

Privatized Cancer Journal Triggers Senate Reaction

When the U.S. National Cancer Institute (NCI) worked out a deal last year with Oxford University Press to publish its journal, NCI officials saw it as just the kind of innovation encouraged by Vice President Al Gore in his quest to streamline bureaucracy—a way to save money and improve the product. But that's not how it looks to members of Congress, who say it allows a private company to make money off government property. With legislation pending that would overhaul federal publishing practices, the cooperative agreement has become a pawn in a battle between Congress and the Administration over how to ensure low-cost public access to information generated with federal funds.

The disagreement pits Administration officials like Gore, who want agencies to find cheaper and faster ways of doing business, against lawmakers like Senators John Warner (R-VA) and Wendell Ford (D-KY). Agency managers say they can modernize their efforts and save taxpayer dollars by turning to in-house organizations or private companies rather than the Government Printing Office (GPO), which is controlled by Congress. But the senators contend that those savings stem from selling government information, making it more expensive and, therefore, less available to the public.

To make their point, lawmakers are preparing to introduce a bill—the Government Printing Act of 1997—to improve public access to government information and turn GPO into an executive agency. It would bar activities like the Oxford Press deal and subject federal officials to a \$5000 fine or dismissal if they benefit from providing government information, which under law cannot be copyrighted.

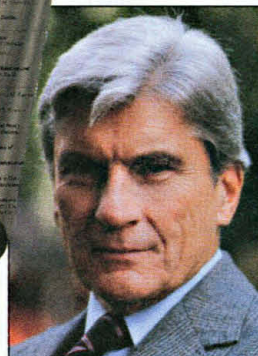
Some science lobbyists say the draft legislation could penalize any government researcher who publishes findings in a private journal, and they have rallied professional societies to press for changes. But government scientists are not a target, insists one Senate aide, who says the language will be revised to ensure that researchers are not affected. "We're going after the policy-makers who make deals like [the NCI-Oxford arrangement]," he says, not those at the lab bench.

That deal, which went into effect in January, is not the only one that upsets Congress. At a recent hearing of the Joint Committee on Government Printing, which Warner

chairs, Ford complained that thousands of scientific and technical papers from the Department of Commerce's National Technical Information Service are missing from the Federal Depository Library Program, which provides government publications at no cost. Their absence means that consumers must buy the information from the department.



Unprintable. Warner's bill would block private printing of government journals like *JNCI*.



"You're trying to make money off federal documents," he told Commerce officials. "You're making deals... but the taxpayer has already paid for [them]."

Commerce officials say they have a responsibility to recover the costs of obtaining information. Moreover, agency managers argue generally that the private sector can do a better job. The push for lower costs and better services is what led NCI officials to look for an outside publisher for their 57-year-old journal, a twice-monthly publication with a circulation of 8000. Four years ago, NCI shifted from GPO to private contractors to print the journal, and last year it signed a 5-year agreement with Oxford. About a dozen NCI employees continue to work full-time on the journal at NCI's expense.

The new arrangement gives full financial responsibility for the publication—as well as any profits—to the company, which hopes to improve services to the community. "It will be more accessible now," says Jaclyn Fox, senior editor and journals manager of Oxford's U.S. operation, who notes, "We're putting it on the Web." NCI officials who oversee the institute's publications did not return phone calls, but NCI's Thomas Mays, who

helped negotiate the Oxford deal, says the result will be a better product at lower cost to NCI. He declined to reveal the details of the proprietary agreement.

Lawmakers, their staffs, and some outside groups are skeptical of the benefits to taxpayers and researchers, however. The presidents of the Medical Library Association and the Association of Academic Health Sciences Libraries sent a joint letter to Warner complaining that the journal's privatization removes it "from the public domain." The arrangement, they wrote, exemplifies the trend toward such commercial ventures that have "negative consequences to the health of our nation's citizens."

In a 13 May reply, Warner agreed. "As a consequence of these actions, taxpayer-funded information has become greatly restricted," he wrote. The annual price of the journal for U.S. institutions, he notes in a letter to National Institutes of Health director Harold Varmus, has risen from \$51 in 1993—when NCI replaced GPO with private contractors—to \$150 today. In 1996, the subscription price was \$100 for individuals and institutions. And it's not just the higher cover price that bothers legislators. "There are NCI employees working at taxpayer expense on a private journal," says a Senate aide, "and the revenues do not flow back to NCI. This is a subsidy."

NCI and Oxford managers say the issue of access to government data is a red herring because 90% of the research the journal publishes comes from nongovernment scientists. They also promise to reinstitute a policy of supplying a free copy to libraries that are part of the federal depository program. And they say that the use of NCI employees is deliberate. "Nobody wanted to fire all these people—[although] there were four times as many as were necessary," says Benjamin Vandegrift, a partner in Washington's Pillsbury, Madison, and Sutro law firm, which represents Oxford.

Vandegrift sees the attacks on the NCI-Oxford deal as motivated less by concern about public access than by a desire to punish agencies that do not do business with GPO. "The real battle is over who controls government printing—there are billions and billions of dollars involved," he says.

Warner, however, insists that "we're not fighting a turf war; we're trying to get the best deal for the American people." He and his colleagues are ready for a protracted struggle. "I'm not raising money for reelection," said Ford, who has announced his retirement at the end of 1998, "so I've got the time."

—Andrew Lawler