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Open Source America's Operating System

"It's Not Just A Good Idea—It's The Law!"

July 14, 2009

Michael L. Wash, Chief Information Officer
Government Printing Office
732 North Capitol Street, NW
Washington, DC 20401

Dear Mr. Wash:

I am writing in the matter of the \$17,000 bulk data product that we purchased from your agency, the Code of Federal Regulations Source Code with Images. I understand you may not be the proper official at the GPO to whom I should be speaking and would appreciate it if that is the case if you would redirect me elsewhere.

As you know, on September 17, 2008 a group of nonprofits pooled our scarce resources together and purchased the \$17,000 product in question. We also **asked the Public Printer** to consider a request that all bulk data products be open sourced. The Public Printer responded in a very nice letter, and basically deferred future bulk access issues to the FDSys rollout, which he said was imminent and which you have been managing so well.

I have 4 issues with the product we purchased which lead me to the unfortunate conclusion that we have not received fair value for our money from the GPO:

- First, no documentation was furnished with the product, and only after repeated inquiries were the main two DTDs furnished. The include files came much later, and I have never received the entity definition files. The product is not properly documented, which is not appropriate for a \$17,000 product.
- Second, customer service fails to provide the product on the agreed-upon schedule. There have been **no updates to our service** since 3/28/2009 when we received editions 214158, 21464, 214180, 214185, 214186, 214189, 214194, 213203, 214206, 214210, and 214219. As you will see on your FTP server, that is the same exact items that are currently on the system. I personally performed additional mirrors on 3/31, 4/2, 4/10, 4/19, 4/22, 5/1, 5/9, 5/15, 5/22, 5/27, 6/1, 6/5, 6/8, 6/20, 6/25, 7/5, 7/8, 7/10, and 7/13 and can attest that no new data was available on any of those occasions.
- Third, I can attest that a large number of **gaps in the sequence numbers** for the data we do have.
- Fourth, for many months, we have been asking for some visibility into the upgrade path from your current CFR system based on FTP access and SGML formatting to the ongoing migration you are heading of a system inside of FDSys. Because there is no timeline for this migration and no documentation

such as the XML DTD, we have absolutely no upgrade path. As you know, creating systems such as these require planning several years into the future, and at this point we don't know if GPO is going to suddenly transform their system over to FDSys or otherwise invalidate our current work.

In summary, I do not believe that the product we purchased has received the customer support I have come to expect when purchasing these types of products from the U.S. Government. In particular, some form of developer relations function needs to be put into place to support not only commercial products, but also to support developers wishing to make more extensive use of your free products. In addition, it is clear that no attention has been paid to product quality assurance or customer service audits, or other checks and balances that are needed to make sure that when the government sells a product it delivers the service it has promised.

As you know, I have objected in the past to the idea that federal law should be hidden behind a cash register, and I believe the current policy of selling access to the source code of primary legal materials in the Federal Register System runs counter to long-standing public policy that our primary legal materials must be available for all to read. However, if you are going to sell a product, I believe the government should give fair value for money and I do not believe this has been the case in our purchase of the Code of Federal Regulations from the Government Printing Office.

I have previously purchased bulk data products from the Securities and Exchange Commission, Federal Election Commission, Internal Revenue Service, Smithsonian Institution, U.S. Patent and Trademark Office, U.S. House of Representatives, and the Government Printing Office. The product you sold us for \$17,000 is far below the standards of quality, completeness, and customer service I received from any of those prior purchases.

I am thus respectfully asking you to refund our money as the product was not delivered as promised.

Sincerely yours,

Carl Malamud
President & CEO
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