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AUGUST QUIET TO LEAD TO FRENZIED FALL

With President Bush on vacation at the ranch in Texas, Congress in recess, and the nation's attention focused on the political circus in California, it is quiet time in Washington. Congress will return after Labor Day and face its annual effort to finish the legislation that will fund the government. The Republicans, who control both Houses of Congress, have vowed not to repeat last year's disaster when the FY 2003 appropriations process did not end until February. They will have to move very quickly since FY 2004 begins on October 1, 2003.

So far, the efficient Republicans in the House have passed 11 of the 13 spending bills (only Transportation, Treasury, and the DC bills remain). The messier Senate has only passed four. In fact, the Senate has not even commenced action at the subcommittee level on three bills, including VA, HUD, Independent Agencies, which funds the National Science Foundation (NSF), and Commerce, Justice, State, which funds the Census Bureau, the National Institute of Justice, and Educational and Cultural exchange programs. No spending bills have gone to the President's desk to become law. It appears that Continuing Resolutions (CR) will surface again and the projected October 3rd adjournment target will fall by the wayside.

During the first week back the Senate hopes to pass the Labor, Health and Human Services, Education spending bill. Sen. Arlen Specter (R-PA), Chair of the

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ACADEMIES REPORT CALLS FOR NIH ORGANIZATIONAL CHANGES

Despite the National Institutes of Health's (NIH) considerable achievements, important organizational changes are needed for the agency, states a July 29 National Academies report. The report, *Enhancing the Vitality of the National Institutes of Health: Organizational Change to Meet New Challenges*, is the result of a Congressional request amid concern that the organizational structure of NIH – particularly the increasing number of institutes and centers – had become “fragmented and too unwieldy” to effectively address emerging research challenges.

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Subcommittee that makes initial recommendations for program funding in the legislation, wants to move the bill with a minimum of fuss. When the bill reaches the floor, amendments are expected to propose increased funding for the National Institutes of Health (NIH) as well as a number of education programs. Whether there will be an attempt similar to the House effort to challenge NIH peer review on studies of sexual health (see *Update*, July 14, 2003) remains unclear.

The VA, HUD Appropriations Subcommittee will also move to markup relatively quickly. The fate of NSF's increase (6 percent in the House bill) will depend on how high the funding for Veterans' Medical Care goes and what the Senators do about the embattled Americorps program. In the House floor consideration of this measure, NSF lost \$5 million from its Office of Polar Programs to pay for a program that provides housing for homeless AIDS patients. In addition, much to the chagrin of its Director and employees, funds were transferred from NSF's salaries and expenses account to pay for a scholarship program for students interested in careers in science and engineering.

The Commerce, Justice, State appropriation, as passed by the House, has led to a threatened Presidential veto over a provision repealing the Federal Communication Commission's (FCC) decision to allow media ownership consolidation. Since Senators, led by Appropriations Committee Chairman Ted Stevens (R-AK), are expected to include a repeal provision in their version of the spending bill, funding for programs and agencies in this bill may get caught in a power struggle between the White House, defending embattled FCC Chairman Michael Powell, and a Congress responding to public outcry over the consolidation decision.

In addition to the spending bills, the fall will find Congress still working on comprehensive energy legislation, a prescription drug and Medicare overhaul bill, another possible tax bill, the reauthorization of the highway bill, and more hearings on the reauthorization of the higher education act and Head Start. Partisan battles will continue in the Senate on judicial nominations. Finally, for those paying attention, the battle for the Democratic presidential nomination will continue to heat up as the end-of-January Iowa Caucuses and New Hampshire primary draw ever closer. Of course all of this will pale until October 7, when we learn whether Californians one again succumb to celebrity worship.

NIH ORGANIZATION, (Continued from Page 1)

How Many Institutes?

Former NIH Director Harold Varmus, now at the Memorial Sloan-Kettering Cancer Institute, expressed similar concerns both in a March 2001 editorial in *Science* and during a July 2002 meeting of the panel that wrote the report, the National Research Council/Institute of Medicine Committee on the Organizational Structure of the NIH. (See *Update*, August 5, 2002). In both instances, Varmus suggested that the agency would be more manageable if it were organized around broad areas of science with fewer, but larger, institutes. At the 2002 meeting, newly appointed and current NIH Director Elias Zerhouni, however, cautioned the Committee that an exercise on the optimal number of institutes may not accomplish all that is needed and that the effectiveness of the process needed examining.

In its report, the Committee, which is chaired by Harold Shapiro, former President of Princeton University, emphasized that despite the changing landscape of science, NIH has never been administratively reorganized in any substantial way. Change has come in the form of additions to the agency. The Committee, however, explained Shapiro, "focused on much more than whether there should be a major consolidation of NIH's institutes and centers (ICs)." Seeking "significant organizational changes that would allow NIH to be even more successful," the Committee recommended "major modifications that give NIH an avenue to pursue imminent strategic and time-limited research priorities that cut across all of the institutes and centers, as well as enhance ability to carry out risky but highly innovative special projects," he related.

The Committee also recommended the establishment of a "public process for considering proposed changes in the number of NIH institutes or centers." This process would include the public, the scientific community, and the director of NIH, in concert with internal and external advisors. The panel explained that it recognizes that the decentralized structure of the NIH, which allows a large number of people throughout the scientific and advocacy communities to help set priorities, "has been and should continue to be an integral part of NIH's success." According to Shapiro, the Committee "did not believe that a wholesale consolidation is called for at this time because the costs – a lengthy, uncertain process and loss of support from many key constituents – outweigh any benefits likely to be achieved."

Merge NIDA and NIAAA?

The Committee, however, expressed its support for further study to explore the potential for two mergers: the National Institute on Drug Abuse (NIDA) and the National Institute on Alcohol Abuse and Alcoholism (NIAAA); and the National Institute of General Medical Sciences with the National Human Genome Research Institute. In explaining that it favors these moves, the Committee emphasized that “such changes should benefit from a public process.” The review “could be” initiated by the NIH Director.

Noting that this is not the first recommendation of this kind, the Committee suggested that it would be useful for Congress to consider amending the authorizing legislation for NIH “to require that certain steps be taken in considering the creation, dissolution, or consolidation of organizational units.” An obesity institute is the most recent suggestion for a 28th NIH IC. The consideration of such an agency has been attributed to Secretary of Health and Human Services Tommy Thompson following a private “obesity summit” of Federal officials the end of July.

Addressing Zerhouni’s request that the Committee consider the effectiveness of the governance mechanism now in place at NIH and the effectiveness of the decision-making process within and across the operational structure, the panel emphasized that the budget for the Office of the Director (OD) has not grown in proportion to NIH’s research funding and is inadequate for the effective management of the organization.

The “director of NIH should be formally charged by Congress to lead a trans-NIH planning process to identify major crosscutting issues and their associated research and training opportunities and to generate a small number of major multi-year, but time limited, research programs.” The process should be conducted periodically and involve substantial input from the scientific community and the public, the report notes. Just over one year into his tenure, through insight and/or anticipation of the Committee’s recommendations, Zerhouni has begun to put organizational and management mechanisms in place, including his “Roadmap” process and the recent announcement of the formation of an NIH steering Committee. (See *Update*, July 28, 2003).

More Power and Budget for the Director

The Committee further recommended that the NIH director present the scientific rationale for trans-NIH

budgeting to Congress, including a proposed target for investment in trans-NIH initiatives across all institutes. A target of 5 percent of the overall NIH funding in the first year, growing to 10 percent or more over 4-5 years is suggested as a possible appropriate target. In addition, the Committee recommended that Congress include the budget targets, beginning with the 5 percent figure, in the appropriations report language. Likewise, the president should include in the budget request and Congress should include in the NIH appropriation for the OD, funds to support an appropriate number of additional full-time staff to conduct trans-NIH planning process and “jumpstart” the initiatives that emerge.

The Committee recommended that the Office of the Director be given a “more adequate budget to support its management roles or greater discretionary authority to reprogram funding from the earmarked components of its budget when necessary to meet unanticipated needs.” The panel also noted that the earmarking of funds for the creation and continuation of programmatic offices within the OD “sometimes limits the director’s flexibility and fluidity of resources as well as his or her ability to effect change across the organization.” Accordingly, it is recommended that a similar process for adding or eliminating ICs also be used to “create, consolidate, or dissolve an office in the OD.”

Observing that while that high-risk research has the potential to offer high payoff, pressures exist in “organizational environments” such as NIH’s that make it difficult to pursue this research. The Committee recommended the creation of a “discrete program, the Director’s Special Projects Program,” in the OD “to fund the initiation of high-risk, exceptionally innovative research projects offering high potential payoff.” It is imagined, explained Shapiro, that the program would be patterned after the Department of Defense’s DARPA program (Defense Advanced Research Projects Agency). The “NIH director’s special projects office would help overcome some existing hindrance to the pursuit of risky research,” he clarified. Additionally, the Committee called for \$100 million, growing to as much as \$1 billion, in new funding, with a commitment for at least 8-10 years “so that a sufficient number of projects can reach fruition and a full assessment of program efforts can be made.”

Addressing the concerns of the scientific community regarding recent advisory committee appointments, the Committee noted that the in the past, “administrations have tried to exert greater control over NIH, and there has been conflict over the perceived politicization of the advisory committee appointment process.” The Committee advocates that appointments be based solely on a person’s scientific or clinical expertise or his or her

commitment to and involvement in issues of relevance to the mission of the IC. It also recommended that the advisory council system “be thoroughly reformed across NIH to ensure that these bodies are consistently and sufficiently independent and are routinely involved in priority-setting and planning discussions.”

Other recommendations by the Committee included:

- The appointment of a 6-year term for the NIH director, by the president, similar to that of the director of the National Science Foundation.
- The appointment of 5-year terms for IC directors, with the possibility of a second and final term of 5 additional years. In addition, the transference of the authority to hire and fire directors from the secretary of Health and Human Services to the NIH director.
- A reexamination of the special status granted the National Cancer Institute, which includes a separate bypass budget and a director appointed directly by the president.
- Standardize level-of-investment data and information management systems.
- Increase funding for Research Management and Support.
- Promotion of innovation and risk taking in intramural research.

A prepublication version of the report can be found at www.nap.edu/catalog/10779.html.

DEMOCRATIC REPORT QUESTIONS BUSH ADMINISTRATION'S SCIENTIFIC INTEGRITY

A Report released August 7 by the Democratic side of the House Government Reform Committee raises a number of substantial charges against the Bush Administration's use of science. The document, prepared by the Committee's minority staff at the request of Ranking Member Henry Waxman (D-CA), asserts that: "...the Administration has manipulated the scientific process and distorted or suppressed scientific findings" on numerous occasions. The White House dismissed the report, questioning Waxman's credentials to speak on scientific issues.

Of note to social and behavioral scientists, the document specifically contends that the Administration has:

- Consistently distorted the scientific evidence about what works in sex education to promote an “abstinence only” agenda;
- Misleadingly portrayed abortion as a risk factor for breast cancer;
- Suppressed scientific evidence on the effectiveness of condoms;
- Removed certain research materials from the Department of Education's (ED) website based on the political priorities of the Administration; (the American Educational Research Association has been meeting with ED officials seeking a solution to this issue)
- Obstructed research on HIV/AIDS among the gay population; and
- Used political litmus tests for appointments to key scientific advisory and research panels and positions. (The report specifically cites the example of University of New Mexico psychologist William Miller, who was offered a spot on the Advisory Council for the National Institute on Drug Abuse but never formally appointed as the result of his support for needle exchange programs, which the Administration opposes.)

The full report can be found on the web at: <http://www.house.gov/reform/min/politicsandscience/index.htm>. Waxman's staff intends to keep the report and website updated as new examples arise.

NIJ HOLDS ANNUAL RESEARCH AND EVALUATION CONFERENCE

From July 28-30, the National Institute of Justice (NIJ) held its Annual Conference on Criminal Justice Research and Evaluation to present findings from research and evaluation projects sponsored by NIJ and other Office of Justice Program (OJP) agencies with the goal of enhancing policy and practice among criminal justice researchers and practitioners. Providing a national forum to explore how research and evaluation initiatives can be both refined and more rigorous, the conference began with a plenary session entitled “Firearms Violence Research: What Do We Know and What Do Policymakers Need to Know?”

Moderated by Glenn Schmitt, Deputy Director of NIJ, the panel discussed current firearms violence research; gun ownership patterns and their relationship to violent crime patterns; existing gaps in firearm research; and research questions that should be addressed in order to inform future policy decisions. Panelist Garen Wintemute of the University of California at Davis presented findings from a cohort study and concluded "buyers with prior misdemeanors are at greater risk than those with no arrest record for later Crime Index (an FBI crime rate measuring device) violent offense with firearms."

Wintemute believes that policymakers need to realize that buybacks are not the only effective means of reducing firearm violence and stressed the key is to rehabilitate past offenders and focus on their reintegration into society. According to Philip Cook of Duke University, "the sales of new guns have been averaging five million or so per year since the mid 1960's." Cook asserted that gun ownership and transactions should be regulated more rigorously because "guns intensify violence."

Violence Theory, Research, and Practice

During the three-day conference, more than 150 leading criminal justice evaluators, researchers, practitioners, and policymakers presented in over 50 plenary sessions, panels, and workshops. During the "Violence Theory, Research, and Practice" workshop, Mark S. Hamm of Indiana State University discussed two types of crimes committed by terrorist groups: Routine Activities Theory and Social Learning Theory. According to Hamm, the "routine activities theory shows how crime feeds off the larger system of daily activities. With this theory, offenders concentrate on creating opportunities for crime to occur." Social Learning Theory, he noted, is when "opportunities alone are not enough to pull off successful crimes. This theory postulates on three skills: tutelage, training, and the socialization of offenders." Hamm explained that in order to combat organized crime, practitioners need to draw attention to these theories in an attempt to understand the opportunities that cause criminals to commit crime and identify the criminal skills necessary to turn "opportunity into criminality."

Michael Shively, an Associate at Abt Associates, discussed the impact of terrorism and transnational crime – illicit trafficking, computer based crimes, and crimes associated with international crime – on local and state law enforcement. Shively believes "while transnational crime falls most directly under Federal

and international jurisdiction, state and local law enforcement often play a critical role and bear a significant burden in its prevention, interdiction, and prosecution."

The burden of international terrorism and other transnational crimes, he added, should not be solely upon Federal and international organizations, but should be a joint effort between both the international and state/local law enforcement communities. "Cooperation among law enforcement agencies across all levels of government is frequently cited as key to effectively preventing and prosecuting international crime and is a prominent component of Homeland Security strategy," Shively asserted. He emphasized that researchers need to examine the local resources devoted to transnational crime and discuss the implications of these findings for law enforcement.

Why Offenders Stop

John Laub of the University of Maryland presented findings that will be the basis of his new book (with Robert Sampson), *Shared Beginnings, Divergent Lives: Delinquent Boys to Age 70*. Using data first collected by Sheldon and Eleanor Glueck in the 1940s on Boston juvenile delinquents, Laub and Sampson located about half of the original delinquent sample and analyzed what had happened to these boys now that they were around 70 years of age.

As the criminal career literature has noted, most juvenile offenders do not go on to a life of crime. In Laub and Sampson's study almost half had stopped offending by the time they were 25, and almost 80 percent had left the criminal life by the time they were 40.

What Laub wanted to find out is what made these mostly white, ethnic, Boston men desist from criminal activity. He discussed the "knifing-off effect," where the men were removed from their immediate environments that provided the impetus for their teenage offenses. The three most important effects were joining the military, getting married, and residential change. One of the subjects, who had spent most of his life in prison, blamed his fate on the fact that "he never met a decent woman."

Those who persisted in a life of crime, according to Laub, lived lives that were devoid of structure, had no lasting relationships, residential and marital instability, had been kicked out of the military, and were social nomads. Their existence consisted of chaotic routines on the margins of society.

Laub and Samson also found that childhood risk characteristics were not good predictors of criminal careers. Laub called for broad comprehensive strategies throughout the life course that would produce what he called the "George W. Bush effect," moving men from hell raisers to family men. He also argued that sanctions, such as long prison terms, forestall desistance from crime and produce significant offender re-entry problems.

Questioned whether a study that focused on juvenile delinquents from the 1940s had any relevance to youth offenders of today, Laub noted that a number of other longitudinal research efforts that examine later cohorts are still ongoing and will continue to produce updated results in the future.

Education, Employment and Juvenile Delinquency

Rounding out the Conference, a session entitled "Education, Employment, and Crime" shifted the focus from terrorism research and transnational crime to education and employment and their correlation to crime. During this session, panelists examined the relationship between employment and juvenile delinquency. Robert Crutchfield, Professor at the University of Washington, used the National Longitudinal Surveys of Youth 97 (NLSY) and the Children of the NLSY data to determine the impact of the correlation between labor market participation and job quality on criminal involvement.

Crutchfield found "for juveniles, the influence of the labor market is complex. Their parents' labor market experience influences juveniles' school performance, which in turn affects their involvement in delinquency." Research data prove that the quality of employment and ecology did have an effect on juveniles. Moreover, the data emphasize that those children who worked more are more likely to engage in delinquent behavior because they have more interaction with older children and have more money to use towards delinquent activities. Crutchfield concluded by offering two policy implications: 1) Delinquency prevention efforts should focus more on enhancing school success than work; and 2) Employment programs should emphasize the importance of school.

SENATE BILL WOULD REPEAL BUSH ORDER ON PRESIDENTIAL RECORDS

On July 31, Sen. Jeff Bingaman (D-NM) introduced legislation that would rescind a 2001 Executive Order (No. 13233) by President Bush dealing with the Presidential Records Act (PRA). The bill (S. 1517) is the first of its kind in the Senate and mirrors H.R. 1493, introduced by Rep. Doug Ose (R-CA) in March with bipartisan support. So far, the only co-sponsor on Bingaman's bill is Sen. Bob Graham (D-FL), a Democratic presidential candidate.

The Bush Order, which has been in effect since November 2001, alters implementation of the PRA, which was passed in 1978 as a post-Watergate reform. Under the PRA, scholars and citizens can gain access to most presidential records from an administration at the end of a 12-year period that commences the day a president leaves office. A former president has the right to claim executive privilege on a document, but he had to go to court and have the claim validated by a judge to block public access. E.O. 13233 reversed this procedure and forces the requesting individual to go to court to overturn a claim of executive privilege by a former chief executive.

Soon after Bush signed the Order, then-Rep. Steve Horn (R-CA) introduced legislation that would have revamped the procedures and placed the legal burden back on the former president. Hearings were held on the matter in the House Government Reform Committee under both Horn and then-Chairman Dan Burton (R-IN). (See *Update*, April 15, 2002). The Horn bill was eventually marked up and reported favorably to the full House, but no further action was taken on it during the last Congress.

With Horn's retirement from Congress, Ose became the chief advocate of repeal in the House. H.R. 1493 is much simpler than Horn's legislation was – it merely nullifies the Executive Order rather than specifying access procedures to records. Despite a group of bipartisan co-sponsors, however, no hearings have been held in the House panel on the bill this year. David Marin, a spokesman for new Chairman Tom Davis (R-VA), who replaced Burton in January, noted that: "While Davis understands the reasoning behind Mr. Ose's bill, he does not support it. The Chairman believes the Administration is correct on this issue and has adequately supported its position."

With action stalled in the House, Bingaman's bill offers the only opportunity for legislative action against the Bush Order for the time being. S. 1517 has been

referred to the Senate Governmental Affairs Committee, which is chaired by Susan Collins (R-ME). Collins hasn't made her intentions known on the legislation, but her staff has been studying the issue for several months. Action may hinge on whether any panel Republicans state support for the bill.

In other news on this issue, a court case against the Order, filed in 2001 in the U.S. District Court for the District of Columbia by a number of groups including the American Historical Association and the American Political Science Association, crossed a hurdle recently. Judge Colleen Kollar-Kotelly, who was assigned the case, had been bogged down with a complicated campaign finance issue. This has cleared off her docket, however, meaning she may want to take up the PRA case in the coming months. A number of people involved in this issue feel that the court challenge offers the best opportunity for repeal of Executive Order 13233.

SOCIAL AND BEHAVIORAL SCIENCE WORKING GROUP ON HUMAN PROTECTIONS MEETS

From July 18-20, the Social and Behavioral Sciences Working Group on Human Research Protections held a workshop on *IRB (Institutional Review Boards) Best Practices in the Review of Social and Behavioral Sciences Research*. Chaired by Felice J. Levine, Executive Director of the American Educational Research Association and former Executive Officer of the American Sociological Association, the Working Group's deliberations have been made possible through support by the National Institutes of Health's Office of Behavioral and Social Sciences Research.

The Working Group's purpose is to address human research protections in the social and behavioral sciences through interaction with the scientific community and substantive analysis and input from social and behavioral scientists. A major goal is to "develop a compendium of 'best practices' to improve the operations of the human

research protections system and the understanding of researchers." The aim of the workshop was to produce a report that will assist in increased understanding of the IRB process, improved communication between researchers and IRB members, and enhanced integrity of the human research protection system as it applies to the social and behavioral sciences.

Participants in the workshop included individuals from the range of disciplines (psychology, sociology, anthropology, economics, geography, history, linguistics, political science, social work, and bioethics) as well as non-social scientists. Bernard Schwetz, Acting Director of the Office of Human Research Protections at the Department of Health and Human Services, addressed the workshop. A report will be available in late fall.

Editor's Note

Due to the Congressional recess, *Update* will take a break for a month. The next issue will be September 8. Have a great summer!

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HOMELAND SECURITY TO ESTABLISH RISK BASED MODELING UNIVERSITY RESEARCH CENTER

Various National Academy of Sciences reports, the National Science and Technology Council's Social, Behavioral and Educational Sciences working group on terrorism, and the social science community, including COSSA, have all argued that counter-terrorism research efforts must involve social and behavioral science issues. The Department of Homeland Security (DHS) has responded.

On July 23rd, DHS announced that is seeking to establish university-based research centers across a spectrum of short- and long-range, mission-focused research and development areas. Among the areas DHS will support are risk-based economic modeling on the impact and consequences of terrorism, behavioral research on terrorism and countermeasures, public safety technology transfer, agro-terrorism countermeasures, and research and development of needed response technologies and operations.

The first Homeland Security Center will be awarded by November 25, 2003 and will focus on risk-based modeling, with a particular emphasis on economic aspects, "to better understand the impact and consequences of terrorism and to provide decision-makers with validated tools and expertise in modeling and simulation to support risk analysis, with the goal of developing predictive tools to assess vulnerabilities and potential responses to attacks to the Nation's critical infrastructure." The Center will also "provide policy-informed economic modeling and prediction to identify the costs and benefits of alternate countermeasures and operations responses aimed at enhancing the security of individuals and systems."

The DHS has called for white papers on this topic to be submitted by August 11. Funding is expected to be for three years at between \$2 and \$4 million per annum.

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