

## PHS Misconduct Procedures

The Public Health Service (PHS) ALERT System for Misconduct in Science is the means by which PHS officials are informed of investigations of possible misconduct or of sanctions imposed for such misconduct on a "need-to-know" basis, that is, when an individual with past, current, or pending awards from a PHS branch or institute is the subject of an allegation. The system was originally designed to ensure prudent stewardship of public funds, but in the pursuit of this goal, a higher goal of justice—the presumption of innocence—seems to have been forgotten. The ALERT system contains the names of both those who are under sanction and those who are under investigation. The former have been found culpable, while the latter have not.

PHS officials say that access to the ALERT system is limited, but institute and at least some program officials have access to it and are informed if individuals have either current active awards or pending applications or proposals. This information is provided so that institutes can make informed decisions about new or continuing awards, although an award may be made even if the individual is listed in the ALERT system. The officers responsible for advisory committees and for program management may also review the ALERT system records on individuals relevant to them. Even if a name is subsequently removed from ALERT, the initial negative association may be difficult to expunge. There are public examples of investigators whose reputations will likely never be fully clear. PHS officials are also concerned about the possibility that an individual who is under investigation might be awarded a new grant and that PHS might then be faulted by Congress. However, the agency can retrieve any funds it awards if those funds are shown to have been misused.

In order that "due process" and "protection of the innocent" are maintained, we suggest that an individual's record be entered into the ALERT system *only* if the individual falls into one of the following categories.

1) "Subjects of sanctions imposed as a result of determinations that scientific misconduct or serious misappropriation of federal research funds has occurred" (1, p. 19930), or

2) Subjects of formal investigations in which the allegation and the available evidence meet all of the following characteristics. (i) The allegation is of substantial scientific fraud or serious misconduct, and (ii) the available evidence strongly supports the likelihood that serious misconduct by the respondent has occurred, and (iii) there is a strong likelihood that allocation of federal funds would result in significant loss of public funds or risk to human health and safety, or both.

Therefore, before an individual is entered into the ALERT system, an institution or an agency should have completed its investigation and the Department of Health and Human Services Office of Scientific Integrity Review and the Assistant Secretary for Health should have accepted the final report. The report should have included a finding of substantial scientific misconduct and the imposition of debarment, suspension, or other sanctions or restrictions affecting PHS actions. The exceptional circumstance of an individual's being listed in the ALERT system before a formal finding of serious culpability and the imposition of an official sanction should require concurrence by the Office of Scientific Integrity Review and by the Assistant Secretary of Health certifying that the risk is so great as to necessitate the abrogation of the normal procedure of listing an individual only after the conclusion of a case and the imposition of a sanction.

The United States is a nation that holds to the presumption of innocence until proven guilty. Nothing in the area of alleged scientific misconduct should be seen to violate that important principal.

BARBARA C. HANSEN  
Department of Physiology and  
Obesity and Diabetes Research Center,  
School of Medicine, University of Maryland,  
Baltimore, MD 21201  
KENNETH D. HANSEN  
General Counsel,  
International Health Foundation,  
McLean, VA 22101

## REFERENCES

1. *Fed. Reg.* 52, 19929 (28 May 1987).

## International Congress of Entomology: Another Opinion

In the 19 October 1990 issue of *Science*, 13 entomologists expressed their opinion that entomological societies should withhold approval of the next International Congress of Entomology, scheduled to take

place in Beijing in 1992, because of attacks on scientists' freedom by the government of the People's Republic of China. Although we agree completely with their opinion that scientists cannot escape or ignore institutional intrusion into the scientific functions of the world community, and we oppose bloody attacks on Chinese scientists and students by the government (as we oppose invasions of Afghanistan by the U.S.S.R., of Grenada and Panama by the United States, and, of course, past invasions of China by Japanese military forces), we cannot agree with them about withholding approval of the Beijing congress. We believe that most scientists in the world would never support oppression of freedom even if they were living in countries where freedom is limited by race, religion, or political views. That is the reason why we have welcomed South African scientists, despite apartheid, at congresses held in Japan.

Thus we believe that there is no reason to hesitate to attend the next International Congress of Entomology in Beijing, if China gives visas to all planned attendants. Through free discussions and exchange of ideas about recent developments in various research fields, the attendants can show Chinese colleagues the importance of freedom in science. To isolate Chinese scientists by boycotting the Congress would create nothing but cracks in the world entomological community.

YOSIAKI ITÔ  
Laboratory of Applied Entomology  
and Nematology,  
Nagoya University,  
Nagoya 464-01 Japan  
SINZO MASAKI  
Entomological Laboratory,  
Hirosaki University,  
Hirosaki 036 Japan

## Westinghouse Awards

I read with dismay the letter of Andrea Yates Blumberg regarding the statistical "profile" of Westinghouse Science Talent Search (STS) winners (*Letters*, 3 May, p. 630). As was Blumberg, I was an STS honoree, although 20 years later, in 1989. As opposed to Blumberg, I exactly fit the "profile" given in the original piece: I am a child of the suburbs of Washington, D.C., where my parents both had Ph.D.'s and worked for the National Institutes of Health; I attended a high-profile, "elitist" high school chock-full of modern equipment and competent, enthusiastic teachers. However, I disagree with the implication that my, or any of my classmates' winning