

118TH CONGRESS
2D SESSION

H. R. 9566

To require governmentwide source code sharing, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 12, 2024

Mr. LANGWORTHY (for himself and Mr. TIMMONS) introduced the following bill; which was referred to the Committee on Oversight and Accountability

A BILL

To require governmentwide source code sharing, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Source code Harmoni-
5 zation And Reuse in Information Technology Act” or the
6 “SHARE IT Act”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

9 (1) AGENCY.—The term “agency” has the
10 meaning given that term in section 3502 of title 44,
11 United States Code.

1 (2) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means the Committee on Homeland Secu-
4 rity and Governmental Affairs of the Senate and the
5 Committee on Oversight and Accountability of the
6 House of Representatives.

7 (3) CUSTOM-DEVELOPED CODE.—The term
8 “custom-developed code”—

9 (A) means source code that is—

10 (i) produced in the performance of a
11 contract with an agency or is otherwise ex-
12 clusively funded by the Federal Govern-
13 ment; or

14 (ii) developed by a Federal employee
15 as part of the official duties of the em-
16 ployee;

17 (B) includes—

18 (i) source code, or segregable portions
19 of source code, for which the Federal Gov-
20 ernment could obtain unlimited rights
21 under part 27 of the Federal Acquisition
22 Regulation or any relevant supplemental
23 acquisition regulations of an agency; and

(ii) source code written for a software project, module, plugin, script, middleware, or application programming interface; and (C) does not include—

(i) source code that is solely exploratory or disposable in nature, including source code written by a developer experimenting with a new language or library; or

(ii) commercial computer software, commercial off-the-shelf software, or configuration scripts for such software.

(4) FEDERAL EMPLOYEE.—The term “Federal employee” has the meaning given the term in section 2105(a) of title 5, United States Code.

(5) METADATA.—The term “metadata”, with respect to custom-developed code—

(A) has the meaning given that term in section 3502 of title 44, United States Code; and

(B) includes—

(i) information on whether the custom-developed code was—

(I) produced pursuant to a contract; or

1 (II) shared in a public or private
2 repository;

3 (ii) any contract number under which
4 the custom-developed code was produced;
5 and

6 (iii) any hyperlink to the repository in
7 such the code was shared.

8 (6) PRIVATE REPOSITORY.—The term “private
9 repository” means a software storage location—

10 (A) that contains source code, documenta-
11 tion, and other files; and

12 (B) access to which is restricted to only
13 authorized users.

14 (7) PUBLIC REPOSITORY.—The term “public
15 repository” means a software storage location—

16 (A) that contains source code, documenta-
17 tion, and other files; and

18 (B) access to which is open to the public.

19 (8) SOFTWARE.—The term “software” has the
20 meaning given the term “computer software” in sec-
21 tion 2.101 of title 48, Code of Federal Regulations,
22 or any successor regulation.

23 (9) SOURCE CODE.—The term “source code”
24 means a collection of computer commands written in

1 a computer programming language that a computer
2 can execute as a piece of software.

3 **SEC. 3. SOFTWARE REUSE.**

4 (a) SHARING.—Not later than 210 days after the
5 date of enactment of this Act, the head of each agency
6 shall ensure that the custom-developed code of the agency
7 and other key technical components (including documenta-
8 tion, data models, schemas, metadata, and architecture
9 designs) of the code is—

10 (1) stored at not less than 1 public repository
11 or private repository;

12 (2) accessible to Federal employees via proce-
13 dures developed under subsection (d)(1)(A)(ii)(III);
14 and

15 (3) owned by the agency.

16 (b) SOFTWARE REUSE RIGHTS IN PROCUREMENT
17 CONTRACTS.—The head of an agency that enters into a
18 contract for the custom development of software for use
19 by the agency shall acquire and exercise rights sufficient
20 to enable the governmentwide access to, sharing of, use
21 of, and modification of any custom-developed code created
22 in the development of such software.

23 (c) DISCOVERY.—Not later than 210 days after the
24 date of enactment of this Act, the head of each agency

1 shall make metadata created on or after such date for the
2 custom-developed code of the agency publicly accessible.

3 (d) ACCOUNTABILITY MECHANISMS.—

4 (1) AGENCY CIOS.—Not later than 180 days
5 after the date of enactment of this Act, the Chief In-
6 formation Officer of each agency, in consultation
7 with the Chief Acquisition Officer, or similar official,
8 of the agency and the Federal Chief Information Of-
9 ficer, shall develop an agency-wide policy that—

10 (A) implements the requirements of this
11 Act, including—

12 (i) ensuring that custom-developed
13 code follows the best practices established
14 by the Director of the Office and Manage-
15 ment and Budget under paragraph (3) for
16 operating repositories and version control
17 systems to keep track of changes and to
18 facilitate collaboration among multiple de-
19 velopers; and

20 (ii) managing the sharing of custom-
21 developed code under subsection (b), and
22 the public accessibility of metadata under
23 subsection (c), including developing—

24 (I) procedures to determine
25 whether any custom-developed code

1 meets the conditions under section
2 4(b) for an exemption under this Act;

3 (II) procedures for making
4 metadata for custom-developed code
5 publicly accessible pursuant to sub-
6 section (c);

7 (III) procedures for Federal em-
8 ployees to gain access to public reposi-
9 tories and private repositories that
10 contain custom developed source code;
11 and

12 (IV) standardized reporting prac-
13 tices across the agency to capture key
14 information relating to a contract
15 under which custom-developed source
16 code was produced for reporting sta-
17 tistics about the contract; and

18 (B) corrects or amends any policies of the
19 agency that are inconsistent with the require-
20 ments of this Act.

21 (2) ADMINISTRATOR OF THE OFFICE OF ELEC-
22 TRONIC GOVERNMENT.—

23 (A) MINIMUM STANDARD REPORTING RE-
24 QUIREMENTS.—Not later than 120 days after
25 the date of enactment of this Act, the Adminis-

1 trator of the Office of Electronic Government
2 shall establish minimum standard reporting re-
3 quirements for the Chief Information Officers
4 of agencies, which shall include information re-
5 lating to—

6 (i) measuring the frequency of reuse
7 of code, including access and modification
8 under subsection (b);

9 (ii) whether the shared code is main-
10 tained;

11 (iii) whether there is a feedback mech-
12 anism for improvements to or community
13 development of the shared code; and

14 (iv) the number and circumstances of
15 all exemptions granted under section
16 4(a)(2).

17 (B) ANNUAL REPORT.—Not later than 1
18 year after the date of enactment of this Act,
19 and annually thereafter, the Administrator of
20 the Office of Electronic Government shall sub-
21 mit to Congress a report on the status of the
22 implementation of this Act by each agency, in-
23 cluding—

24 (i) a complete list of all exemptions
25 granted under section 4(a)(2); and

(ii) a table showing whether each agency has updated the acquisition and other policies of the agency to be compliant with this Act.

(3) GUIDANCE.—The Director of the Office of Management and Budget shall issue guidance, consistent with the purpose of this Act, that establishes best practices and uniform procedures across agencies for the purposes of implementing this subsection.

SEC. 4. EXEMPTIONS.

(a) IN GENERAL.—

(1) AUTOMATIC.—

(A) IN GENERAL.—This Act shall not apply to classified source code or source code developed primarily for use in a national security system (as defined in section 11103 of title 40, United States Code).

(B) NATIONAL SECURITY.—An exemption from the requirements under section 3 shall apply to classified source code or source code developed—

(i) primarily for use in a national security system (as defined in section 11103 of title 40, United States Code); or

1 (ii) by an agency, or part of an agen-
2 cy, that is an element of the intelligence
3 community (as defined in section 3(4) of
4 the National Security Act of 1947 (50
5 U.S.C. 3003(4)).

6 (C) FREEDOM OF INFORMATION ACT.—An
7 exemption from the requirements under section
8 3 shall apply to source code the disclosure of
9 which is exempt under section 552(b) of title 5,
10 United States Code (commonly known as the
11 “Freedom of Information Act”).

12 (2) DISCRETIONARY.—

13 (A) EXEMPTION AND GUIDANCE.—

14 (i) IN GENERAL.—The Chief Informa-
15 tion Officer of an agency, in consultation
16 with the Federal Privacy Council, or any
17 successor thereto, may exempt from the re-
18 quirements of section 3 any source code for
19 which a limited exemption described in
20 subparagraph (B) applies.

21 (ii) GUIDANCE REQUIRED.—The Fed-
22 eral Privacy Council shall provide guidance
23 to the Chief Information Officer of each
24 agency relating to the limited exemption
25 described in subparagraph (B)(ii) to en-

1 sure consistent application of this para-
2 graph across agencies.

3 (B) LIMITED EXEMPTIONS.—The limited
4 exemptions described in this paragraph are the
5 following:

6 (i) The head of the agency is prohib-
7 ited from providing the source code to an-
8 other individual or entity under another
9 Federal law or regulation, including
10 under—

11 (I) the Export Administration
12 Regulations;

13 (II) the International Traffic in
14 Arms Regulations;

15 (III) the regulations of the
16 Transportation Security Administra-
17 tion relating to the protection of Sen-
18 sitive Security Information; and

19 (IV) the Federal laws and regula-
20 tions governing the sharing of classi-
21 fied information not covered by the
22 exemption in paragraph (1).

23 (ii) The sharing or public accessibility
24 of the source code would create an identifi-
25 able risk to the privacy of an individual.

1 (b) REPORTS REQUIRED.—

2 (1) IN GENERAL.—Not later than December 31
3 of each year, the Chief Information Officer of an
4 agency shall submit to the Administrator of the Of-
5 fice of Electronic Government a report of the source
6 code of the agency to which an exemption under
7 subsection (1) or (2) of subsection (a) applied dur-
8 ing the fiscal year ending on September 30 of that
9 year with a brief narrative justification of each ex-
10 emption.

11 (2) FORM.—The report under paragraph (1)
12 shall be submitted in unclassified form, with a clas-
13 sified annex as appropriate.

14 (3) ANNUAL REPORT.—Not later than 1 year
15 after the date of enactment of this Act, and annually
16 thereafter, the Administrator of the Office of Elec-
17 tronic Government shall submit to the appropriate
18 congressional committees a report on the status of
19 the implementation of this Act by each agency, in-
20 cluding—

21 (A) a compilation of all information, in-
22 cluding a narrative justification, relating to
23 each exemption granted under paragraph (1) or
24 (2) of subsection (a);

1 (B) a table showing whether each agency
 2 has updated the acquisition and other policies
 3 of the agency to be compliant with this Act;

4 (C) an evaluation of the compliance of the
 5 agency with the framework described in section
 6 3(d)(2)(A); and

7 (D) a classified annex as appropriate.

8 **SEC. 5. GAO REPORT ON INFORMATION TECHNOLOGY**
 9 **PRACTICES.**

10 (a) INITIAL REPORT.—Not later than 1 year after
 11 the date of enactment of this Act, the Comptroller General
 12 of the United States shall submit to Congress a report
 13 that includes an assessment of—

14 (1) any duplication in the procurement of soft-
 15 ware by agencies, including estimates of the fre-
 16 quency and dollar value of such duplication;

17 (2) how source code sharing and open-source
 18 software collaboration can improve cybersecurity at
 19 agencies;

20 (3) how the adoption of cloud-based software
 21 may support the heads of Federal agencies; and

22 (4) how the acquisition of commercial software
 23 may support the heads of Federal agencies.

24 (b) SUPPLEMENTAL REPORT.—Not later than 2
 25 years after the date of enactment of this Act, the Comp-

1 troller General of the United States shall submit to Con-
2 gress a report that includes an assessment of the imple-
3 mentation of this Act.

4 **SEC. 6. RULE OF CONSTRUCTION.**

5 Nothing in this Act may be construed as requiring
6 the disclosure of information or records that are exempt
7 from public disclosure under section 552 of title 5, United
8 States Code (commonly known as the “Freedom of Infor-
9 mation Act”).

10 **SEC. 7. APPLICATION.**

11 This Act shall apply to custom-developed code that
12 is developed or revised—

13 (1) by a Federal employee not less than 180
14 days after the date of enactment of this Act; or

15 (2) under a contract awarded pursuant to a so-
16 licitation issued not less than 180 days after the
17 date of enactment of this Act.

18 **SEC. 8. NO ADDITIONAL FUNDING.**

19 No additional funds are authorized to be appro-
20 priated to carry out this Act.

