

[ERRATA]

NOMINATION OF PHILLIP BOND TO BE UNDER
SECRETARY FOR TECHNOLOGY AT THE
DEPARTMENT OF COMMERCE AND JOHN
MARBURGER TO BE DIRECTOR OF THE OFFICE
OF SCIENCE AND TECHNOLOGY POLICY

HEARING

BEFORE THE

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION
UNITED STATES SENATE

ONE HUNDRED SEVENTH CONGRESS

FIRST SESSION

OCTOBER 9, 2001

Printed for the use of the Committee on Commerce, Science, and Transportation



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ERRATA

S. HRG. 107-1055

1. Content section is being replaced with an updated version.
2. Arden L. Bement Jr.'s biographical information was inadvertently printed on pages 14–28. The correct biographical information of John H. Marburger III has been added.

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A. BIOGRAPHICAL INFORMATION

1. Name: John Harmen Marburger III (Jack).
 2. Position to which nominated: Director of the Office of Science and Technology Policy.
 3. Date of nomination: September 21, 2001.
 4. Address: (Information not released to the public).
 5. Date and place of birth: February 8, 1941, Staten Island, New York.
 6. Marital status: Married to the former Carol Preston Godfrey.
 7. Names and ages of children: John Harmen Marburger, 31; Alexander Godfrey Marburger, 28.
 8. Education: Bladensburg High School, 1955–1958, High School Diploma; Princeton University, 1958–1962, Bachelor of Arts in Physics; Stanford University, 1963–1967, Doctor of Philosophy in Applied Physics.
 9. Employment record: Goddard Space Flight Center, Maryland: Solid State Physicist (1962–1963); University of Southern California, Los Angeles, California: (1966–1980), Assistant Professor (1966–1969), Associate Professor (1969–1975), Full Professor (1975–1980) in Departments of Physics and Electrical Engineering, Chairman of Physics Department (1972–1975), Dean of College of Letters, Arts and Sciences (1976–1980), Lawrence Livermore Laboratories Consultant (1972–1976); State University of New York at Stony Brook, Stony Brook, New York: (1980–present); Professor of Physics and Electrical Engineering (1980–present); President, 1980–1994; On leave (1997–present); Brookhaven National Laboratory, Upton, New York: (1994–present); Laboratory Director (1994–present).
 10. Government experience: 1980–1981: Chairman, Suffolk County Task Force on Priorities in Finance, appointed by County Executive Peter Cohalan; 1980–1981: Chairman, New York State Energy Office Review Commission, appointed by NYS Governor Hugh Carey; 1983: Chairman, New York State Fact Finding Panel on the Shoreham Nuclear Power Facility, appointed by NYS Governor Mario Cuomo; 1983–1993: Member, Advisory Committee to the New York State Senate Committee on Higher Education, appointed by Senator Kenneth LaValle; 1994: Co-Chairman, Consolidation Task Force, Board of Cooperative Educational Services.
 11. Business relationships (*Boards and other significant service activities*) *Philanthropic: Stony Brook Foundation*, Board of Directors ex officio (80/94). The not-for-profit corporation that manages philanthropic funds for the Stony Brook campus; *Stony Brook Foundation Realty Corp.*, Board of Directors (85/94). A subsidiary of the Stony Brook Foundation established to develop a conference center/hotel on the Stony Brook campus; *SEFA Campaign for Long Island*, Chairman (89), (State Employees version of United Way); *United Way of Long Island*, Board of Trustees (90/93); *United Way Campaign for Long Island*, Chairman (91/92).
Cultural: Coleman Chamber Music Association, Pasadena, California, Board of Directors (69–80), Sponsors chamber series at CalTech, other programs including schools performances, internationally known competition for young chamber players; *The Museums at Stony Brook*, Board of Directors (80/92, 94/97). Long Island's largest and only nationally accredited regional museum. Specializes in Early American genre artists, internationally renowned carriage collection, colonial historical collection.
- Higher Education: American Council on Education Advisory Committee on Self-Regulation*, Member (82/85); *Rockefeller Institute of Government*, Board of Overseers (83/94), SUNY operated think-tank in Albany for State governmental studies; *Association of Colleges and Universities of the State of New York*, Treasurer (84–86), Vice President (86/88), President (88/90), Organization of all public, private and accredited proprietary post-secondary educational institutions in New York State; *Princeton University*, Board of Trustees, Alumni Trustee (85/89); *Jacob K. Javits Foundation*, Board of Directors; *Government University Industrial Roundtable* on Modification of OMB Circular A–21 Regulations for Indirect Cost Recovery, Member (1986), Responded to effort by OMB to reduce indirect cost reimbursements to universities through rule changes.
- Research Organizations: New York State Education and Research Network*, Inc. (NYSERNET) Board of Directors, (86/89), Created and operates major high-speed data network in New York State linking all major universities, industrial laboratories and Federal facilities; *State University of New York Research Foundation*, Board of Directors, (90/94), Manages externally sponsored research in SUNY system; *Universities Research Association*, Chairman: Council of Presidents (86); Board of Trustees: Chairman (88/94), Trustee (88/96); Consortium of more than 70 research universities that operates Fermi National Accelerator Laboratory in Illinois and the Super-conducting Super Collider in Texas, both under contract with U.S. Dept of Energy; *Long Island Research Institute* (LIRI), Board of Directors, (92/97), Chairman

(94/97); Not for profit corporation formed by SUNY at Stony Brook, Brookhaven National Laboratories, and Cold Spring Harbor—Laboratory to foster technology transfer from these institutions to regional corporations.

Business/Economic Development: Action Committee for Long Island, Inc., Board of Directors (80/83), Group of senior Long Island executives formed in late 1970's, merged with Long Island Association in 1983; *Long Island Association, Inc.*, Board of Directors, (83/93, 98/01), Long Island's major business advocacy organization, similar to Chamber of Commerce which does not exist on Long Island; *Long Island Forum for Technology, Inc.*, Board of Directors (80/94), Long Island's business advocacy group for high technology industry; *Long Island High Technology Incubator Corporation*, Board of Directors, Chairman (89/95), A subsidiary of the Stony Brook Foundation and the SUNY Research Foundation established to build and operate a high technology incubator facility on the Stony Brook campus. Gyrodyne Corporation, Board of Directors, (97/01), A former aerospace company, now converted to an industrial park/property management corporation, located adjacent to the Stony Brook campus.

Government: Suffolk County Task Force on Priorities in Finance, Chairman (80/81) (Appointed by County Executive Peter Cohalan) Examined issues affecting Long Island economy in the 1980's and advised County Executive on financial strategy; *New York State Energy Office Review Commission*, Chairman (80/81) (Appointed by Governor Hugh Carey) Conducted New York's first review under 'sunset' legislation establishing this agency; *Advisory Committee to the New York State Senate Committee on Higher Education*, Member (83/93) (Appointed by State Senator Kenneth P. LaValle); *New York State Fact Finding Panel on the Shoreham Nuclear Power Facility*, Chairman, (83) (Appointed by Governor Mario M. Cuomo) Advised the Governor on State policy regarding this facility; *Board of Cooperative Educational Services*, Consolidation Task Force Co-Chairman (94), Committee formed to advise on consolidation of State operated special education districts in Suffolk County.

12. Memberships: Fellow, American Association for the Advancement of Science; Fellow, American Physical Society; Member, Board of Directors, Long Island Association.

13. Political affiliations and activities: (a) List all offices with a political party which you have held or any public office for which you have been a candidate. None. (b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 10 years. None. (c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$500 or more for the past 10 years. None.

14. Honors and awards: Fellow, American Association for the Advancement of Science (2001); Fellow, American Physical Society (2001); Honorary Degree: Doctor of Humane Letters, Hofstra University (2000).

15. Published writings: (1) J.H. Marburger, "On the Formal Structure of the Helicity Representation," B.A. Thesis (unpublished, but available from Princeton University), (1962); (2) M.M. Sokoloski, J.H. Marburger, "The Transport Properties of P-Type PbTe," NASA Goddard Space Flight Center Memorandum X633-63-233, (1963); (3) J.H. Marburger, "Galvanomagnetic Effects in Polycrystalline Many Valley Semiconductors," NASA Technical Note TN D-1840, (1963); (4) J.H. Marburger, M. Sparks, "Relaxation and Resonance," Chapter 14 in *Magnetic Materials Digest* (1965), ed. by R. White and K. Wickersheim; (5) J.H. Marburger, "Conditions for the Existence of Closed Solutions by the Normal Ordering Method," *Journ.Math.Physics* 7, 829 (1966); (6) J.H. Marburger, "The Derivative Method in Many Body Theory," Ph.D. Thesis, Stanford University, W.W. Hansen Microwave Laboratory Report No. 1490, December (1966); (7) J.H. Marburger, "Relation of Normal-Ordering Methods to Linked Diagrams," *Phys.Rev.*158, 1557 (1967); (8) W.H. Louisell, J.H. Marburger, "Solutions of the Damped Oscillator Fokker-Planck Equation," *IEEE Journ.Quant.Elect.* QE-3, 348 (1967); (9) J.H. Marburger, W.G. Wagner, "Self-Focusing as a Pulse Sharpening Mechanism," *IEEE Journ.Quant.Elect.* QE-3, 415 (1967); (10) J.H. Marburger, E.L. Dawes, "Dynamical Formation of a Small-Scale Filament," *Phys.Rev.Lett.* 21, 556 (1968); (11) W.G. Wagner, H.A. Haus, J.H. Marburger, "Large-Scale Self-Trapping of Optical Beams in the Paraxial Ray Approximation," *Phys.Rev.* 175, 256 (1968); (12) G.L. McAllister, J.H. Marburger, L.G. DeShazer, "Observation of Pulse Shaping by the Self-Focusing Effect," *Phys.Rev.Lett.* 21, 1648 (1968); (13) E.L. Dawes, J.H. Marburger, "Computer Studies in Self-Focusing," *Phys.Rev.* 179, 862 (1969); (14) J.H. Marburger, L. Huff, J.D. Reichert, W.G. Wagner, "Stationary Self-Trapping of Optical Beams in Dense Media with Lorentz Local-Field Corrections," *Phys.Rev.* 184, 255 (1969); (15) J.H. Marburger, W.H. Louisell, "Unification of Phase-Space Descriptions of Quantum Markovian Systems," *Phys.Rev.* 186, 174 (1969); (16) D.R. White, E.L. Dawes, J.H. Marburger, "Theory of Second-Harmonic Generation with High-Conversion Effi-

ciency," IEEE Journ.Quant.Elect. QE-6, 793 (1970); (17) R.V. Johnson, J.H. Marburger, "Relaxation Oscillations in Stimulated Raman and Brillouin Scattering," Phys.Rev. A4, 1175 (1971); (18) W.G. Wagner, J.H. Marburger, "On Laser Induced Turbulence," Opt. Commun. 3, 19 (1971); (19) J.H. Marburger, M. Flannery, "IR Window Material Criteria: 'Exact' Analyses of the Thermal Distortion Problem," in Proceedings of Conference on "High Power IR Laser Window Materials." Air Force Cambridge Research Laboratories p. 11 (1971); (20) C.R. Giuliano, J.H. Marburger, "Observations of Moving Self-Foci in Sapphire," Phys.Rev.Lett. 27, 905 (1971); (21) J.H. Marburger, "Theory of Self-Focusing for Fast Nonlinear Response," in Damage in Laser Materials, ed. by A.J. Glass, et al. Proceedings of 3rd. Symposium on Damage in Laser Materials, NBS Special Publ. 356, p. 51 (1971); (22) J.K. Guha, D.L. Judge, J.H. Marburger, "OGO-5 Magnetic-Field Data Near the Earth's Bow Shock: A Correlation with Theory," Journ. Geophysical Research 77, 604 (1972); (23) C.R. Giuliano, J.H. Marburger, A. Yariv, "Enhancement of Self-Focusing Threshold in Sapphire with Elliptical Beams," Appl.Phys.Lett. 21, 58 (1972); (24) J.H. Marburger, "Self-Focusing with Elliptical Beams," in Laser Induced Damage in Optical Materials: 1972, ed. by A.J. Glass, et al. NBS Special Publ. 372, p. 84 (1972); (25) Review of book *Lasers* by B. Lengyel. Published in Physics Today, (1972); (26) J.H. Marburger, "On Noncircularly Symmetric Self-Trapped Light Beams," Opt. Commun. 7, 57 (1973); (27) J.H. Marburger, J.R. Jokipii, A.J. Glass, J. Trenholme, "Homogeneity Requirements for Minimizing Self-Focusing Damage," in Laser Induced Damage in Optical Materials: 1973," ed. by A.J. Glass, et al. NBS Special Publ. 387, p. 49 (1973); (28) J.R. Jokipii, J.H. Marburger, "Homogeneity Requirements for Minimizing Self-Focusing Damage by Strong Electromagnetic Waves," Appl.Phys.Lett. 23, (1973); (29) B. Bendow, P.D. Gianino, M. Flannery, J.H. Marburger, "Influence of Crystal Anisotropy on Composite Window Design for Reducing Thermal Distortion," in Proceedings of Fourth Laser Window Conference, Tucson, Ariz., (1974); (30) J.H. Marburger, "Self-Focusing: Theory," in monograph series, "Progress in Quantum Electronics," ed. by J. Sanders. S. Stenholme, 4, 35-110 (1975); (31) F.S. Felber, J.H. Marburger, "New Class of Exact Solutions of the Dirac Equation," Journ.Math.Physics 16, 2089 (1975); (32) M. Flannery, J.H. Marburger, "Diffraction Theory of Absorbing Windows," in Laser Induced Damage in Optical Materials, NBS Special Publ. (1975); (33) M. Flannery, J.H. Marburger, "Theory of Stress Induced Birefringence in Polycrystalline IR Window Materials," in Proceedings of Fifth Laser Window Conference, Las Vegas, Nev. (1975); (34) J.H. Marburger, "Relation between Optical Breakdown Field and Stokes Spectral Broadening," Optics Commun. 14, 92 (1975); (35) J.H. Marburger, R.F. Tooper, "Nonlinear Optical Standing Waves in Overdense Plasmas," Phys.Rev.Lett. 35, 1001 (1975); (36) Review of book, *Laser Spectroscopy*, ed. by R. Brewer and A. Mooradian, Science, June 13, (1975); (37) J.H. Marburger, "Fiat Lux: Spotlight on Lasers," Facets 1, 7 (1975) This is a popular article in the University of Southern California quarterly magazine.; (38) M. Flannery, J.H. Marburger, "Theory of Elasto-Optic Coefficients in Polycrystalline Materials," Appl.Phys.Lett. 28, 600 (1976); (39) F.S. Felber, J.H. Marburger, "Nonlinear Optical Reflection and Transmission in Overdense Plasmas," Phys.Rev.Lett. 36, 1176 (1976); (40) F.S. Felber, J.H. Marburger, "Theory of Non-resonant Multistable Optical Devices," Appl.Phys.Lett. 28, 731 (1976); (41) A.T. Georges, P. Lambropoulos, J.H. Marburger, "Two-Photon-Resonant Third-Harmonic Generation in Cesium Vapor," Opt.Comm. 18, 509 (1976); (42) W. Meyer, K.W. Wong, J.H. Marburger, "Roton Interactions in Superfluid Helium," Phys.Rev. B14, 1932 (1976); (43) A.T. Georges, P. Lambropoulos, J.H. Marburger, "Theory of Third-Harmonic Generation in Metal Vapors under Two-Photon Resonance Conditions," Phys. Rev. A15, 300 (1977); (44) R.E. Joiner, J.H. Marburger, W.H. Steier, "Elimination of Stress-Induced Birefringence Effects in Single-Crystal High-Power Laser Windows," Appl.Phys.Lett. 30, 485 (1977); (45) J.H. Marburger, R. Shockley, "Non-resonant Chirp Compensation with Counterpropagating Optical Pulses," Appl.Phys.Lett. 30, 441 (1977); (46) R.E. Joiner, J.H. Marburger, W.H. Steier, "Critical Orientations Eliminating Stress-Induced Depolarization in Crystalline Windows and Rods," Proceedings of Ninth Annual Laser Induced Damage Symposium, Boulder, Colorado, October 4-6, (1977); (47) J.H. Marburger, F.S. Felber, "Theory of a Lossless Nonlinear Fabry-Perot Interferometer," Phys.Rev. A17, 335 (1978); (48) J.H. Marburger, "Optical Pulse Integration and Chirp Reversal in Four-Wave Mixing," Appl.Phys.Lett. 32, 372 (1978); (49) E. Garmire, J.H. Marburger, S.D. Allen, "Incoherent Mirrorless Bistable Optical Devices," Appl.Phys.Lett. 32, 320 (1978); (50) E. Garmire, S.D. Allen, J.H. Marburger, "Multimode Integrated Optical Bistable Switch," Optics Letters 3, 69 (1978); (51) E. Garmire, S.D. Allen, J.H. Marburger, "Bistable Optical Devices for Integrated Optics and Fiber Optics Applications," Proceedings of SPIE, 139, 174, (1978); Optical Engineering, 18, 194 (1979); (52) J.H. Marburger, E. Garmire, "Bistable Optical Devices: An Overview," in Fiber

Optics: Advances in Research and Development., ed. by B. Bendow and S.S. Mitra, Plenum Publishing Corp., p. 395–413, (1979); (53) J.H. Marburger, J.F. Lam, “Nonlinear Theory of Degenerate Four-Wave Mixing,” *Appl.Phys.Lett.* 34, 389 (1979); (54) S.D. Allen, E. Garmire, J.H. Marburger, H.G. Winful, “Transient Response of Hybrid Bistable Optical Devices,” *Appl.Phys.Lett.* 34, 374 (1979); (55) J.H. Marburger, “Thermal Distortion in Laser Windows.” Review article scheduled to appear in *Laser Damage* volume edited by A.J. Glass and A. Gunther. (Not published to date); (56) J.H. Marburger, J.F. Lam, “Effect of Nonlinear Index Changes on Degenerate Four-Wave Mixing,” *Appl.Phys.Lett.* 35, 249 (1979); (57) H.G. Winful, J.H. Marburger, E. Garmire, “Theory of Bistability in Nonlinear Distributed Feedback Structures,” *Appl.Phys.Lett.* 35, 379 (1979); (58) H.G. Winful, J.H. Marburger, “Hysteresis and Optical Bistability in Degenerate Four-Wave Mixing,” *Appl.Phys.Lett.* 36, 613 (1980); (59) J.H. Marburger, E.A. Power, “Minimum-Uncertainty States of Systems with Many Degrees of Freedom,” *Foundations of Physics* 10, 865 (1980); (60) J.H. Marburger, “Improvements Upon the Simple Theory of Degenerate Four Wave Mixing,” Chapter 4, p. 99–125, in *Optical Phase Conjugation*, Academic Press, ed. by R.A. Fisher (1983); (61) J.H. Marburger, “Personal and Public Aspects of Physics,” *The Physics Teacher* 33, (1995).

16. Speeches: Provide the Committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of on topics relevant to the position for which you have been nominated. (1) Remarks at Hofstra New College Commencement Upon Receipt of Honorary Degree, May 22, 2000; (2) Conference on Laboratory History and Sociology, June 10, 1999.

17. Selection: (a) I presume I was chosen for this nomination because of my extensive experience and visibility in the science, technical, and higher education communities. (b) I have performed scientific research myself, and administered research programs of a broad nature at every level, from investigator to university president and national laboratory director, for 35 years.

B. FUTURE EMPLOYMENT RELATIONSHIPS

1. Will you sever all connections with your present employers, business firms, business associations or business organizations if you are confirmed by the Senate? I will resign my positions as Director of Brookhaven National Laboratory, President of Brookhaven Science Associates, member of the Board of Directors for Gyrodyne, and member of the Board of Directors for the Long Island Association upon confirmation.

I intend to continue to serve as a non-compensated member of the Board of Directors for the Jacob K. Javits Foundation, a non-profit educational organization and will continue my leave with the State University of New York at Stony Brook.

2. Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, explain. I intend to continue to serve as a non-compensated member of the Board of Directors for the Jacob K. Javits Foundation, a non-profit educational organization.

3. Do you have any plans, commitments or agreements after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization? I have no plans to return to Brookhaven National Laboratory.

4. Has anybody made a commitment to employ your services in any capacity after you leave government service? I have been on an unpaid leave of absence with the State University of New York at Stony Brook since 1997 and plan to continue this leave arrangement.

5. If confirmed, do you expect to serve out your full term or until the next Presidential election, whichever is applicable? Yes.

C. POTENTIAL CONFLICTS OF INTEREST

1. Describe *all* financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients or customers. None.

2. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated. My spouse has a personal account and is the income beneficiary of 2 other accounts with U.S. Trust. Her holdings include shares in Amgen, Microsoft, Merck, Brocade Communications, JDS Uniphase, Openwave Systems, and AOL Time Warner. These holdings will be divested within 90 days of confirmation. Her holdings also include Medtronic, Cisco Systems, Pfizer, Pharmacia, Ericsson, Sun Microsystems, AT&T Corporation, AT&T Wireless, and Nextel Communications. I foresee no conflict of interest with the following entity but mention it in the interest

of full disclosure: I serve as a non-compensated member of the Board of Directors of the Jacob F. Javits Foundation, a non-profit educational organization.

3. Describe any business relationship, dealing, or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated? State University of New York at Stony Brook, university professor (1980–present, on leave since 1997).

4. Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration and execution of law or public policy. Yes. During my tenure as Director of the Brookhaven National Laboratory (1997–2001), I contacted relevant House and Senate authorizers and appropriators regarding the importance of science programs at Brookhaven National Laboratory, and in support of the budget for the Department of Energy's Office of Science.

5. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. (Please provide a copy of any trust or other agreements.) My ethics agreement and SF-278 will fully disclose potential conflicts of interest and how I plan to deal with them.

6. Do you agree to have written opinions provided to the Committee by the designated agency ethics officer of the agency to which you are nominated and by the Office of Government Ethics concerning potential conflicts of interest or any legal impediments to your serving in this position? Yes.

D. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details. No.

2. Have you ever been investigated, arrested, charged or held by any Federal, State, or other law enforcement authority for violation of any Federal, State, county, or municipal law, regulation or ordinance, other than a minor traffic offense? If so, provide details. No.

3. Have you or any business of which you are or were an officer ever been involved as a party in interest in an administrative agency proceeding or civil litigation? If so, provide details? Yes. Numerous legal cases arising from my administrative responsibilities for a large public university and medical center over a period of 14 years. I was named in such cases as the President of the university. Most of them were related to the health care function of the university hospital (medical malpractice suits), and to liability claims (accidents on the site, etc.).

4. Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense? No.

5. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination. I believe I have unique qualifications and solid experience to offer the Nation as the Director of the Office of Science and Technology Policy.

As Director of the U.S. Department of Energy's Brookhaven National Laboratory and President of Brookhaven Science Associates, I have experience dealing with major Federal science facilities and believe I can bring an experienced perspective to the Office of Science and Technology Policy on the unique requirements of running this segment of the Federal S&T enterprise.

Having served as a professor, Dean of a College, President of a University, and a University Trustee, I believe I am well qualified for the interplay between the Federal research and development enterprise, and the university community that carries out a large part of that research.

I very much look forward to working with the Committee to ensure that America remains the world's leader in S&T.

E. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines set by congressional committees for information? Yes.

2. Will you ensure that your department/agency does whatever it can to protect congressional witnesses and whistle blowers from reprisal for their testimony and disclosures? Yes.

3. Will you cooperate in providing the committee with requested witnesses, to include technical experts and career employees with firsthand knowledge of matters of interest to the committee? Yes.

4. Please explain how you will review regulations issued by your department/agency, and work closely with Congress, to ensure that such regulations comply with the spirit of the laws passed by Congress. The Office of Science and Technology Policy is not a regulatory agency.

5. Describe your department/agency's current mission, major programs, and major operational objectives. OSTP's continuing mission is set out in the National Science and Technology Policy, Organization, and Priorities Act of 1976 (Public Law 94-282). It calls for OSTP to: *Serve as a source of scientific and technological analysis and judgment for the President with respect to major policies, plans, and programs of the Federal Government.*

The Act authorizes OSTP to:

- Advise the President and others within the Executive Office of the President on the impacts of science and technology on domestic and international affairs;
- Lead an interagency effort to develop and implement sound science and technology policies and budgets;
- Work with the private sector to ensure Federal investments in science and technology contribute to economic prosperity, environmental quality, and national security;
- Build strong partnerships among Federal, State, and local governments, other countries, and the scientific community;
- Evaluate the scale, quality, and effectiveness of the Federal effort in science and technology.

6. Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so? Yes.

F. GENERAL QUALIFICATIONS AND VIEWS

1. How have your previous professional experience and education qualified you for the position for which you have been nominated. As Director of the U.S. Department of Energy's Brookhaven National Laboratory, and President of Brookhaven Science Associates, I have experience dealing with major Federal science facilities and believe I can bring an experienced perspective to the Office of Science and Technology Policy on the unique requirements of running this segment of the Federal S&T enterprise.

Having served as a professor, Dean of a College, President of a University, and a University Trustee, I believe I am well qualified for the interplay between the Federal research and development enterprise, and the university community that carries out a large part of that research.

2. Why do you wish to serve in the position for which you have been nominated? I hope to continue my service to the Nation as Director of the Office of Science and Technology Policy. I believe science, technology, and education are vitally important to the Nation's national security and economic and cultural well-being, and I wish to assist the Federal Government in creating and maintaining leadership in these areas.

3. What goals have you established for your first 2 years in this position, if confirmed? (1) to ensure that America's science and technology assets are fully available in the Nation's struggle to eliminate terrorism as a threat to our national security. (2) to ensure that America's science and technology enterprise is sustained and nurtured; that education in science math, and engineering is strong and available to all Americans; and (3) that the Federal Government continues to play its vital partnership role in the Nation's science and technology effort.

4. What skills do you believe you may be lacking which may be necessary to successfully carry out this position? What steps can be taken to obtain those skills? None identifiable.

5. Who are the stakeholders in the work of this agency? University community, scientific associations, Federal scientists and engineers.

6. What is the proper relationship between your position, if confirmed, and the stakeholders identified in question number ten. A steward of their combined interests.

7. The Chief Financial Officers Act requires all government departments and agencies to develop sound financial management practices similar to those practiced in the private sector. (a) What do you believe are your responsibilities, if confirmed, to ensure that your agency has proper management and accounting controls? As Director of the Office of Science and Technology Policy, I will be responsible for meeting the requirements of the Federal Managers' Financial Integrity Act of 1982 (Integrity Act) which requires every Executive Branch agency to report annually on the status of management controls to the President. The annual review of management controls allows OSTP the opportunity to reassess its mission and procedures to de-

termine whether the controls in place are adequate to manage them. (b) What experience do you have in managing a large organization? As President of the State University of New York at Stony Brook, I was responsible for overseeing a University that encompasses 123 buildings on 1,100 acres, 18,000 students, 1,600 faculty, and a budget of more than \$600 million.

As Director of Brookhaven National Laboratory, I have overseen 3,000 scientists, engineers, technicians and support staff, and over 4,000 guest researchers annually implementing DOE's strategic missions in carrying out basic and applied research in long-term programs at the frontiers of science. In this capacity I have directed a budget of \$480 million, and oversaw the following major scientific facilities:

- *Relativistic Heavy Ion Collider (RHIC)*, the world's newest and biggest particle accelerator for nuclear physics.
- *National Synchrotron Light Source (NSLS)*, attracting more users annually than any other research machine in the world.
- *Alternating Gradient Synchrotron*, home to Nobel Prize-winning research and many pivotal discoveries in high-energy and nuclear physics.
- *Accelerator Test Facility*, the nation's proving ground for new concepts in generating, accelerating and monitoring particle beams.
- *Tandem Van de Graaff Facility*, ion sources for hardware testing and supplier of ions for RHIC.

8. The Government Performance and Results Act requires all government departments and agencies to identify measurable performance goals and to report to Congress on their success in achieving these goals. (a) Please discuss what you believe to be the benefits of identifying performance goals and reporting on your progress in achieving those goals. Research and development performance measures have been difficult to identify, and I fully understand the difficulties of applying performance measures to basic research programs. But such programs are not exempt from the Bush Administration's expectations of good management and high performance. We will work within the Administration to examine appropriate criteria for Federal investment in research as laid out in the recently released President's Management Agenda. (b) What steps should Congress consider taking when an agency fails to achieve its performance goals? Should these steps include the elimination, privatization, downsizing or consolidation of departments and/or programs? I believe all options should be on the table, but any decision should be made on a case-by-case basis taking into consideration the importance of the goal to the agency's mission, how often the agency has failed to meet the goal, whether a plan is in place to meet the goal in a specified time period, etc. (c) What performance goals do you believe should be applicable to your personal performance, if confirmed? Provide sound, timely, clear, and accurate advice to the President and others within the Executive Office of the President on topics where science and technology can have an impact on domestic and international affairs, and in areas where Federal action has the potential to advance or impede scientific or technological progress.

9. Please describe your philosophy of supervisor/employee relationships. Generally, what supervisory model do you follow? Have any employee complaints been brought against you? I believe in explicit and open communication with employees at every level within the organization. I have always been available to meet with employees at every level, under conditions that are clear to them and their supervisors. I establish clear roles, responsibilities, authorities, and accountabilities for all employees, and expect line managers to assume responsibility for every aspect of their work. During more than 25 years of administration, a number of employee complaints have been brought against me in my official capacity, mostly with respect to faculty tenure, or other employment related decisions. These have all been resolved satisfactorily. In general, I am regarded as a fair and accessible supervisor.

10. Describe your working relationship, if any, with the Congress. Does your professional experience include working with committees of Congress? If yes, please describe. Yes. During my tenure as Director of the Brookhaven National Laboratory (1997-2001) I contacted relevant House and Senate authorizers and appropriators regarding the importance of science programs at Brookhaven National Laboratory, and in support of the budget for the Department of Energy's Office of Science.

11. Please explain what you believe to be the proper relationship between yourself, if confirmed, and the Inspector General of your department/agency. The Executive Office of the President does not have an Inspector General.

12. Please explain how you will work with this Committee and other stakeholders to ensure that regulations issued by your department/agency comply with the spirit of the laws passed by Congress. The Office of Science and Technology Policy is not a regulatory agency.

13. In the areas under the department/agency's jurisdiction, what legislative action(s) should Congress consider as priorities? Please State your personal views.

- *Science and Technology in Legislation:* Since they touch on so many of the Administration's priorities, my personal legislative priority is to ensure that science and technology are factored appropriately into all relevant legislation. Legislation pertaining to issues ranging from public health to education to national security potentially have significant science and technology implications. We need to ensure that such legislation is rooted strongly in the latest knowledge or promotes the further development of a balanced and robust science and technology portfolio.

- *Balance and Coordination in the R&D Portfolio:* Science and technology research and development are complex activities that require balanced support of many diverse fields. Advances in medical diagnosis and therapy, for example, depend upon instrumentation and information technology developed through endeavors in the physical and engineering sciences. Effective execution of national agendas for health care, education, environmental protection, and national security requires coordination of programs and balanced funding among multiple agencies.

- *Math and Science Education:* Education lies at the heart of this Administration's investment in America's future. How well our Nation prospers in the years ahead depends upon the competency of our children to perform in a knowledge-based society. Math and science education, in particular, require serious attention.

14. Within your area of control, will you pledge to develop and implement a system that allocates discretionary spending based on national priorities determined in an open fashion on a set of established criteria? If not, please state why. If yes, please state what steps you intend to take and a timeframe for their implementation. I believe the most important system for investments in science and technology is the judicious use of competitive merit based/peer review.