H. R. 9566

AN ACT

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,*

SECTION 1. SHORT TITLE.

This Act may be cited as the "Source code Harmonization And Reuse in Information Technology Act" or the "SHARE IT Act".

SEC. 2. DEFINITIONS.

In this Act:

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

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Accountability of the House of Representatives.

(3) CUSTOM-DEVELOPED CODE.—The term "custom-developed code"—

(A) means source code that is—

(i) produced in the performance of a contract with an agency or is otherwise exclusively funded by the Federal Government; or

(ii) developed by a Federal employee as part of the official duties of the employee;

(B) includes—

1   (i) source code, or segregable portions

2   of source code, for which the Federal Gov-

3   ernment could obtain unlimited rights

4   under part 27 of the Federal Acquisition

5   Regulation or any relevant supplemental

6   acquisition regulations of an agency; and

7   (ii) source code written for a software

8   project, module, plugin, script, middleware,

9   or application programming interface; and

10   (C) does not include—

11   (i) source code that is solely explor-

12   atory or disposable in nature, including

13   source code written by a developer experi-

14   menting with a new language or library; or

15   (ii) commercial computer software,

16   commercial off-the-shelf software, or con-

17   figuration scripts for such software.

18   (4) FEDERAL EMPLOYEE.—The term "Federal

19 employee" has the meaning given the term in section

20 2105(a) of title 5, United States Code.

21   (5) METADATA.—The term "metadata", with

22 respect to custom-developed code—

23   (A) has the meaning given that term in

24   section 3502 of title 44, United States Code;

25   and

1   (B) includes—

2   (i) information on whether the cus-

3   tom-developed code was—

4   (I) produced pursuant to a con-

5   tract; or

6   (II) shared in a public or private

7   repository;

8   (ii) any contract number under which

9   the custom-developed code was produced;

10   and

11   (iii) any hyperlink to the repository in

12   such the code was shared.

13   (6) PRIVATE REPOSITORY.—The term "private

14 repository" means a software storage location—

15   (A) that contains source code, documenta-

16 tion, configuration scripts, as appropriate, revi-

17 sion history, and other files; and

18   (B) access to which is restricted to only

19 authorized users.

20   (7) PUBLIC REPOSITORY.—The term "public

21 repository" means a software storage location—

22   (A) that contains source code, documenta-

23 tion, configuration scripts, as appropriate, revi-

24 sion history, and other files; and

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

1   (8) SOFTWARE.—The term "software" has the

2 meaning given the term "computer software" in sec-

3 tion 2.101 of title 48, Code of Federal Regulations,

4 or any successor regulation.

5   (9) SOURCE CODE.—The term "source code"

6 means a collection of computer commands written in

7 a computer programming language that a computer

8 can execute as a piece of software.

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

10   (a) SHARING.—Not later than 210 days after the

11 date of enactment of this Act, the head of each agency

12 shall ensure that the custom-developed code of the agency

13 and other key technical components of the code (including

14 documentation, data models, schemas, metadata, architec-

15 ture designs, configuration scripts, and artifacts required

16 to develop, build, test, and deploy the code) of the code

17 are—

18   (1) stored at not less than 1 public repository

19 or private repository;

20   (2) accessible to Federal employees via proce-

21 dures developed under subsection (d)(1)(A)(ii)(III);

22 and

23   (3) owned by the agency.

24   (b) SOFTWARE REUSE RIGHTS IN PROCUREMENT

25 CONTRACTS.—The head of an agency that enters into a

1 contract for the custom development of software shall ac-

2 quire and exercise rights sufficient to enable the govern-

3 mentwide access to, sharing of, use of, and modification

4 of any custom-developed code created in the development

5 of such software.

6 (c) DISCOVERY.—Not later than 210 days after the

7 date of enactment of this Act, the head of each agency

8 shall make metadata created on or after such date for the

9 custom-developed code of the agency publicly accessible.

10 (d) ACCOUNTABILITY MECHANISMS.—

11 (1) AGENCY CIOS.—Not later than 180 days

12 after the date of enactment of this Act, the Chief In-

13 formation Officer of each agency, in consultation

14 with the Chief Acquisition Officer, or similar official,

15 of the agency and the Administrator of the Office of

16 Electronic Government, shall develop an agency-wide

17 policy that—

18 (A) implements the requirements of this

19 Act, including—

20 (i) ensuring that custom-developed

21 code follows the best practices established

22 by the Director of the Office and Manage-

23 ment and Budget under paragraph (3) for

24 operating repositories and version control

25 systems to keep track of changes and to

1   facilitate collaboration among multiple de-

2   velopers; and

3   (ii) managing the sharing of custom-

4   developed code under subsection (b), and

5   the public accessibility of metadata under

6   subsection (c), including developing—

7   (I) procedures to determine

8   whether any custom-developed code

9   meets the conditions under section

10   4(b) for an exemption under this Act;

11   (II) procedures for making

12   metadata for custom-developed code

13   publicly accessible pursuant to sub-

14   section (c);

15   (III) procedures for Federal em-

16   ployees to gain access to public reposi-

17   tories and private repositories that

18   contain custom developed source code;

19   and

20   (IV) standardized reporting prac-

21   tices across the agency to capture key

22   information relating to a contract

23   under which custom-developed source

24   code was produced for reporting sta-

25   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").

SEC. 7. APPLICATION.

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

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

(2) under a contract awarded pursuant to a solicitation issued not less than 180 days after the date of enactment of this Act.

SEC. 8. REVISION OF FEDERAL ACQUISITION REGULATION.

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

SEC. 9. NO ADDITIONAL FUNDING.

No additional funds are authorized to be appropriated to carry out this Act.

Passed the House of Representatives December 4, 2024.

Attest:

Clerk.

118TH CONGRESS
2D SESSION

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