

NSF Bristles at Antarctic Plan

Congress is preparing to move ahead quickly with legislation that would allow the public to sue the government over actions that damage the Antarctic environment. Lawmakers are eager to act despite a warning from the National Science Foundation (NSF) that taking this step could delay research projects and jeopardize international collaborations. The proposal is contained in broad environmental protection legislation introduced last summer by Senator Bob Kerrey (D-NE), and has been the subject of months of debate within the Administration. Behind closed doors, NSF and the State Department have argued that such a provision is unnecessary and potentially damaging to the

\$250 million a year Antarctic research program. But officials from the Environmental Protection Agency (EPA) and the Justice Department point out that 16 existing environmental laws contain similar provisions and that there is no reason to make an exception for Antarctica.

The issue is so contentious that it was omitted from a Clinton Administration bill on the environment drafted in time for a hearing before the Senate Commerce, Science, and Transportation Committee last week. But Kerrey warned Administration officials at the hearing that any legislative proposal that would prohibit the Antarctic lawsuits "would have to clear a very high hurdle." Administration witnesses told Kerrey that they hoped to resolve the interagency disagree-



Liabe? The bill would allow public suits over Antarctic pollution.

ment within a few weeks so that the legislation could move forward by early next year.

Another Blow for ORI

A prosecutor must do more than make charges; he or she must win cases. But for the Office of Research Integrity (ORI), the Public Health Service's (PHS) investigative arm for scientific misconduct, just getting to the courtroom continues to be a hurdle. Last week ORI was forced to abandon yet another high-profile case, that of Georgetown University pediatrics researcher Margit Hamosh, who had been accused of making a false statement

in a 1985 grant application. ORI has decided to drop charges of misconduct against Hamosh because it cannot meet the standards of proof required by the appeals board to which Hamosh had taken her case.

ORI itself created the appeals board last year to bring more court-like procedures and rights to scientific misconduct investigations. Ever since, the panel has shown a frustrating independence, interpreting ORI's definition of misconduct in such a way

that ORI has been unable to win any cases (*Science*, 13 August, p. 819 and 18 June, p. 1714). Most troubling for ORI is the board's requirement that investigators prove that false statements were both intended to deceive and important to the thrust of the research claims.

Last month, ORI's inability to meet these standards prompted the appeals board to throw out three of the five pending charges in its prosecution of National Institutes of Health researcher Robert Gallo, whose case is due for a hearing starting on 8 November.

ORI hopes to resolve its problem by changing the PHS definition of misconduct to include cases where a researcher "knew or should have known" that statements were false, a more flexible intent requirement that ORI believes it can meet more often. But the definition change will require the approval of a congressionally mandated advisory board—which does not yet exist and may not be able to act until late next year. In the meantime, ORI officials say they have little choice but to pick and choose their prosecutions more carefully.

Pentagon Probing Carnegie Mellon

It's the stuff of a university administrator's nightmares: a subpoena from the Department of Defense requiring a copy of nearly every document in campus files within 6 weeks. Unfortunately for officials at Carnegie Mellon University (CMU), waking up won't make this one go away. A month after they were served with the order, CMU officials are still scrambling to figure out how to satisfy the demand, or even to find out what the investigation is all about.

The 30 September order requires CMU to turn over every document pertaining to any Defense grant or contract, and all other accounting records since 1986. This, CMU officials complain, is no small task. In the case of computerized files, for example, CMU must deliver pertinent data, any programs necessary to read the data, the source code for those programs, and copies of the operating system for the computers that run the programs. In 1992-93 alone, CMU did \$64.5 million worth of work for the Pentagon, mostly in computer, robotics, and electronics research. Documents falling under the subpoena are expected to number in the millions of pages.

What's behind the Herculean ordeal? The Defense Department isn't talking, other than to confirm that its Inspector General's office is indeed investigating the university. But congressional sources say that the probe stems from an ongoing Defense investigation into CMU's overhead costs. When government auditors accused CMU of charging the government for some \$44,000 in unallowable indirect costs, the university did its own audit and determined that it had actually undercharged the government by \$25 million. This, it seems, is no way to appease an angry auditor. After 2 years of disagreements, a Pentagon investigator delivered the subpoena and the news that a criminal investigation was under way.

NIH Shakeup Continues

The body count is rising at the National Institutes of Health (NIH), where staff changes are being made to lay the groundwork for incoming director Harold Varmus, who could be confirmed as early as next week.

Latest to get the ax is Reid Adler, the director of the NIH Office of Technology Transfer (OTT) and the official behind NIH's controversial decision 2 years ago to file patents for thousands of uncharacterized gene fragments. Since then, many patent experts (and even National Center for Human Genome Research head Francis Collins) have come around to Adler's view that filing the applications was the best way to clarify policy on gene patents. Varmus opposed those patents, but top NIH officials say that his decision to transfer Adler to an unspecified policy position is based less on that than a desire to improve general OTT operations.

Elsewhere at NIH, the rumor mill has turned up a new top candidate to succeed intramural director Lance Liotta, who is also in the out box. (*Science*, 22 October, p. 495). Now heading the list of likely successors is Michael Gottesman, a National Cancer Institute geneticist who served as acting director of the genome office before Collins took the job.