

Federal Policy and Open Source Software

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"Open source" software is software whose source code is freely available for modification and redistribution by the program's users or by other programmers. Open source stands in contrast to proprietary software products, where the source code is generally not available to users and the ability to modify or redistribute a program is limited.

Open source has attracted much attention. Much of the debate has been normative, in the sense that it seeks to assign a positive or negative value to open source software. This debate has been spirited and at times the discussion has cast open source and propriety software as opponents in some larger battle. The discussions have focused on the merits of open source software or the complex implications of the various open source or free software licenses.

In the last few years, however, the context for discussion has changed. Open source software has now achieved a significant presence in global markets. Open source products such as Apache server software or the Linux operating system have entered into widespread use by commercial, private and government users. This availability and use creates a new set of questions for government policy. The interests of a number of agencies and commercial entities are affected. The use of open source software has implications for trade, security, intellectual property, research and development, government operations and procurement, liability and (perhaps) economic development.

Open source challenges the public policy process. Open source raises both domestic and international issues. Governments will need to address the complex issues raised by the use of open source software, but no single policy may alone be adequate to the task. The normative debate complicates government responses. Technological neutrality is a good starting point, but it is not in itself sufficient. An emphasis on "open standards," specifications that enable different programs to work together without infringing on intellectual property rights, also does not address many issues. The challenge will be to develop consistent policies that will advance the public interest in response to the emergence of open source software as a major component of the information technology landscape.

This challenge falls heavily on the United States, because of its leading position in information technology, both as a producer and as a user of proprietary and open-source software products. To help develop recommendations for policy, CSIS is exploring the policy implications of open source for the Federal government. Our approach is neutral in that the intent is neither to push open source or retard it. The focus will be on what U.S. policy (or policies) should look like in order to serve the full scope of national interests and on the direction that discussions should take to get us to these policies.