

Academia Wins a Round on Raw Data

The spending bill for the Postal Service and the Treasury may seem an unlikely vehicle for legislation that could have affected virtually every scientist whose work is funded by the federal government. But last week, as a panel of House members met to approve spending for these agencies, they debated a proposal that would have required most researchers with government grants or contracts to make public their raw data.

The lawmakers voted down the amendment in part because of a frantic last-minute lobbying effort by universities and the Clinton Administration. They warned that it would impede the patenting of new discoveries and drive up administrative costs, among other dire consequences. But observers in the research community say they believe the proposal, which was backed by some heavyweight lobbying groups, may surface in Congress again. "To people who don't know how scientific publishing works, it sounds rational," says Keith Casey, director of federal and state government relations for Harvard University. "In that kind of situation, you always have to be worried."

The proposal stems from a bitter debate over new Environmental Protection Agency (EPA) air pollution rules. Industry groups, such as the American Petroleum Institute, and Thomas Bliley (R-VA), chair of the powerful Commerce Committee, have demanded access to raw data from a key study that EPA relied on for its new rules. The Harvard authors of the study have argued that turning over the data would violate agreements to keep medical information confidential (*Science*, 25 July, p. 467).

In July, several business lobbies and other groups—including the National Rifle Association, which in the last few years has been pushing for the release of data from a federally funded study on the risk of death in homes with guns—sent Appropriations Committee Chair Bob Livingston (R-LA) a letter advocating a federal policy of data availability. Representative Robert Aderholt (R-AL), a freshman and a member of the Treasury-Postal Appropriations Subcommittee, decided to try to attach an amendment to the Treasury bill that would apply across federal agencies. In a 24 July "Dear Colleague" letter to his fellow lawmakers, Aderholt explained that "sunshine is the best antiseptic" and by "allowing research to be open to peer study by the rest of the scientific community" the amendment would "raise the standard of scientific research in our nation and help eliminate duplication of efforts."

The proposal underwent many revisions—for example, an early exemption for the National Institutes of Health disappeared, while a

defense exemption was added. The final draft offered in a markup last week would have required recipients of federal research grants or contracts to submit to the government "a plan" for making "the results (including all underlying data and supplementary materials) ... available for public use and inspection." The data would be released "not later than 90 days after the date of the first public use of the research." Exceptions would have included proprietary information and "the portion of the information that would constitute a clearly unwarranted invasion of personal privacy," as well as Department of Defense and defense-related Department of Energy research.

Despite these exemptions, Administration officials and Democrats in Congress remained worried by the proposal. Representative George Brown (D-CA), ranking minority member of the Science Committee, wrote Livingston of his "deep concern" (*Science*, 1 August, p. 627). The White House Office of Management and Budget listed numerous problems, including impeding commercial agreements and the risk of harm if the data were analyzed by "those not familiar with the full details of how the data were collected." And Clinton science adviser Jack Gibbons told Treasury-Postal Subcommittee Chair Jim Kolbe (R-AZ) in a 30 July letter that

"the proposed legislation is fraught with problems," including a "major administrative and resource burden," and that "we believe that the critical issue is the absence of justification for a legislative fix."

What ultimately may have turned the tide, however, say several Hill staffers, was phone calls from universities to their representatives. The Appropriations Committee defeated the amendment by a vote of 19 to 34, with Livingston and other high-ranking members such as Jerry Lewis (R-CA) and Kolbe opposing it. "We strongly suggested that things should not move so quickly," says Margy McGonagill, a federal relations staffer at the University of Arizona in Tucson. Casey adds, "I don't understand how a rational implementation of this thing could exist."

But there are signs that the issue may come up again. Bliley wrote Aderholt in support of the idea, as did James Sensenbrenner (R-WI), chair of the Science Committee, whose 28 July letter concluded, "I look forward to working with you as you develop your initiative as it works its way through Congress."

"This is legislation that stood up and barked, and a lot of people paid attention. And this is just the beginning," says Brian Rell, chief of staff for Aderholt. A Democratic staffer on the Science Committee says he "wouldn't be surprised" if hearings were held in the fall. Adds Casey, "I think it's definitely something to watch."

—Jocelyn Kaiser

ASTRONOMY

Gemini Woos Australia to Replace Chile

Friction between Chile and the other partners in a U.S.-led consortium building twin, 8-meter telescopes in Hawaii and Chile is threatening to cause a cash-flow problem that could delay construction. Officials for the \$184 million project, known as Gemini, are so

1 September for Chile to pass an acceptable law and be reinstated as a partner. Otherwise, they hope to reach an agreement with Australia. Chilean officials say that the deadline is unrealistic. In the meantime, the incident has raised questions about Chile's status as a prime site for world-class astronomy. "It's an object lesson in the problems of building an international facility in Latin America," says Matt Mountain, project director for Gemini, which is based in Tucson, Arizona. "To be fair to the Chileans, they're still experiencing the growing pains of a young democracy. But the project is running out of cash, and if nothing happens soon we'll have to delay work on the southern telescope."

With one instrument in each hemisphere, the Gemini telescopes will provide unique, high-quality coverage of the entire sky in the infrared, optical, and ultraviolet spectral regions. The United States is putting up half the money for the project, conceived a decade ago by the Associated Universities for Research in Astronomy (AURA), which operates the U.S.



Wintry weather. Conditions atop Cerro Pachon mirror Chile's relations with its Gemini partners.

concerned that they are negotiating with Australia to become a partner and pay the 5% share previously promised by Chile, where a 3-year legislative battle over the project's legal standing has so far blocked payment.

Gemini officials have set a deadline of