

116TH CONGRESS
2D SESSION

S. 4500

To amend title 44, United States Code, to preserve and protect open
Government data assets.

IN THE SENATE OF THE UNITED STATES

AUGUST 6, 2020

Mr. PETERS (for himself and Mr. GARDNER) introduced the following bill;
which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To amend title 44, United States Code, to preserve and
protect open Government data assets.

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.**

4 This Act may be cited as the “Preserving Data in
5 Government Act of 2020”.

6 **SEC. 2. PRESERVING OPEN GOVERNMENT DATA ASSETS.**

7 (a) IN GENERAL.—Subchapter I of chapter 35 of title
8 44, United States Code, is amended—

9 (1) in section 3502—

1 (A) in paragraph (22), by striking “and”
 2 at the end;

3 (B) in paragraph (23), by striking the pe-
 4 riod at the end and inserting “; and”; and

5 (C) by adding at the end the following:

6 “(24) the term ‘open format’ means a technical
 7 format that is not encumbered by restrictions that
 8 would impede use or reuse.”; and

9 (2) by adding at the end the following:

10 **“§ 3522. Requirement to preserve open Government**
 11 **data assets**

12 “(a) IN GENERAL.—Except as provided under sub-
 13 section (c), any open Government data asset that is made
 14 available to the public for a period of not less than 90
 15 consecutive days shall—

16 “(1) remain machine-readable, available in an
 17 open format, and part of the worldwide public do-
 18 main or, if necessary, published with an open li-
 19 cense; and

20 “(2) not be altered in such a way as to decrease
 21 the machine-readable nature of the open Govern-
 22 ment data asset.

23 “(b) ALTERATION OF DIGITAL LOCATION, FORMAT,
 24 OR CONTENT.—

1 “(1) IN GENERAL.—It shall not be a violation
2 of subsection (a) to alter—

3 “(A) the digital location or format of any
4 open Government data asset for the purpose of
5 routine asset maintenance or long-term
6 archiving if the alteration does not decrease the
7 open public accessibility or the machine-read-
8 able nature of the open Government data asset;
9 or

10 “(B) the contents of any open Government
11 data asset for purposes of updating the open
12 Government data asset or correcting an error in
13 the open Government data asset.

14 “(2) PERMANENCE OF DATA AFTER UP-
15 DATES.—For purposes of subsection (a), any alter-
16 ation of the digital location, format, or contents of
17 an open Government data asset under paragraph (1)
18 shall not constitute a renewal of the period for which
19 the open Government data asset has been made
20 available to the public.

21 “(3) RECORD OF DATA CHANGES AFTER UP-
22 DATES.—Any substantial alteration of the contents
23 of an open Government data asset under paragraph
24 (1) shall be recorded in a log that is made available

1 to the public in an open format along with the open
2 Government data asset.

3 “(c) EXCEPTIONS.—

4 “(1) CONSERVATION OF AGENCY RESOURCES.—

5 An agency may remove an open Government data
6 asset from public availability if—

7 “(A) the open Government data asset is
8 available for download on the worldwide public
9 domain for a period of not less than 90 days
10 before the date on which the agency removes
11 the open Government data asset from public
12 availability;

13 “(B) the head of the agency determines
14 that the open Government data asset—

15 “(i) is too costly to maintain; or

16 “(ii) does not provide sufficient value
17 to the public; and

18 “(C) not less than 6 months before the
19 date on which the agency removes the open
20 Government data asset from public availability,
21 the agency publishes a notice of the removal in
22 the Federal Register, including—

23 “(i) a clear identification of the open
24 Government data asset;

1 “(ii) if applicable, the digital object
2 identifier of the open Government data
3 asset;

4 “(iii) a detailed description of the rea-
5 sons for the removal; and

6 “(iv) a detailed description of efforts
7 to make the open Government data asset
8 permanently publicly available.

9 “(2) OTHER PROVISIONS OF LAW.—Subsection
10 (a) shall not apply in the case of an open Govern-
11 ment data asset that is required to be removed from
12 public availability or altered under another provision
13 of law.”.

14 (b) TECHNICAL AND CONFORMING AMENDMENT.—
15 The table of sections for subchapter I of chapter 35 of
16 title 44, United States Code, is amended by inserting after
17 the item relating to section 3521 the following:

“3522. Requirement to preserve open Government data assets.”.

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