

106TH CONGRESS
1ST SESSION

S. 205

To establish a Federal Commission on Statistical Policy to study the reorganization of the Federal statistical system, to provide uniform safeguards for the confidentiality of information acquired for exclusively statistical purposes, and to improve the efficiency of Federal statistical programs and the quality of Federal statistics by permitting limited sharing of records among designated agencies for statistical purposes under strong safeguards.

IN THE SENATE OF THE UNITED STATES

JANUARY 19, 1999

Mr. MOYNIHAN (for himself and Mr. KERREY) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To establish a Federal Commission on Statistical Policy to study the reorganization of the Federal statistical system, to provide uniform safeguards for the confidentiality of information acquired for exclusively statistical purposes, and to improve the efficiency of Federal statistical programs and the quality of Federal statistics by permitting limited sharing of records among designated agencies for statistical purposes under strong safeguards.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Federal Commission on Statistical Policy Act of 1999”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Sense of the Congress.

TITLE I—FEDERAL COMMISSION ON STATISTICAL POLICY

- Sec. 101. Establishment.
- Sec. 102. Duties of Commission.
- Sec. 103. Powers.
- Sec. 104. Commission procedures.
- Sec. 105. Personnel matters.
- Sec. 106. Other administrative provisions.
- Sec. 107. Termination.
- Sec. 108. Fast-track procedures for statistical reorganization bill.

TITLE II—EFFICIENCY AND CONFIDENTIALITY OF FEDERAL
STATISTICAL SYSTEMS

- Sec. 201. Short title.
- Sec. 202. Findings and purposes.
- Sec. 203. Definitions.
- Sec. 204. Statistical Data Centers.
- Sec. 205. Statistical Data Center responsibilities.
- Sec. 206. Confidentiality of information.
- Sec. 207. Coordination and oversight.
- Sec. 208. Implementing regulations.
- Sec. 209. Conforming amendments and proposed changes in law.
- Sec. 210. Effect on other laws.

6 **SEC. 2. FINDINGS.**

7 The Congress, recognizing the importance of statis-
8 tical information in the development of national priorities
9 and policies and in the administration of public programs,
10 finds the following:

11 (1) While the demand for statistical information
12 has grown substantially during the last 30 years, the
13 difficulty of coordinating planning within the decen-

1 tralized Federal statistical system has limited the
2 usefulness of statistics in defining problems and de-
3 termining national policies to deal with complex so-
4 cial and economic issues.

5 (2) Coordination and planning among the sta-
6 tistical programs of the Government are necessary to
7 strengthen and improve the quality and utility of
8 Federal statistics and to reduce duplication and
9 waste in information collected for statistical pur-
10 poses.

11 (3) High-quality Federal statistical products
12 and programs are essential for sound business and
13 public policy decisions.

14 (4) The challenge of providing high-quality sta-
15 tistics has increased because our economy and soci-
16 ety are more complex, new technologies are avail-
17 able, and decisionmakers need more complete and
18 accurate data.

19 (5) Maintaining quality of Federal statistical
20 products requires full cooperation between Federal
21 statistical agencies and those persons and organiza-
22 tions that respond to their requests for information.

23 (6) Federal statistical products and programs
24 can be improved, without reducing respondent co-
25 operation, by permitting carefully controlled sharing

1 of data with statistical agencies in a manner that is
 2 consistent with confidentiality commitments made to
 3 respondents.

4 **SEC. 3. SENSE OF CONGRESS.**

5 It is the sense of Congress that—

6 (1) a more centralized statistical system is inte-
 7 gral to efficiency;

8 (2) with increased efficiency comes better inte-
 9 gration of research methodology, survey design, and
 10 economies of scale;

11 (3) the Chief Statistician must have the author-
 12 ity, personnel, and other resources necessary to
 13 carry out the duties of that office effectively, includ-
 14 ing duties relating to statistical forms clearance; and

15 (4) statistical forms clearance at the Office of
 16 Management and Budget should be better distin-
 17 guished from regulatory forms clearance.

18 **TITLE I—FEDERAL COMMISSION**
 19 **ON STATISTICAL POLICY**

20 **SEC. 101. ESTABLISHMENT.**

21 (a) ESTABLISHMENT.—There is established a com-
 22 mission to be known as the “Federal Commission on Sta-
 23 tistical Policy” (in this title referred to as the “Commis-
 24 sion”).

1 (b) COMPOSITION.—The Commission shall be com-
2 posed of 16 members as follows:

3 (1) APPOINTMENTS BY PRESIDENT.—Eight
4 members appointed by the President from among in-
5 dividuals who—

6 (A) are not officers or employees of the
7 United States; and

8 (B)(i) are qualified to serve on the Com-
9 mission by virtue of experience relating to sta-
10 tistical agencies of the Federal Government; or

11 (ii) have expertise relating to organiza-
12 tional reorganization, State sources and uses of
13 statistical information, statistical analysis, or
14 management of complex organizations.

15 (2) APPOINTMENTS FROM THE HOUSE OF REP-
16 REPRESENTATIVES.—Four members appointed by the
17 Speaker of the House of Representatives, in con-
18 sultation with the majority leader and minority lead-
19 er of the House of Representatives, from among in-
20 dividuals who—

21 (A) are not officers or employees of the
22 United States; and

23 (B)(i) are qualified to serve on the Com-
24 mission by virtue of experience relating to sta-
25 tistical agencies of the Federal Government; or

1 (ii) are also qualified to serve on the Com-
2 mission by virtue of expertise relating to organi-
3 zational reorganization, State sources and uses
4 of statistical information, statistical analysis, or
5 management of complex organizations.

6 (3) APPOINTMENTS FROM THE SENATE.—Four
7 members appointed by the President pro tempore of
8 the Senate, in consultation with the majority leader
9 and minority leader of the Senate, from among indi-
10 viduals who—

11 (A) are not officers or employees of the
12 United States; and

13 (B)(i) are qualified to serve on the Com-
14 mission by virtue of experience relating to sta-
15 tistical agencies of the Federal Government; or

16 (ii) are also qualified to serve on the Com-
17 mission by virtue of expertise relating to organi-
18 zational reorganization, State sources and uses
19 of statistical information, statistical analysis, or
20 management of complex organizations.

21 (c) DEADLINE FOR APPOINTMENT.—Members shall
22 be appointed to the Commission not later than 4 months
23 after the date of the enactment of this Act.

24 (d) POLITICAL AFFILIATION.—

1 (1) APPOINTMENTS BY PRESIDENT.—Of the
2 members of the Commission appointed under sub-
3 section (b)(1), not more than 4 may be of the same
4 political party.

5 (2) APPOINTMENTS BY SPEAKER OF THE
6 HOUSE OF REPRESENTATIVES.—Of the members of
7 the Commission appointed under subsection (b)(2),
8 not more than 2 may be of the same political party.

9 (3) APPOINTMENTS BY PRESIDENT PRO TEM-
10 PORE.—Of the members of the Commission ap-
11 pointed under subsection (b)(3), not more than 2
12 may be of the same political party.

13 (e) CHAIRMAN.—The Commission shall select a
14 Chairman from among the members of the Commission
15 by a majority vote of all members.

16 (f) CONSULTATION BEFORE APPOINTMENTS.—In
17 making appointments under subsection (b), the President,
18 the Speaker of the House of Representatives, the minority
19 leader of the House of Representatives, the President pro
20 tempore of the Senate, and the minority leader of the Sen-
21 ate shall consult with appropriate professional organiza-
22 tions, including State and local governments.

23 (g) PERIOD OF APPOINTMENT; VACANCIES.—Mem-
24 bers shall be appointed for the life of the Commission. Any
25 vacancy in the Commission shall not affect its powers, but

1 shall be filled in the same manner as the original appoint-
2 ment.

3 **SEC. 102. DUTIES OF COMMISSION.**

4 (a) STUDY AND REPORT.—Not later than 18 months
5 after the date of enactment of this Act, the Commission
6 shall study and submit to Congress and the President a
7 written report and draft legislation as necessary and ap-
8 propriate on the Federal statistical system including—

9 (1) recommendations on whether the Federal
10 statistical system could be reorganized by consolidat-
11 ing the statistical functions of agencies that carry
12 out statistical programs;

13 (2) recommendations on how the consolidation
14 described in paragraph (1) may be achieved without
15 disruption in the release of statistical products;

16 (3) any other recommendations regarding how
17 the Federal statistical system could be reorganized
18 to achieve greater efficiency, improve quality, timeli-
19 ness, and adaptability to change in carrying out
20 Federal statistical programs;

21 (4) recommendations on possible improvements
22 to procedures for the release of major economic and
23 social indicators by the United States; and

24 (5) recommendations to ensure requirements
25 that State data and information shall be maintained

1 in a confidential, consistent, and comparable man-
2 ner.

3 (b) PRESIDENTIAL REVIEW.—

4 (1) IN GENERAL.—

5 (A) TIME PERIOD FOR REVIEW.—Not later
6 than 15 days after the receipt of the report (in-
7 cluding any draft legislation) under subsection
8 (a), the President shall approve or disapprove
9 of the report.

10 (B) APPROVAL OR INACTION.—If the
11 President approves the report, the Commission
12 shall submit the report to Congress on the day
13 following such approval. If the President does
14 not disapprove the report, the Commission shall
15 submit the report to Congress on the day fol-
16 lowing the 15-day period described under sub-
17 paragraph (A).

18 (C) DISAPPROVAL.—If the President dis-
19 approves the report, the President shall note his
20 specific objections and any suggested changes
21 to the Commission.

22 (D) FINAL REPORT AFTER DIS-
23 APPROVAL.—The Commission shall consider
24 any objections and suggested changes submitted
25 by the President and may modify the report

1 based on those objections and suggested
2 changes. Not later than 10 days after receipt of
3 the President's disapproval under subparagraph
4 (C), the Commission shall submit the final re-
5 port (as modified if modified) to Congress.

6 (c) STATISTICAL REORGANIZATION BILL.—

7 (1) IN GENERAL.—If the written report submit-
8 ted to Congress under subsection (a) contains rec-
9 ommendations on the consolidation of the Federal
10 statistical functions of the United States into a Fed-
11 eral Statistical Service, the report shall contain draft
12 legislation incorporating such recommendations
13 under subsection (a)(1).

14 (2) DRAFT LEGISLATION.—Draft legislation
15 submitted to Congress under this subsection shall be
16 strictly limited to implementation of recommenda-
17 tions for the consolidation or reorganization of the
18 statistical functions of Federal agencies.

19 (3) PROVISIONS IN DRAFT LEGISLATION.—
20 Draft legislation submitted to Congress under this
21 subsection that would establish a Federal Statistical
22 Service shall—

23 (A) provide for an Administrator and Dep-
24 uty Administrator of the Federal Statistical

1 Service, and the creation of other officers as ap-
2 propriate; and

3 (B) contain a provision designating the
4 Administrator as a member of the Interagency
5 Council on Statistical Policy established under
6 section 3504(e)(8) of title 44, United States
7 Code.

8 (d) OTHER DUTIES OF THE COMMISSION.—

9 (1) IN GENERAL.—The Commission shall also
10 conduct comprehensive studies and submit reports to
11 Congress on all matters relating to the Federal sta-
12 tistical infrastructure, including longitudinal surveys
13 conducted by private agencies and partially funded
14 by the Federal Government for the purpose of iden-
15 tifying opportunities to improve the quality of statis-
16 tics in the United States.

17 (2) INCLUSIONS.—Studies under this subsection
18 shall include—

19 (A) a review and evaluation of the mission
20 of various statistical agencies and the relevance
21 of such missions to current and future needs;

22 (B) an evaluation of key statistics and
23 measures and recommendations on ways to im-
24 prove such statistics so that the statistics better
25 serve the intended major purposes;

1 (C) a review of interagency coordination of
2 statistical data and recommendations of meth-
3 ods to standardize collection procedures and
4 surveys, as appropriate, and presentation of
5 data throughout the Federal system;

6 (D) a review of information technology and
7 recommendations of appropriate methods for
8 disseminating statistical data, with special em-
9 phasis on resources such as the Internet that
10 allow the public to obtain information in a time-
11 ly and cost-effective manner;

12 (E) an identification and examination of
13 issues regarding individual privacy in the con-
14 text of statistical data;

15 (F) a comparison of the United States sta-
16 tistical system to statistical systems of other
17 nations for the purposes of identifying best
18 practices;

19 (G) a consideration of the coordination of
20 statistical data with other nations and inter-
21 national agencies, such as the Organization for
22 Economic Cooperation and Development; and

23 (H) recommendations regarding the pres-
24 entation to the public of statistical data col-
25 lected by Federal agencies, and standards of ac-

1 curacy for statistical data used by Federal
2 agencies, including statistical data relating to—

3 (i) the national poverty level and
4 county poverty levels in the United States;

5 (ii) the Consumer Price Index;

6 (iii) the gross domestic product; and

7 (iv) other indicators of economic and
8 social activity, including marriage and di-
9 vorce in the United States.

10 (e) DEFINITION OF FEDERAL STATISTICAL SERV-
11 ICE.—As used in this section, the term “Federal Statis-
12 tical Service” means an entity established after the date
13 of the enactment of this Act as an independent agency
14 in the executive branch, the purpose of which is to carry
15 out Federal statistical programs and to which the statis-
16 tical functions of Federal statistical agencies are trans-
17 ferred.

18 **SEC. 103. POWERS.**

19 (a) HEARINGS AND SESSIONS.—The Commission
20 may, for the purpose of carrying out this Act, hold hear-
21 ings, sit and act at times and places, take testimony, and
22 receive evidence as the Commission considers appropriate.

23 (b) OBTAINING INFORMATION.—The Commission
24 may secure directly from any department or agency of the
25 United States information necessary to enable it to carry

1 out this Act. Upon request of the Chairman of the Com-
2 mission, the head of that department or agency shall fur-
3 nish that information to the Commission.

4 (c) CONTRACT AUTHORITY.—The Commission may
5 contract with and compensate government and private
6 agencies or persons without regard to section 3709 of the
7 Revised Statutes (41 U.S.C. 5).

8 **SEC. 104. COMMISSION PROCEDURES.**

9 (a) MEETINGS.—The Commission shall meet at the
10 call of the Chairman or a majority of its members.

11 (b) QUORUM.—Eight members of the Commission
12 shall constitute a quorum but a lesser number may hold
13 hearings.

14 (c) DELEGATION OF AUTHORITY.—Any member or
15 agent of the Commission may, if authorized by the Com-
16 mission, take any action which the Commission is author-
17 ized to take by this Act.

18 (d) VOTING.—The Commission shall adopt any rec-
19 ommendation by a vote of a majority of its members.

20 **SEC. 105. PERSONNEL MATTERS.**

21 (a) PAY OF MEMBERS.—Members of the Commission
22 appointed under paragraphs (2)(B), (3), or (4) of section
23 101(b) shall be entitled to receive the daily equivalent of
24 the rate of basic pay for level IV of the Executive Schedule
25 under section 5315 of title 5, United States Code, for each

1 day (including travel time) during which they are engaged
2 in the actual performance of duties vested in the Commis-
3 sion.

4 (b) TRAVEL EXPENSES.—Each member of the Com-
5 mission shall receive travel expenses, including per diem
6 in lieu of subsistence, in accordance with sections 5702
7 and 5703 of title 5, United States Code.

8 (c) STAFF.—The Commission may appoint and fix
9 the pay of personnel as it considers appropriate, including
10 an Executive Director.

11 (d) APPLICABILITY OF CERTAIN CIVIL SERVICE
12 LAWS.—Staff of the Commission may be appointed with-
13 out regard to the provisions of title 5, United States Code,
14 governing appointments in the competitive service, and
15 may be paid without regard to the provisions of chapter
16 51 and subchapter III of chapter 53 of that title relating
17 to classification and General Schedule pay rates, except
18 that an individual so appointed may not receive pay in
19 excess of the highest basic rate of pay established for the
20 Senior Executive Service under section 5382 of such title.

21 **SEC. 106. OTHER ADMINISTRATIVE PROVISIONS.**

22 (a) POSTAL AND PRINTING SERVICES.—The Com-
23 mission may use the United States mails and obtain print-
24 ing and binding services in the same manner and under

1 the same conditions as other departments and agencies of
2 the United States.

3 (b) ADMINISTRATIVE SUPPORT SERVICES.—Upon
4 the request of the Commission, the Administrator of Gen-
5 eral Services shall provide to the Commission, on a reim-
6 bursable basis, the administrative support services nec-
7 essary for the Commission to carry out its responsibilities
8 under this Act.

9 (c) EXPERTS AND CONSULTANTS.—The Commission
10 may procure temporary and intermittent services under
11 section 3109(b) of title 5, United States Code.

12 **SEC. 107. TERMINATION.**

13 The Commission shall terminate 3 years after the
14 date of enactment of this Act.

15 **SEC. 108. EXPEDITED PROCEDURES FOR STATISTICAL RE-**
16 **ORGANIZATION BILL.**

17 (a) RULES OF HOUSE OF REPRESENTATIVES AND
18 SENATE.—This section is enacted by the Congress—

19 (1) as an exercise of the rulemaking power of
20 the House of Representatives and the Senate, re-
21 spectively, and as such it shall be considered as part
22 of the rules of each House, respectively, or of that
23 House to which it specifically applies, and shall su-
24 persede other rules only to the extent that they are
25 inconsistent with this section; and

1 (2) with full recognition of the constitutional
2 right of either House to change the rules (so far as
3 relating to such House) at any time, in the same
4 manner and to the same extent as in the case of any
5 other rule of that House.

6 (b) DEFINITION.—As used in this section, the term
7 “statistical reorganization bill” means only a bill of either
8 House of Congress—

9 (1) that is identical to the draft legislation sub-
10 mitted to Congress by the Commission under section
11 102(b); and

12 (2) that is introduced as provided in subsection
13 (c).

14 (c) INTRODUCTION AND REFERRAL.—Within 15 leg-
15 islative days after the Commission submits to Congress
16 legislation under section 102(b), such legislation shall be
17 introduced (by request) in the House by the Majority
18 Leader of the House of Representatives and shall be intro-
19 duced (by request) in the Senate by the Majority Leader
20 of the Senate. Such bills shall be referred to the appro-
21 priate committee in each House.

22 (d) PERIOD FOR COMMITTEE AND FLOOR CONSIDER-
23 ATION.—

24 (1) DISCHARGE.—If the committee of either
25 House to which a statistical reorganization bill has

1 been referred has not reported it at the close of the
2 sixtieth day after its introduction, such committee
3 may be discharged from further consideration of the
4 bill upon a petition supported in writing in the Sen-
5 ate by 10 Members of the Senate and in the House
6 of Representatives by 40 Members of the House of
7 Representatives and it shall be placed on the appro-
8 priate calendar.

9 (2) DAYS.—For purposes of this subsection, in
10 computing a number of days in either House, there
11 shall be excluded the days on which that House is
12 not in session because of an adjournment of more
13 than 3 days to a day certain or an adjournment of
14 the Congress sine die.

15 (e) FLOOR CONSIDERATION IN THE HOUSE.—A mo-
16 tion in the House of Representatives to proceed to the con-
17 sideration of a statistical reorganization bill shall be highly
18 privileged except that a motion to proceed to consider may
19 only be made on the second legislative day after the cal-
20 endar day on which the Member making the motion an-
21 nounces to the House his intention to do so. The motion
22 to proceed to consider is not debatable. An amendment
23 to the motion shall not be in order, nor shall it be in order
24 to move to reconsider the vote by which the motion is
25 agreed to or disagreed to.

1 (f) FLOOR CONSIDERATION IN THE SENATE.—

2 (1) MOTION TO PROCEED.—On or after the
3 fifth day after the date on which a statistical reorga-
4 nization bill or conference report is placed on the
5 Senate calendar, it shall be in order for any Senator
6 to make a motion to proceed to consideration of the
7 bill or conference report. The motion shall be privi-
8 leged and not debatable. An amendment to the mo-
9 tion shall not be in order, nor shall it be in order
10 to move to reconsider the vote by which the motion
11 is agreed to or disagreed to.

12 (2) FINAL PASSAGE.—Immediately following
13 the conclusion of the debate on a statistical reorga-
14 nization bill or conference report, the vote on final
15 passage shall occur.

16 (g) CONFERENCE.—In the Senate, a motion to elect
17 or to authorize the appointment of conferees shall not be
18 debatable.

19 **SEC. 109. AUTHORIZATION OF APPROPRIATIONS.**

20 There is authorized to be appropriated for the Com-
21 mission such sums as may be necessary to carry out the
22 functions of the Commission.

1 **TITLE II—EFFICIENCY AND CON-**
2 **FIDENTIALITY OF FEDERAL**
3 **STATISTICAL SYSTEMS**

4 **SEC. 201. SHORT TITLE.**

5 This title may be cited as the “Statistical Confiden-
6 tiality Act”.

7 **SEC. 202. FINDINGS AND PURPOSES.**

8 (a) FINDINGS.—Congress finds the following:

9 (1) High quality Federal statistical products
10 and programs are essential for sound business and
11 public policy decisions.

12 (2) The challenge of providing high quality sta-
13 tistics has increased because the Nation’s economy
14 and society are more complex, new technologies are
15 available, and decision makers need more complete
16 and accurate data.

17 (3) Maintaining quality requires full coopera-
18 tion between Federal statistical agencies and those
19 persons and organizations that respond to requests
20 for information.

21 (4) Federal statistical products and programs
22 can be improved, without reducing respondent co-
23 operation, by permitting carefully controlled sharing
24 of data with statistical agencies in a manner that is

1 consistent with confidentiality commitments made to
2 respondents.

3 (b) PURPOSES.—The purposes of this title are the
4 following:

5 (1) To provide that individually identifiable in-
6 formation furnished either directly or indirectly to
7 designated statistical agencies for exclusively statis-
8 tical purposes shall not be disclosed in individually
9 identifiable form by such agencies for any other pur-
10 pose without the informed consent of the respond-
11 ent.

12 (2) To prohibit the use by such agencies, in in-
13 dividually identifiable form, of any information col-
14 lected, compiled, or maintained solely for statistical
15 purposes under Federal authority, to make any deci-
16 sion or take any action directly affecting the rights,
17 benefits, and privileges of the person to whom the
18 information pertains, except with the person's con-
19 sent.

20 (3) To reduce the reporting burden, duplication,
21 and expense imposed on the public by permitting
22 interagency exchange, solely for statistical purposes,
23 of individually identifiable information needed for
24 statistical programs, and to establish secure condi-
25 tions for such exchanges.

1 (4) To reduce the cost and improve the accu-
2 racy of statistical programs by facilitating coopera-
3 tive projects between statistical agencies, and to cre-
4 ate a secure environment where expertise and data
5 resources that reside in different agencies can be
6 brought together to address the information needs of
7 the public.

8 (5) To reduce the risk of unauthorized disclo-
9 sure of information maintained solely for statistical
10 purposes by designating specific statistical agencies
11 that are authorized to receive otherwise privileged
12 information for such purposes from other agencies,
13 and to prescribe specific conditions and procedures
14 that must be complied with in any such exchange.

15 (6) To establish a consistent basis under the re-
16 quirements of section 552 of title 5, United States
17 Code (popularly known as the “Freedom of Informa-
18 tion Act”) for exempting a defined class of statis-
19 tical information from compulsory disclosure.

20 (7) To ensure that existing avenues for public
21 access to administrative data or information under
22 section 552a of title 5, United States Code (popu-
23 larly known as the “Privacy Act”) or section 552 of
24 such title (popularly known as the “Freedom of In-
25 formation Act”) are retained without change.

1 (8) To establish consistent procedural safe-
2 guards for records disclosed exclusively for statistical
3 purposes, including both public input and an over-
4 sight process to ensure fair information practices.

5 **SEC. 203. DEFINITIONS.**

6 In this title:

7 (1) The term “agency” means—

8 (A) any “executive agency” as defined
9 under section 102 of title 31, United States
10 Code; or

11 (B) any “agency” as defined under section
12 3502 of title 44, United States Code.

13 (2) The term “agent” means a person des-
14 ignated by a Statistical Data Center to perform, ei-
15 ther in the capacity of a Federal employee or other-
16 wise, exclusively statistical activities authorized by
17 law under the supervision or control of an officer or
18 employee of that Statistical Data Center, and who
19 has agreed in writing to comply with all provisions
20 of law that affect information acquired by that Sta-
21 tistical Data Center.

22 (3) The term “identifiable form” means any
23 representation of information that permits informa-
24 tion concerning individual subjects to be reasonably
25 inferred by either direct or indirect means.

1 (4) The term “nonstatistical purpose” means
2 any purpose that is not a statistical purpose, and in-
3 cludes any administrative, regulatory, adjudicatory,
4 or other purpose that affects the rights, privileges,
5 or benefits of a particular identifiable respondent.

6 (5) The term “respondent” means a person who
7 or organization that—

8 (A) is requested or required to supply in-
9 formation to an agency;

10 (B) is the subject of information requested
11 or required to be supplied to an agency; or

12 (C) provides that information to an agen-
13 cy.

14 (6) The term “statistical activities”—

15 (A) means the collection, compilation,
16 processing, or analysis of data for the purpose
17 of describing or making estimates concerning
18 the whole or relevant groups or components
19 within, the economy, society, or the natural en-
20 vironment; and

21 (B) includes the development of methods
22 or resources that support those activities, such
23 as measurement methods, models, statistical
24 classifications, or sampling frames.

25 (7) The term “statistical purpose”—

1 (A) means the description, estimation, or
2 analysis of the characteristics of groups without
3 regard to the identities of individuals or organi-
4 zations that comprise such groups; and

5 (B) includes the development, implementa-
6 tion, or maintenance of methods, technical or
7 administrative procedures, or information re-
8 sources that support such purposes.

9 **SEC. 204. STATISTICAL DATA CENTERS.**

10 (a) IN GENERAL.—Each of the following is des-
11 ignated as a Statistical Data Center:

12 (1) The Bureau of Economic Analysis in the
13 Department of Commerce.

14 (2) The Bureau of the Census in the Depart-
15 ment of Commerce.

16 (3) The Bureau of Labor Statistics in the De-
17 partment of Labor.

18 (4) The National Agricultural Statistics Service
19 in the Department of Agriculture.

20 (5) The National Center for Education Statis-
21 tics in the Department of Education.

22 (6) The National Center for Health Statistics
23 in the Department of Health and Human Services.

1 (7) The Energy End Use and Integrated Statis-
2 tics Division of the Energy Information Administra-
3 tion in the Department of Energy.

4 (8) The Division of Science Resources Studies
5 in the National Science Foundation.

6 (b) DESIGNATION.—In the case of a reorganization
7 that eliminates, or substantially alters the mission or func-
8 tions of, an agency or agency component listed under sub-
9 section (a), the Director of the Office of Management and
10 Budget, after consultation with the head of the agency
11 proposing the reorganization, may designate an agency or
12 agency component that shall serve as a successor Statis-
13 tical Data Center under the terms of this title, if the Di-
14 rector determines that—

15 (1) the primary activities of the proposed Sta-
16 tistical Data Center are statistical activities specifi-
17 cally authorized by law;

18 (2) the successor agency or component would
19 participate in data sharing activities that signifi-
20 cantly improve Federal statistical programs or prod-
21 ucts;

22 (3) the successor agency or component has
23 demonstrated its capability to protect the individual
24 confidentiality of any shared data; and

1 (4) the statutes that apply to the proposed Sta-
2 tistical Data Center are not inconsistent with this
3 title.

4 (c) NOTICE AND COMMENT.—The head of an agency
5 seeking designation as a successor under this section shall,
6 after consultation with the Director of the Office of Man-
7 agement and Budget, provide public notice and an oppor-
8 tunity to comment on the consequences of such designa-
9 tion and on those determinations upon which the designa-
10 tion is proposed to be based.

11 (d) PROHIBITION AGAINST INCREASE IN NUMBER OF
12 CENTERS.—No action taken under this section shall in-
13 crease the number of Statistical Data Centers authorized
14 by this title.

15 **SEC. 205. STATISTICAL DATA CENTER RESPONSIBILITIES.**

16 The Statistical Data Centers shall—

17 (1) identify opportunities to eliminate duplica-
18 tion and otherwise reduce reporting burden and cost
19 imposed on the public by sharing information for ex-
20 clusively statistical purposes;

21 (2) enter into joint statistical projects to im-
22 prove the quality and reduce the cost of statistical
23 programs;

24 (3) safeguard the confidentiality of individually
25 identifiable information acquired for statistical pur-

1 poses by assuring its physical security and by con-
2 trolling access to, and uses made of, such informa-
3 tion; and

4 (4) respect the rights and privileges of the pub-
5 lic by observing and promoting fair information
6 practices.

7 **SEC. 206. CONFIDENTIALITY OF INFORMATION.**

8 (a) IN GENERAL.—Data or information acquired by
9 a Statistical Data Center for exclusively statistical pur-
10 poses shall be used only for statistical purposes. Such data
11 or information shall not be disclosed in identifiable form
12 for any other purpose without the informed consent of the
13 respondent.

14 (b) RULE DISTINGUISHING DATA OR INFORMA-
15 TION.—If a Statistical Data Center is authorized by any
16 other statute to collect data or information for nonstatis-
17 tical purposes, the head of the Statistical Data Center
18 shall clearly distinguish such data or information by rule.
19 Such rule shall provide for fully informing the respondents
20 requested or required to supply such data or information
21 of such nonstatistical uses before collecting such data or
22 information.

23 (c) DISCLOSURE.—Data or information may be dis-
24 closed by an agency to 1 or more Statistical Data Centers,
25 if—

1 (1) the disclosure and use are not inconsistent
2 with any provision of law or Executive order that ex-
3 plicitly limit the statistical purposes for which such
4 data or information may be used;

5 (2) the disclosure is not prohibited by law or
6 Executive order in the interest of national security;

7 (3) the data or information are to be used ex-
8 clusively for statistical purposes by the Statistical
9 Data Center or Centers; and

10 (4) the disclosure is made under the terms of
11 a written agreement between a Statistical Data Cen-
12 ter or Centers and the agency supplying information
13 as authorized by this subsection, specifying—

14 (A) the data or information to be disclosed;

15 (B) the purposes for which the data or in-
16 formation are to be used; and

17 (C) appropriate security procedures to
18 safeguard the confidentiality of the data or in-
19 formation.

20 (d) AGREEMENTS.—Data or information supplied to
21 a Statistical Data Center under an agreement authorized
22 under subsection (b)(4) shall not be disclosed in identifi-
23 able form by that Center for any purpose, except that data
24 or information collected directly by any party to such
25 agreement may be disclosed to any other party to that

1 agreement for exclusively statistical purposes specified in
2 that agreement.

3 (e) NOTICE.—Whenever a written agreement author-
4 ized under subsection (c)(4) concerns data that respon-
5 dents were required by law to report and the agreement
6 contains terms that could not reasonably have been antici-
7 pated by respondents who provided the data that will be
8 disclosed, or upon the initiative of any party to such an
9 agreement, or whenever ordered by the Director of the Of-
10 fice of Management and Budget, the terms of such agree-
11 ment shall be described in a public notice issued by the
12 agency that intends to disclose the data. Such notice shall
13 allow a minimum of 60 days for public comment before
14 such agreement shall take effect. The Director shall be
15 fully apprised of any issues raised by the public and may
16 suspend the effect of such an agreement to permit modi-
17 fications responsive to public comments.

18 (f) FOIA AND PRIVACY ACT.—The disclosure of data
19 or information by an agency under subsection (c) shall in
20 no way alter the responsibility of that agency under other
21 statutes, including sections 552 and 552a of title 5,
22 United States Code, for the disclosure or withholding of
23 the same or similar information retained by that agency.

24 (g) DISCLOSURE PROVISIONS OF OTHER LAWS.—If
25 information obtained by an agency is released to another

1 agency under this section, all provisions of law (including
2 penalties) that relate to the unlawful disclosure of infor-
3 mation apply to the officers, employees, or agents of the
4 agency to which information is released to the same extent
5 and in the same manner as the provisions apply to the
6 officers and employees of the agency which originally ob-
7 tained the information. The officers, employees, and
8 agents of the agency to which the information is released,
9 in addition, shall be subject to the same provisions of law,
10 including penalties, relating to the unlawful disclosure of
11 information that would apply to officers and employees of
12 that agency if the information had been collected directly
13 by that agency.

14 **SEC. 207. COORDINATION AND OVERSIGHT.**

15 (a) IN GENERAL.—The Director of the Office of
16 Management and Budget shall coordinate and oversee the
17 confidentiality and disclosure policies established by this
18 title.

19 (b) REPORT OF DISCLOSURE AGREEMENTS.—

20 (1) REPORT TO THE OFFICE OF MANAGEMENT
21 AND BUDGET.—The head of a Statistical Data Cen-
22 ter shall report to the Office of Management and
23 Budget—

24 (A) each disclosure agreement entered into
25 under this title;

1 (B) the results of any review of informa-
2 tion security undertaken at the request of the
3 Office of Management and Budget; and

4 (C) the results of any similar review under-
5 taken on the initiative of the Statistical Data
6 Center or an agency supplying data or informa-
7 tion to a Statistical Data Center.

8 (2) REPORT TO CONGRESS.—The Director of
9 the Office of Management and Budget shall include
10 a summary of all reports submitted to the Director
11 under this subsection and any actions taken by the
12 Director to advance the purposes of this title in the
13 Office’s annual report to the Congress on statistical
14 programs.

15 (c) REVIEW AND APPROVAL OF RULES.—The Direc-
16 tor of the Office of Management and Budget shall review
17 and approve any rules proposed pursuant to this title for
18 consistency with this title and chapter 35 of title 44,
19 United States Code.

20 **SEC. 208. IMPLEMENTING REGULATIONS.**

21 (a) IN GENERAL.—Subject to subsections (b) and (c),
22 the Director of the Office of Management and Budget, or
23 the head of a Statistical Data Center or of an agency pro-
24 viding information to a Center, may promulgate such rules
25 as may be necessary to implement this title.

1 (b) CONSISTENCY.—The Director of the Office of
 2 Management and Budget shall promulgate rules or pro-
 3 vide such other guidance as may be needed to ensure con-
 4 sistent interpretation of this title by the affected agencies.

5 (c) AGENCY RULES.—Rules governing disclosures of
 6 information authorized by this title shall be promulgated
 7 by the agency that originally collected the information,
 8 subject to the review and approval required under this
 9 title.

10 **SEC. 209. CONFORMING AMENDMENTS AND PROPOSED**
 11 **CHANGES IN LAW.**

12 (a) DEPARTMENT OF COMMERCE.—

13 (1) The first section of the Act of January 27,
 14 1938 (15 U.S.C. 176a; 52 Stat. 8) is amended in
 15 the second sentence by striking “The” and inserting
 16 “Except as provided in the Statistical Confidentiality
 17 Act, the”.

18 (2)(A) Chapter 10 of title 13, United States
 19 Code, is amended by adding after section 401 the
 20 following:

21 **“§ 402. Exchange of census information with Statis-**
 22 **tical Data Centers**

23 “The Bureau of the Census is authorized to provide
 24 data collected under this title to Statistical Data Centers

1 (Centers) named in the Statistical Confidentiality Act, or
2 their successors designated under the terms of that Act.”.

3 (B) The table of sections for chapter 10 of title
4 13, United States Code, is amended by adding after
5 the item relating to section 401 the following:

“402. Exchange of census information with Statistical Data Centers.”.

6 (b) DEPARTMENT OF ENERGY.—

7 (1) Section 205 of the Department of Energy
8 Organization Act (42 U.S.C. 7135) is amended by
9 adding after subsection (l) the following new sub-
10 section:

11 “(m)(1)(A) The Administrator shall designate an or-
12 ganizational unit to conduct statistical activities pertain-
13 ing to energy end use consumption information. Using
14 procedures authorized by the Statistical Confidentiality
15 Act, the Administrator shall ensure the security, integrity,
16 and confidentiality of the information that has been sub-
17 mitted in identifiable form and supplied exclusively for
18 statistical purposes either directly to the Administrator or
19 by other Government agencies.

20 “(B) To carry out this section, the Administrator
21 shall establish procedures for the disclosure of these data
22 to Statistical Data Centers for statistical purposes only
23 consistent with the Paperwork Reduction Act and the Sta-
24 tistical Confidentiality Act.

1 “(2)(A) A person may not publish, cause to be pub-
2 lished, or otherwise communicate, statistical information
3 designated in paragraph (1) in a manner that identifies
4 any respondent.

5 “(B) A person may not use statistical information
6 designated in paragraph (1) for a nonstatistical purpose.

7 “(C) The identity of a respondent who supplies, or
8 is the subject of, information collected for statistical
9 purposes—

10 “(i) may not be disclosed through any process,
11 including disclosure through legal process, unless the
12 respondent consents in writing;

13 “(ii) may not be disclosed to the public, unless
14 information has been transformed into a statistical
15 or aggregate form that does not allow the identifica-
16 tion of the respondent who supplied the information
17 or who is the subject of that information; and

18 “(iii) may not, without the written consent of
19 the respondent, be admitted as evidence or used for
20 any purpose in an action, suit, or other judicial or
21 administrative proceeding.

22 “(D) Any person who violates subparagraphs (2)(A),
23 (B), or (C), upon conviction, shall be fined under title 18,
24 United States Code, imprisoned not more than 1 year, or
25 both.

1 “(E) For purposes of this subsection:

2 “(i) The term ‘person’ has the meaning given
3 the term in section 1 of title 1, United States Code,
4 but also includes a local, State, or Federal entity or
5 officer or employee of a local State or Federal entity.

6 “(ii) The terms ‘statistical activities’, ‘identifi-
7 able form’, ‘statistical purpose’, ‘nonstatistical pur-
8 pose’, and ‘respondent’ have the meaning given those
9 terms in section 203 of the Statistical Confidential-
10 ity Act.

11 “(3) Statistical information designated in paragraph
12 (1) is exempt from disclosure under sections 205(f) and
13 407 of the Department of Energy Organization Act and
14 paragraphs 12, 20, and 59 of the Federal Energy Admin-
15 istration Act of 1974, or any other law which requires dis-
16 closure of that information.”.

17 (2) Section 205(f) of the Department of Energy
18 Organization Act (42 U.S.C. 7135) is amended by
19 inserting “, excluding information designated solely
20 for statistical purposes under subsection (m)(1),”
21 after “analysis”.

22 (3) Section 407 of the Department of Energy
23 Organization Act (42 U.S.C. 7177a) is amended by
24 inserting “, excluding information designated solely

1 for statistical purposes under subsection (m)(1),”
2 after “information”.

3 (4) The Federal Energy Administration Act of
4 1974 is amended—

5 (A) in section 12 (15 U.S.C. 771), by add-
6 ing after subsection (f) the following new sub-
7 section:

8 “(g) This section does not apply to information des-
9 ignated solely for statistical purposes under section
10 205(m)(1) of the Department of Energy Organization
11 Act.”;

12 (B) in section 20(a)(3) (15 U.S.C. 779),
13 by inserting “, excluding information designated
14 solely for statistical purposes under subsection
15 (m)(1) of the Department of Energy Organiza-
16 tion Act (42 U.S.C. 7135)” after “informa-
17 tion”; and

18 (C) in section 59 (15 U.S.C. 790h), by in-
19 serting “, excluding information designated
20 solely for statistical purposes under subsection
21 (m)(1) of the Department of Energy Organiza-
22 tion Act (42 U.S.C. 7135)” after “information”.

23 (e) DEPARTMENT OF HEALTH AND HUMAN SERV-
24 ICES.—Section 306 of the Public Health Service Act (42

1 U.S.C. 242k) is amended by adding at the end the follow-
2 ing new subsection:

3 “(o) SHARING OF IDENTIFYING INFORMATION FOR
4 STATISTICAL PURPOSES.—

5 “(1) IN GENERAL.—The Director may, subject
6 to the provisions of paragraph (2), designate as an
7 agent of the Center (within the meaning of section
8 203(2) of the Statistical Confidentiality Act) an
9 individual—

10 “(A) who is not otherwise an employee, of-
11 ficial, or agent of the Center; and

12 “(B) who enters into a written agreement
13 with the Director specifying terms and condi-
14 tions for sharing of statistical information.

15 “(2) EFFECT OF DESIGNATION.—An individual
16 designated as an agent of the Center pursuant to
17 paragraph (1) shall be subject to all restrictions on
18 the use and disclosure of statistical information ob-
19 tained by the individual under the agreement speci-
20 fied in paragraph (1)(B), and to all civil and crimi-
21 nal penalties applicable to violations of such restric-
22 tions, including penalties under section 1905 of title
23 18, United States Code, that would apply to the in-
24 dividual if an employee of the Center.”.

1 (d) DEPARTMENT OF LABOR.—The Commissioner of
2 Labor Statistics shall be authorized to designate agents,
3 as defined under section 203(2) of this title.

4 (e) NATIONAL SCIENCE FOUNDATION.—Section 14
5 of the National Science Foundation Act of 1950 (42
6 U.S.C. 1873) is amended—

7 (1) by striking the paragraph following the
8 heading of subsection (i) and inserting the following:

9 “Information supplied to the Foundation or its con-
10 tractor in survey forms, questionnaires, or similar instru-
11 ments for purposes of section 3(a) (5) or (6) by an individ-
12 ual, by an industrial or commercial organization, or by an
13 educational or academic institution that has received a
14 pledge of confidentiality from the Foundation, may not be
15 disclosed to the public unless the information has been
16 transformed into statistical or abstract formats that do
17 not allow the identification of the supplier. Such informa-
18 tion shall be used in identifiable form only for statistical
19 purposes as defined in the Statistical Confidentiality Act.
20 The names of individuals and organizations supplying
21 such information may not be disclosed to the public.”; and

22 (2) by redesignating subsection (j) as sub-
23 section (k) and inserting the following new sub-
24 section after subsection (i):

1 “(j) OBLIGATIONS OF RESEARCHERS.—In support of
2 functions authorized by section 3(a) (5) or (6), the Foun-
3 dation may designate, at its discretion, authorized per-
4 sons, including employees of Federal, State, or local agen-
5 cies (including local educational agencies) and employees
6 of private organizations who may have access, for exclu-
7 sively statistical purposes as defined in the Statistical Con-
8 fidentiality Act, to identifiable information collected pur-
9 suant to subsection (a) (5) or (6) of this title. No such
10 person may—

11 “(1) publish information collected under section
12 3(a) (5) or (6) in such a manner that either an indi-
13 vidual, an industrial or commercial organization, or
14 an educational or academic institution that has re-
15 ceived a pledge of confidentiality from the Founda-
16 tion can be specifically identified;

17 “(2) permit anyone other than individuals au-
18 thorized by the Foundation to examine in identifi-
19 able form data relating to an individual, to an indus-
20 trial or commercial organization, or to an edu-
21 cational or academic institution that has received a
22 pledge of confidentiality from the Foundation; or

23 “(3) knowingly and willfully request or obtain
24 any confidential information described in subsection
25 (i) from the Foundation under false pretenses.

1 Any person who violates these restrictions shall be guilty
2 of a misdemeanor and fined not more than \$10,000.”.

3 (f) DISCLOSURE PENALTIES.—Section 1905 of title
4 18, United States Code, is amended—

5 (1) by inserting “, or agent of a Statistical
6 Data Center as defined in the Statistical Confiden-
7 tiality Act,” after “thereof”; and

8 (2) by striking “shall be fined not more than
9 \$1,000” and inserting “shall be fined under this
10 title”.

11 **SEC. 210. EFFECT ON OTHER LAWS.**

12 (a) TITLE 44, U.S.C.—This title, including the
13 amendments made by this title, does not diminish the au-
14 thority under section 3510 of title 44, United States Code,
15 of the Director of the Office of Management and Budget
16 to direct, and of an agency to make, disclosures that are
17 not inconsistent with any applicable law.

18 (b) STATE LAW.—Nothing in this Act shall be con-
19 strued to abrogate applicable State law regarding the con-
20 fidentiality of data collected by the States.

21 (c) FOIA.—Data or information acquired for exclu-
22 sively statistical purposes as provided in section 206 is ex-
23 empt from mandatory disclosure under section 552 of title

1 5, United States Code, pursuant to section 552(b)(3) of
2 such title.

○