by language changes.

1. **Forms Recommendations Three.** The Council believes that the IRS 1040 forms need only be requested by the Senate in rare situations. We recommend the following language in recommendation three: "It may be necessary under rare circumstances for Senate committees to request IRS 1040 forms."
2. **Process Recommendations Three.** While the Council is supportive of federal funding for pre-election transition activities, we suggest that recommendation three be rewritten to cover all aspects of the transition, not just personnel. We also believe that the funding should go directly to the candidates and not to the Republican or Democratic National Committee. Revised language might read, "Congress should consider amending the Presidential Transition Act to financially assist the candidates in planning the transition prior to the election, including personnel related planning."

On behalf of the Council, we have enjoyed working with the Commission and look forward to its final report.

Sincerely,  
  
Mark A. Abramson  
President



## APPENDIX 9



National Academy of Public Administration  
Chartered by Congress

December 6, 1990

Al Felzenberg  
Executive Director  
President's Commission on the  
Federal Appointment Process  
Old Executive Office Building  
Washington, DC 20500

Dear Al:

Thanks for sending us a draft of the recommendations of the President's Commission on the Federal Appointment Process. I have shared your draft with Roger Sperry and Cal Mackenzie. We think your draft holds much promise, and we congratulate you on a job well done.

It is clear the Commission's time has been well spent. The list of recommendations includes a number of sensible, practical approaches to easing the recruiting and processing of presidential appointees. We were especially pleased, of course, to find so much congruence between your recommendations and those which have appeared in the reports of the Academy's Presidential Appointee project. We have just a few comments for your consideration.

We certainly agree, as noted in item 2 under "Process," that White House staff should work with prospective nominees to help them with filling out forms. Our studies have also indicated a need for well-informed White House personnel to assist new appointees through the entire nomination and confirmation process. As you know, this can be a bewildering time for someone new to government, and many appointees told us they felt abandoned by the White House after they had agreed to join the administration. A little more counseling and hand-holding than is currently available would probably be well advised.

We also wish that your recommendations had included more specific suggestions for lengthening the terms of PAS appointees. The longer initial appointees serve, the fewer will be the burdens on the recruitment, nomination, and clearance processes later on. Our 1985 report, *Leadership in Jeopardy*, included a number of proposals for reducing turnover among PAS appointees. Some progress has been made since then on compensation. We believe our other proposals are still worthy of consideration.

Finally, we applaud the attention your recommendations pay to reducing the number of PAS positions on federal boards and commissions. That will help significantly to reduce the burden that falls on the White House personnel office.

We also think that such reductions could profitably be accomplished in some of the departments and agencies, especially in positions without heavy policymaking responsibilities or in those requiring special scientific or technical expertise. Perhaps you've already considered this, but we wonder if it wouldn't be helpful to suggest a broader review of the current allotment of PAS positions.

Again, thanks for allowing us to review the draft. We believe the Commission's report will be an important step forward in addressing the appointment issues in which the National Academy of Public Administration has had a long interest.

Sincerely,

  
Ray Hline  
President

cc: Roger Sperry  
G. Calvin Mackenzie



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Alvin Felzenberg  
Executive Director  
Presidents Commission on the  
Federal Appointment Process  
Old Executive Office Building  
1600 Pennsylvania  
Room 502  
Washington D.C. 20500

Dear Mr. Felzenberg,

As we discussed on the phone, attached is the paragraph that I recommended you add as the last paragraph in your public service handout dated November 29, 1990.

Sincerely,

  
L. Bruce Laingen

The Commission takes note of the fact that the President signed legislation on August 14, 1990 that would establish a National Advisory Council on the Public Service, "...to provide the President and the Congress with bipartisan, objective assessments of, and recommendations concerning, the federal work force." This council, which is to include representatives of all three branches of government as well as the public, could help insure that the quality and effectiveness of the public service of government remains high on the nation's agenda.

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