

114TH CONGRESS  
2D SESSION

# H. R. 5051

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

---

## IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 2016

Mr. KILMER (for himself and Mr. FARENTHOLD) introduced the following bill;  
which was referred to the Committee on Oversight and Government Reform

---

## A BILL

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

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

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.—The 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 new  
18 paragraphs:

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

22 “(16) the term ‘data asset’ means a collection  
23 of data elements or data sets that may be grouped  
24 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 new section:

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, Government data assets shall—

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

17                   “(2) be available under open licenses.

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

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

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

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

13       (c) EFFECTIVE DATE.—The amendments made by  
14 subsections (a) and (b) shall take effect 270 days after  
15 the date of the enactment of this Act and shall apply with  
16 respect to any contract entered into by an agency on or  
17 after such effective date.

18       (d) USE OF OPEN DATA ASSETS.—Not later than  
19 270 days after the date of the enactment of this section,  
20 the head of each agency shall ensure that any activities  
21 by the agency or any new contract entered into by the  
22 agency meet the requirements of section 3522 of title 44,  
23 United States Code, as added by subsection (a).

1 **SEC. 6. RESPONSIBILITIES OF THE OFFICE OF ELECTRONIC**  
2 **GOVERNMENT.**

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

7 “(c) COORDINATION OF FEDERAL INFORMATION RE-  
8 SOURCES MANAGEMENT POLICY.—The Administrator of  
9 the Office of Information and Regulatory Affairs shall  
10 work with the Federal Chief Information Officer and with  
11 the heads of other offices within the Office of Management  
12 and Budget to oversee and advise the Director on Federal  
13 information resources management policy.”.

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

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

21 (2) in paragraph (4)—

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

24 (B) by inserting at the end the following  
25 new subparagraph:

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

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

8           (4) by inserting at the end the following new  
9           paragraph:

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

15           (c) CHANGE OF NAME OF THE OFFICE OF ELEC-  
16           TRONIC GOVERNMENT.—

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

19                   (A) by striking paragraph (1);

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

23                   (C) by inserting after paragraph (3), as so  
24                   redesignated, the following new paragraph:

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

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

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

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

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

17           (D) in subsection (c), by striking “The Ad-  
18           ministrators” and inserting “The Federal Chief  
19           Information Officer”;

20           (E) in subsection (d), by striking “The Ad-  
21           ministrators” and inserting “The Federal Chief  
22           Information Officer”;

23           (F) in subsection (e), by striking “The Ad-  
24           ministrators” and inserting “The Federal Chief  
25           Information Officer”;

1 (G) in subsection (f)—

2 (i) by striking “the Administrator  
3 shall” and inserting “the Federal Chief In-  
4 formation Officer shall”; and

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

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

13 (3) CHIEF INFORMATION OFFICERS COUNCIL.—  
14 Section 3603 of title 44, United States Code, is  
15 amended—

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

20 (B) in subsection (c)(1), by striking “The  
21 Administrator of the Office of Electronic Gov-  
22 ernment” and inserting “The Federal Chief In-  
23 formation Officer”; and

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

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

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

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

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

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

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

23 (B) in subsection (b), by striking “, the  
24 Administrator,” and inserting “, the Federal  
25 Chief Information Officer,”; and

1 (C) in subsection (c)—

2 (i) in paragraph (1)—

3 (I) by striking “The Adminis-  
4 trator” and inserting “The Federal  
5 Chief Information Officer”; and

6 (II) by striking “proposals sub-  
7 mitted to the Administrator” and in-  
8 serting “proposals submitted to the  
9 Federal Chief Information Officer”;

10 (ii) in paragraph (2), by striking “the  
11 Administrator” and inserting “the Federal  
12 Chief Information Officer”; and

13 (iii) in paragraph (4), by striking “the  
14 Administrator” and inserting “the Federal  
15 Chief Information Officer”.

16 (6) TECHNICAL AND CONFORMING AMEND-  
17 MENTS.—

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

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

23 (B) POSITIONS AT LEVEL III.—Section  
24 5314 of title 5, United States Code, is amended  
25 by striking “Administrator of the Office of

1           Electronic Government” and inserting “Federal  
2           Chief Information Officer”.

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

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

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

20          (F) RESOURCES, PLANNING, AND PORT-  
21          FOLIO MANAGEMENT.—The second subsection  
22          (c) of section 11319 of title 40, United States  
23          Code, is amended by striking “Administrator of  
24          the Office of Electronic Government”, each

1 place it appears, and inserting “Federal Chief  
2 Information Officer”.

3 (7) RULE OF CONSTRUCTION.—The amend-  
4 ments made by this subsection were to change the  
5 name of the Office of Electronic Government and  
6 the Administrator of such office and shall not be  
7 construed to effect any of the substantive provisions  
8 of the provisions amended or to require a new ap-  
9 pointment by the President.

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

11 (a) ENTERPRISE DATA INVENTORY.—

12 (1) AMENDMENT.—Subchapter I of chapter 35  
13 of title 44, United States Code, as amended by sec-  
14 tion 5, is further amended by adding at the end the  
15 following new section:

16 **“§ 3523. Enterprise data inventory**

17 “(a) AGENCY DATA INVENTORY REQUIRED.—In  
18 order to develop a clear and comprehensive understanding  
19 of the data assets in the possession of an agency, the head  
20 of each agency, in consultation with the Director of the  
21 Office of Management and Budget, shall develop and  
22 maintain an enterprise data inventory (in this section, re-  
23 ferred to as the ‘Enterprise Data Inventory’) that ac-  
24 counts for any data asset created, collected, under the con-  
25 trol or direction of, or maintained by the agency after the

1 effective date of this section, with the ultimate goal of in-  
2 cluding all data assets, to the extent practicable. The En-  
3 terprise Data Inventory shall include each of the following:

4           “(1) Data assets used in agency information  
5 systems, including program administration, statis-  
6 tical, and financial activity.

7           “(2) Data assets shared or maintained across  
8 agency programs and bureaus.

9           “(3) Data assets that are shared among agen-  
10 cies or created by more than 1 agency.

11           “(4) A clear indication of all data assets that  
12 can be made publicly available under section 552 of  
13 title 5.

14           “(5) A description of whether the agency has  
15 determined that an individual data asset may be  
16 made publicly available and whether such data asset  
17 is currently available to the public.

18           “(6) Nonpublic data assets.

19           “(7) Government data assets generated by ap-  
20 plications, devices, networks, and equipment, cat-  
21 egorized by source type.

22           “(b) PUBLIC AVAILABILITY.—The Chief Information  
23 Officer of each agency shall use the guidance provided by  
24 the Director issued pursuant to section 3504(a)(1)(C)(ii)  
25 to make public data assets included in the Enterprise

1 Data Inventory publicly available in an open format and  
2 under an open license.

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

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

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

10 “(2) shall ensure that access to the Enterprise  
11 Data Inventory and the data contained therein shall  
12 be consistent with applicable law and regulation; and

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

16 “(e) REGULAR UPDATES REQUIRED.—The Chief In-  
17 formation Officer of each agency shall update the Enter-  
18 prise Data Inventory for such agency not less than annu-  
19 ally.

20 “(f) USE OF EXISTING RESOURCES.—The Chief In-  
21 formation Officer of each agency shall use existing proce-  
22 dures and systems to compile and publish the Enterprise  
23 Data Inventory for such agency when practicable.”.

24 (2) TECHNICAL AND CONFORMING AMEND-  
25 MENT.—The table of sections for subchapter I of

1 chapter 35 of title 44, United States Code, as  
2 amended by section 5, is further amended by adding  
3 at the end the following new item:

“Sec. 3523. Enterprise data inventory.”.

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

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

9 (2) in subparagraph (B)—

10 (A) by moving clause (vi) two ems to the  
11 left; and

12 (B) in clause (vi), by striking the period at  
13 the end and inserting “; and”; and

14 (3) by inserting at the end the following new  
15 subparagraph:

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

18 “(i) a requirement that the Enterprise  
19 Data Inventory include a compilation of  
20 metadata about agency data assets; and

21 “(ii) criteria that the head of each agency  
22 shall use in determining whether to make a par-  
23 ticular data asset publicly available in a manner  
24 that takes into account—

1 “(I) the expectation of confidentiality  
2 associated with an individual data asset;

3 “(II) security considerations, includ-  
4 ing the risk that information in an indi-  
5 vidual data asset in isolation does not pose  
6 a security risk but when combined with  
7 other available information may pose such  
8 a risk;

9 “(III) cost and value to the public of  
10 converting the data into a manner that  
11 could be understood and used by the pub-  
12 lic;

13 “(IV) the expectation that all data as-  
14 sets that would otherwise be made avail-  
15 able under section 552 of title 5 (com-  
16 monly referred to as the Freedom of Infor-  
17 mation Act) be disclosed; and

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

20 (c) FEDERAL AGENCY RESPONSIBILITIES.—Section  
21 3506 of title 44, United States Code, is amended—

22 (1) in subsection (b)—

23 (A) in paragraph (1)(C), by striking “secu-  
24 rity;” and inserting the following: “security  
25 by—

1           “(i) using open format for any new  
2           Government data asset created or obtained  
3           on the date that is 180 days after the date  
4           of the enactment of this clause; and

5           “(ii) encouraging the adoption of open  
6           format for all open Government data cre-  
7           ated or obtained before the date of the en-  
8           actment of this clause;”.

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

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

15          (D) by inserting at the end the following  
16          new paragraph:

17          “(6) in consultation with the Director, develop  
18          an open data plan as a part of the requirement for  
19          a strategic information resources management plan  
20          described in paragraph (2) that, at a minimum—

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

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

1           “(ii) allow the agency to collaborate  
2           with non-Government entities, researchers,  
3           businesses, and private citizens for the  
4           purpose of understanding how data users  
5           value and use open Government data;

6           “(B) identifies and implements methods  
7           for collecting and analyzing digital information  
8           on data asset usage by users within and outside  
9           of the agency, including designating a point of  
10          contact within the agency to assist the public  
11          and to respond to quality issues, usability, rec-  
12          ommendations for improvements, and com-  
13          plaints about adherence to open data require-  
14          ments in accordance with subsection (d)(2);

15          “(C) develops and implements a process to  
16          evaluate and improve the timeliness, complete-  
17          ness, accuracy, usefulness, and availability of  
18          open Government data;

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

21          “(E) includes requirements for meeting the  
22          goals of the agency open data plan including  
23          technology, training for employees, and imple-  
24          menting procurement standards, in accordance  
25          with existing law, that allow for the acquisition

1 of innovative solutions from the public and pri-  
2 vate sector; and

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

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

8 (3) in subsection (d)—

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

11 (B) in paragraph (1)—

12 (i) in the matter preceding subpara-  
13 graph (A), by inserting “shall” before “en-  
14 sure”;

15 (ii) in subparagraph (A), by striking  
16 “sources” and inserting “sources and  
17 uses”; and

18 (iii) in subparagraph (C), by inserting  
19 “, including providing access to open Gov-  
20 ernment data online” after “economical  
21 manner”;

22 (C) in paragraph (2), by inserting “shall”  
23 before “regularly”;

24 (D) in paragraph (3)—

1 (i) by inserting “shall” before “pro-  
2 vide”; and

3 (ii) by striking “; and” and inserting  
4 a semicolon;

5 (E) in paragraph (4)—

6 (i) in the matter preceding subpara-  
7 graph (A), by inserting “may” before  
8 “not”; and

9 (ii) by striking the period at the end  
10 and inserting a semicolon; and

11 (F) by inserting at the end the following  
12 new paragraphs:

13 “(5) shall take the necessary precautions to en-  
14 sure that the agency maintains the production and  
15 publication of data assets which are directly related  
16 to activities that protect the safety of human life or  
17 property as identified by the open data plan of the  
18 agency required by subsection (b)(6); and

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

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

1           “(B) receiving public input regarding pri-  
2           orities for the analysis and disclosure of data  
3           assets to be published;

4           “(C) assisting civil society groups and  
5           members of the public working to expand the  
6           use of open Government data; and

7           “(D) hosting challenges, competitions,  
8           events, or other initiatives designed to create  
9           additional value from open Government data.”;  
10          and

11          (4) by adding at the end the following new sub-  
12          section:

13          “(j) COLLECTION OF INFORMATION EXCEPTION.—  
14          Notwithstanding subsection (c), an agency is not required  
15          to meet the requirements of paragraphs (2) and (3) of  
16          such subsection if—

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

19                 “(2) the collection of information is—

20                         “(A) online and electronic;

21                         “(B) voluntary and there is no perceived or  
22                         actual tangible benefit to the provider of the in-  
23                         formation;

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

1           “(D) focused on gathering input about the  
2           performance of, or public satisfaction with, an  
3           agency providing service; and

4           “(3) the agency publishes representative sum-  
5           maries of the collection of information under sub-  
6           section (c).”.

7           (d) REPOSITORY.—The Director of the Office of  
8           Management and Budget shall collaborate with the Office  
9           of Government Information Services and the Adminis-  
10          trator of General Services to develop and maintain an on-  
11          line repository of tools, best practices, and schema stand-  
12          ards to facilitate the adoption of open data practices. The  
13          repository shall—

14               (1) include definitions, regulation and policy,  
15               checklists, and case studies related to open data, this  
16               Act, and the amendments made by this Act; and

17               (2) facilitate collaboration and the adoption of  
18               best practices across the Federal Government relat-  
19               ing to the adoption of open data practices.

20           (e) SYSTEMATIC AGENCY REVIEW OF OPER-  
21          ATIONS.—Section 305 of title 5, United States Code, is  
22          amended—

23               (1) in subsection (b), by inserting at the end  
24               the following new sentence: “To the greatest extent  
25               practicable, each agency shall use existing data to

1 support such reviews if the data is accurate and  
2 complete.”;

3 (2) in subsection (c)—

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

6 (B) by inserting after paragraph (1) the  
7 following new paragraph:

8 “(2) determining the status of achieving the  
9 mission, goals, and objectives of the agency as de-  
10 scribed in the strategic plan of the agency published  
11 pursuant to section 306;” and

12 (3) by adding at the end the following new sub-  
13 section:

14 “(d) OPEN DATA COMPLIANCE REPORT.—Not later  
15 than 1 year after the date of the enactment of this sub-  
16 section, and every two years thereafter, the Director of  
17 the Office of Management and Budget shall electronically  
18 publish a report on agency performance and compliance  
19 with the Open, Public, Electronic, and Necessary Govern-  
20 ment Data Act and the amendments made by that Act.”.

21 (f) GAO REPORT.—Not later than 2 years after the  
22 date of the enactment of this Act, the Comptroller General  
23 of the United States shall submit to the Committee on  
24 Oversight and Government Reform of the House of Rep-  
25 resentatives and the Committee on Homeland Security

1 and Governmental Affairs of the Senate a report that  
2 identifies—

3           (1) the value of information made available to  
4 the public as a result of this Act, and the amend-  
5 ments made by this Act; and

6           (2) whether it is valuable to expand the publicly  
7 available information to any other data assets.

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

9           (a) AMENDMENT.—Subchapter I of chapter 35 of  
10 title 44, United States Code, is amended by inserting after  
11 section 3511 the following new section:

12 **“§ 3511A. Technology portal**

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

17           “(b) COORDINATION WITH AGENCIES.—The Director  
18 of the Office of Management and Budget shall determine,  
19 after consultation with the head of each agency and the  
20 Administrator of General Services, the method to access  
21 any open Government data published through the inter-  
22 face described in subsection (a).”.

23           (b) TECHNICAL AND CONFORMING AMENDMENT.—  
24 The table of sections for subchapter I of chapter 35 of

1 title 44, United States Code, is amended by inserting after  
2 the item relating to section 3511 the following new item:

“Sec. 3511A. Technology portal.”.

3 (c) DEADLINE.—Not later than 180 days after the  
4 date of the enactment of this Act, the Administrator of  
5 General Services shall meet the requirements of section  
6 3511A(a) of title 44, United States Code, as added by sub-  
7 section (a).

8 **SEC. 9. ENHANCED RESPONSIBILITIES FOR CHIEF INFOR-**  
9 **MATION OFFICERS AND CHIEF INFORMATION**  
10 **OFFICERS COUNCIL DUTIES.**

11 (a) AGENCY CHIEF INFORMATION OFFICER GEN-  
12 ERAL RESPONSIBILITIES.—

13 (1) GENERAL RESPONSIBILITIES.—Section  
14 11315(b) of title 40, United States Code, is amend-  
15 ed—

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

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

20 (C) by inserting at the end the following  
21 new paragraphs:

22 “(4) data asset management, format standard-  
23 ization, sharing of data assets, and publication of  
24 data assets;

1           “(5) the compilation and publication of the En-  
2           terprise Data Inventory for the agency required  
3           under section 3523 of title 44;

4           “(6) ensuring that agency data conforms with  
5           open data best practices;

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

9           “(8) engaging agency employees, the public,  
10          and contractors in using open Government data and  
11          encourage collaborative approaches to improving  
12          data use;

13          “(9) supporting the agency Performance Im-  
14          provement Officer in generating data to support the  
15          function of the Performance Improvement Officer  
16          described in section 1124(a)(2) of title 31;

17          “(10) reviewing the information technology in-  
18          frastructure of the agency and the impact of such  
19          infrastructure on making data assets accessible to  
20          reduce barriers that inhibit data asset accessibility;

21          “(11) ensuring that the agency is maximizing  
22          its own use of data, including data generated by ap-  
23          plications, devices, networks, and equipment owned  
24          by the Government and such use is not otherwise

1 prohibited, to reduce costs, improve operations, and  
2 strengthen security and privacy protections; and

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

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

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

14 (b) AMENDMENT.—Section 3603(f) of title 44,  
15 United States Code, is amended by adding at the end the  
16 following new paragraph:

17 “(8) Work with the Office of Government Infor-  
18 mation Services and the Director of the Office of  
19 Science and Technology Policy to promote data  
20 interoperability and comparability of data assets  
21 across the Government.”.

22 **SEC. 10. EVALUATION OF AGENCY ANALYTICAL CAPABILI-**  
23 **TIES.**

24 (a) OMB GUIDANCE FOR AGENCY REVIEW.—Not  
25 later than 1 year after the date of the enactment of this

1 Act, the Director of the Office of Management and Budget  
2 shall review each agency to assess the extent of the agen-  
3 cy's use of data assets to support decisionmaking, cost  
4 savings, and performance within the agency.

5 (b) AGENCY REVIEW; REPORT.—Not later than 2  
6 years after the date of the enactment of this Act, each  
7 agency Chief Operating Officer shall submit to Congress  
8 and the Director of the Office of Management and Budget  
9 a report on the review described in subsection (a).

10 (c) REQUIREMENTS OF AGENCY REPORT.—The re-  
11 port described in subsection (b) shall assess the coverage,  
12 quality, methods, effectiveness, and independence of the  
13 agency's evaluation research and analysis efforts, includ-  
14 ing each of the following:

15 (1) A list of the activities and operations of the  
16 agency that are being evaluated and analyzed and  
17 the activities and operations that have been evalu-  
18 ated and analyzed during the previous 5 years.

19 (2) The extent to which the evaluations re-  
20 search and analysis efforts and related activities of  
21 the agency support the needs of various divisions  
22 within the agency.

23 (3) The extent to which the evaluation research  
24 and analysis efforts and related activities of the  
25 agency address an appropriate balance between

1 needs related to organizational learning, ongoing  
2 program management, performance management,  
3 strategic management, interagency and private sec-  
4 tor coordination, international and external over-  
5 sight, and accountability.

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

12 (5) The extent to which evaluation and research  
13 capacity is present within the agency to include per-  
14 sonnel, agency process for planning and imple-  
15 menting evaluation activities, disseminating best  
16 practices and findings, and incorporating employee  
17 views and feedback.

18 (6) The extent to which the agency has the ca-  
19 pacity to assist front-line staff and program offices  
20 to develop the capacity to use evaluation research  
21 and analysis approaches and data in the day-to-day  
22 operations.

23 (d) GAO REVIEW OF AGENCY REPORTS.—Not later  
24 than 3 years after the date of the enactment of this Act,  
25 the Comptroller General of the United States shall submit

1 to Congress a report that summarizes agency findings and  
2 highlights trends from the reports submitted pursuant to  
3 subsection (b) and recommends actions to further improve  
4 agency capacity to use evaluation techniques and data to  
5 support evaluation efforts.

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

7 This Act, and the amendments made by this Act,  
8 shall take effect on the date that is 180 days after the  
9 date of the enactment of this Act.

○