

Open, Public, Electronic and Necessary (OPEN) Government Data Act

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The federal government possesses an enormous amount of valuable public data, which should be used to improve government services and promote private sector innovation. This legislation seeks to achieve these goals by creating an expectation that – by default – government data will be open and available whenever possible. Specifically, this bill defines open data without locking in yesterday’s technology; creates standards for making federal government data available to the public; requires the federal government to use open data to improve decision making; and ensures accountability by requiring oversight during key periods of implementation.

Section 1. Short Title; Table of Contents.

Open, Public, Electronic and Necessary (OPEN) Government Data Act.

Section 2. Findings.

- Describes the importance of government data.

Section 3. Agency Defined.

- Uses the definition of “agency” in 44 USC 3561 and adds the Federal Election Commission.

Section 4. OPEN Government Data.

- Creates Subchapter III – Open Government Data in 44 USC
- Creates 44 USC 3561 Definitions – This allows for the adoption of consistent data practices across the government. The goal is to improve data portability, openness, and transparency without locking yesterday’s technology into law.
- Creates 44 USC 3562 Requirements for Government Data –
 - Requires government data to be machine-readable and available in open format by default.
 - Requires the use of open licenses for government data, when not prohibited by law, to improve the use of government data consumer protection.
 - Encourages agencies to consider innovative uses for data by engaging with public and private entities.
- Creates 44 USC 3563 Enterprise Data Inventory –
 - Requires agencies to use existing resources to develop, maintain and regularly update an Enterprise Data Inventory of data assets – and to make these inventories available to the public.
 - Establishes a process to determine what data is made public and what data must necessarily be kept non-public.
- Creates 44 USC 3564 Federal Agency Responsibilities –
 - Establishes Information Resources Management standards to improve the integrity, quality, and utility of information.
 - Requires agencies to develop an open data plan that outlines how agencies will implement information resource management standards and work with stakeholders.
- Creates 44 USC 3565 Additional Chief Information Officer Responsibilities - Expands the role of federal CIO’s or other officials designated by agency heads to ensure the adoption and success of open data practices across the government.
- Creates 44 USC 3566 Technology Portal -

- Provides a single public interface online (currently Data.gov) to share all open government data assets with the public and government agencies.

Section 5. Evaluation of Agency Analytical Capabilities.

- Requires OMB, one year after enactment, to issue guidance to each agency to assess their use of data assets to support decision-making, cost savings and performance. Three years after enactment, each agency CIO shall then submit a report to Congress and OMB on this review. Four years after enactment, GAO shall submit to Congress and OMB a summary of findings, trends and recommendations for improvement.
- Provides requirements for the review.

Section 6. Online Repository and Additional Reports.

- Requires OMB to create an online repository of best practices and other tools to assist agencies to adopt open data practices.
- Requires GAO, within three years of enactment, to report to Congress on the value of making additional government data publically available.
- Requires OMB to issue a compliance report one year after the date of enactment and every two years thereafter.
- Requires agency CIOs to inform Congress on their compliance with the requirements of this bill, provide a rationale for non-compliance, and needs to support compliance.

Section 7. Rule of Construction.

- Leverages the existing statutory protections under the Freedom of Information Act (FOIA) to prevent the disclosure of information that could harm privacy, national security, and business sensitive information.

Section 8. Effective Date.

- Requires the amendments made by the Act shall take effect 180 days after enactment.