

Suspend the Rules and Pass the Bill, H.R. 9566, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

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:

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

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

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

12 (A) means source code that is—

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

17 (ii) developed by a Federal employee
18 as part of the official duties of the em-
19 ployee;

20 (B) includes—

21 (i) source code, or segregable portions
22 of source code, for which the Federal Gov-
23 ernment could obtain unlimited rights
24 under part 27 of the Federal Acquisition

1 Regulation or any relevant supplemental
2 acquisition regulations of an agency; and

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

7 (i) source code that is solely explor-
8 atory or disposable in nature, including
9 source code written by a developer experi-
10 menting with a new language or library; or

11 (ii) commercial computer software,
12 commercial off-the-shelf software, or con-
13 figuration scripts for such software.

14 (4) FEDERAL EMPLOYEE.—The term “Federal
15 employee” has the meaning given the term in section
16 2105(a) of title 5, United States Code.

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

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

22 (B) includes—

23 (i) information on whether the cus-
24 tom-developed code was—

1 (I) produced pursuant to a con-
2 tract; or

3 (II) shared in a public or private
4 repository;

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

8 (iii) any hyperlink to the repository in
9 such the code was shared.

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

12 (A) that contains source code, documenta-
13 tion, configuration scripts, as appropriate, revi-
14 sion history, and other files; and

15 (B) access to which is restricted to only
16 authorized users.

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

19 (A) that contains source code, documenta-
20 tion, configuration scripts, as appropriate, revi-
21 sion history, and other files; and

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

23 (8) SOFTWARE.—The term “software” has the
24 meaning given the term “computer software” in sec-

1 tion 2.101 of title 48, Code of Federal Regulations,
2 or any successor regulation.

3 (9) SOURCE CODE.—The term “source code”
4 means a collection of computer commands written in
5 a computer programming language that a computer
6 can execute as a piece of software.

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

8 (a) SHARING.—Not later than 210 days after the
9 date of enactment of this Act, the head of each agency
10 shall ensure that the custom-developed code of the agency
11 and other key technical components of the code (including
12 documentation, data models, schemas, metadata, architec-
13 ture designs, configuration scripts, and artifacts required
14 to develop, build, test, and deploy the code) of the code
15 are—

16 (1) stored at not less than 1 public repository
17 or private repository;

18 (2) accessible to Federal employees via proce-
19 dures developed under subsection (d)(1)(A)(ii)(III);
20 and

21 (3) owned by the agency.

22 (b) SOFTWARE REUSE RIGHTS IN PROCUREMENT
23 CONTRACTS.—The head of an agency that enters into a
24 contract for the custom development of software shall ac-
25 quire and exercise rights sufficient to enable the govern-

1 mentwide access to, sharing of, use of, and modification
2 of any custom-developed code created in the development
3 of such software.

4 (c) DISCOVERY.—Not later than 210 days after the
5 date of enactment of this Act, the head of each agency
6 shall make metadata created on or after such date for the
7 custom-developed code of the agency publicly accessible.

8 (d) ACCOUNTABILITY MECHANISMS.—

9 (1) AGENCY CIOS.—Not later than 180 days
10 after the date of enactment of this Act, the Chief In-
11 formation Officer of each agency, in consultation
12 with the Chief Acquisition Officer, or similar official,
13 of the agency and the Administrator of the Office of
14 Electronic Government, shall develop an agency-wide
15 policy that—

16 (A) implements the requirements of this
17 Act, including—

18 (i) ensuring that custom-developed
19 code follows the best practices established
20 by the Director of the Office and Manage-
21 ment and Budget under paragraph (3) for
22 operating repositories and version control
23 systems to keep track of changes and to
24 facilitate collaboration among multiple de-
25 velopers; and

1 (ii) managing the sharing of custom-
2 developed code under subsection (b), and
3 the public accessibility of metadata under
4 subsection (c), including developing—

5 (I) procedures to determine
6 whether any custom-developed code
7 meets the conditions under section
8 4(b) for an exemption under this Act;

9 (II) procedures for making
10 metadata for custom-developed code
11 publicly accessible pursuant to sub-
12 section (c);

13 (III) procedures for Federal em-
14 ployees to gain access to public reposi-
15 tories and private repositories that
16 contain custom developed source code;
17 and

18 (IV) standardized reporting prac-
19 tices across the agency to capture key
20 information relating to a contract
21 under which custom-developed source
22 code was produced for reporting sta-
23 tistics about the contract; and

1 (B) corrects or amends any policies of the
2 agency that are inconsistent with the require-
3 ments of this Act.

4 (2) ADMINISTRATOR OF THE OFFICE OF ELEC-
5 TRONIC GOVERNMENT.—

6 (A) MINIMUM STANDARD REPORTING RE-
7 QUIREMENTS.—Not later than 120 days after
8 the date of enactment of this Act, the Adminis-
9 trator of the Office of Electronic Government
10 shall establish minimum standard reporting re-
11 quirements for the Chief Information Officers
12 of agencies, which shall include information re-
13 lating to—

14 (i) measuring the frequency of reuse
15 of code, including access and modification
16 under subsection (b);

17 (ii) whether the shared code is main-
18 tained;

19 (iii) whether there is a feedback mech-
20 anism for improvements to or community
21 development of the shared code; and

22 (iv) the number and circumstances of
23 all exemptions granted under section
24 4(a)(2).

25 (B) REPORTING REQUIREMENT.—

1 (i) REQUIREMENT.—Not later than 1
2 year after the date of the enactment of this
3 Act, and annually thereafter, the Adminis-
4 trator of the Office of Electronic Govern-
5 ment shall publish on a centralized website
6 a report on the implementation of this Act
7 that includes—

8 (I) a complete list of all exemp-
9 tions granted under section 4(a)(2);
10 and

11 (II) information showing whether
12 each agency has updated the acquisi-
13 tion and other policies of the agency
14 to be compliant with this Act.

15 (ii) OPEN GOVERNMENT DATA
16 ASSET.—The report under clause (i) shall
17 be maintained as an open Government
18 data asset (as defined in section 3502 of
19 title 44, United States Code).

20 (3) GUIDANCE.—The Director of the Office of
21 Management and Budget shall issue guidance, con-
22 sistent with the purpose of this Act, that establishes
23 best practices and uniform procedures across agen-
24 cies for the purposes of implementing this sub-
25 section.

1 **SEC. 4. EXEMPTIONS.**

2 (a) IN GENERAL.—

3 (1) AUTOMATIC.—

4 (A) IN GENERAL.—This Act shall not
5 apply to classified source code or source code
6 developed primarily for use in a national secu-
7 rity system (as defined in section 11103 of title
8 40, United States Code).

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

13 (i) primarily for use in a national se-
14 curity system (as defined in section 11103
15 of title 40, United States Code); or

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

21 (C) FREEDOM OF INFORMATION ACT.—An
22 exemption from the requirements under section
23 3 shall apply to source code the disclosure of
24 which is exempt under section 552(b) of title 5,
25 United States Code (commonly known as the
26 “Freedom of Information Act”).

1 (2) DISCRETIONARY.—

2 (A) EXEMPTION AND GUIDANCE.—

3 (i) IN GENERAL.—The Chief Informa-
4 tion Officer of an agency, in consultation
5 with the Federal Privacy Council, or any
6 successor thereto, may exempt from the re-
7 quirements of section 3 any source code for
8 which a limited exemption described in
9 subparagraph (B) applies.

10 (ii) GUIDANCE REQUIRED.—The Fed-
11 eral Privacy Council shall provide guidance
12 to the Chief Information Officer of each
13 agency relating to the limited exemption
14 described in subparagraph (B)(ii) to en-
15 sure consistent application of this para-
16 graph across agencies.

17 (B) LIMITED EXEMPTIONS.—The limited
18 exemptions described in this paragraph are the
19 following:

20 (i) The head of the agency is prohib-
21 ited from providing the source code to an-
22 other individual or entity under another
23 Federal law or regulation, including
24 under—

1 (I) the Export Administration
2 Regulations;

3 (II) the International Traffic in
4 Arms Regulations;

5 (III) the regulations of the
6 Transportation Security Administra-
7 tion relating to the protection of Sen-
8 sitive Security Information; and

9 (IV) the Federal laws and regula-
10 tions governing the sharing of classi-
11 fied information not covered by the
12 exemption in paragraph (1).

13 (ii) The sharing or public accessibility
14 of the source code would create an identifi-
15 able risk to the privacy of an individual.

16 (b) REPORTS REQUIRED.—

17 (1) AGENCY REPORTING.—Not later than De-
18 cember 31 of each year, the Chief Information Offi-
19 cer of an agency shall submit to the Administrator
20 of the Office of Electronic Government a report of
21 the source code of the agency to which an exemption
22 under paragraph (1) or (2) of subsection (a) applied
23 during the fiscal year ending on September 30 of
24 that year with a brief narrative justification of each
25 exemption.

1 (2) ANNUAL REPORT TO CONGRESS.—Not later
2 than 1 year after the date of enactment of this Act,
3 and annually thereafter, the Administrator of the
4 Office of Electronic Government shall submit to the
5 appropriate congressional committees a report on all
6 exemptions granted under paragraph (1) or (2) of
7 subsection (a) by each agency, including a compila-
8 tion of all information, including the narrative jus-
9 tification, relating to each such exemption.

10 (3) FORM.—The reports under paragraphs (1)
11 and (2) shall be submitted in unclassified form, with
12 a classified annex as appropriate.

13 **SEC. 5. GAO REPORT.**

14 Not later than 2 years after the date of enactment
15 of this Act, the Comptroller General of the United States
16 shall submit to Congress a report that includes an assess-
17 ment of the implementation of this Act.

18 **SEC. 6. RULE OF CONSTRUCTION.**

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

1 **SEC. 7. APPLICATION.**

2 This Act shall apply to custom-developed code that
3 is developed or revised—

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

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

9 **SEC. 8. REVISION OF FEDERAL ACQUISITION REGULATION.**

10 Not later than 1 year after the date of enactment
11 of this Act, the Federal Acquisition Regulation shall be
12 revised as necessary to implement the provisions of this
13 Act.

14 **SEC. 9. NO ADDITIONAL FUNDING.**

15 No additional funds are authorized to be appro-
16 priated to carry out this Act.