

1 (b) *FORM OF REPORT.*—Each report required by sub-
2 section (a) shall be submitted in unclassified form, but may
3 include a classified annex.

4 **SEC. 6012. OPEN GOVERNMENT DATA.**

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

8 (b) *DEFINITION.*—In this section, the term “agency”
9 has the meaning given the term in section 3561 of title 44,
10 United States Code, as added by subsection (c).

11 (c) *OPEN GOVERNMENT DATA.*—

12 (1) *IN GENERAL.*—Chapter 35 of title 44, United
13 States Code, is amended by adding at the end the fol-
14 lowing:

15 **“Subchapter III—Open Government Data**

16 **“§ 3561. Definitions**

17 “As used in this subchapter—

18 “(1) the term ‘agency’—

19 “(A) has the meaning given the term in sec-
20 tion 3502; and

21 “(B) includes the Federal Election Commis-
22 sion;

23 “(2) the term ‘data’ means recorded information,
24 regardless of form or the media on which the data is
25 recorded;

1 “(3) the term ‘data asset’ means a collection of
2 data elements or data sets that may be grouped to-
3 gether;

4 “(4) the term ‘Director’ means the Director of the
5 Office of Management and Budget;

6 “(5) the term ‘Enterprise Data Inventory’ means
7 a data inventory developed and maintained under
8 section 3563;

9 “(6) the terms ‘information resources manage-
10 ment’, ‘information system’, and ‘information tech-
11 nology’ have the meanings given those terms in sec-
12 tion 3502;

13 “(7) the term ‘machine-readable’ means a format
14 in which information or data can be easily processed
15 by a computer without human intervention while en-
16 suring no semantic meaning is lost;

17 “(8) the term ‘metadata’ means structural or de-
18 scriptive information about data such as content, for-
19 mat, source, rights, accuracy, provenance, frequency,
20 periodicity, granularity, publisher or responsible
21 party, contact information, method of collection, and
22 other descriptions;

23 “(9) the term ‘open Government data asset’
24 means a data asset maintained by the Federal Gov-
25 ernment that is—

1 “(A) machine-readable;

2 “(B) available in an open format;

3 “(C) not encumbered by restrictions that
4 would impede use or reuse;

5 “(D) releasable to the public according to
6 guidance issued by the Director under section
7 3562(d); and

8 “(E) based on an underlying open standard
9 that is maintained by a standards organization;
10 and

11 “(10) the term ‘open license’ means a legal guar-
12 antee applied to a data asset that the data asset is
13 made available—

14 “(A) at no cost to the public; and

15 “(B) with no restrictions on copying, pub-
16 lishing, distributing, transmitting, citing, or
17 adapting.

18 **“§ 3562. Requirements for Government data**

19 “(a) *MACHINE-READABLE DATA REQUIRED.*—Open
20 Government data assets made available by an agency shall
21 be published as machine-readable data.

22 “(b) *OPEN BY DEFAULT AND OPEN LICENSE RE-*
23 *QUIRED.*—To the extent permitted by law and subject to
24 privacy, confidentiality, security, and any other restric-

1 tions, and according to guidance issued by the Director
2 under subsection (d)—

3 “(1) data assets maintained by the Federal Gov-
4 ernment shall—

5 “(A) be available in an open format; and

6 “(B) be available under open licenses; and

7 “(2) open Government data assets published by
8 or for an agency shall be made available under an
9 open license.

10 “(c) *INNOVATION*.—Each agency may engage with
11 nongovernmental organizations, citizens, nonprofit organi-
12 zations, colleges and universities, private and public com-
13 panies, and other agencies to explore opportunities to lever-
14 age the data assets of the agency in a manner that may
15 provide new opportunities for innovation in the public and
16 private sectors in accordance with law, regulation, and pol-
17 icy.

18 “(d) *GUIDANCE FOR OPEN BY DEFAULT AND OPEN LI-*
19 *CENSE REQUIREMENTS*.—The Director shall issue guidance
20 for agencies to use in implementing subsections (a) and (b),
21 including criteria that the head of each agency shall use
22 in determining whether to make a particular data asset
23 publicly available in a manner that takes into account—

24 “(1) privacy and confidentiality risks and re-
25 strictions, including the risk that an individual data

1 *asset in isolation does not pose a privacy or confiden-*
2 *tiality risk but when combined with other available*
3 *information may pose such a risk;*

4 “(2) *security considerations, including the risk*
5 *that information in an individual data asset in isola-*
6 *tion does not pose a security risk but when combined*
7 *with other available information may pose such a*
8 *risk;*

9 “(3) *the cost and benefits to the public of con-*
10 *verting a data asset into a machine-readable format*
11 *that is accessible and useful to the public;*

12 “(4) *the expectation that a data asset be dis-*
13 *closed, if it would otherwise be made available under*
14 *section 552 of title 5 (commonly known as the ‘Free-*
15 *dom of Information Act’); and*

16 “(5) *any other considerations that the Director*
17 *determines to be relevant.*

18 **“§ 3563. 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 agen-*
23 *cy, in consultation with the Director, shall develop*
24 *and maintain an enterprise data inventory that ac-*
25 *counts for any data asset created, collected, under the*

1 *control or direction of, or maintained by the agency*
2 *after the effective date of this section, with the goal of*
3 *including all data assets, to the extent practicable.*

4 “(2) *CONTENTS.—Each Enterprise Data Inven-*
5 *tory shall include the following:*

6 “(A) *Data assets used in agency informa-*
7 *tion systems (including program administration,*
8 *statistics, and financial activity) generated by*
9 *applications, devices, networks, facilities, and*
10 *equipment, categorized by source type.*

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

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

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

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

23 “(F) *Open Government data assets.*

1 “(G) Other elements as required by the
2 guidance issued by the Director under subsection
3 (c).

4 “(b) *PUBLIC AVAILABILITY.*—The Chief Information
5 Officer of each agency, in coordination with privacy and
6 security officials of the agency, shall use the guidance issued
7 by the Director under section 3562(d) in determining
8 whether to make data assets included in the Enterprise
9 Data Inventory of the agency publicly available in an open
10 format and under an open license.

11 “(c) *GUIDANCE FOR ENTERPRISE DATA INVENTORY.*—
12 The Director shall issue guidance for each Enterprise Data
13 Inventory, including a requirement that an Enterprise
14 Data Inventory includes a compilation of metadata about
15 agency data assets.

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

18 “(1) shall make the Enterprise Data Inventory of
19 the agency available to the public on the Federal Data
20 Catalog required under section 3566;

21 “(2) shall ensure that access to the Enterprise
22 Data Inventory of the agency and the data contained
23 therein is consistent with applicable law, regulation,
24 and policy; and

1 “(3) may implement paragraph (1) in a manner
2 that maintains a nonpublic portion of the Enterprise
3 Data Inventory of the agency.

4 “(e) *REGULAR UPDATES REQUIRED.*—The Chief In-
5 formation Officer of each agency shall—

6 “(1) to the extent practicable, complete the En-
7 terprise Data Inventory for the agency not later than
8 1 year after the date of enactment of this section; and

9 “(2) add additional data assets to the Enterprise
10 Data Inventory for the agency not later than 90 days
11 after the date on which the data asset is created or
12 identified.

13 “(f) *USE OF EXISTING RESOURCES.*—When prac-
14 ticable, the Chief Information Officer of each agency shall
15 use existing procedures and systems to compile and publish
16 the Enterprise Data Inventory for the agency.

17 **“§ 3564. Federal agency responsibilities**

18 “(a) *INFORMATION RESOURCES MANAGEMENT.*—With
19 respect to general information resources management, each
20 agency shall—

21 “(1) improve the integrity, quality, and utility
22 of information to all users within and outside the
23 agency by—

24 “(A) using open format for any new open
25 Government data asset created or obtained on or

1 *after the date that is 1 year after the date of en-*
2 *actment of this section; and*

3 *“(B) to the extent practicable, encouraging*
4 *the adoption of open format for all open Govern-*
5 *ment data assets created or obtained before the*
6 *date described in subparagraph (A); and*

7 *“(2) in consultation with the Director, develop*
8 *an open data plan that, at a minimum and to the*
9 *extent practicable—*

10 *“(A) requires the agency to develop proc-*
11 *esses and procedures that—*

12 *“(i) require each new data collection*
13 *mechanism to use an open format; and*

14 *“(ii) allow the agency to collaborate*
15 *with non-Government entities, researchers,*
16 *businesses, and private citizens for the pur-*
17 *pose of understanding how data users value*
18 *and use open Government data assets;*

19 *“(B) identifies and implements methods for*
20 *collecting and analyzing digital information on*
21 *data asset usage by users within and outside of*
22 *the agency, including designating a point of con-*
23 *tact within the agency to assist the public and*
24 *to respond to quality issues, usability issues, rec-*

1 *ommendations for improvements, and complaints*
2 *about adherence to open data requirements;*

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

7 “(D) *requires the agency to update the plan*
8 *at an interval determined by the Director;*

9 “(E) *includes requirements for meeting the*
10 *goals of the agency open data plan including*
11 *technology, training for employees, and imple-*
12 *menting procurement standards, in accordance*
13 *with existing law, regulation, and policy, that*
14 *allow for the acquisition of innovative solutions*
15 *from the public and private sectors; and*

16 “(F) *prohibits the disclosure of data assets*
17 *unless the data asset may be released to the pub-*
18 *lic in accordance with guidance issued by the*
19 *Director under section 3562(d).*

20 “(b) *INFORMATION DISSEMINATION.—With respect to*
21 *information dissemination, each agency—*

22 “(1) *shall provide access to open Government*
23 *data assets online;*

24 “(2) *shall take the necessary precautions to en-*
25 *sure that the agency maintains the production and*

1 *publication of data assets which are directly related*
2 *to activities that protect the safety of human life or*
3 *property, as identified by the open data plan of the*
4 *agency required under subsection (a)(2); and*

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

7 *“(A) publishing information on open Gov-*
8 *ernment data assets usage in regular, timely in-*
9 *tervals, but not less frequently than annually;*

10 *“(B) receiving public input regarding pri-*
11 *orities for the analysis and disclosure of data as-*
12 *sets to be published;*

13 *“(C) assisting civil society groups and*
14 *members of the public working to expand the use*
15 *of open Government data assets; and*

16 *“(D) hosting challenges, competitions,*
17 *events, or other initiatives designed to create ad-*
18 *ditional value from open Government data as-*
19 *sets.*

20 **“§ 3565. Additional agency data asset management re-**
21 **sponsibilities**

22 *“The Chief Information Officer of each agency, or other*
23 *appropriate official designated by the head of an agency,*
24 *in collaboration with other internal agency stakeholders, is*
25 *responsible for—*

1 “(1) data asset management, format standard-
2 ization, sharing of data assets, and publication of
3 data assets for the agency;

4 “(2) the compilation and publication of the En-
5 terprise Data Inventory for the agency required under
6 section 3563;

7 “(3) ensuring that agency data conforms with
8 open data best practices;

9 “(4) engaging agency employees, the public, and
10 contractors in using open Government data assets
11 and encouraging collaborative approaches to improv-
12 ing data use;

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

17 “(6) supporting officials responsible for leading
18 agency mission areas and Governmentwide initiatives
19 in maximizing data available for program adminis-
20 tration, statistics, evaluation, research, and internal
21 financial management, subject to any privacy, con-
22 fidentiality, security laws and policies, and other
23 valid restrictions;

24 “(7) reviewing the information technology infra-
25 structure of the agency and the impact of the infra-

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

3 *“(8) ensuring that, to the extent practicable, the*
4 *agency is maximizing data assets used in agency in-*
5 *formation systems generated by applications, devices,*
6 *networks, facilities, and equipment, categorized by*
7 *source type, and such use is not otherwise prohibited,*
8 *to reduce costs, improve operations, and strengthen se-*
9 *curity and privacy protections; and*

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

13 **“§ 3566. Federal Data Catalog**

14 *“(a) FEDERAL DATA CATALOG REQUIRED.—The Ad-*
15 *ministrator of General Services shall maintain a single*
16 *public interface online, to be known as the ‘Federal Data*
17 *Catalog’, as a point of entry dedicated to sharing open Gov-*
18 *ernment data assets with the public.*

19 *“(b) COORDINATION WITH AGENCIES.—The Director*
20 *shall determine, after consultation with the head of each*
21 *agency and the Administrator of General Services, the*
22 *method to access any open Government data assets pub-*
23 *lished through the interface described in subsection (a).”.*

24 *(2) SPECIAL PROVISIONS.—*

1 (A) *EFFECTIVE DATE.*—*Notwithstanding*
2 *subsection (i), section 3562 of title 44, United*
3 *States Code, as added by paragraph (1), shall*
4 *take effect on the date that is 1 year after the*
5 *date of enactment of this Act and shall apply*
6 *with respect to any contract entered into by an*
7 *agency on or after such effective date.*

8 (B) *USE OF OPEN DATA ASSETS.*—*Not later*
9 *than 1 year after the date of enactment of this*
10 *Act, the head of each agency shall ensure that*
11 *any activities by the agency or any new contract*
12 *entered into by the agency meet the requirements*
13 *of section 3562 of title 44, United States Code,*
14 *as added by paragraph (1).*

15 (C) *DEADLINE FOR FEDERAL DATA CATA-*
16 *LOG.*—*Not later than 180 days after the effective*
17 *date of this section, the Administrator of General*
18 *Services shall meet the requirements of section*
19 *3566 of title 44, United States Code, as added by*
20 *paragraph (1)*

21 (3) *TECHNICAL AND CONFORMING AMEND-*
22 *MENT.*—*The table of sections for chapter 35 of title*
23 *44, United States Code, is amended by adding at the*
24 *end the following:*

“SUBCHAPTER III—OPEN GOVERNMENT DATA

“3561. Definitions.

“3562. *Requirements for Government data.*

“3563. *Enterprise Data Inventory.*

“3564. *Federal agency responsibilities.*

“3565. *Additional agency data asset management responsibilities.*

“3566. *Federal Data Catalog.*”.

1 (d) *EVALUATION OF AGENCY ANALYTICAL CAPABILI-*
2 *TIES.—*

3 (1) *AGENCY REVIEW OF EVALUATION AND ANAL-*
4 *YSIS CAPABILITIES; REPORT.—Not later than 3 years*
5 *after the date of enactment of this Act, the Chief Op-*
6 *erating Officer of each agency shall submit to the*
7 *Committee on Homeland Security and Governmental*
8 *Affairs of the Senate, the Committee on Oversight and*
9 *Government Reform of the House of Representatives,*
10 *and the Director of the Office of Management and*
11 *Budget a report on the review described in paragraph*
12 *(2).*

13 (2) *REQUIREMENTS OF AGENCY REVIEW.—The*
14 *report required under paragraph (1) shall assess the*
15 *coverage, quality, methods, effectiveness, and inde-*
16 *pendence of the evaluation, research, and analysis ef-*
17 *forts of an agency, including each of the following:*

18 (A) *A list of the activities and operations of*
19 *the agency that are being evaluated and ana-*
20 *lyzed and the activities and operations that have*
21 *been evaluated and analyzed during the previous*
22 *5 years.*

1 (B) *The extent to which the evaluations, re-*
2 *search, and analysis efforts and related activities*
3 *of the agency support the needs of various divi-*
4 *sions within the agency.*

5 (C) *The extent to which the evaluation re-*
6 *search and analysis efforts and related activities*
7 *of the agency address an appropriate balance be-*
8 *tween needs related to organizational learning,*
9 *ongoing program management, performance*
10 *management, strategic management, interagency*
11 *and private sector coordination, internal and ex-*
12 *ternal oversight, and accountability.*

13 (D) *The extent to which the agency uses*
14 *methods and combinations of methods that are*
15 *appropriate to agency divisions and the cor-*
16 *responding research questions being addressed,*
17 *including an appropriate combination of forma-*
18 *tive and summative evaluation research and*
19 *analysis approaches.*

20 (E) *The extent to which evaluation and re-*
21 *search capacity is present within the agency to*
22 *include personnel, agency process for planning*
23 *and implementing evaluation activities, dissemi-*
24 *nating best practices and findings, and incor-*
25 *porating employee views and feedback.*

1 (F) *The extent to which the agency has the*
2 *capacity to assist front-line staff and program*
3 *offices to develop the capacity to use evaluation*
4 *research and analysis approaches and data in*
5 *the day-to-day operations.*

6 (3) *GAO REVIEW OF AGENCY REPORTS.—Not*
7 *later than 4 years after the date of enactment of this*
8 *Act, the Comptroller General of the United States*
9 *shall submit to Congress a report that summarizes*
10 *agency findings and highlights trends from the re-*
11 *ports submitted under paragraph (1) and, if appro-*
12 *priate, recommends actions to further improve agency*
13 *capacity to use evaluation techniques and data to*
14 *support evaluation efforts.*

15 (e) *ONLINE REPOSITORY AND ADDITIONAL RE-*
16 *PORTS.—*

17 (1) *REPOSITORY.—The Director of the Office of*
18 *Management and Budget shall collaborate with the*
19 *Office of Government Information Services and the*
20 *Administrator of General Services to develop and*
21 *maintain an online repository of tools, best practices,*
22 *and schema standards to facilitate the adoption of*
23 *open data practices, which shall—*

24 (A) *include definitions, regulation and pol-*
25 *icy, checklists, and case studies related to open*

1 *data, this section, and the amendments made by*
2 *this section; and*

3 *(B) facilitate collaboration and the adop-*
4 *tion of best practices across the Federal Govern-*
5 *ment relating to the adoption of open data prac-*
6 *tices.*

7 *(2) GAO REPORT.—Not later than 3 years after*
8 *the date of enactment of this Act, the Comptroller*
9 *General of the United States shall submit to the Com-*
10 *mittee on Homeland Security and Governmental Af-*
11 *airs of the Senate and the Committee on Oversight*
12 *and Government Reform of the House of Representa-*
13 *tives a report that identifies—*

14 *(A) the value of information made available*
15 *to the public as a result of this section and the*
16 *amendments made by this section;*

17 *(B) whether it is valuable to expand the*
18 *publicly available information to any other data*
19 *assets; and*

20 *(C) the completeness of the Enterprise Data*
21 *Inventory at each agency required under section*
22 *3563 of title 44, United States Code, as added by*
23 *subsection (c).*

24 *(3) BIENNIAL OMB REPORT.—Not later than 1*
25 *year after the effective date of this section, and every*

1 2 years thereafter, the Director of the Office of Man-
2 agement and Budget shall electronically publish a re-
3 port on agency performance and compliance with this
4 section and the amendments made by this section.

5 (4) AGENCY CIO REPORT.—Not later than 1 year
6 after the effective date of this section and every year
7 thereafter, the Chief Information Officer of each agen-
8 cy shall submit to the Committee on Homeland Secu-
9 rity and Governmental Affairs of the Senate and the
10 Committee on Homeland Security of the House of
11 Representatives a report on compliance with the re-
12 quirements of this section and the amendments made
13 by this section, including information on the require-
14 ments that the agency could not meet and what the
15 agency needs to comply with those requirements.

16 (f) GUIDANCE.—The Director of the Office of Manage-
17 ment and Budget shall delegate to the Administrator of the
18 Office of Information and Regulatory Affairs and the Ad-
19 ministrator of the Office of Electronic Government the au-
20 thority to jointly issue guidance required under this section.

21 (g) NATIONAL SECURITY SYSTEMS.—This section and
22 the amendments made by this section shall not apply to
23 data assets that are contained in a national security sys-
24 tem, as defined in section 11103 of title 40, United States
25 Code.

1 (h) *RULE OF CONSTRUCTION.*—Nothing in this sec-
2 tion, or the amendments made by this section, shall be con-
3 strued to require the disclosure of information or records
4 that may be withheld from public disclosure under any pro-
5 vision of Federal law, including section 552 of title 5,
6 United States Code (commonly known as the “Freedom of
7 Information Act”) and section 552a of title 5, United States
8 Code (commonly known as the “Privacy Act of 1974”).

9 (i) *EFFECTIVE DATE.*—This section, and the amend-
10 ments made by this section, shall take effect on the date
11 that is 180 days after the date of enactment of this Act.

12 **SEC. 6013. BRIEFING ON PLANS TO DEVELOP AND IMPROVE**
13 **ADDITIVE MANUFACTURING CAPABILITIES.**

14 Not later than December 1, 2017, the Secretary of De-
15 fense shall brief the Committees on Armed Services of the
16 Senate and the House of Representatives on the Depart-
17 ment’s plans to develop and improve additive manufac-
18 turing, including the Department’s plans to—

19 (1) develop military and quality assurance
20 standards as quickly as possible;

21 (2) leverage current manufacturing institutes to
22 conduct research in the validation of quality stand-
23 ards for additive manufactured parts; and



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