

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.**

**S. 2852**

To expand the Government’s use and administration of data to facilitate transparency, effective governance, and innovation, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. SASSE (for himself and Mr. JOHNSON)

Viz:

1 Strike all after the enacting clause and insert the fol-  
2 lowing:

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Open, Public, Electronic, and Necessary Government  
6 Data Act” or the “OPEN Government Data Act”.

7 (b) TABLE OF CONTENTS.—The table of contents for  
8 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings; agency defined.
- Sec. 3. Rule of construction.
- Sec. 4. Federal information policy definitions.
- Sec. 5. Requirement for making open and machine-readable the default for  
Government data.
- Sec. 6. Responsibilities of the Office of Electronic Government.

- Sec. 7. Data inventory and planning.
- Sec. 8. Technology portal.
- Sec. 9. Enhanced responsibilities for chief information officers and chief information officers council duties.
- Sec. 10. Evaluation of agency analytical capabilities.
- Sec. 11. Effective date.

1 **SEC. 2. FINDINGS; AGENCY DEFINED.**

2 (a) FINDINGS.—Congress finds the following:

3 (1) Federal Government data is a valuable na-  
4 tional resource. Managing Federal Government data  
5 to make it open, available, discoverable, and useable  
6 to the general public, businesses, journalists, aca-  
7 demics, and advocates promotes efficiency and effec-  
8 tiveness in Government, creates economic opportuni-  
9 ties, promotes scientific discovery, and most impor-  
10 tantly, strengthens our democracy.

11 (2) Maximizing the usefulness of Federal Gov-  
12 ernment data that is appropriate for release rests  
13 upon making it readily available, discoverable, and  
14 usable—in a word: open. Information presumptively  
15 should be available to the general public unless the  
16 Federal Government reasonably foresees that disclo-  
17 sure could harm a specific, articulable interest pro-  
18 tected by law or the Federal Government is other-  
19 wise expressly prohibited from releasing such data  
20 due to statutory requirements.

1           (3) The Federal Government has the responsi-  
2           bility to be transparent and accountable to its citi-  
3           zens.

4           (4) Data controlled, collected, or created by the  
5           Federal Government should be originated, trans-  
6           mitted, and published in modern, open, and elec-  
7           tronic format, to be as readily accessible as possible,  
8           consistent with data standards imbued with author-  
9           ity under this Act and to the extent permitted by  
10          law.

11          (5) The effort to inventory Government data  
12          will have additional benefits, including identifying  
13          opportunities within agencies to reduce waste, in-  
14          crease efficiencies, and save taxpayer dollars. As  
15          such, this effort should involve many types of data,  
16          including data generated by applications, devices,  
17          networks, and equipment, which can be harnessed to  
18          improve operations, lower energy consumption, re-  
19          duce costs, and strengthen security.

20          (6) Communication, commerce, and data tran-  
21          scend national borders. Global access to Government  
22          information is often essential to promoting innova-  
23          tion, scientific discovery, entrepreneurship, edu-  
24          cation, and the general welfare.

1 (b) AGENCY DEFINED.—In this Act, the term “agen-  
2 cy” has the meaning given that term in section 3502 of  
3 title 44, United States Code, and includes the Federal  
4 Election Commission.

5 **SEC. 3. RULE OF CONSTRUCTION.**

6 Nothing in this Act, or the amendments made by this  
7 Act, shall be construed to require the disclosure of infor-  
8 mation or records that are exempt from public disclosure  
9 under section 552 of title 5, United States Code.

10 **SEC. 4. FEDERAL INFORMATION POLICY DEFINITIONS.**

11 Section 3502 of title 44, United States Code, is  
12 amended—

13 (1) in paragraph (13), by striking “; and” at  
14 the end and inserting a semicolon;

15 (2) in paragraph (14), by striking the period at  
16 the end and inserting a semicolon; and

17 (3) by inserting at the end the following:

18 “(15) the term ‘data’ means recorded informa-  
19 tion, regardless of form or the media on which the  
20 data is recorded;

21 “(16) the term ‘data asset’ means a collection  
22 of data elements or data sets that may be grouped  
23 together;

1           “(17) the term ‘Enterprise Data Inventory’  
2 means the data inventory developed and maintained  
3 pursuant to section 3523;

4           “(18) the term ‘machine-readable’ means a for-  
5 mat in which information or data can be easily proc-  
6 essed by a computer without human intervention  
7 while ensuring no semantic meaning is lost;

8           “(19) the term ‘metadata’ means structural or  
9 descriptive information about data such as content,  
10 format, source, rights, accuracy, provenance, fre-  
11 quency, periodicity, granularity, publisher or respon-  
12 sible party, contact information, method of collec-  
13 tion, and other descriptions;

14           “(20) the term ‘nonpublic data asset’—

15           “(A) means a data asset that may not be  
16 made available to the public for privacy, secu-  
17 rity, confidentiality, regulation, or other reasons  
18 as determined by law; and

19           “(B) includes data provided by contractors  
20 that is protected by contract, license, patent,  
21 trademark, copyright, confidentiality, regula-  
22 tion, or other restriction;

23           “(21) the term ‘open format’ means a technical  
24 format based on an underlying open standard that  
25 is—

1           “(A) not encumbered by restrictions that  
2 would impede use or reuse; and

3           “(B) based on an underlying open stand-  
4 ard that is maintained by a standards organiza-  
5 tion;

6           “(22) the term ‘open Government data’ means  
7 a Federal Government public data asset that is—

8           “(A) machine-readable;

9           “(B) available in an open format; and

10           “(C) part of the worldwide public domain  
11 or, if necessary, published with an open license;

12           “(23) the term ‘open license’ means a legal  
13 guarantee applied to a data asset that is made avail-  
14 able to the public that such data asset is made avail-  
15 able—

16           “(A) at no cost to the public; and

17           “(B) with no restrictions on copying, pub-  
18 lishing, distributing, transmitting, citing, or  
19 adapting; and

20           “(24) the term ‘public data asset’ means a col-  
21 lection of data elements or a data set maintained by  
22 the Government that—

23           “(A) may be released; or

1           “(B) has been released to the public in an  
2           open format and is discoverable through a  
3           search of Data.gov.”.

4 **SEC. 5. REQUIREMENT FOR MAKING OPEN AND MACHINE-**  
5           **READABLE THE DEFAULT FOR GOVERNMENT**  
6           **DATA.**

7           (a) AMENDMENT.—Subchapter I of chapter 35 of  
8 title 44, United States Code, is amended by adding at the  
9 end the following:

10 **“§ 3522. Requirements for Government data**

11           “(a) MACHINE-READABLE DATA REQUIRED.—Gov-  
12 ernment data assets made available by an agency shall be  
13 published as machine-readable data.

14           “(b) OPEN BY DEFAULT.—When not otherwise pro-  
15 hibited by law, and to the extent practicable, Government  
16 data assets shall—

17                   “(1) be available in an open format; and

18                   “(2) be available under open licenses.

19           “(c) OPEN LICENSE OR WORLDWIDE PUBLIC DO-  
20 MAIN DEDICATION REQUIRED.—When not otherwise pro-  
21 hibited by law, and to the extent practicable, Government  
22 data assets published by or for an agency shall be made  
23 available under an open license or, if not made available  
24 under an open license and appropriately released, shall be

1 considered to be published as part of the worldwide public  
2 domain.

3 “(d) INNOVATION.—Each agency may engage with  
4 nongovernmental organizations, citizens, non-profit orga-  
5 nizations, colleges and universities, private and public  
6 companies, and other agencies to explore opportunities to  
7 leverage the agency’s public data asset in a manner that  
8 may provide new opportunities for innovation in the public  
9 and private sectors in accordance with law and regula-  
10 tion.”.

11 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
12 The table of sections for subchapter I of chapter 35 of  
13 title 44, United States Code, is amended by adding at the  
14 end the following:

“Sec. 3522. Requirements for Government Data.”.

15 (c) EFFECTIVE DATE.—Notwithstanding section 11,  
16 the amendments made by subsections (a) and (b) shall  
17 take effect on the date that is 1 year after the date of  
18 enactment of this Act and shall apply with respect to any  
19 contract entered into by an agency on or after such effec-  
20 tive date.

21 (d) USE OF OPEN DATA ASSETS.—Not later than 1  
22 year after the date of enactment of this section, the head  
23 of each agency shall ensure that any activities by the agen-  
24 cy or any new contract entered into by the agency meet



1 the requirements of section 3522 of title 44, United States  
2 Code, as added by subsection (a).

3 **SEC. 6. RESPONSIBILITIES OF THE OFFICE OF ELECTRONIC**  
4 **GOVERNMENT.**

5 (a) COORDINATION OF FEDERAL INFORMATION RE-  
6 SOURCES MANAGEMENT POLICY.—Section 3503 of title  
7 44, United States Code, is amended by adding at the end  
8 the following:

9 “(c) COORDINATION OF FEDERAL INFORMATION RE-  
10 SOURCES MANAGEMENT POLICY.—The Federal Chief In-  
11 formation Officer shall work in coordination with the Ad-  
12 ministrator of the Office of Information and Regulatory  
13 Affairs and with the heads of other offices within the Of-  
14 fice of Management and Budget to oversee and advise the  
15 Director on Federal information resources management  
16 policy.”.

17 (b) AUTHORITY AND FUNCTIONS OF DIRECTOR.—  
18 Section 3504(h) of title 44, United States Code, is amend-  
19 ed—

20 (1) in paragraph (1), by inserting “, the Fed-  
21 eral Chief Information Officer,” after “the Director  
22 of the National Institute of Standards and Tech-  
23 nology”;

24 (2) in paragraph (4)—

1 (A) in subparagraph (A), by striking “;  
2 and” and inserting a semicolon; and

3 (B) by adding at the end the following:

4 “(C) oversee the completeness of the En-  
5 terprise Data Inventory and the extent to which  
6 the agency is making all data collected and gen-  
7 erated by the agency available to the public in  
8 accordance with section 3523;”;

9 (3) in paragraph (5), by striking the period at  
10 the end and inserting “; and”; and

11 (4) by adding at the end the following:

12 “(6) coordinate the development and review of  
13 Federal information resources management policy by  
14 the Administrator of the Office of Information and  
15 Regulatory Affairs and the Federal Chief Informa-  
16 tion Officer.”.

17 (c) CHANGE OF NAME OF THE OFFICE OF ELEC-  
18 TRONIC GOVERNMENT.—

19 (1) DEFINITIONS.—Section 3601 of title 44,  
20 United States Code, is amended—

21 (A) by striking paragraph (1);

22 (B) by redesignating paragraphs (2)  
23 through (4) as paragraphs (1) through (3), re-  
24 spectively; and

1 (C) by inserting after paragraph (3), as so  
2 redesignated, the following:

3 “(4) ‘Federal Chief Information Officer’ means  
4 the Federal Chief Information Officer of the Office  
5 of the Federal Chief Information Officer established  
6 under section 3602;”.

7 (2) OFFICE OF THE FEDERAL CHIEF INFORMA-  
8 TION OFFICER.—Section 3602 of title 44, United  
9 States Code, is amended—

10 (A) in the heading, by striking “**Elec-**  
11 **tronic Government**” and inserting “**the**  
12 **Federal Chief Information Officer**”;

13 (B) in subsection (a), by striking “Office  
14 of Electronic Government” and inserting “Of-  
15 fice of the Federal Chief Information Officer”;

16 (C) in subsection (b), by striking “an Ad-  
17 ministrator” and inserting “a Federal Chief In-  
18 formation Officer”;

19 (D) in subsection (c), by striking “The Ad-  
20 ministrator” and inserting “The Federal Chief  
21 Information Officer”;

22 (E) in subsection (d), by striking “The Ad-  
23 ministrator” and inserting “The Federal Chief  
24 Information Officer”;

1 (F) in subsection (e), by striking “The Ad-  
2 ministrator” and inserting “The Federal Chief  
3 Information Officer”;

4 (G) in subsection (f)—

5 (i) by striking “the Administrator  
6 shall” and inserting “the Federal Chief In-  
7 formation Officer shall”; and

8 (ii) in paragraph (16), by striking  
9 “the Office of Electronic Government” and  
10 inserting “the Office of the Federal Chief  
11 Information Officer”; and

12 (H) in subsection (g), by striking “the Of-  
13 fice of Electronic Government” and inserting  
14 “the Office of the Federal Chief Information  
15 Officer”.

16 (3) CHIEF INFORMATION OFFICERS COUNCIL.—  
17 Section 3603 of title 44, United States Code, is  
18 amended—

19 (A) in subsection (b)(2), by striking “The  
20 Administrator of the Office of Electronic Gov-  
21 ernment” and inserting “The Federal Chief In-  
22 formation Officer”;

23 (B) in subsection (c)(1), by striking “The  
24 Administrator of the Office of Electronic Gov-

1 ernment” and inserting “The Federal Chief In-  
2 formation Officer”; and

3 (C) in subsection (f)(3), by striking “the  
4 Administrator” and inserting “the Federal  
5 Chief Information Officer”.

6 (4) E-GOVERNMENT FUND.—Section 3604 of  
7 title 44, United States Code, is amended—

8 (A) in subsection (a)(2), by striking “the  
9 Administrator of the Office of Electronic Gov-  
10 ernment” and inserting “the Federal Chief In-  
11 formation Officer”;

12 (B) in subsection (b), by striking “Admin-  
13 istrator” each place it appears and inserting  
14 “Federal Chief Information Officer”; and

15 (C) in subsection (c), by striking “the Ad-  
16 ministrator” and inserting “the Federal Chief  
17 Information Officer”.

18 (5) PROGRAM TO ENCOURAGE INNOVATIVE SO-  
19 LUTIONS TO ENHANCE ELECTRONIC GOVERNMENT  
20 SERVICES AND PROCESSES.—Section 3605 of title  
21 44, United States Code, is amended—

22 (A) in subsection (a), by striking “The Ad-  
23 ministrator” and inserting “The Federal Chief  
24 Information Officer”;

1 (B) in subsection (b), by striking “, the  
2 Administrator,” and inserting “, the Federal  
3 Chief Information Officer,”; and

4 (C) in subsection (c)—

5 (i) in paragraph (1)—

6 (I) by striking “The Adminis-  
7 trator” and inserting “The Federal  
8 Chief Information Officer”; and

9 (II) by striking “proposals sub-  
10 mitted to the Administrator” and in-  
11 sserting “proposals submitted to the  
12 Federal Chief Information Officer”;

13 (ii) in paragraph (2), by striking “the  
14 Administrator” and inserting “the Federal  
15 Chief Information Officer”; and

16 (iii) in paragraph (4), by striking “the  
17 Administrator” and inserting “the Federal  
18 Chief Information Officer”.

19 (6) TECHNICAL AND CONFORMING AMEND-  
20 MENTS.—

21 (A) TABLE OF SECTIONS.—The table of  
22 sections for chapter 36 of title 44, United  
23 States Code, is amended by striking the item  
24 relating to section 3602 and inserting the fol-  
25 lowing:

“3602. Office of the Federal Chief Information Officer.”.

1           (B) POSITIONS AT LEVEL III.—Section  
2           5314 of title 5, United States Code, is amended  
3           by striking “Administrator of the Office of  
4           Electronic Government” and inserting “Federal  
5           Chief Information Officer”.

6           (C) OFFICE OF ELECTRONIC GOVERN-  
7           MENT.—Section 507 of title 31, United States  
8           Code, is amended by striking “The Office of  
9           Electronic Government” and inserting “The Of-  
10          fice of the Federal Chief Information Officer”.

11          (D) ELECTRONIC GOVERNMENT AND IN-  
12          FORMATION TECHNOLOGIES.—Section 305 of  
13          title 40, United States Code, is amended by  
14          striking “Administrator of the Office of Elec-  
15          tronic Government” and inserting “Federal  
16          Chief Information Officer”.

17          (E) CAPITAL PLANNING AND INVESTMENT  
18          CONTROL.—Section 11302(c)(4) of title 40,  
19          United States Code, is amended by striking  
20          “Administrator of the Office of Electronic Gov-  
21          ernment” each place it appears and inserting  
22          “Federal Chief Information Officer”.

23          (F) RESOURCES, PLANNING, AND PORT-  
24          FOLIO MANAGEMENT.—The second subsection  
25          (c) of section 11319 of title 40, United States

1 Code, is amended by striking “Administrator of  
2 the Office of Electronic Government” each  
3 place it appears and inserting “Federal Chief  
4 Information Officer”.

5 (7) RULE OF CONSTRUCTION.—The amend-  
6 ments made by this subsection are for the purpose  
7 of changing the name of the Office of Electronic  
8 Government and the Administrator of such office  
9 and shall not be construed to effect any of the sub-  
10 stantive provisions of the provisions amended or to  
11 require a new appointment by the President.

12 **SEC. 7. DATA INVENTORY AND PLANNING.**

13 (a) ENTERPRISE DATA INVENTORY.—

14 (1) AMENDMENT.—Subchapter I of chapter 35  
15 of title 44, United States Code, as amended by sec-  
16 tion 5, is amended by adding at the end the fol-  
17 lowing:

18 **“§ 3523. Enterprise data inventory**

19 **“(a) AGENCY DATA INVENTORY REQUIRED.—**

20 **“(1) IN GENERAL.—**In order to develop a clear  
21 and comprehensive understanding of the data assets  
22 in the possession of an agency, the head of each  
23 agency, in consultation with the Director of the Of-  
24 fice of Management and Budget, shall develop and  
25 maintain an enterprise data inventory (in this sec-



1       tion referred to as the ‘Enterprise Data Inventory’)  
2       that accounts for any data asset created, collected,  
3       under the control or direction of, or maintained by  
4       the agency after the effective date of this section,  
5       with the ultimate goal of including all data assets,  
6       to the extent practicable.

7               “(2) CONTENTS.—The Enterprise Data Inven-  
8       tory shall include each of the following:

9               “(A) Data assets used in agency informa-  
10       tion systems, including program administration,  
11       statistical, and financial activity.

12              “(B) Data assets shared or maintained  
13       across agency programs and bureaus.

14              “(C) Data assets that are shared among  
15       agencies or created by more than 1 agency.

16              “(D) A clear indication of all data assets  
17       that can be made publicly available under sec-  
18       tion 552 of title 5 (commonly referred to as the  
19       ‘Freedom of Information Act’).

20              “(E) A description of whether the agency  
21       has determined that an individual data asset  
22       may be made publicly available and whether the  
23       data asset is currently available to the public.

24              “(F) Non-public data assets.

1                   “(G) Government data assets generated by  
2                   applications, devices, networks, and equipment,  
3                   categorized by source type.

4           “(b) PUBLIC AVAILABILITY.—The Chief Information  
5   Officer of each agency shall use the guidance provided by  
6   the Director issued pursuant to section 3504(a)(1)(C)(ii)  
7   to make public data assets included in the Enterprise  
8   Data Inventory publicly available in an open format and  
9   under an open license.

10          “(c) NON-PUBLIC DATA.—Non-public data included  
11   in the Enterprise Data Inventory may be maintained in  
12   a non-public section of the inventory.

13          “(d) AVAILABILITY OF ENTERPRISE DATA INVEN-  
14   TORY.—The Chief Information Officer of each agency—

15               “(1) shall make the Enterprise Data Inventory  
16               available to the public on Data.gov;

17               “(2) shall ensure that access to the Enterprise  
18               Data Inventory and the data contained therein is  
19               consistent with applicable law and regulation; and

20               “(3) may implement paragraph (1) in a manner  
21               that maintains a non-public portion of the Enter-  
22               prise Data Inventory.

23          “(e) REGULAR UPDATES REQUIRED.—The Chief In-  
24   formation Officer of each agency shall—

1           “(1) to the extent practicable, complete the En-  
2           terprise Data Inventory for the agency not later  
3           than 1 year after the date of enactment of this sec-  
4           tion; and

5           “(2) add additional data assets to the Enter-  
6           prise Data Inventory for the agency not later than  
7           90 days after the date on which the data asset is  
8           created or identified.

9           “(f) USE OF EXISTING RESOURCES.—When prac-  
10          ticable, the Chief Information Officer of each agency shall  
11          use existing procedures and systems to compile and pub-  
12          lish the Enterprise Data Inventory for the agency.”.

13           (2) TECHNICAL AND CONFORMING AMEND-  
14          MENT.—The table of sections for subchapter I of  
15          chapter 35 of title 44, United States Code, as  
16          amended by section 5, is amended by adding at the  
17          end the following:

“Sec. 3523. Enterprise data inventory.”.

18          (b) STANDARDS FOR ENTERPRISE DATA INVEN-  
19          TORY.—Section 3504(a)(1) of title 44, United States  
20          Code, is amended—

21           (1) in subparagraph (A), by striking “; and”  
22           and inserting a semicolon;

23           (2) in subparagraph (B)(vi), by striking the pe-  
24           riod at the end and inserting “; and”; and

25           (3) by adding at the end the following:

1           “(C) issue standards for the Enterprise Data  
2           Inventory described in section 3523, including—

3                   “(i) a requirement that the Enterprise  
4           Data Inventory include a compilation of  
5           metadata about agency data assets; and

6                   “(ii) criteria that the head of each agency  
7           shall use in determining whether to make a par-  
8           ticular data asset publicly available in a manner  
9           that takes into account—

10                   “(I) the expectation of confidentiality  
11           associated with an individual data asset;

12                   “(II) security considerations, includ-  
13           ing the risk that information in an indi-  
14           vidual data asset in isolation does not pose  
15           a security risk but when combined with  
16           other available information may pose such  
17           a risk;

18                   “(III) cost and value to the public of  
19           converting the data into a manner that  
20           could be understood and used by the pub-  
21           lic;

22                   “(IV) the expectation that all data as-  
23           sets that would otherwise be made avail-  
24           able under section 552 of title 5 (com-

1 monly referred to as the ‘Freedom of In-  
2 formation Act’) be disclosed; and

3 “(V) any other considerations that the  
4 Director determines to be relevant.”.

5 (c) FEDERAL AGENCY RESPONSIBILITIES.—Section  
6 3506 of title 44, United States Code, is amended—

7 (1) in subsection (b)—

8 (A) in paragraph (1)(C), by striking “secu-  
9 rity;” and inserting the following: “security  
10 by—

11 “(i) using open format for any new  
12 Government data asset created or obtained  
13 on the date that is 1 year after the date  
14 of enactment of this clause; and

15 “(ii) to the extent practicable, encour-  
16 aging the adoption of open form for all  
17 open Government data created or obtained  
18 before the date of enactment of this  
19 clause;”.

20 (B) in paragraph (4), by striking “sub-  
21 chapter; and” and inserting “subchapter and a  
22 review of each agency’s Enterprise Data Inven-  
23 tory described in section 3523;”;

24 (C) in paragraph (5), by striking the pe-  
25 riod at the end and inserting “; and”; and

1 (D) by inserting at the end the following  
2 new paragraph:

3 “(6) in consultation with the Director, develop  
4 an open data plan as a part of the requirement for  
5 a strategic information resources management plan  
6 described in paragraph (2) that, at a minimum and  
7 to the extent practicable—

8 “(A) requires the agency to develop proc-  
9 esses and procedures that—

10 “(i) require each new data collection  
11 mechanism to use an open format; and

12 “(ii) allow the agency to collaborate  
13 with non-Government entities, researchers,  
14 businesses, and private citizens for the  
15 purpose of understanding how data users  
16 value and use open Government data;

17 “(B) identifies and implements methods  
18 for collecting and analyzing digital information  
19 on data asset usage by users within and outside  
20 of the agency, including designating a point of  
21 contact within the agency to assist the public  
22 and to respond to quality issues, usability, rec-  
23 ommendations for improvements, and com-  
24 plaints about adherence to open data require-  
25 ments in accordance with subsection (d)(2);

1           “(C) develops and implements a process to  
2 evaluate and improve the timeliness, complete-  
3 ness, accuracy, usefulness, and availability of  
4 open Government data;

5           “(D) requires the agency to update the  
6 plan at an interval determined by the Director;

7           “(E) includes requirements for meeting the  
8 goals of the agency open data plan including  
9 technology, training for employees, and imple-  
10 menting procurement standards, in accordance  
11 with existing law, that allow for the acquisition  
12 of innovative solutions from the public and pri-  
13 vate sector; and

14           “(F) prohibits the dissemination and acci-  
15 dental disclosure of nonpublic data assets.”;

16           (2) in subsection (c), by striking “With respect  
17 to” and inserting “Except as provided under sub-  
18 section (j), with respect to”;

19           (3) in subsection (d)—

20           (A) in the matter preceding paragraph (1),  
21 by striking “shall”;

22           (B) in paragraph (1)—

23           (i) in the matter preceding subpara-  
24 graph (A), by inserting “shall” before “en-  
25 sure”;

1 (ii) in subparagraph (A), by striking  
2 “sources” and inserting “sources and  
3 uses”; and

4 (iii) in subparagraph (C), by inserting  
5 “, including providing access to open Gov-  
6 ernment data online” after “economical  
7 manner”;

8 (C) in paragraph (2), by inserting “shall”  
9 before “regularly”;

10 (D) in paragraph (3)—

11 (i) by inserting “shall” before “pro-  
12 vide”; and

13 (ii) by striking “; and” and inserting  
14 a semicolon;

15 (E) in paragraph (4)—

16 (i) in the matter preceding subpara-  
17 graph (A), by inserting “may” before  
18 “not”; and

19 (ii) by striking the period at the end  
20 and inserting a semicolon; and

21 (F) by inserting at the end the following:

22 “(5) shall take the necessary precautions to en-  
23 sure that the agency maintains the production and  
24 publication of data assets which are directly related  
25 to activities that protect the safety of human life or



1 property as identified by the open data plan of the  
2 agency required by subsection (b)(6); and

3 “(6) may engage the public in using open Gov-  
4 ernment data and encourage collaboration by—

5 “(A) publishing information on open Gov-  
6 ernment data usage in regular, timely intervals,  
7 but not less than annually;

8 “(B) receiving public input regarding pri-  
9 orities for the analysis and disclosure of data  
10 assets to be published;

11 “(C) assisting civil society groups and  
12 members of the public working to expand the  
13 use of open Government data; and

14 “(D) hosting challenges, competitions,  
15 events, or other initiatives designed to create  
16 additional value from open Government data.”;  
17 and

18 (4) by adding at the end the following:

19 “(j) COLLECTION OF INFORMATION EXCEPTION.—  
20 Notwithstanding subsection (c), an agency is not required  
21 to meet the requirements of paragraphs (2) and (3) of  
22 such subsection if—

23 “(1) the waiver of such requirements is ap-  
24 proved by the head of the agency;

25 “(2) the collection of information is—

1                   “(A) online and electronic;

2                   “(B) voluntary and there is no perceived or  
3                   actual tangible benefit to the provider of the in-  
4                   formation;

5                   “(C) of an extremely low burden that is  
6                   typically completed in five minutes or less; and

7                   “(D) focused on gathering input about the  
8                   performance of, or public satisfaction with, an  
9                   agency providing service; and

10                  “(3) the agency publishes representative sum-  
11                  maries of the collection of information under sub-  
12                  section (c).”.

13                  (d) REPOSITORY.—The Director of the Office of  
14                  Management and Budget shall collaborate with the Office  
15                  of Government Information Services and the Adminis-  
16                  trator of General Services to develop and maintain an on-  
17                  line repository of tools, best practices, and schema stand-  
18                  ards to facilitate the adoption of open data practices. The  
19                  repository shall—

20                   (1) include definitions, regulation and policy,  
21                   checklists, and case studies related to open data, this  
22                   Act, and the amendments made by this Act; and

23                   (2) facilitate collaboration and the adoption of  
24                   best practices across the Federal Government relat-  
25                   ing to the adoption of open data practices.

1 (e) SYSTEMATIC AGENCY REVIEW OF OPER-  
2 ATIONS.—Section 305 of title 5, United States Code, is  
3 amended—

4 (1) in subsection (b), by adding at the end the  
5 following: “To the extent practicable, each agency  
6 shall use existing data to support such reviews if the  
7 data is accurate and complete.”;

8 (2) in subsection (c)—

9 (A) by redesignating paragraphs (2) and  
10 (3) as paragraphs (3) and (4), respectively; and

11 (B) by inserting after paragraph (1) the  
12 following:

13 “(2) determining the status of achieving the  
14 mission, goals, and objectives of the agency as de-  
15 scribed in the strategic plan of the agency published  
16 pursuant to section 306;” and

17 (3) by adding at the end the following new sub-  
18 section:

19 “(d) OPEN DATA COMPLIANCE REPORT.—Not later  
20 than 1 year after the date of enactment of this subsection,  
21 and every 2 years thereafter, the Director of the Office  
22 of Management and Budget shall electronically publish a  
23 report on agency performance and compliance with the  
24 Open, Public, Electronic, and Necessary Government Data  
25 Act and the amendments made by that Act.”.

1 (f) GAO REPORT.—Not later than 3 years after the  
2 date of enactment of this Act, the Comptroller General  
3 of the United States shall submit to the Committee on  
4 Oversight and Government Reform of the House of Rep-  
5 resentatives and the Committee on Homeland Security  
6 and Governmental Affairs of the Senate a report that  
7 identifies—

8 (1) the value of information made available to  
9 the public as a result of this Act, and the amend-  
10 ments made by this Act;

11 (2) whether it is valuable to expand the publicly  
12 available information to any other data assets; and

13 (3) the completeness of the Enterprise Data In-  
14 ventory at each agency required under section 3523  
15 of title 44, United States Code, as added by this sec-  
16 tion.

17 **SEC. 8. TECHNOLOGY PORTAL.**

18 (a) AMENDMENT.—Subchapter I of chapter 35 of  
19 title 44, United States Code, is amended by inserting after  
20 section 3511 the following:

21 **“§ 3511A. Technology portal**

22 “(a) DATA.GOV REQUIRED.—The Administrator of  
23 General Services shall maintain a single public interface  
24 online as a point of entry dedicated to sharing open Gov-  
25 ernment data with the public.

1           “(b) COORDINATION WITH AGENCIES.—The Director  
2 of the Office of Management and Budget shall determine,  
3 after consultation with the head of each agency and the  
4 Administrator of General Services, the method to access  
5 any open Government data published through the inter-  
6 face described in subsection (a).”.

7           (b) TECHNICAL AND CONFORMING AMENDMENT.—  
8 The table of sections for subchapter I of chapter 35 of  
9 title 44, United States Code, is amended by inserting after  
10 the item relating to section 3511 the following:

“Sec. 3511A. Technology portal.”.

11           (c) DEADLINE.—Not later than 180 days after the  
12 date of enactment of this Act, the Administrator of Gen-  
13 eral Services shall meet the requirements of section  
14 3511A(a) of title 44, United States Code, as added by sub-  
15 section (a).

16 **SEC. 9. ENHANCED RESPONSIBILITIES FOR CHIEF INFOR-**  
17 **MATION OFFICERS AND CHIEF INFORMATION**  
18 **OFFICERS COUNCIL DUTIES.**

19           (a) AGENCY CHIEF INFORMATION OFFICER GEN-  
20 ERAL RESPONSIBILITIES.—

21           (1) GENERAL RESPONSIBILITIES.—Section  
22 11315(b) of title 40, United States Code, is amend-  
23 ed—

24                   (A) in paragraph (2), by striking “; and”  
25                   and inserting a semicolon;

1 (B) in paragraph (3), by striking the pe-  
2 riod at the end and inserting a semicolon; and

3 (C) by adding at the end the following:

4 “(4) data asset management, format standard-  
5 ization, sharing of data assets, and publication of  
6 data assets;

7 “(5) the compilation and publication of the En-  
8 terprise Data Inventory for the agency required  
9 under section 3523 of title 44;

10 “(6) ensuring that agency data conforms with  
11 open data best practices;

12 “(7) ensuring compliance with the requirements  
13 of subsections (b), (c), (d), and (f) of section 3506  
14 of title 44;

15 “(8) engaging agency employees, the public,  
16 and contractors in using open Government data and  
17 encourage collaborative approaches to improving  
18 data use;

19 “(9) supporting the agency Performance Im-  
20 provement Officer in generating data to support the  
21 function of the Performance Improvement Officer  
22 described in section 1124(a)(2) of title 31;

23 “(10) reviewing the information technology in-  
24 frastructure of the agency and the impact of such

1 infrastructure on making data assets accessible to  
2 reduce barriers that inhibit data asset accessibility;

3 “(11) ensuring that, to the extent practicable,  
4 the agency is maximizing its own use of data, includ-  
5 ing data generated by applications, devices, net-  
6 works, and equipment owned by the Government and  
7 such use is not otherwise prohibited, to reduce costs,  
8 improve operations, and strengthen security and pri-  
9 vacy protections; and

10 “(12) identifying points of contact for roles and  
11 responsibilities related to open data use and imple-  
12 mentation as required by the Director of the Office  
13 of Management and Budget.”.

14 (2) ADDITIONAL DEFINITIONS.—Section 11315  
15 of title 40, United States Code, is amended by add-  
16 ing at the end the following new subsection:

17 “(d) ADDITIONAL DEFINITIONS.—In this section, the  
18 terms ‘data’, ‘data asset’, ‘Enterprise Data Inventory’,  
19 and ‘open Government data’ have the meanings given  
20 those terms in section 3502 of title 44.”.

21 (b) AMENDMENT.—Section 3603(f) of title 44,  
22 United States Code, is amended by adding at the end the  
23 following:

24 “(8) Work with the Office of Government Infor-  
25 mation Services and the Director of the Office of

1 Science and Technology Policy to promote data  
2 interoperability and comparability of data assets  
3 across the Government.”.

4 **SEC. 10. EVALUATION OF AGENCY ANALYTICAL CAPABILI-**  
5 **TIES.**

6 (a) AGENCY REVIEW OF EVALUATION AND ANALYSIS  
7 CAPABILITIES; REPORT.—Not later than 3 years after the  
8 date of enactment of this Act, each agency Chief Oper-  
9 ating Officer shall submit to the Committee on Homeland  
10 Security and Governmental Affairs of the Senate, the  
11 Committee on Oversight and Government Reform of the  
12 House of Representatives, and the Director of the Office  
13 of Management and Budget a report on the review de-  
14 scribed in subsection (b).

15 (b) REQUIREMENTS OF AGENCY REVIEW.—The re-  
16 port described in subsection (a) shall assess the coverage,  
17 quality, methods, effectiveness, and independence of the  
18 agency’s evaluation research and analysis efforts, includ-  
19 ing each of the following:

20 (1) A list of the activities and operations of the  
21 agency that are being evaluated and analyzed and  
22 the activities and operations that have been evalu-  
23 ated and analyzed during the previous 5 years.

24 (2) The extent to which the evaluations re-  
25 search and analysis efforts and related activities of



1 the agency support the needs of various divisions  
2 within the agency.

3 (3) The extent to which the evaluation research  
4 and analysis efforts and related activities of the  
5 agency address an appropriate balance between  
6 needs related to organizational learning, ongoing  
7 program management, performance management,  
8 strategic management, interagency and private sec-  
9 tor coordination, international and external over-  
10 sight, and accountability.

11 (4) The extent to which the agency uses meth-  
12 ods and combinations of methods that are appro-  
13 priate to agency divisions and the corresponding re-  
14 search questions being addressed, including an ap-  
15 propriate combination of formative and summative  
16 evaluation research and analysis approaches.

17 (5) The extent to which evaluation and research  
18 capacity is present within the agency to include per-  
19 sonnel, agency process for planning and imple-  
20 menting evaluation activities, disseminating best  
21 practices and findings, and incorporating employee  
22 views and feedback.

23 (6) The extent to which the agency has the ca-  
24 pacity to assist front-line staff and program offices  
25 to develop the capacity to use evaluation research

1           and analysis approaches and data in the day-to-day  
2           operations.

3           (c) GAO REVIEW OF AGENCY REPORTS.—Not later  
4 than 4 years after the date of enactment of this Act, the  
5 Comptroller General of the United States shall submit to  
6 Congress a report that summarizes agency findings and  
7 highlights trends from the reports submitted pursuant to  
8 subsection (a) and, if appropriate, recommends actions to  
9 further improve agency capacity to use evaluation tech-  
10 niques and data to support evaluation efforts.

11 **SEC. 11. EFFECTIVE DATE.**

12           This Act, and the amendments made by this Act,  
13 shall take effect on the date that is 180 days after the  
14 date of enactment of this Act.