

115TH CONGRESS
1ST SESSION

S. _____

To amend title 44, United States Code, to protect open, machine-readable databases.

IN THE SENATE OF THE UNITED STATES

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

A BILL

To amend title 44, United States Code, to protect open,
machine-readable databases.

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 2017”.

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

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 (13), by striking “and”
2 at the end;

3 (B) in paragraph (14), by striking the pe-
4 riod at the end and inserting a semicolon; and

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

6 “(15) the term ‘data’ means recorded informa-
7 tion, regardless of form or the media on which the
8 data is recorded;

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

12 “(17) the term ‘machine-readable’ means a for-
13 mat in which information or data can be easily proc-
14 essed by a computer without human intervention
15 while ensuring no semantic meaning is lost;

16 “(18) the term ‘open format’ means a technical
17 format that is not encumbered by restrictions that
18 would impede use or reuse;

19 “(19) the term ‘open Government data’ means
20 a public data asset that is—

21 “(A) machine-readable;

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

23 “(C) part of the worldwide public domain
24 or, if necessary, published with an open license;
25 and

1 “(20) the term ‘public data asset’ means a data
2 asset created or maintained by an agency, or a con-
3 tractor of an agency, that—

4 “(A) is not protected under copyright or
5 patent laws; and

6 “(B)(i) may be released to the public; or

7 “(ii) has been released to the public in an
8 open format.”; and

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

10 **“§ 3522. Requirement to preserve Government data**

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

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

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

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

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

1 “(A) the digital location or format of open
2 Government data for the purpose of routine
3 asset maintenance or long-term archiving if the
4 alteration does not decrease the open public ac-
5 cessibility or the machine-readable nature of the
6 open Government data; or

7 “(B) the contents of open Government
8 data for purposes of updating the open Govern-
9 ment data or correcting an error in the open
10 Government data.

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

18 “(3) RECORD OF DATA CHANGES AFTER UP-
19 DATES.—Any substantial alteration of the contents
20 of open Government data under subparagraph (A)
21 or (B) of paragraph (1) shall be recorded in a log
22 that is made available to the public in an open for-
23 mat along with the open Government data.

24 “(c) EXCEPTIONS.—

1 “(1) CONSERVATION OF AGENCY RESOURCES.—

2 An agency may remove open Government data from
3 public availability if—

4 “(A) the head of the agency determines
5 that the open Government data—

6 “(i) is too costly to maintain; or

7 “(ii) does not provide sufficient value
8 to the public;

9 “(B) not less than 6 months before the
10 date on which the agency removes the open
11 Government data from public availability, the
12 agency publishes a notice of the removal in the
13 Federal Register, including—

14 “(i) a clear identification of the open
15 Government data;

16 “(ii) if applicable, the digital object
17 identifier of the open Government data;

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

20 “(iv) a detailed description of efforts
21 to make the open Government data perma-
22 nently publicly available; and

23 “(C) the open Government data is avail-
24 able for download on the worldwide public do-
25 main for a period of not less than 6 months be-

1 fore the date on which the agency removes the
2 open Government data from public availability.

3 “(2) OTHER PROVISIONS OF LAW.—Subsection
4 (a) shall not apply in the case of open Government
5 data that is required to be removed from public
6 availability or altered under another provision of
7 law.”.

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

 “3522. Requirement to preserve Government data.”.