

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.