

1988, and this year the policy was made permanent. Part of the university's reason was a reflection on what happened in 1982 when retirement age was raised from 65 to 70. In 1981 three prominent professors were forced to retire against their will at 65, triggering "terribly adverse faculty relations," according to Bob Wilson, vice presi-

dent for personnel programs. The stinging memory of that confrontation was a major factor in Hopkins' decision to end mandatory retirement, Wilson says. "Why remake for ourselves the problem that hurt us so badly in 1982?"

If Howard Schachman and his supporters have their way, that is just the advice that

UC and other universities would heed. The mandatory retirement policies would be lifted now, and universities would then be forced to think about what they need to do after 1993, when the larger questions of age, tenure, and competence will reemerge in a new—and permanent—form.

■ MARCIA BARINAGA

Conflict of Interest: PHS Readies New Rules

The Public Health Service is about to serve up its second attempt at drafting rules to guard against conflict of interest among biomedical researchers supported by federal funds—but already there are indications that the PHS could double fault. The first effort, drafted last September, generated more than 700 letters of protest, prompting PHS to sound a retreat. The latest effort may please some critics—the rules are less restrictive and they only apply to clinical research—but at least one influential congressman, Representative Ted Weiss (D-NY), has already made it clear that he now considers the proposed rules far too lax.

The National Institutes of Health began writing the rules last year under prodding from Congress—especially Weiss. The intent was to develop explicit guidelines governing how and when—and if—researchers receiving federal money could have financial interests in private companies that might be affected by their research. But Health and Human Services Secretary Louis Sullivan ordered NIH staff back to the drawing board last December after the department received a flood of complaints that the guidelines would stifle nascent attempts to promote industry-government collaborations (*Science*, 12 January, p. 154). The guidelines were also attacked for being too vague—and thus impossible to comply with—and an administrative nightmare.

NIH came up with a new version of the guidelines on 31 May and sent it along to assistant secretary for health James O. Mason. Acting NIH director William Raub, in a covering letter, argued that they should be made to apply to all areas of biomedical research. "We could argue, as many do," he wrote, "that financial conflicts of interests are more pernicious in clinical research than elsewhere, because only there could biased studies find almost immediate application in the health care system." But, Raub concluded, "Prudent stewardship means doing everything reasonable across the board toward assuring that we get the best and most convincing research results the public's money can buy."

The department overruled Raub, however—Mason decided that the new rules, at least initially, would cover just clinical research. They also describe financial interest as "any interest of monetary value which may be *directly and predictably affected by a clinical trial* [emphasis added]," a much narrower definition than previously used.

A draft of the new rules, dated 16 July, delivered to Weiss's committee staff leaves the major responsibility for determining

what is an unacceptable conflict of interest to the institutions receiving federal funds for research, just as last year's rejected effort did. Financial links to companies should be allowed only if they are "judged unlikely to compromise the design, conduct, or reporting of the PHS-supported research," the draft rules state.

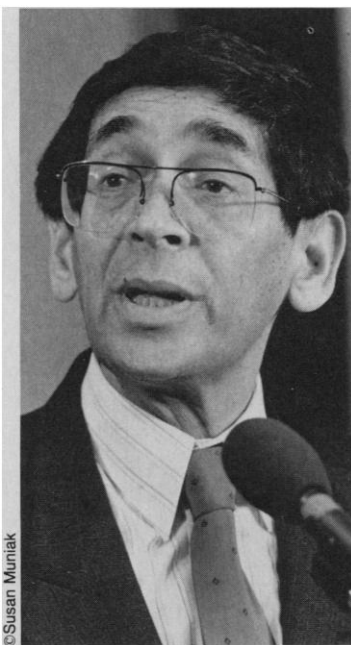
It is this flexibility that Weiss finds objectionable. And, as chairman of the human resources and intergovernmental relations subcommittee of the House Committee on Government Operations, he's in a position to make his objections felt.

For the past few years, Weiss has been holding hearings to call attention to what he sees as problems in the way the government handles charges of scientific misconduct or conflict of interest. In a report issued earlier this week,* Weiss's committee argues that "the public may be misled and endangered by scientific misconduct and conflict of interest, and that protection from biased or fraudulent research currently depends on individuals and medical journals, because universities and federal agencies do not provide adequate safeguards." The report details ten cases of alleged misbehavior by scientists, most of which have already been well publicized.

The report argues that Congress should enact legislation that would "restrict honoraria, consulting fees, stock ownership, and other financial conflicts of interest for scientists who conduct federally funded biomedical research." It criticizes the new PHS rules on conflict of interest for "[maintaining] the status quo" rather than requiring private and public institutions to clean up their act. In addition, the report argues for more protection for whistle-blowers and encourages NIH

to do a better job of enforcing existing policies governing scientific misconduct.

Public Health Service officials declined to comment on the report, saying only that "the Secretary and the Assistant Secretary for Health wish to assure the public that any use of public funds for research will be done in a quality way." As for the new conflict-of-interest rules, the PHS statement merely says they are still being developed. But a source familiar with the rules says Sullivan is expected to be briefed on a final version this week. Once they are published in the *Federal Register*, the new rules will once again be open for public comment. ■ JOSEPH PALCA



Not Impressed. Ted Weiss wants stricter rules.

*"Are scientific misconduct and conflicts of interest hazardous to our health?" (report by the Committee on Government Operations, U.S. Government Printing Office, Washington, D.C., 1990).