115TH CONGRESS
1ST SESSION

S. 1443

To improve Department of Defense software management, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 27, 2017

Mr. ROUNDS introduced the following bill; which was read twice and referred to the Committee on Armed Services

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A BILL

To improve Department of Defense software management, 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 "Department of Defense

5 Software Management Improvement Act of 2017".

6 **SEC. 2. USE OF OPEN SOURCE SOFTWARE.**

7 (a) OPEN SOURCE SOFTWARE.—

8 (1) IN GENERAL.—Chapter 137 of title 10,

9 United States Code, is amended by inserting after

10 section 2320 the following new section:

"§ 2320a. Use of open source software

1 "(a) SOFTWARE DEVELOPMENT.—All unclassified
2 custom-developed computer software and related technical
3 data that is not a defense article regulated pursuant to
4 section 38 of the Arms Export Control Act (22 U.S.C.
5 2778) and that is developed under a contract or other
6 transaction awarded by the Department of Defense on or
7 after the date that is 180 days after the date of the enact-
8 ment of this section shall be managed as open source soft-
9 ware unless specifically waived by the service acquisition
10 executive.

11 "(b) RELEASE OF SOFTWARE IN PUBLIC REPOSI-
12 TORY.—The Secretary of Defense shall require the con-
13 tractor to release source code and related technical data
14 described under subsection (a) in a public repository ap-
15 proved by the Department of Defense, subject to a license
16 through which the copyright holder provides the rights to
17 use, study, reuse, modify, enhance, and distribute the soft-
18 ware to anyone and for any purpose.

19 "(c) APPLICABILITY TO EXISTING SOFTWARE.—The
20 Secretary of Defense shall, where appropriate—

21   "(1) apply open source licenses to existing cus-
22   tom-developed computer software; and

23   "(2) release related source code and technical
24   data in a public repository location approved by the
25   Department of Defense.

1 "(d) DEFINITIONS.—In this section:

2 "(1) CUSTOM-DEVELOPED COMPUTER SOFT-

3 WARE.—The term 'custom-developed computer soft-

4 ware' means human-readable source code, including

5 segregable portions thereof, that is first produced in

6 the performance of a Department of Defense con-

7 tract or other transaction, or is otherwise fully fund-

8 ed by the Federal Government.

9 "(2) TECHNICAL DATA.—The term 'technical

10 data' has the meaning given the term in section

11 2302 of this title.".

12 (2) CLERICAL AMENDMENT.—The table of sec-

13 tions at the beginning of such chapter is amended

14 by adding after the item relating to section 2320 the

15 following new item:

"2320a. Use of open source software.".

16 (b) PRIZE COMPETITION.—The Secretary of Defense

17 shall create a prize for a research and develop program

18 or other activity for identifying, capturing, and storing ex-

19 isting Department of Defense custom-developed computer

20 software and related technical data. The Secretary of De-

21 fense shall create an additional prize for improving,

22 repurposing, or reusing software to better support the De-

23 partment of Defense mission. The prize programs shall be

24 conducted in accordance with section 2374a of title 10,

25 United States Code.

1 (c) REVERSE ENGINEERING.—The Secretary of De-
2 fense shall task the Defense Advanced Research Program
3 Agency with a project to identify methods to locate and
4 reverse engineer Department of Defense custom-developed
5 computer software and related technical data for which
6 source code is unavailable.

7 (d) DEFINITIONS.—In this section:

8 (1) CUSTOM-DEVELOPED COMPUTER SOFT-
9 WARE.—The term "custom-developed computer soft-
10 ware" means human-readable source code, including
11 segregable portions thereof, that is first produced in
12 the performance of a Department of Defense con-
13 tract or other transaction, or is otherwise fully fund-
14 ed by the Federal Government.

15 (2) TECHNICAL DATA.—The term "technical
16 data" has the meaning given the term in section
17 2302 of title 10, United States Code.

18 (e) REGULATIONS.—Not later than 180 days after
19 the date of the enactment of this Act, the Secretary of
20 Defense shall amend the Defense Federal Acquisition Reg-
21 ulation Supplement to carry out this section and the
22 amendments made by this section.

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