



CHIEF INFORMATION OFFICER

DEPARTMENT OF DEFENSE

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OCT 12 2018

MEMORANDUM FOR CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF DEFENSE
SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
CHIEFS OF THE MILITARY SERVICES
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
DIRECTOR OF COST ASSESSMENT AND PROGRAM EVALUATION
DIRECTOR OF OPERATIONAL TEST AND EVALUATION
ASSISTANT SECRETARY OF DEFENSE FOR LEGISLATIVE AFFAIRS

SUBJECT: Custom-Developed Source Code Data Call

- References: (a) OMB M-16-21, "Federal Source Code Policy: Achieving Efficiency, Transparency, and Innovation through Reusable and Open Source Software," August 8, 2016
- (b) National Defense Authorization Act for Fiscal Year 2018, Section 875, November 9, 2017
- (c) DoD, "Code.mil," <https://www.code.mil/>
- (d) Defense Federal Acquisition Regulation Supplement (DFARS) 252.227-7014, "Rights in Noncommercial Computer Software and Noncommercial Computer Software Documentation," revised September 23, 2016
- (e) "Clarifying Guidance Regarding Open Source Software," October 16, 2009

The Department of Defense has procured and created vast amounts of custom-developed software that performs vital functions throughout the enterprise. The ability to share, modify, distribute, study, and improve the code associated with that software is often hindered by organizational silos within the DoD. The Department is committed to sharing unclassified, custom-developed code as open source software (OSS) to drive discoverability, reuse, and improvement of our software solutions and development practices as described in reference (e).

The DoD must reform its processes, adopt agile acquisition and software development practices and more diligently contract for, license, mark, receive, and release our custom-developed source code. We must do this to create better technical outcomes for our users, improve our security posture, and foster a culture that will attract software talent to the Department.

In 2016, the Office of Management and Budget (OMB) issued reference (a) establishing policy to ensure that new custom-developed source code be made broadly available for reuse across the Federal Government. According to section 5 of this policy, a pilot program was established requiring the release of 20 percent of new, custom-developed code as OSS over a

three year period. Further, reference (b) directed the Secretary of Defense to provide a report to Congress detailing the Department's plan to implement an OSS pilot program and ensure that its source code is appropriately licensed.

The DoD Chief Information Officer (CIO) is working with Defense Digital Service to develop guidelines, processes, and answers to frequently asked questions on when and how to open source code. Code.mil (c) will be the authoritative source for disseminating this information. To support these efforts, within 30 days of this memo, the DoD CIO requires all organizations to:

1. Identify all unclassified custom-developed source code created or paid for by the Department—regardless of data rights and open source status—created on or after August 2016 and provide DoD CIO the information as prescribed by the guidelines and process at <https://www.code.mil/tell-us-about-your-code.html>.
2. Identify and provide a point of contact that can participate in open source efforts.
3. Direct Authorizing Officials to rapidly review and approve unclassified code for public, open source release after appropriate security, code, and policy review.
4. Direct contracting officers secure the least restrictive data rights to custom-developed source code in all future contracts in accordance with reference (d).

The release of DoD's unclassified source code should be an integral part of normal business practices. This piloting activity is the first step for the Department to manage custom-developed software as an enterprise resource. Expect additional communication from me requesting collaboration and input to improvement initiatives and identifying specific processes and expectations for improving custom-developed software within the Department.

The DoD CIO point of contact for this matter is Tom Morton, (571) 372-4455, thomas.p.morton6.civ@mail.mil.


for Dana Deasy