

## EXHIBIT 1

REMARKS OF WAYNE KELLEY,  
SUPERINTENDENT OF DOCUMENTS

I'd like to take a few minutes this morning to discuss a growing trend to transfer Federal Government information from the public domain to private ownership.

This is happening in a number of ways. One is for agencies to establish exclusive or restrictive distribution arrangements that limit public access to information. Another is to charge fees or royalties for reuse or dissemination of public information. In some recent cases government publishers have actually assisted in transferring copyright to the new owner.

Let me give you an example. For many years, the National Cancer Institute procured the printing of its *Journal of the National Cancer Institute* through the Government Printing Office. The Superintendent of Documents Sales Program sold subscriptions to the *Journal* and it was distributed to Federal Depository Libraries at GPO expense.

In 1987, NCI made the semimonthly *Journal* a more current, higher-quality cancer research publication. It was heavily promoted by our Office of Marketing in coordination with the NCI staff. By 1992, the *Journal* was selling 6,240 copies at an annual subscription of \$51, and was distributed free to more than 800 selecting depository libraries throughout the nation. It had achieved recognition as "the number one journal" in its field, publishing the best original research papers in oncology from around the world.

In 1993, the National Cancer Institute notified us that they were developing a "Consolidated Services" concept making all print and electronic data information available only through an "Information Associates Program." GPO could no longer sell subscriptions at \$51. The only way to get a subscription was to buy an Associates Program membership from NCI for \$100. NCI agreed to supply depository copies at the agency's expense. GPO continued to sell individual copies in bookstores at \$7 each. In December 1994, the International Cancer Information Center, publisher of the *Journal*, received a Federal "Hammer" award for its new Information Associate Program.

Then, a disturbing development. Just a few weeks ago, in a letter dated January 2, our Library Program Service was notified that the *Journal* had been "privatized." Ownership was transferred from the National Cancer Institute to Oxford University Press—USA, Inc. The letter said: "Under the terms of a Cooperative Research and Development Agreement signed by the two organizations, the name of the publication will be retained, and Oxford will assume all responsibility for printing the *Journal* and will hold copyright to the *Journal's* content."

The letter went on to explain that "because the *Journal* is no longer a publication of the U.S. Government, copies of the *Journal* and JNCI Monographs will not be provided to the Depository Library Program nor will sale copies be available at the GPO bookstore." The new price, from Oxford, is \$120 for an individual and \$150 for an institution.

The last paragraph in this brief letter said: "We appreciate the service the Depository Library Program has provided in disseminating the *Journal* and JNCI Monographs for many years."

Looking back, I do not regret that we at GPO invested our resources in promoting the *Cancer Journal* in the late 1980s. Nor do I regret assisting in the transfer of subscribers to the Information Associates Program in 1993. But I do regret the loss of this valuable resource to American citizens through the depository library program in 1997.

I have here the November 20 issue of the *Journal* which I purchased from the main GPO Bookstore. Maybe this last, public domain issue has some historical value.

Looking through the *Journal*, a number of questions come to mind. I note that the masthead lists some 26 staff members.

I wonder if the editorial and news staff is still being paid by the American taxpayer, but working for the Oxford University Press? I wonder if the Oxford Press is sharing revenues from the new, higher subscription rate with the National Cancer Institute? I wonder if copyright will prevent a librarian from sending a copy of an article to another librarian?

I have no way of knowing the answers to these questions—because the details of the Cooperative Research and Development Agreement are not public information, according to NCI legal counsel.

Unfortunately, this is not an isolated case. There are other recent examples of information gathered by government employees disappearing from the public domain—for a price. I worry that these cases will become precedents and the precedents will set an irreversible trend.

I want to make it clear that I do not question the motives or goals of the agency publishers who take this course. They are doing what they feel is right in a new environment which calls for cutting costs and generating revenues. They are seeking to preserve valuable information.

But what if this new trend drives future Federal Government Information Policy? Since the founding of our nation, the cornerstone of information policy in the United States has been the principle of universal access to Federal information. This principle is being set aside without many of the usual checks and balances in our democratic society: Without any high level policy debate, without clear rules, without thought to unintended consequences, and often without full public disclosure of the negotiations and agreements.

Is all Federal information with sufficient demand going to be sent to market? If so, we should think about what that means.

Does it mean that a Government agency may sell its name as well as its information?

Does it mean that a wide array of private sector publishers will no longer have access to the information to add value and redistribute it to many different markets in different products?

Does it mean the public consumer must pay two or three times as much, or more, for the same information?

Does it mean that agency publishers will focus their attention on more popular, marketable information and eliminate other, perhaps more significant but less marketable information?

Does it mean that programs authorized by Congress will begin to move away from public needs, to focus instead on market needs never contemplated by our elected representatives?

Does it mean Government employees working at taxpayer expense to support the information requirements of private firms? And isn't that corporate welfare?

And what if the *Journal of the National Cancer Institute*, now owned by the Oxford University Press, does not meet the profit goals of the new owner? Does it mean that instead of a "Hammer" award, there will be the "axe" usually awarded sub-par performers in the market place?

Who represents the public in a Bottom-line Information Era? What is to prevent our nation's bridge to the 21st Century from turning into a toll bridge for Government information?

In 1989, the late Office of Technology Assessment, may it rest in peace, declared that

"congressional action is urgently needed to resolve Federal information issues and to set the direction of Federal activities for years to come." Now, eight years later, there is some talk of legislation to update Federal Information Policy to the Electronic Era.

The critical issues at stake today are preservation of official information, public access, Government accountability, and an informed electorate. Americans should not pass up this opportunity to define their own information future.

Those best positioned to know the value and power of information should take the lead. It is not an easy issue for the media because it lacks the essential elements of hot news. It is more significant than sensational.

It is not an easy issue for politicians because there is no visible crisis and framing sound policy seldom delivers votes.

So it may be up to those among us who by nature are reluctant to get out front. Remember those riveting lines of Yeats: "The best lack all conviction, While the worst are full of passionate intensity." Let's not let that happen.

Before it is too late, let the debate begin.

JOURNAL OF THE  
NATIONAL CANCER INSTITUTE,  
January 2, 1997.

Ms. ROBIN HAUN-MOHAMED,  
Chief, Library Program Service,  
U.S. Government Printing Office (SLLA), Washington, DC.

DEAR MS. HAUN-MOHAMED: As you know, the *Journal of the National Cancer Institute* has been privatized, and effective January 1, 1997, ownership of the *Journal* will be transferred from the National Cancer Institute to Oxford University Press-USA, Inc. Under the terms of a Cooperative Research and Development Agreement signed by the two organizations, the name of the publication will be retained, and Oxford will assume all responsibility for printing the *Journal* and will hold copyright to the *Journal's* content.

Because the *Journal* is no longer a publication of the U.S. Government, copies of the *Journal* and JNCI Monographs will not be provided to the Depository Library Program nor will sale copies be available at the GPO bookstore. Nonprofit organizations, however, will be able to subscribe to the *Journal* at reduced rates.

For more information on subscriptions to the *Journal*, call 1-800-852-7323 or 919-677-0977.

We appreciate the service the Depository Library Program has provided in disseminating the *Journal* and JNCI Monographs for many years.

Sincerely,  
JULIANNE CHAPPELL,  
Chief, Scientific Publications Branch,  
International Cancer Information Center.

A TRIBUTE TO STEVEN J.W.  
HEELEY

Mr. CAMPBELL. Mr. President, I come to the floor today with mixed emotions. I'm glad because a colleague is moving on to new opportunities, but I'm also saddened by the fact that the Senate, and in particular the Committee on Indian Affairs, is losing a great friend, Steven Heeley.

Steve's work on native American issues goes back many years, to when he started with Senator McCain as the deputy minority staff director and Counsel for the Senate Indian Affairs Committee in 1989. He moved across the Hill to the House of Representatives, where I first had the pleasure of

working with him, when Steve served as the deputy counsel on Indian affairs for the Committee on Interior and Insular Affairs under Chairman GEORGE MILLER. Later he became the counsel to the Subcommittee on Native American Affairs of the Natural Resources Committee of the House. Steve returned to the Senate Committee on Indian Affairs in 1995 to become Chairman MCCAIN's staff director and chief counsel.

His lengthy list of accomplishments represents the kind of man Steve is: hard working and committed to Indian Country. Steve's work on environmental issues in Indian country includes the Clean Water and Clean Air Act amendments, solid waste disposal, leaking underground storage tanks and the Indian Environmental General Assistance Program Act. His broad range of knowledge was crucial in passing the Self-Determination Act amendments, as well as self-governance legislation, the Indian Gaming Regulatory Act and the Navajo-Hopi Settlement Act.

Steve's work to reauthorize the Indian Health Care Improvement Act, his work with tribal courts and the Native American Graves Protection and Repatriation Act show his concern for native Americans and most important, our mutual heritage. The work that has been important to Steve was the work that was important to Indian people across this country. Much of his work, including reorganizing the Bureau of Indian Affairs and amendments to the Indian Gaming Regulatory Act is not yet complete, but his mark will certainly be on the changes when they do occur.

Steve's work on behalf of Indian people goes back before his time here in Washington. He served as the assistant general counsel for the Gila River community in Arizona and was a staff attorney for the Four Rivers Indian Legal Services Program at Gila River. Now, Steve is going back to Arizona, where I'm sure he's been missed, as we're going to miss him here.

I would like to offer my personal thanks to Steve for the invaluable service he has provided to me as I took over as Chairman of the Indian Affairs Committee. His wise counsel to both me and my staff has made a difficult job more easy and has helped to make sure that the leadership Senator MCCAIN brought to this committee will continue.

Steve has been an outstanding advocate, leader, and friend to Indian country. On behalf of all of us who have been lucky enough to work him, we thank him, we wish him good luck, and we look forward to working together again.

#### SALUTE TO THE BIG TEN CHAMPIONS MINNESOTA GOLDEN GOPHERS

Mr. GRAMS. Mr. President, I rise today and I want to pay tribute to the University of Minnesota basketball

team, who last night clinched their first Big Ten title in 15 years.

As you know, the Golden Gophers defeated the Michigan Wolverines 55 to 54, in a hard-fought, come-from-behind victory. Down by four with under a minute to play, the Gophers' confidence, determination, and faith led them to victory. This is truly an accomplishment that all Minnesotans can be proud of. Under the leadership of coach Clem Haskins, the Gophers have shot, rebounded, and passed their way into the national spotlight as a team to be taken seriously in the upcoming NCAA tournament.

With the great play of senior guard Bobby Jackson, junior guard Eric Harris, junior forward Sam Jacobson, and senior co-captain centers John Thomas and Trevor Winter, along with the rest of the Big Ten championship team, the Golden Gophers have set a school record 25 victories in a single season, with three regular season games to play. Among the notable accomplishments this team has achieved have been their two victories over Michigan, an overtime victory over Indiana, and a season sweep over our border rival Iowa Hawkeyes. This team has been on a mission all year to gain respect, not only from the Big Ten but also from the Nation, after having all its starters returning from last year from a team that was not invited to play in the NCAA tournament. As you can see, these Golden Gophers took matters into their own hands and earned the qualifying bid from the NCAA by winning the Big Ten title outright.

From the land of 10,000 frozen lakes, this Minnesota Golden Gopher basketball team has provided warmth and excitement to fans statewide in an otherwise very cold and long Minnesota winter. Again, Mr. President, I want to congratulate Clem Haskins and his Big Ten championship team from the University of Minnesota, and wish them all the best in their final regular season games and when they go for it all in the upcoming NCAA tournament.

Mr. FORD. Will the Senator yield for a question?

Mr. GRAMS. I am happy to yield.

Mr. FORD. Does the Senator know where Clem Haskins got his training? Western Kentucky University. He was also a coach at Western Kentucky University. I am tickled to death that he gave such improvement to the great State of Minnesota.

Mr. GRAMS. So are we.

Thank you, Mr. President.

#### THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, February 26, the Federal debt stood at \$5,345,590,198,251.20.

One year ago, February 26, 1996, the Federal debt stood at \$5,016,711,000,000.

Five years ago, February 26, 1992, the Federal debt stood at \$3,828,590,000,000.

Fifteen years ago, February 26, 1982, the Federal debt stood at

\$1,048,207,000,000 which reflects a debt increase of more than \$4 trillion—\$4,297,383,198,251.20—during the past 15 years.

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

##### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

#### REPORT OF THE NOTICE OF THE CONTINUATION OF THE NATIONAL EMERGENCY RELATING TO CUBA—MESSAGE FROM THE PRESIDENT—PM 18

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the emergency declared with respect to the Government of Cuba's destruction of two unarmed U.S.-registered civilian aircraft in international airspace north of Cuba on February 24, 1996, is to continue in effect beyond March 1, 1997, to the *Federal Register* for publication.

WILLIAM J. CLINTON.

THE WHITE HOUSE, February 27, 1997.

#### MESSAGES FROM THE HOUSE

##### ENROLLED JOINT RESOLUTION SIGNED

At 2:04 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 36. Joint resolution approving the Presidential finding that the limitation on obligations imposed by section 518A(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, is having a negative impact on the proper functioning of the population planning program.

The message also stated that the House has passed the following bills, in which it requests the concurrence of the Senate: