

National Archives and Records Administration

Transmittal Memo

DATE: November 7, 2016

TO: All Staff

SUBJECT: NARA 809, Open Source Code Policy

Purpose: This policy addresses the requirements set out in the Office of Management and Budget (OMB) Memorandum 16-21 (M-16-21), “Federal Source Code Policy: Achieving Efficiency, Transparency, and Innovation through Reusable and Open Source Software” (August 8, 2016). M-16-21 seeks to “ensure that new custom-developed Federal source code be made broadly available for reuse across the Federal Government” and 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 the pilot program.

Background: This initiative is part of the President’s [Digital Government Strategy](#).

Available forms: None.

Cancelled forms: None.

Cancelled policy: None.

Related policy: NARA 501, NARA Procurement.

Effective date: This policy is effective on the signature date.

Contact information: For questions on this policy, please contact Leslie Johnston on (301) 837-3625 or at leslie.johnston@nara.gov.

DEBRA STEIDEL WALL
Deputy Archivist of the United States

Attachment

National Archives and Records Administration

NARA 809
November 7, 2016

SUBJECT: Open Source Code Policy

809.1 Policy.

NARA

- a. Obtains appropriate Federal Government data rights to custom-developed code, including at a minimum, rights to Government-wide reuse and rights to modify the code, and makes its custom-developed Federal source code broadly available for reuse across the Federal Government;
- b. Will maintain an enterprise code inventory on www.code.gov, starting December 6, 2016, lists custom-developed code for or by the agency after August 8, 2016;
- c. Uses existing code repositories and common third-party repository platforms as necessary;
- d. Appends appropriate Open Source Software (OSS) licenses that comply with the definition of “Open Source” provided by the [Open Source Initiative](#) and/or that meet the definition of “Free Software” provided by the [Free Software Foundation](#) to the source code when releasing custom-developed code as OSS;
- e. Conducts appropriate alternatives analysis before considering the acquisition of an existing commercial solution or a custom-developed solution;
- f. Participates in OMB’s pilot program to release at least 20 percent of new custom-developed code (based on the number of software projects) as Open Source Software (OSS) for three years (from August 8, 2016), and collect additional data concerning new custom software to inform metrics to gauge the performance of this pilot; and
- g. Selects software solutions that best meets the operational and mission needs of the agency, taking into consideration factors such as performance, total life-cycle cost of ownership, security and privacy protections, interoperability, ability to share or reuse, resources required to later switch vendors, and availability of quality support.

809.2 Coverage.

This policy applies to source code that is custom-developed for NARA, but does not apply retroactively to source code that was created prior to August 8, 2016. Exceptions may be granted under [guidelines provided by OMB](#).

809.3 Responsibilities.

In addition to the functional statements described in NARA 101, NARA Organization and Delegation of Authority, the following responsibilities are assigned for the purpose of implementing this policy.

- a. The Executive for Information Services/CIO
 - (1) Fulfills their responsibilities under the Federal Information Technology Acquisition Reform Act (PL. 113-29) and NARA 501, NARA Procurement;
 - (2) Maintains a current customized code inventory on www.code.gov;
 - (3) Ensures NARA complies with OMB M-16-21, “Federal Source Code Policy”;
 - (4) Conducts research and analysis prior to initiating any technology acquisition or custom code development in collaboration with the Chief Acquisition Officer (CAO);
 - (5) Conducts an alternatives analysis, evaluating whether to use an existing Federal software solution or to acquire or develop a new software solution, giving preference to the use of an existing Federal software solution in collaboration with the CAO;
 - (6) Explores whether any technology acquisition or custom code development requirements can be satisfied with an appropriate commercially-available solution if the alternatives analysis concludes that existing Federal software solutions cannot efficiently and effectively meet the needs of the agency;
 - (7) Considers procuring custom-developed code in whole or in conjunction with existing Federal or commercial code; considers the value of publishing custom code as OSS and negotiate data rights reflective of its value-consideration; and obtain sufficient rights to fulfill this policy’s objectives; and
 - (8) Considers hybrid solutions, modular architecture, cloud computing, open standards, and targeted considerations.
- b. The Chief Acquisition Officer ensures that contract actions satisfy the requirements of a(4) to a(8), above, prior to contract award.
- c. General Counsel ensures that NARA acquires and enforces rights sufficient to enable Government-wide reuse of custom-developed code.

- d. The Open Government Working Group will review and approve all requests to release custom-developed code as OSS.
- e. The Chief Innovation Officer ensures that custom-developed code that has been approved for release as OSS is made available at <https://github.com/usnationalarchives>.

809.4 Authorities.

- a. Clinger-Cohen Act (Public Law 104-106).
- b. Federal Information Technology Acquisition Reform Act (FITARA) codifies the CIO's central role in the IT planning, programming, budgeting, and execution of the IT decision-making process for the agency.
- c. Office of Management and Budget (OMB) Memoranda 16-21, "Federal Source Code Policy: Achieving Efficiency, Transparency, and Innovation through Reusable and Open Source Software" (August 8, 2016).

809.5 Releasability.

Unlimited. This directive is approved for public release.

809.6 Records Management.

TBD.