

SEC. 405. PROMOTION OF GOVERNMENT-WIDE SUPPORT FOR THE USE AND DEVELOPMENT OF OPEN SOURCE SOFTWARE.

(a) **PURPOSE.**—The purpose of this section is to promote the use and collaborative development of open source software within the Federal government.

(b) **STANDARDS AND GUIDELINES.**—Section 11302(d) of title 40, United States Code, is amended by adding at the end the following: “The standards and guidelines shall include those necessary to enable effective adoption of open source software.”

(c) **GUIDANCE.**—Not later than 180 days after the date of the enactment of this Act, the Director, in consultation with the Chief Information Officers Council, shall issue guidance for the use and collaborative development of open source software within the Federal government.

(d) **MATTERS COVERED.**—In issuing guidance under subsection (c), the Director shall include, at a minimum, the following:

(1) Guidance to clarify that the preference for commercial items in section 3307 of title 41, United States Code, includes all open source software that meets the definition of commercial item in section 103 of title 40, United State Code, including all such software that is used for non-Government purposes and is licensed to the public.

(2) Guidance regarding the conduct of market research to ensure the inclusion of open source software.

(3) Guidance to establish a program to educate the acquisition workforce by providing information to identify and counter misconceptions about open source software and to keep such information updated.

(4) Guidance to define Government-wide standards for security, redistribution, indemnity, and copyright in the acquisition, use, release, and collaborative development of open source software.

(5) Guidance for the establishment of a Government approval process to qualify open source software for widespread Government use, addressing issues such as security and redistribution rights.

(6) Guidance to establish standard service level agreements for maintenance and support for open source software products widely adopted by the Government, as well as the development of Government-wide agreements that contain standard and widely applicable contract provisions for ongoing maintenance and development of open source software.

(7) Guidance on the role and use of the Federal Commodity Information Technology Acquisition Center, established pursuant to section 11501 of title 40, United States Code (as added by section 302), for acquisition of open source software.

(e) REPORT TO CONGRESS.—Not later than 2 years after the issuance of the guidance required by subsection (b), the Comptroller General of the United States shall submit to the relevant congressional committees a report containing—

- (1) an assessment of the effectiveness of the guidance;
- (2) an identification of barriers to widespread use by the Federal Government of open source software; and
- (3) such legislative recommendations as the Comptroller General considers appropriate to further the purposes of this section.