The Battle to Free the Code at the Department of Defense

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General Counsel, Defense Digital Service

24 March 2018

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Transforming technology within the Department of Defense

An agency team of the **U.S. Digital Service**, using

design and technology to improve the lives of American citizens.

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

August 8, 2016

M-16-21

MEMORANDUM FOR THE HEADS OF DEPARTMENTS AND AGENCIES

FROM: **Tony Scott**
                    United States Chief Information Officer

                    Anne E. Rung
                    United States Chief Acquisition Officer

SUBJECT: **Federal Source Code Policy: Achieving Efficiency, Transparency, and**
                    Innovation through Reusable and Open Source Software

The U.S. Government is committed to improving the way Federal agencies buy, build, and deliver information technology (IT) and software solutions to better support cost efficiency, mission effectiveness, and the consumer experience with Government programs. Each year, the Federal Government spends more than $6 billion on software through more than 42,000 transactions.[1] A significant proportion of software used by the Government is comprised of either preexisting Federal solutions or commercial solutions. These solutions include proprietary, open source, and mixed source[2] code and often do not require additional custom code development.

This policy also establishes a pilot program that requires agencies, when commissioning new custom software, to release at least 20 percent of new custom-developed code as Open Source Software (OSS) for three years, and collect additional data concerning new custom software to inform metrics to gauge the performance of this pilot.[6]

📖 README.md

Welcome to Code.mil - an experiment in open source at the Department of Defense!

The U.S. Department of Defense (DoD) faces unique challenges in open sourcing its code. Unlike most software projects, code written by U.S. Federal government employees typically doesn't have copyright protections under U.S. and some international laws. This can make it hard to attach an open source license to our code, and our team here at Defense Digital Service wants to find a solution. Read about our journey so far here.

If you are a DoD or Military Department employee with a project you want hosted on Code.mil, get the conversation going by submitting your information here.

Build something with us.

The DoD is charged with protecting our citizens and national security. We have an incredibly diverse portfolio spanning from communications, logistics, education, healthcare, and even the next generation of GPS (yes, *the* GPS!) that supports billions of people across the globe.

We need your help in contributing to our projects to build better products and services for the American people.

Connect with us.

Meet with developers across the DoD who have been tasked with America's highest priority missions and help build upon their work. We believe that software created by the government should be shared with the public, and we want to collaborate with civic minded peers to make this happen.

We heard your feedback and updated our open source strategy -- check it out here.

Make us better.

| RSS

DEFENSE

Code.mil, the Pentagon's open initiative, is live

Software

Uncle Sam needs you... to debug, improve Dept of Defense open-source software at code.mil

You don't hate freedom, do you? You love America, right?

By Thomas Claburn in San Francisco 25 Feb 2017 at 15:00   25 💬   SHARE ▼

FREE SOFTWARE
FOUNDATION

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Licensing ›

The Licensing and Compliance Lab interviews Defense Digital Service about eMCM

by Donald Robertson — Published on Mar 16, 2017 02:22 PM

This is the latest installment of our Licensing and Compliance Lab's series on free software developers who choose GNU licenses for their works.

In this edition, we interviewed the Defense Digital Service (DDS) about the release of their first project, eMCM, on their recently launched free software platform Code.mil. The DDS is a team of private sector tech experts who serve as Federal employees on "nerd tours of duty" at the Pentagon to solve problems of impact within the Department of Defense (DoD).

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AMERICAN SECURITY TODAY I FEBRUARY 28, 2017

DoD Launches "Code.mil," a   in Open Source

The Department of Defense (DoD) has announced the launch   initiative that allows software developers around the world to

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U.S. Department of Defense Launches Code.mil Open Source Initiative, First Release Tests Impact of AGPL Licensing

👤 Sarah Gooding   📅 March 16, 2017

<> Code   ⓘ Issues 141   ⁍ Pull requests 1   ▥ Projects 2   📖 Wiki   📊 Insights

Branch: candidate ▾   **anet** / README.md   Find file   Copy path

▦ **Vassillordanov** Add demo badge   9fcfb24 on Jan 31

7 contributors 🐾 ▦ ▦ 🏆 👤 ▦ ▦

39 lines (22 sloc) | 3.88 KB   Raw   Blame   History   🖥 ✏ 🗑

demo `online` build `passing` BrowserStack `empty` docker pulls `221k` coverity `passed` quality gate `failing` 🖼

What is ANET?

The Advisor Network ("ANET") is a tool to track relationships between advisors and advisees. ANET was initially built by the Defense Digital Service in support of the USFOR-A and Resolute Support mission to train, advise, and assist the Afghan government. ANET is currently further developed by the NATO Communication and Information Agency and published over here.

Although this tool was built in a very specific context, ANET has many potential applications. At its core, ANET is a way of tracking reports and tying them to authors, organizations, and goals. It also simplifies relationships between members of an organization, and members of different organizations -- like NATO and the Afghan government.

In making this software available to the open source community, it is our hope that other groups are able to use ANET to meet their needs. We would also welcome contributions that help improve functionality, add features, and mature this work.

Nerds on a Blackhawk helo.

DDS with our NATO friends at Resolute Support HQ in Kabul.

MEET THE NERDS CODING THEIR WAY THROUGH THE AFGHANISTAN WAR

WIRED

Defense Digital Service Team members from left, Hunter Pitelka, Brandon Bouier, Eduardo Ortiz, Chris Lynch, Erin Delaney and Nick at the Pentagon. JARED SOARES FOR WIRED

H.R.2810 — 115th Congress
Engrossed Amendment Senate

SEC. 886. USE OF OPEN SOURCE SOFTWARE.

(a) Open Source Software.—

(1) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by inserting after section 2320 the following new section:

"§2320a. Use of open source software

"(a) Software Development.—All unclassified custom-developed computer software and related technical data that is not a defense article regulated pursuant to section 38 of the Arms Export Control Act (22 U.S.C. 2778) and that is developed under a contract or other transaction awarded by the Department of Defense on or after the date that is 180 days after the date of the enactment of this section shall be managed as open source software unless specifically waived by the service acquisition executive.

"(b) Release Of Software In Public Repository.—The Secretary of Defense shall require the contractor to release source code and related technical data described under subsection (a) in a public repository approved by the Department of Defense, subject to a license through which the copyright holder provides the rights to use, study, reuse, modify, enhance, and distribute the software to anyone and for any purpose.

- Senate Armed Services Committee (SASC) is chaired by Sen. John McCain (R-AZ)
- In June 2017, Sen. Mike Rounds (R-S.D.) introduced Sec. 886 with Sen. Elizabeth Warren (D-MA) as co-sponsor
  - Agreed to by committee by unanimous consent
- During Senate floor debate, Sen. Thom Tillis (R-N.C.) introduced an amendment to Sec. 866, which was then also adopted by unanimous consent

ELIZABETH WARREN

September 8, 2017 – November 2, 2017

Senate Defense Authorization Bill Has Provision That Will Nationalize Intellectual Property

Brian Darling | Posted: Sep 09, 2017 12:01 AM

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"It is a socialist idea – plain and simple."

RedState

National Security Undermined By Provision Buried In Sen. John McCain's NDAA Bill

DIARY / **DEAN CHAMBERS** // Posted at 6:28 pm on September 8, 2017 by Dean Chambers

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Congress is working on the defense authorization bill right now and they expect for the Senate to start debate next week. Senator

🐦 f g+ in   THE **DAILY CALLER**

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OPINION

U.S. Senator Elizabeth Warren (D-MA) questions Wells Fargo CEO John Stumpf (not pictured) during his testimony before a Senate Banking Committee hearing on the firm's sales practices on Capitol Hill in Washington, U.S., September 20, 2016. REUTERS/Gary Cameron   ⊗

The NDAA Is Fatally Flawed And Threatens National Security

CESAR CONDA
Contributor   10:03 PM 09/18/2017

f 77   🐦 71   g+   ✉ 🖨 💬 ⤴

Looking at some of the early Christmas gifts buried deep on the National Defense Authorization Act for both liberals like Elizabeth Warren and our enemies like North Korea and Iran, it's almost hard believe Republicans won an election in November.

Comment from email: Oracle's response -- IT modernization Request for Comment #41

⊘ **Open** **jkraden-gsa** opened this issue on Sep 20, 2017 · 3 comments

jkraden-gsa commented on Sep 20, 2017

On behalf of Oracle, thank you for the opportunity to respond to the White House IT Modernization Request for Comment. Attached please find our comments. We look forward to discussing this further.

ATC response (1).pdf

👍 1

Assignees

No one assigned

Labels

Public comment

Projects

None yet

13

Oracle's Three False Narratives

1) False Narrative: Government should attempt to emulate the fast-paced innovation of Silicon Valley.

2) False Narrative: In-house government IT development know-how is critical for IT modernization.

3) False Narrative: The mandate to use open source technology is required because technology developed at taxpayer expense must be available to the taxpayer.

H.R.2810 — 115th Congress
Public Law No: 115-91 (12/12/2017)

SEC. 875. PILOT PROGRAM FOR OPEN SOURCE SOFTWARE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall initiate for the Department of Defense the open source software pilot program established by the Office of Management and Budget Memorandum M-16-21 titled "Federal Source Code Policy: Achieving Efficiency, Transparency, and Innovation through Reusable and Open Source Software" and dated August 8, 2016.

(b) REPORT TO CONGRESS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall provide a report to Congress with details of the plan of the Department of Defense to implement the pilot program required by subsection (a). Such plan shall include identifying candidate software programs, selection criteria, intellectual property and licensing issues, and other matters determined by the Secretary.

(c) COMPTROLLER GENERAL REPORT.—Not later than June 1, 2019, the Comptroller General of the United States shall provide a report to Congress on the implementation of the pilot program required by subsection (a) by the Secretary of Defense. The report shall address, at a minimum, the compliance of the Secretary with the requirements of the Office of Management and Budget Memorandum M-16-21, the views of various software and information technology stakeholders in the Department of Defense, and any other matters determined by the Comptroller General.

- The conferees note that establishing an appropriate repository for open source software will be critical for maintaining security and also to fostering a community of collaborative software experts.

- The conferees are pleased with the early success of the Department's code.mil initiative and encourage the Secretary to consider use of that repository to implement this provision.

- The Secretary of Defense shall also, not later than one year after the date of the enactment of this Act, submit to the congressional defense committees a report that identifies methods by which the Department of Defense could reverse engineer legacy software for which source code is unavailable.

Code.mil

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DoD Project Owners:
Learn more about open source at DoD

Get Started

February 2018…and the battle continues

Open Source at DoD

The U.S. Department of Defense (DoD) faces unique challenges in open sourcing its code. Unlike most software projects, code written by U.S. Federal government employees typically does not have copyright protections under U.S. and some international laws. This can make it difficult to attach an open source license to our code. The Defense Digital Service ⧉ (DDS) has been working with DoD and the open source community since early 2017 to develop a guideline for supporting open source software (OSS) within the Department.