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Accountability \* Integrity \* Reliability

United States Government Accountability Office  
Washington, DC 20548

August 12, 2008

Mr. Carl Malamud  
Public.Resource.Org, Inc.  
1005 Gravenstein Highway North  
Sebastopol, CA 95472

Dear Mr. Malamud:

I am writing this letter in response to your June 26, 2008, letter. In that letter, you proposed a "joint venture" between your organization and GAO. While GAO appreciates your continued interest in its legislative history collection, we respectfully decline to enter into the proposed joint venture. However, the legislative histories you are interested in are available for your review and copying here at GAO.

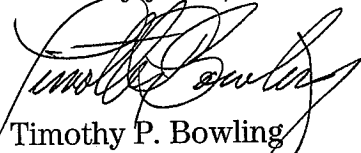
Separately, we note that, in your letter, you make a few assertions that need clarification regarding the publicly competed contract negotiated between GAO and Thomson West. As you know, we issued a public request for proposals (RFP) in September 2006 and advertised nationwide in Federal Business Opportunities (FedBizOpps). That public RFP made clear the ground rules that we intended to follow, and the public notice presented an opportunity for your organization, or anyone else, to disagree with our approach or to make suggestions for improvements; neither your organization nor anyone else raised concerns or offered any comments to us at that time. Moreover, the procurement, consistent with the usual federal procurement rules, was open to any entity, public or private, including nonprofit organizations. Neither your organization nor any other nonprofit organization expressed interest. More importantly, neither your organization nor the Internet Archive submitted a proposal—joint venture or otherwise—for consideration during that full and open competition. As with any public procurement, we view it as inappropriate for a potential contractor to wait until the competition is complete and then to propose that it be considered for a contract—or a joint venture, as you suggest.

Notwithstanding the comments in your letter, we believe that our publicly competed contract with Thomson West serves the public interest. As you recognize in your letter, Thomson West is currently spending more than \$1 million of its own money to digitize GAO's legislative history collection, at no cost to GAO. Moreover, while it is true that the public will have to pay a fee to Thomson West in order to access and search the histories on-line, nothing in the contract diminishes, or in any way changes, the public's right of access to the legislative history collection here at GAO, which will continue to be full and free (subject to the standard copying charges provided for in our regulations). In short, GAO's contract ensures the preservation of

the legislative history collection without cost to GAO and without use of appropriated funds.

If you wish to review and make copies of the paper collection, please contact Bonnie Mueller, GAO's Director of Information Services, on 202-512-2659.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Timothy P. Bowling". The signature is fluid and cursive, with the first name being the most prominent.

Timothy P. Bowling  
Chief Quality Officer