

105TH CONGRESS
2D SESSION

H. R. 4620

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 HOUSE OF REPRESENTATIVES

SEPTEMBER 24, 1998

Mr. HORN introduced the following bill; which was referred to the Committee on Government Reform and Oversight, and in addition to the Committees on Education and the Workforce, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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 “Statistical Consolidation Act of 1998”.

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

Sec. 1. Short title; table of contents.

TITLE I—FEDERAL COMMISSION ON STATISTICAL POLICY

Sec. 101. Establishment.

Sec. 102. Duties of Commission.

Sec. 103. Powers.

Sec. 104. Commission procedures.

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Sec. 106. Other administrative provisions.

Sec. 107. Fast-track procedures for statistical reorganization bill.

Sec. 108. Authorization of appropriations.

**TITLE II—EFFICIENCY AND CONFIDENTIALITY OF FEDERAL
STATISTICAL SYSTEMS**

Sec. 201. Definitions.

Sec. 202. Designation of Statistical Data Centers.

Sec. 203. Statistical Data Center responsibilities.

Sec. 204. Limitations on use and disclosure of data and information by Statis-
tical Data Centers.

Sec. 205. Disclosure of data or information by Federal agencies to Statistical
Data Centers.

Sec. 206. Statistical Data Center successors.

Sec. 207. Coordination and oversight by Office of Management and Budget.

Sec. 208. Effect on other laws.

Sec. 209. Disclosure penalties.

Sec. 210. Proposed changes in law.

6 **TITLE I—FEDERAL COMMISSION**
7 **ON STATISTICAL POLICY**

8 **SEC. 101. ESTABLISHMENT.**

9 (a) **ESTABLISHMENT.**—There is hereby established a
10 commission to be known as the “Federal Commission on
11 Statistical Policy” (in this title referred to as the “Com-
12 mission”).

1 (b) COMPOSITION OF COMMISSION.—The Commis-
2 sion shall be composed of eight members as follows:

3 (1) One member appointed by the President
4 who—

5 (A) is an officer of Cabinet rank; and

6 (B) shall serve as the Chairman of the
7 Commission for a term of four years.

8 (2) One member appointed by the President
9 who—

10 (A) shall possess the qualifications referred
11 to in subsection (c); and

12 (B) shall be appointed for a term of four
13 years, except that the member first appointed
14 shall be appointed for a term of two years.

15 (3) Three members appointed by the Speaker of
16 the House of Representatives, in consultation with
17 the majority leader and minority leader of the House
18 of Representatives—

19 (A) who shall possess the qualifications re-
20 ferred to in subsection (c);

21 (B) not more than two of whom may be of
22 the same political party; and

23 (C) who shall be appointed for a term of
24 four years, except that, of the members first ap-

1 pointed, two shall be appointed for a term of
2 two years.

3 (4) Three members appointed by the President
4 pro tempore of the Senate, in consultation with the
5 majority leader and minority leader of the Senate—

6 (A) who shall possess the qualifications re-
7 ferred to in subsection (c);

8 (B) not more than two of whom may be of
9 the same political party; and

10 (C) who shall be appointed for a term of
11 four years, except that, of the members first ap-
12 pointed, two shall be appointed for a term of
13 two years.

14 (c) QUALIFICATIONS OF COMMISSION MEMBERS.—

15 (1) Members appointed to the Commission shall possess
16 two or more of the following qualifications:

17 (A) Extensive experience relating to the Bureau
18 of the Census, the Bureau of Economic Analysis, or
19 the Bureau of Labor Statistics.

20 (B) Extensive experience managing large com-
21 plex organizations or reorganizing large complex or-
22 ganizations.

23 (C) Extensive experience with the sources, anal-
24 ysis, and uses of statistical information.

1 (2) A Commission member shall not be an officer or
2 employee of the United States, except as provided in sub-
3 section (b)(1).

4 (d) CONSULTATION BEFORE APPOINTMENTS.—In
5 making appointments under subsection (b), the President,
6 the Speaker of the House of Representatives, and the
7 President pro tempore of the Senate shall consult with ap-
8 propriate professional organizations, including the Amer-
9 ican Economic Association, the American Statistical Asso-
10 ciation, the National Academy of Sciences, the National
11 Academy of Public Administration, the American Public
12 Health Association, the American Sociological Association,
13 the American Political Science Association, the National
14 Governors Association, the United States Conference of
15 Mayors, and the Conference Board.

16 (e) DEADLINE FOR APPOINTMENT.—Members shall
17 be appointed to the Commission not later than four
18 months after the date of the enactment of this Act.

19 **SEC. 102. DUTIES OF COMMISSION.**

20 (a) STUDY AND REPORT.—The Commission shall
21 study and, not later than 18 months after the date of the
22 enactment of this Act, submit to Congress a written report
23 on the Federal statistical system including—

24 (1) recommendations on whether and how the
25 Federal statistical system could be reorganized by

1 consolidating the statistical functions of agencies
2 that carry out statistical programs;

3 (2) recommendations on whether and how to
4 consolidate the Bureau of Labor Statistics, the Bu-
5 reau of the Census, and the Bureau of Economic
6 Analysis by October 1, 2001 (or by a date after that
7 date), in a Federal Statistical Service;

8 (3) recommendations on how the consolidation
9 described in paragraph (2) may be achieved without
10 disruption in the release of statistical products;

11 (4) recommendations on whether the functions
12 of other agencies that carry out statistical programs
13 should be transferred to a Federal Statistical Serv-
14 ice;

15 (5) recommendations on whether the functions
16 of the Bureau of the Census relating to decennial
17 censuses of population should be delineated from the
18 other functions of the Bureau and, if so, rec-
19 ommendations on how such a delineation of func-
20 tions might be achieved;

21 (6) any other recommendations regarding how
22 the Federal statistical system could be reorganized
23 to achieve greater efficiency, improve quality, timeli-
24 ness, and adaptability to change; and

1 (7) recommendations on possible improvements
2 to procedures for the release of major economic and
3 social indicators by the United States.

4 (b) STATISTICAL REORGANIZATION BILL.—(1) If the
5 written report submitted to Congress under subsection (a)
6 contains recommendations on the consolidation of the Bu-
7 reau of Labor Statistics, the Bureau of the Census, and
8 the Bureau of Economic Analysis in a Federal Statistical
9 Service, the report shall contain draft legislation incor-
10 porating such recommendations pursuant to subsection
11 (a)(2).

12 (2) Draft legislation shall be circulated for comment
13 to the President, the Senate, and the House of Represent-
14 atives for a period of 30 days.

15 (3) Draft legislation submitted to Congress under
16 this subsection shall be limited to implementation of rec-
17 ommendations for the consolidation or reorganization of—

18 (A) the Bureau of Labor Statistics, the Bureau
19 of Economic Analysis, and the Bureau of the Cen-
20 sus; or

21 (B) the Bureau of Labor Statistics, the Bureau
22 of Economic Analysis, the Bureau of the Census,
23 and other agencies or the functions of other agencies
24 that carry out statistical programs.

1 (4) Draft legislation submitted to Congress under
2 this subsection that would establish a Federal Statistical
3 Service shall—

4 (A) provide for an Administrator and Deputy
5 Administrator of the Federal Statistical Service, and
6 the creation of other officers as appropriate;

7 (B) contain a provision designating that the
8 Administrator and Deputy Administrator shall be
9 appointed by the President with the advice and con-
10 sent of the Senate for nonconcurrent terms to be de-
11 termined by the Commission;

12 (C) contain a provision designating the Admin-
13 istrator as a member of the Interagency Council on
14 Statistical Policy established under section
15 3504(e)(8) of title 44, United States Code; and

16 (D) be based on long-term policy, organiza-
17 tional, and statistical issues for the improvement of
18 statistical quality, timeliness, cost, and appropriate-
19 ness.

20 (c) TERMINATION OF COMMISSION.—If legislation es-
21 tablishing a Federal Statistical Service is not enacted by
22 the Congress on or before the date that is 18 months after
23 the date that the Commission submits its report to the
24 Congress under subsection (a), the Commission shall be
25 terminated.

1 (d) CONTINUING FUNCTIONS OF COMMISSION.—If
2 legislation establishing a Federal Statistical Service is en-
3 acted by the Congress pursuant to the fast-track proce-
4 dures in section 107, then the Commission shall—

5 (1) make recommendations for nominations for
6 the appointment of an Administrator and Deputy
7 Administrator, and make recommendations with re-
8 spect to the creation of, and nominations for, other
9 positions in the Federal Statistical Service;

10 (2) serve as an advisory body to the Federal
11 Statistical Service on confidentiality issues relating
12 to—

13 (A) the collection by, or sharing of data for
14 statistical purposes among, Federal agencies;
15 and

16 (B) the sharing of data for statistical pur-
17 poses among States, local governments, and the
18 Federal Government; and

19 (3) conduct comprehensive studies and submit
20 reports to Congress on all matters relating to the
21 Federal statistical infrastructure, including longitu-
22 dinal surveys conducted by private agencies and par-
23 tially funded by the Federal Government for the
24 purpose of identifying opportunities to improve the

1 quality of statistics in the United States. Such stud-
2 ies shall include—

3 (A) periodic evaluations and recommenda-
4 tions on the implementation of organizational
5 consolidation and data sharing in accordance
6 with this Act;

7 (B) a review and evaluation of the collec-
8 tion of data for purposes of administering such
9 programs as Old-Age, Survivors and Disability
10 Insurance and Unemployment Insurance under
11 the Social Security Act;

12 (C) a review and evaluation of the mission
13 and organization of various statistical agencies,
14 including—

15 (i) recommendations with respect to
16 statistical activities that should be ex-
17 panded or eliminated;

18 (ii) the order of priority such activities
19 should be carried out; and

20 (iii) recommendations on whether and
21 how other Federal statistical agencies or
22 the functions of other agencies that carry
23 out statistical programs should be trans-
24 ferred to a Federal Statistical Service;

1 (D) an examination of the methodology in-
2 volved in producing official data and rec-
3 ommendations for technical changes to improve
4 statistics;

5 (E) a review of interagency coordination of
6 statistical data and recommendations of meth-
7 ods to standardize collection procedures and
8 surveys, as appropriate, and presentation of
9 data throughout the Federal system;

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

16 (G) an identification and examination of
17 issues regarding individual privacy in the con-
18 text of statistical data;

19 (H) a comparison of the United States sta-
20 tistical system to statistical systems of other
21 nations for the purposes of identifying best
22 practices and developing a system of maintain-
23 ing best practices over time;

24 (I) a consideration of the coordination of
25 statistical data with other nations and inter-

1 national agencies, such as the Organization for
2 Economic Cooperation and Development;

3 (J) a recommendation of a strategy for
4 maintaining a modern and efficient Federal sta-
5 tistical infrastructure to produce meaningful in-
6 formation as the needs of the United States so-
7 ciety and economy change; and

8 (K) recommendations regarding the use of
9 statistical data in Federal funding formulas, the
10 presentation to the public of statistical data col-
11 lected by Federal agencies, and standards of ac-
12 curacy for statistical data used by Federal
13 agencies, including statistical data relating to—

14 (i) the national poverty level and
15 county poverty levels in the United States;

16 (ii) the Consumer Price Index;

17 (iii) the gross domestic product;

18 (iv) other indicators of economic activ-
19 ity, including rural and urban economic ac-
20 tivity, in the United States; and

21 (v) the decennial census.

22 (e) ESTABLISHMENT OF ADVISORY COMMITTEE.—If
23 legislation establishing a Federal Statistical Service is en-
24 acted by the Congress under the provisions of this Act,
25 then four years after such establishment, the Commission

1 shall become an advisory committee in accordance with the
2 Federal Advisory Committee Act (5 U.S.C. App.).

3 (f) DEFINITION OF FEDERAL STATISTICAL SERV-
4 ICE.—As used in this section, the term “Federal Statis-
5 tical Service” means an entity established after the date
6 of the enactment of this Act as an independent agency
7 in the executive branch, the purpose of which is to carry
8 out Federal statistical programs and to which the statis-
9 tical functions of the Bureau of Economic Analysis, the
10 Bureau of the Census, or the Bureau of Labor Statistics
11 are transferred.

12 **SEC. 103. POWERS.**

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

17 (b) OBTAINING INFORMATION.—The Commission
18 may secure directly from any department or agency of the
19 United States information necessary to enable it to carry
20 out this Act. Upon request of the Chairman of the Com-
21 mission, the head of that department or agency shall fur-
22 nish that information to the Commission.

23 (c) CONTRACT AUTHORITY.—The Commission may
24 contract with and compensate government and private

1 agencies or persons without regard to section 3709 of the
2 Revised Statutes (41 U.S.C. 5).

3 **SEC. 104. COMMISSION PROCEDURES.**

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

6 (b) QUORUM.—A simple majority of the members of
7 the Commission shall constitute a quorum but a lesser
8 number may hold hearings.

9 (c) RULES.—The Commission shall, not later than 30
10 days after the first official meeting of the Commission,
11 adopt procedural rules for the Commission.

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

16 **SEC. 105. PERSONNEL MATTERS.**

17 (a) PAY OF MEMBERS.—Except for the member ap-
18 pointed under section 101(b)(1), members of the Commis-
19 sion shall be entitled to receive the daily equivalent of the
20 rate of basic pay for level IV of the Executive Schedule
21 under section 5315 of title 5, United States Code, for each
22 day (including travel time) during which they are engaged
23 in the actual performance of duties vested in the Commis-
24 sion.

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

5 (c) STAFF.—The Commission may appoint and fix
6 the pay of personnel as it considers appropriate.

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

17 **SEC. 106. OTHER ADMINISTRATIVE PROVISIONS.**

18 (a) POSTAL AND PRINTING SERVICES.—The Com-
19 mission may use the United States mails and obtain print-
20 ing and binding services in the same manner and under
21 the same conditions as other departments and agencies of
22 the United States.

23 (b) ADMINISTRATIVE SUPPORT SERVICES.—Upon
24 the request of the Commission, the Administrator of Gen-
25 eral Services shall provide to the Commission, on a reim-

1 bursable basis, the administrative support services nec-
2 essary for the Commission to carry out its responsibilities
3 under this Act.

4 (c) EXPERTS AND CONSULTANTS.—(1) The Commis-
5 sion may procure temporary and intermittent services
6 under section 3109(b) of title 5, United States Code.

7 (2) The Commission shall contract with the National
8 Academy of Sciences and the National Academy of Public
9 Administration for mutually agreeable expert and consult-
10 ative services.

11 **SEC. 107. FAST-TRACK PROCEDURES FOR STATISTICAL RE-**
12 **ORGANIZATION BILL.**

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

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

22 (2) with full recognition of the constitutional
23 right of either House to change the rules (so far as
24 relating to such House) at any time, in the same

1 manner and to the same extent as in the case of
2 any other rule of that House.

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

6 (1) that is substantially identical to the legisla-
7 tion submitted to Congress by the Commission
8 under section 102(b); and

9 (2) that is introduced as provided in subsection
10 (c).

11 (c) INTRODUCTION AND REFERRAL.—Within 15 leg-
12 islative days after the Commission submits to Congress
13 legislation under section 102(b), such legislation that is
14 substantially identical to the legislation shall be introduced
15 (by request) in the House by the majority leader of the
16 House of Representatives and shall be introduced (by re-
17 quest) in the Senate by the majority leader of the Senate.
18 Such bills shall be referred to the appropriate committee
19 in each House of Congress.

20 (d) AMENDMENTS PROHIBITED.—No amendment to
21 this statistical reorganization bill shall be in order in ei-
22 ther the House of Representatives or the Senate, and no
23 motion to suspend the application of this subsection shall
24 be in order in either House, nor shall it be in order in

1 either House to entertain a request to suspend the applica-
2 tion of this subsection by unanimous consent.

3 (e) PERIOD FOR COMMITTEE AND FLOOR CONSIDER-
4 ATION.—

5 (1) If the committee of either House to which
6 a statistical reorganization bill has been referred has
7 not reported it at the close of the 20th day after its
8 introduction, such committee shall be automatically
9 discharged from further consideration of the bill and
10 it shall be placed on the appropriate calendar. If
11 prior to the passage by one House of a statistical re-
12 organization bill of that House, that House receives
13 the same statistical reorganization bill from the
14 other House, then—

15 (A) the procedure in that House shall be
16 the same as if no statistical reorganization bill
17 had been received from the other House; but

18 (B) the vote on final passage shall be on
19 the statistical reorganization bill of the other
20 House.

21 (2) A vote on final passage of a statistical reor-
22 ganization bill shall be taken in each House on or
23 before the close of the 15th day after the bill is re-
24 ported by the committee or committees of that
25 House to which the bill was referred, or the 15th

1 day after such committee or committees have been
2 discharged from further consideration of the bill.

3 (3) For purposes of this subsection, in comput-
4 ing a number of days in either House, there shall be
5 excluded the days on which that House is not in ses-
6 sion because of an adjournment of more than 3 days
7 to a day certain or an adjournment of the Congress
8 sine die.

9 (f) FLOOR CONSIDERATION IN THE HOUSE.—

10 (1) A motion in the House of Representatives
11 to proceed to the consideration of a statistical reor-
12 ganization bill shall be highly privileged except that
13 a motion to proceed to consider may only be made
14 on the second legislative day after the calendar day
15 on which the Member making the motion announces
16 to the House his intention to do so. The motion to
17 proceed to consider is not debatable. An amendment
18 to the motion shall not be in order, nor shall it be
19 in order to move to reconsider the vote by which the
20 motion is agreed to or disagreed to.

21 (2) Debate on a statistical reorganization bill in
22 the House of Representatives shall be limited to not
23 more than 4 hours, which shall be divided equally
24 between those favoring and those opposing the bill.
25 The previous question on the statistical reorganiza-

1 tion bill shall be considered as ordered to final pas-
2 sage without intervening motion. It shall not be in
3 order to move to recommit a statistical reorganiza-
4 tion bill or to reconsider the vote by which a statis-
5 tical reorganization bill is agreed to or disagreed to.

6 (3) All appeals from the decisions of the Chair
7 relating to the application of the Rules of the House
8 of Representatives to the procedure relating to a sta-
9 tistical reorganization bill shall be decided without
10 debate.

11 (g) FLOOR CONSIDERATION IN THE SENATE.—

12 (1) A motion in the Senate to proceed to the
13 consideration of a statistical reorganization bill shall
14 be privileged and not debatable. An amendment to
15 the motion shall not be in order, nor shall it be in
16 order to move to reconsider the vote by which the
17 motion is agreed to or disagreed to.

18 (2) Debate in the Senate on a statistical reorga-
19 nization bill, and all debatable motions and appeals
20 in connection therewith, shall be limited to not more
21 than 10 hours. The time shall be equally divided be-
22 tween, and controlled by, the majority leader and the
23 minority leader or their designees.

24 (3) Debate in the Senate on any debatable mo-
25 tion or appeal in connection with a statistical reorga-

1 nization bill shall be limited to not more than 1
2 hour, to be equally divided between, and controlled
3 by, the mover and the manager of the bill, except
4 that in the event the manager of the bill is in favor
5 of any such motion or appeal, the time in opposition
6 thereto shall be controlled by the minority leader or
7 his designee. Such leaders, or either of them, may,
8 from time under their control on the passage of a
9 statistical reorganization bill, allot additional time to
10 any Senator during the consideration of any debat-
11 able motion or appeal.

12 (4) A motion in the Senate to further limit de-
13 bate is not debatable. A motion to recommit a statis-
14 tical reorganization bill is not in order.

15 **SEC. 108. AUTHORIZATION OF APPROPRIATIONS.**

16 There is authorized to be appropriated for the Com-
17 mission such sums as may be necessary to carry out the
18 functions of the Commission.

19 **TITLE II—EFFICIENCY AND CON-**
20 **FIDENTIALITY OF FEDERAL**
21 **STATISTICAL SYSTEMS**

22 **SEC. 201. DEFINITIONS.**

23 As used in this title:

24 (1) The term “agency” means any Federal or-
25 ganization that falls within the definition of “execu-

1 tive agency” in section 102 of title 31, United States
2 Code, or within the definition of “agency” in section
3 3502 of title 44, United States Code.

4 (2) The term “agent” means a person des-
5 ignated by a Statistical Data Center (as designated
6 in section 202) to perform, either in the capacity of
7 a Federal employee or otherwise, exclusively statis-
8 tical activities authorized by law under the super-
9 vision or control of an officer or employee of that
10 Statistical Data Center, and who has agreed in writ-
11 ing to comply with all provisions of law that affect
12 information acquired by that Statistical Data Cen-
13 ter.

14 (3) The term “individually identifiable informa-
15 tion” or any information in an “identifiable form”
16 means any representation of information that per-
17 mits information concerning an individual respond-
18 ent to be inferred by either direct or indirect means.

19 (4) The term “nonstatistical purpose” means
20 any purpose that is not a statistical purpose, and in-
21 cludes any administrative, regulatory, law enforce-
22 ment, adjudicatory, or other purpose that affects the
23 rights, privileges, or benefits of a particular identifi-
24 able respondent.

1 (5) The term “respondent” means a person,
2 corporation, or organization which is requested or
3 required to supply information to a statistical agen-
4 cy, who is the subject of information requested or re-
5 quired to be supplied to a statistical agency, or who
6 provides that information to a statistical agency.

7 (6) The term “statistical activities”—

8 (A) means the collection, compilation,
9 processing, or analysis of data for the purpose
10 of describing or making estimates concerning
11 groups of respondents the whole of, or sub-
12 groups within, the economy, society, or the nat-
13 ural environment; and

14 (B) includes the development of methods
15 or resources that support those activities, such
16 as measurement methods, models, statistical
17 classifications, or sampling frames.

18 (7) The term “statistical purpose”—

19 (A) means the description, estimation, or
20 analysis of the characteristics of groups without
21 regard to the identities of respondents that
22 comprise such groups; and

23 (B) includes the development, implementa-
24 tion, or maintenance of methods, technical or

1 administrative procedures, or information re-
2 sources that support such purposes.

3 **SEC. 202. DESIGNATION OF STATISTICAL DATA CENTERS.**

4 Each of the following is hereby designated as a Sta-
5 tistical Data Center:

6 (1) The Bureau of Economic Analysis in the
7 Department of Commerce.

8 (2) The Bureau of the Census in the Depart-
9 ment of Commerce.

10 (3) The Bureau of Labor Statistics in the De-
11 partment of Labor.

12 (4) The National Agricultural Statistics Service
13 in the Department of Agriculture.

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

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

18 (7) The Energy End Use and Integrated Statis-
19 tics Division of the Energy Information Administra-
20 tion in the Department of Energy.

21 (8) The Division of Science Resources Studies
22 in the National Science Foundation.

23 **SEC. 203. STATISTICAL DATA CENTER RESPONSIBILITIES.**

24 The Statistical Data Centers designated in section
25 202 shall—

1 (1) identify opportunities to eliminate duplica-
2 tion and otherwise reduce reporting burden and cost
3 imposed on the public by the exchange of informa-
4 tion for exclusively statistical purposes;

5 (2) enter into joint statistical projects to im-
6 prove the quality and reduce the cost of statistical
7 programs;

8 (3) safeguard the confidentiality of individually
9 identifiable information acquired for statistical pur-
10 poses by assuring its physical security and by con-
11 trolling access to, and uses made of, such informa-
12 tion; and

13 (4) respect the rights and privileges of the pub-
14 lic by observing and promoting fair information
15 practices.

16 **SEC. 204. LIMITATIONS ON USE AND DISCLOSURE OF DATA**
17 **AND INFORMATION BY STATISTICAL DATA**
18 **CENTERS.**

19 (a) **USE OF STATISTICAL DATA OR INFORMATION.**—
20 A Statistical Data Center may use data or information
21 acquired for exclusively statistical purposes only for statis-
22 tical purposes.

23 (b) **DISCLOSURE OF STATISTICAL DATA OR INFOR-**
24 **MATION.**—A Statistical Data Center may not disclose data
25 or information acquired for exclusively statistical purposes

1 in identifiable form for any purpose other than a statis-
2 tical purpose without the informed consent of the respond-
3 ent.

4 (c) **RULE FOR USE OF DATA OR INFORMATION FOR**
5 **NONSTATISTICAL PURPOSES.**—A Statistical Data Center
6 shall clearly distinguish any data or information collected
7 for nonstatistical purposes (as authorized by law) by the
8 Statistical Data Center by a rule that provides that the
9 respondent supplying the data or information is fully in-
10 formed, before the data or information is collected, that
11 the data or information will be used for nonstatistical pur-
12 poses.

13 **SEC. 205. DISCLOSURE OF DATA OR INFORMATION BY**
14 **AGENCIES TO STATISTICAL DATA CENTERS.**

15 (a) **AGENCIES THAT MAY DISCLOSE DATA OR IN-**
16 **FORMATION TO A STATISTICAL DATA CENTER.**—Subject
17 to subsection (b), any Federal agency may disclose data
18 or information to one or more Statistical Data Centers
19 for exclusively statistical purposes.

20 (b) **LIMITATIONS ON DISCLOSURE.**—Data or infor-
21 mation may be disclosed by an agency to one or more Sta-
22 tistical Data Centers under subsection (a) only if—

23 (1) the data or information is to be used exclu-
24 sively for statistical purposes by the Statistical Data
25 Center or Centers;

1 (2) the disclosure of, and proposed use of, the
2 data or information by the Statistical Data Center
3 is not inconsistent with any provisions of law or Ex-
4 ecutive order that explicitly limit the statistical pur-
5 poses for which such data or information may be
6 used;

7 (3) the disclosure is not prohibited by law or
8 Executive order in the interest of national security;

9 (4) the disclosure is made under the terms of
10 a written agreement between the Statistical Data
11 Center or Centers and the agency or unit supplying
12 the data or information that specifies—

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

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

16 (C) appropriate security procedures to
17 safeguard the confidentiality of the data or in-
18 formation; and

19 (5) the data or information is not disclosed by
20 that Center in identifiable form (except in a case in
21 which the data or information was collected directly
22 by a party to the agreement, referred to in sub-
23 section (b)(4), and the agreement specifies that the
24 data or information may be so disclosed to another

1 party to the agreement for exclusively statistical
2 purposes).

3 (c) NOTICE AND COMMENT.—The public notice and
4 comment procedures for data collections described in sec-
5 tion 3506(e)(2) of title 44, United States Code, and the
6 provisions relating to review of data collections by the Di-
7 rector of the Office of Management and Budget in section
8 3507 of such title, shall apply to each written agreement
9 entered into under subsection (b)(4). The scope of any
10 public notice and comment with respect to any such writ-
11 ten agreement shall extend to all issues relating to the
12 requirements of this section.

13 (d) APPLICABILITY OF OTHER LAWS.—(1) The dis-
14 closure of data or information by an agency to a Statistical
15 Data Center under this section shall in no way alter the
16 responsibility of that agency under other statutes (includ-
17 ing the Freedom of Information Act and the Privacy Act)
18 with respect to the disclosure or withholding of such infor-
19 mation by that agency.

20 (2) If data or information obtained by an agency is
21 disclosed to a Statistical Data Center pursuant to this sec-
22 tion, all provisions of law (including penalties) that relate
23 to the unlawful disclosure of the data or information apply
24 to the officers, employees, or agents of the Statistical Data
25 Center to which information is disclosed to the same ex-

1 tent and in the same manner as the provisions apply to
2 the officers and employees of the agency which originally
3 obtained the information.

4 (3) The officers, employees, and agents of the Statis-
5 tical Data Center to which the information is disclosed,
6 in addition, shall be subject to the same provisions of law,
7 including penalties, relating to the unlawful disclosure of
8 information that would apply to officers and employees of
9 that Statistical Data Center, if the information had been
10 collected directly by that Statistical Data Center.

11 **SEC. 206. STATISTICAL DATA CENTER SUCCESSORS.**

12 (a) DESIGNATION.—In the case of a reorganization
13 that eliminates, or substantially alters the mission or func-
14 tions of, an agency listed in section 202, the Director of
15 the Office of Management and Budget, after consultation
16 with the head of the agency proposing the reorganization,
17 may designate an agency or unit that shall serve as a suc-
18 cessor Statistical Data Center under the terms of this
19 title, if the Director determines that—

20 (1) the primary activities of the proposed Sta-
21 tistical Data Center are statistical activities specifi-
22 cally authorized by law;

23 (2) the proposed Statistical Data Center would
24 participate in data exchange activities that signifi-

1 cantly improve Federal statistical programs or prod-
2 ucts;

3 (3) the proposed Statistical Data Center has
4 demonstrated its capability to protect the individual
5 confidentiality of any shared data; and

6 (4) the laws that apply to the proposed Statis-
7 tical Data Center are not inconsistent with this title.

8 (b) NOTICE AND COMMENT.—The head of an agency
9 seeking designation as a successor Statistical Data Center
10 under this section shall, after consultation with the Direc-
11 tor of the Office of Management and Budget, provide pub-
12 lic notice and an opportunity to comment on the con-
13 sequences of such designation and on those determinations
14 upon which the designation is proposed to be based.

15 (c) PROHIBITION AGAINST INCREASE IN NUMBER OF
16 CENTERS.—No action taken under this section shall in-
17 crease the number of Statistical Data Centers authorized
18 by this title.

19 **SEC. 207. COORDINATION AND OVERSIGHT BY OFFICE OF**
20 **MANAGEMENT AND BUDGET.**

21 (a) IN GENERAL.—The Director of the Office of
22 Management and Budget shall coordinate and oversee the
23 confidentiality and disclosure policies established by this
24 title.

1 (b) IMPLEMENTING REGULATIONS.—The Director of
2 the Office of Management and Budget in consultation with
3 Congress may promulgate such rules as may be necessary
4 to implement this title.

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

10 (d) REPORT OF DISCLOSURE AGREEMENTS.—(1)
11 The head of a Statistical Data Center shall report to the
12 Office of Management and Budget—

13 (A) each disclosure agreement entered into pur-
14 suant to section 205(b)(4);

15 (B) the results of any review of information se-
16 curity undertaken at the request of the Office of
17 Management and Budget; and

18 (C) the results of any similar review undertaken
19 on the initiative of the Statistical Data Center or an
20 agency disclosing data or information to a Statistical
21 Data Center.

22 (2) The Director of the Office of Management and
23 Budget shall include a summary of all reports submitted
24 to the Director under this subsection and any actions
25 taken by the Director to advance the purposes of this title

1 in its annual report to the Congress on statistical pro-
2 grams.

3 **SEC. 208. EFFECT ON OTHER LAWS.**

4 (a) 44 U.S.C. 3510.—This title, including the amend-
5 ments made herein, does not diminish the authority under
6 section 3510 of title 44, United States Code, of the Direc-
7 tor of the Office of Management and Budget to direct,
8 and of an agency to make, disclosures that are not incon-
9 sistent with any applicable law.

10 (b) 5 U.S.C. 552.—Data or information acquired for
11 exclusively statistical purposes as provided in section 204
12 is exempt from mandatory disclosure under section 552
13 of title 5, United States Code, pursuant to section
14 552(b)(3) of such title.

15 (c) PREEMPTION OF STATE LAW.—Nothing in this
16 Act shall preempt applicable State law regarding the con-
17 fidentiality of data collected by the States.

18 **SEC. 209. DISCLOSURE PENALTIES.**

19 An agent of a Statistical Data Center (as defined in
20 section 201(2)) shall be treated as an officer or employee
21 of the United States for purposes of section 1905 of title
22 18, United States Code.

23 **SEC. 210. PROPOSED CHANGES IN LAW.**

24 Not later than the date that is 90 days after the date
25 of the enactment of this Act, the President shall submit

- 1 to Congress a description of any additional changes in law
- 2 necessary to reflect the provisions of this Act.

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