

[DISCUSSION DRAFT]

114TH CONGRESS
2D SESSION

H. R. _____

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

Mr. KILMER introduced the following bill; which was referred to the Committee on _____

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 rests upon making it readily available,
13 discoverable, and usable – in a word: open. Informa-
14 tion presumptively should be available to the general
15 public unless the Federal Government reasonably
16 foresees that disclosure would harm a specific,
17 articulable interest protected by law or the Federal
18 Government is expressly prohibited from releasing
19 such data due to statutory requirements. In those

1 circumstances, when deciding whether to withhold
2 information, the public's interest in access to the in-
3 formation should be weighed against the specific
4 harm likely caused by its release; when the interests
5 are equal, openness should prevail.

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

9 (4) Data held, collected, or created by the Fed-
10 eral Government should be originated, transmitted,
11 and published in modern, open, and electronic for-
12 mat, to be as readily accessible as possible, con-
13 sistent with data standards imbued with authority
14 under this Act and to the extent permitted by law.

15 (5) The American people are the owners of
16 Federal Government data. The Federal Government
17 and those supported by the Federal Government
18 through contracts and other agreements such as
19 grants or cooperative agreements must act as good
20 stewards and responsibly and securely deliver the in-
21 formation back to the American people who paid for
22 it, as appropriate.

23 (6) The effort to publish and inventory Govern-
24 ment data will have additional benefits, including
25 identifying opportunities within agencies to reduce

1 waste, increase efficiencies, and save taxpayer dol-
2 lars. As such, this effort should involve many types
3 of data, including data generated by applications,
4 devices, networks, and equipment, which can be har-
5 nessed to improve operations, lower energy consump-
6 tion, reduce costs, and strengthen security.

7 (7) Communication, commerce, and data tran-
8 scend national borders. Global access to Government
9 information is often essential to promoting innova-
10 tion, scientific discovery, entrepreneurship, edu-
11 cation, and the general welfare.

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

16 **SEC. 3. RULE OF CONSTRUCTION.**

17 Nothing in this Act shall be construed to require the
18 disclosure of information or records that are exempt from
19 public disclosure under section 552 of title 5, United
20 States Code.

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

22 Section 3502 of title 44, United States Code, is
23 amended—

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

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

3 (3) by inserting at the end the following new
4 paragraphs:

5 “(15) the term ‘data’—

6 “(A) means recorded information, regard-
7 less of form or the media on which the data is
8 recorded; and

9 “(B) includes technical data and computer
10 software;

11 “(16) the term ‘data asset’ means a collection
12 of data elements or data sets that may be grouped
13 together;

14 “(17) the term ‘Enterprise Data Inventory’
15 means the data inventory developed and maintained
16 pursuant to section 3523;

17 “(18) the term ‘machine-readable’ means infor-
18 mation or data that is in a format that can be easily
19 processed by a computer without human intervention
20 while ensuring no semantic meaning is lost;

21 “(19) the term ‘metadata’ means structural or
22 descriptive information about data such as content,
23 format, source, rights, accuracy, provenance, fre-
24 quency, periodicity, granularity, publisher or respon-

1 sible party, contact information, method of collec-
2 tion, and other descriptions;

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

4 “(A) means a data asset that may not be
5 made available to the public for privacy, secu-
6 rity, or other reasons as determined by law; and

7 “(B) includes data provided by contractors
8 that is protected by contract, license, patent,
9 trademark, or other restriction; and

10 “(21) the term ‘open format’ means a technical
11 format based on an underlying open standard that
12 is—

13 “(A) maintained by a standards organiza-
14 tion; and

15 “(B) not encumbered by restrictions that
16 would impede use or reuse;

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

19 “(A) machine-readable;

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

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

23 “(23) the term ‘open license’ means a legal
24 guarantee applied to a data asset that is made avail-

1 able to the public that such data asset is made avail-
2 able—

3 “(A) at no cost to the public; and

4 “(B) with no statutory restrictions on
5 copying, publishing, distributing, transmitting,
6 citing, or adapting; and

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

10 “(A) may be released; or

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

14 **SEC. 5. REQUIREMENT FOR MAKING OPEN AND MACHINE-**
15 **READABLE THE DEFAULT FOR GOVERNMENT**
16 **DATA.**

17 (a) AMENDMENT.—Subchapter I of chapter 35 of
18 title 44, United States Code, is amended by adding at the
19 end the following new section:

20 **“§ 3522. Requirements for Government data**

21 “(a) MACHINE-READABLE DATA REQUIRED.—To the
22 greatest extent practicable, Government data assets made
23 available by an agency shall be published as machine-read-
24 able data.

1 “(b) OPEN BY DEFAULT.—To the greatest extent
2 practicable when not otherwise prohibited by law, Govern-
3 ment data assets shall—

4 “(1) be published in an open format;

5 “(2) be published under open licenses; and

6 “(3) be made publically available online.

7 “(c) OPEN LICENSE OR WORLDWIDE PUBLIC DO-
8 MAIN DEDICATION REQUIRED.—To the greatest extent
9 practicable when not otherwise prohibited by law, Govern-
10 ment data assets published by or for an agency shall be
11 made available under an open license or, if not made avail-
12 able under an open license and appropriately released,
13 shall be considered to be published as part of the world-
14 wide public domain.

15 “(d) INNOVATION.—Each agency shall engage with
16 nongovernmental organizations, citizens, non-profit orga-
17 nizations, colleges and universities, private and public
18 companies and other agencies to explore opportunities to
19 leverage the agency’s public data asset in a manner that
20 may provide new opportunities for innovation in the public
21 and private sectors.”.

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

“Sec. 3522 Requirements for Government Data.”.

1 (c) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall take effect 180 days after the date
3 of the enactment of this Act and shall apply with respect
4 to any contract entered into by an agency on or after such
5 effective date.

6 (d) USE OF OPEN DATA ASSETS.—Not later than
7 180 days after the date of the enactment of this section,
8 the head of each agency shall ensure that any activities
9 by the agency or any new contract entered into by the
10 agency meet the requirements of section 3522 of title 44,
11 United States Code, as added by subsection (a).

12 **SEC. 6. RESPONSIBILITIES OF THE OFFICE OF ELECTRONIC**
13 **GOVERNMENT.**

14 (a) COORDINATION OF FEDERAL INFORMATION RE-
15 SOURCES MANAGEMENT POLICY.—Section 3503 of title
16 44, United States Code, is amended by adding at the end
17 the following new subsection:

18 “(c) COORDINATION OF FEDERAL INFORMATION RE-
19 SOURCES MANAGEMENT POLICY.—The Administrator of
20 the Office of Information and Regulatory Affairs shall
21 work with the Federal Chief Information Officer and with
22 the heads of other offices within the Office of Management
23 and Budget to oversee and advise the Director on Federal
24 information resources management policy.”.

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

4 (1) in paragraph (1), by inserting “, the Fed-
5 eral Chief Information Officer,” after “the Director
6 of the National Institute of Standards and Tech-
7 nology”;

8 (2) in paragraph (4)—

9 (A) in subparagraph (A), by striking “;
10 and” and inserting a semicolon; and

11 (B) by inserting at the end the following
12 new subparagraph:

13 “(C) oversee the completeness of the En-
14 terprise Data Inventory and the extent to which
15 the agency is making all data collected and gen-
16 erated by the agency available to the public in
17 accordance with section 3523;”;

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

20 (4) by inserting at the end the following new
21 paragraph:

22 “(6) coordinate the development and review of
23 Federal information resources management policy by
24 the Administrator of the Office of Information and

1 Regulatory Affairs and the Federal Chief Informa-
2 tion Officer.”.

3 (c) CHANGE OF NAME OF THE OFFICE OF ELEC-
4 TRONIC GOVERNMENT.—

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

7 (A) by striking paragraph (1);

8 (B) by redesignating paragraphs (2)
9 through (4) as paragraphs (1) through (3), re-
10 spectively; and

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

13 “(4) ‘Federal Chief Information Officer’ means
14 the Federal Chief Information Officer of the Office
15 of the Federal Chief Information Officer established
16 under section 3602;”.

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

20 (A) in the heading, by striking “**Elec-**
21 **tronic Government**” and inserting “**the**
22 **Federal Chief Information Officer**”;

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

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

4 (D) in subsection (c), by striking “The Ad-
5 ministrator” and inserting “The Federal Chief
6 Information Officer”;

7 (E) in subsection (d), by striking “Admin-
8 istrator”, each place it appears, and inserting
9 “Federal Chief Information Officer”;

10 (F) in subsection (e), by striking “The Ad-
11 ministrator” and inserting “The Federal Chief
12 Information Officer”;

13 (G) in subsection (f)—

14 (i) by striking “the Administrator
15 shall” and inserting “the Federal Chief In-
16 formation Officer shall”; and

17 (ii) in paragraph (16), by striking
18 “the Office of Electronic Government” and
19 inserting “the Office of the Federal Chief
20 Information Officer”; and

21 (H) in subsection (g), by striking “the Of-
22 fice of Electronic Government” and inserting
23 “the Office of the Federal Chief Information
24 Officer”.

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

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

8 (B) in subsection (c)(1), by striking “The
9 Administrator of the Office of Electronic Gov-
10 ernment” and inserting “The Federal Chief In-
11 formation Officer”;

12 (C) in subsection (f)(3), by striking “the
13 Administrator”, each place it appears, and in-
14 serting “the Federal Chief Information Offi-
15 cer”.

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

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

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

1 (C) in subsection (c), by striking “the Ad-
2 ministrator” and inserting “the Federal Chief
3 Information Officer”.

4 (5) PROGRAM TO ENCOURAGE INNOVATIVE SO-
5 LUTIONS TO ENHANCE ELECTRONIC GOVERNMENT
6 SERVICES AND PROCESSES.—Section 3605 of title
7 44, United States Code, is amended—

8 (A) in subsection (a), by striking “The Ad-
9 ministrator” and inserting “The Federal Chief
10 Information Officer”;

11 (B) in subsection (b), by striking “, the
12 Administrator,” and inserting “, the Federal
13 Chief Information Officer,”;

14 (C) in subsection (c)—

15 (i) in paragraph (1)—

16 (I) by striking “The Adminis-
17 trator” and inserting “The Federal
18 Chief Information Officer”; and

19 (II) by striking “proposals sub-
20 mitted to the Administrator” and in-
21 serting “proposals submitted to the
22 Federal Chief Information Officer”;

23 (ii) in paragraph (2), by striking “the
24 Administrator” and inserting “the Federal
25 Chief Information Officer”; and

1 (iii) in paragraph (4), by striking “the
2 Administrator” and inserting “the Federal
3 Chief Information Officer”.

4 (6) TECHNICAL AND CONFORMING AMEND-
5 MENTS.—

6 (A) TABLE OF SECTIONS.—The table of
7 sections for chapter 36 of title 44, United
8 States Code, is amended by striking the item
9 relating to section 3602 and inserting the fol-
10 lowing new item:

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

11 (B) POSITIONS AT LEVEL III.—Section
12 5314 of title 5, United States Code, is amended
13 by striking “Administrator of the Office of
14 Electronic Government” and inserting “Federal
15 Chief Information Officer”.

16 (C) OFFICE OF ELECTRONIC GOVERN-
17 MENT.—Section 507 of title 31, United States
18 Code, is amended by striking “The Office of
19 Electronic Government” and inserting “The Of-
20 fice of the Federal Chief Information Officer”.

21 (D) ELECTRONIC GOVERNMENT AND IN-
22 FORMATION TECHNOLOGIES.—Section 305 of
23 title 40, United States Code, is amended by
24 striking “Administrator of the Office of Elec-

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

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

9 (F) RESOURCES, PLANNING, AND PORT-
10 FOLIO MANAGEMENT.—The second subsection
11 (c) of section 11319 of title 40, United States
12 Code, is amended by striking “Administrator of
13 the Office of Electronic Government”, each
14 place it appears, and inserting “Federal Chief
15 Information Officer”.

16 (7) RULE OF CONSTRUCTION.—The amend-
17 ments made by this subsection were to change the
18 name of the Office of Electronic Government and
19 the Administrator of such office and shall not be
20 construed to effect any of the substantive provisions
21 of the provisions amended or to require a new ap-
22 pointment by the President.

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

24 (a) ENTERPRISE DATA INVENTORY.—

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

5 **“§ 3523. Enterprise data inventory**

6 “(a) AGENCY DATA INVENTORY REQUIRED.—In
7 order to develop a clear and comprehensive understanding
8 of the data assets in the possession of an agency, the head
9 of each agency, in consultation with the Director of the
10 Office of Management and Budget , shall develop and
11 maintain an enterprise data inventory (in this section, re-
12 ferred to as the ‘Enterprise Data Inventory’) that ac-
13 counts for any data asset created, collected, under the con-
14 trol or direction of, or maintained by the agency. The En-
15 terprise Data Inventory shall include each of the following:

16 “(1) Data assets used in agency information
17 systems.

18 “(2) Data assets shared or maintained across
19 agency programs and bureaus.

20 “(3) Data assets that are shared between agen-
21 cies or created by more than one agency.

22 “(4) Data assets that can be made publicly
23 available.

24 “(5) Nonpublic data assets.

1 “(6) Data assets related to program adminis-
2 tration, statistical, and financial activity.

3 “(7) Government data assets generated by ap-
4 plications, devices, networks, and equipment, cat-
5 egorized by source type.

6 “(b) PUBLIC AVAILABILITY.—The Chief Information
7 Officer of each agency shall use the guidance provided by
8 the Director issued pursuant to section 3504(a)(1)(C)(ii)
9 to make public data assets included in the Enterprise
10 Data Inventory publicly available in an open format and
11 under an open license. As appropriate, the Chief Informa-
12 tion Officer shall make the title of the public data assets
13 included in the Enterprise Data Inventory publicly avail-
14 able even if the data assets may not be released to the
15 public.

16 “(c) AVAILABILITY OF ENTERPRISE DATA INVEN-
17 TORY.—The Chief Information Officer of each agency—

18 “(1) shall make nonpublic data assets included
19 in the Enterprise Data Inventory electronically avail-
20 able to Congress and the Office of Management and
21 Budget; and

22 “(2) may make the Enterprise Data Inventory
23 available to other agencies or the public.

24 “(d) REGULAR UPDATES REQUIRED.—The Chief In-
25 formation Officer of each agency shall update the Enter-

1 prise Data Inventory for such agency on a regular inter-
2 val, as specified by the Director.

3 “(e) USE OF EXISTING RESOURCES.—The Chief In-
4 formation Officer of each agency shall use procedures and
5 systems already in place to compile and publish the Enter-
6 prise Data Inventory for such agency when practicable.”.

7 (2) TECHNICAL AND CONFORMING AMEND-
8 MENT.—The table of sections for subchapter I of
9 chapter 35 of title 44, United States Code, as
10 amended by section 5, is further amended by adding
11 at the end the following new item:

“Sec. 3523. Enterprise data inventory.”.

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

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

17 (2) in subparagraph (B)—

18 (A) by moving clause (vi) two ems to the
19 left; and

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

22 (3) by inserting at the end the following new
23 subparagraph:

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

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

4 “(ii) criteria that the head of each agency
5 shall use in determining whether to make par-
6 ticular data assets publicly available in a man-
7 ner that takes into account the risk that infor-
8 mation in an individual data asset in isolation
9 does not pose a security risk but when com-
10 bined with other available information may pose
11 such security risk.”.

12 (d) FEDERAL AGENCY RESPONSIBILITIES.—Section
13 3506 of title 44, United States Code, is amended—

14 (1) in subsection (b)—

15 (A) in paragraph (1)(C), by striking “secu-
16 rity;” and inserting the following: “security
17 by—

18 “(i) using open format for any new
19 Government data asset created or obtained
20 on the date that is 180 days after the date
21 of the enactment of this clause; and

22 “(ii) encouraging the adoption of open
23 format for all open Government data cre-
24 ated or obtained before the date of the en-
25 actment of this clause;”.

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

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

7 (D) by inserting at the end the following
8 new paragraph:

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

13 “(A) requires the agency, when practicable,
14 to develop processes and procedures that—

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

17 “(ii) help the agency to understand
18 how non-Government entities, researchers,
19 businesses, and private citizens value and
20 use open Government data;

21 “(B) identifies and implements methods
22 for collecting and analyzing information on data
23 asset usage by users within and outside of the
24 agency, including designating a point of contact
25 within the agency to assist the public and to re-

1 spond to quality issues, usability, recommenda-
2 tions for improvements, and complaints about
3 adherence to open data requirements in accord-
4 ance with subsection (d)(2);

5 “(C) develops and implements a process to
6 evaluate and improve the timeliness, complete-
7 ness, accuracy, usefulness, and availability of
8 open Government data;

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

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

18 “(F) prohibits the dissemination and acci-
19 dental disclosure of nonpublic data assets.”

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

23 (3) in subsection (d)—

24 (A) in paragraph (1)—

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

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

8 (B) in paragraph (3), by striking “; and”
9 and inserting a semicolon;

10 (C) in paragraph (4), by striking the pe-
11 riod at the end and inserting “; and” ; and

12 (D) by inserting at the end the following
13 new paragraph:

14 “(5) take the necessary precautions to ensure
15 that the agency maintains the production and publi-
16 cation of data assets which are directly related to ac-
17 tivities that protect the safety of human life or prop-
18 erty as identified by the open data plan of the agen-
19 cy required by subsection (b)(6); and

20 “(6) engage the public in using open Govern-
21 ment data and encourage collaboration by—

22 “(A) publishing information on open Gov-
23 ernment data usage in regular, timely intervals;

1 “(B) working with the public to prioritize
2 the analysis and disclosure of data assets to be
3 published;

4 “(C) assisting civil society groups and the
5 public working to expand the use of open Gov-
6 ernment 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 does not have
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 (e) 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 (f) SYSTEMATIC AGENCY REVIEW OF OPERATIONS.—
21 Section 305 of title 5, United States Code, is amended—

22 (1) in subsection (b), by inserting at the end
23 the following new sentence: “To the greatest extent
24 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;”;

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

14 “(d) OPEN DATA COMPLIANCE REPORT.—Not later
15 than one 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 (g) GAO REPORT.—Not later than two years after
22 the date of the enactment of this Act, the Comptroller
23 General shall submit to the Committee on Oversight and
24 Government Reform of the House of Representatives and
25 the Committee on Homeland Security and Governmental

1 Affairs of the Senate a report that identifies barriers to
2 public access to information and data arising from the as-
3 sertion of rights to data by Federal contractors and make
4 recommendations for mitigating those barriers while pre-
5 serving intellectual property rights of and competitive ad-
6 vantage for Federal contractors.

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

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

11 **“§ 3511A. Technology portal**

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

16 “(b) COORDINATION WITH AGENCIES.—The Director
17 of the Office of Management and Budget shall consult
18 with the head of each agency to determine the method to
19 access any open Government data published through the
20 interface described in paragraph (1).”.

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

“Sec. 3511A. Technology portal.”.

1 (c) DEADLINE.—Not later than 90 days after the
2 date of the enactment of this Act, the Administrator of
3 General Services shall meet the requirements of section
4 3511A(a) of title 44, United States Code, as added by sub-
5 section (a).

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

9 (a) AGENCY CHIEF INFORMATION OFFICER GEN-
10 ERAL RESPONSIBILITIES.—

11 (1) GENERAL RESPONSIBILITIES.—Section
12 11315(b) of title 40, United States Code, is amend-
13 ed—

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

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

18 (C) by inserting at the end the following
19 new paragraphs:

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

23 “(5) the compilation and publication of the En-
24 terprise Data Inventory for the agency required
25 under section 3523 of title 44;

1 “(6) ensuring that agency data conforms, to the
2 extent practicable, with open data best practices;

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

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

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

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

18 “(11) ensuring that the agency is maximizing
19 its own use of data, including data generated by ap-
20 plications, devices, networks, and equipment owned
21 by the Government and such use is not otherwise
22 prohibited, to reduce costs, improve operations, and
23 strengthen security and privacy protections; and

24 “(12) identifying points of contact for roles and
25 responsibilities related to open data use and imple-

1 mentation as required by the Director of the Office
2 of Management and Budget.”.

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

6 “(d) **ADDITIONAL DEFINITIONS.**—In this section, the
7 terms ‘data’, ‘data asset’, ‘Enterprise Data Inventory’,
8 and ‘open Government data’ have the meaning given those
9 term in section 3502 of title 44.”.

10 (b) **AMENDMENT.**—Section 3603(f) of title 44,
11 United States Code, is amended by adding at the end the
12 following new paragraph:

13 “(8) Work with the Office of Government Infor-
14 mation Services and the Director of the Office of
15 Science and Technology Policy to promote data
16 interoperability and comparability of data assets
17 across the Government.”.

18 **SEC. 10. EVALUATION OF AGENCY ANALYTICAL CAPABILI-**
19 **TIES.**

20 (a) **OMB GUIDANCE FOR AGENCY REVIEW.**—Not
21 later than one year after the date of the enactment of this
22 Act, the Director of the Office of Management and Budget
23 shall issue a review to each agency that assesses the extent
24 of the agency’s use of data assets to support decision-mak-
25 ing, cost savings, and performance within the agency.

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

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

11 (1) A list of the activities and operations of the
12 agency that are being evaluated and analyzed and
13 the activities and operations that have been evalu-
14 ated and analyzed during the previous five years.

15 (2) The extent to which the evaluations re-
16 search and analysis efforts and related activities of
17 the agency support the needs of various divisions
18 within the agency.

19 (3) The extent to which the evaluation research
20 and analysis efforts and related activities of the
21 agency address an appropriate balance between
22 needs related to organizational learning, ongoing
23 program management, performance management,
24 strategic management, interagency and private sec-

1 tor coordination, international and external over-
2 sight, and accountability.

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

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

15 (6) The extent to which the agency has the ca-
16 pacity to assist front-line staff and program offices
17 develop the capacity to use evaluation research and
18 analysis approaches and data in the day-to-day oper-
19 ations.

20 (d) GAO REVIEW OF AGENCY REPORTS.—Not later
21 than 3 years after the date of the enactment of this Act,
22 the Comptroller General shall submit to Congress and the
23 Director of the Office of Management and Budget a report
24 that summarizes agency findings and highlights trends
25 from the reports submitted pursuant to subsection (b) and

1 recommends actions to further improve agency capacity to
2 use evaluation techniques and data to support evaluation
3 efforts.

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

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