

Calendar No. 700

105TH CONGRESS
2^D SESSION

S. 1404

[Report No. 105-367]

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.

OCTOBER 6 (legislative day, OCTOBER 2), 1998

Reported with an amendment

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 7, 1997

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

OCTOBER 6 (legislative day, OCTOBER 2), 1998

Reported by Mr. THOMPSON, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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 permit-

ting 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,*

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

4 (a) **SHORT TITLE.**—This Act may be cited as the
 5 “Federal Statistical System Act of 1997”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for
 7 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. Purposes.
 Sec. 202. Definitions.
 Sec. 203. Designation of Statistical Data Centers.
 Sec. 204. Statistical Data Center responsibilities.
 Sec. 205. Limitations on use and disclosure of data and information by Statis-
 tical Data Centers.
 Sec. 206. Disclosure of data or information by Federal agencies to Statistical
 Data Centers.
 Sec. 207. Statistical Data Center successors.
 Sec. 208. Coordination and oversight by Office of Management and Budget.
 Sec. 209. Effect on other laws.
 Sec. 210. Proposed changes in law.

8 **SEC. 2. FINDINGS.**

9 The Congress, recognizing the importance of statis-
 10 tical information in the development of national priorities

1 and policies and in the administration of public programs,
2 hereby finds the following:

3 (1) While the demand for statistical information
4 has grown substantially during the last 30 years, the
5 difficulty of coordinating planning within the decen-
6 tralized Federal statistical system has limited the
7 usefulness of statistics in defining problems and de-
8 termining national policies to deal with complex so-
9 cial and economic issues.

10 (2) Coordination and planning among the sta-
11 tistical programs of the Government are necessary to
12 strengthen and improve the quality and utility of
13 Federal statistics and to reduce duplication and
14 waste in information collected for statistical pur-
15 poses.

16 (3) High-quality Federal statistical products
17 and programs are essential for sound business and
18 public policy decisions.

19 (4) The challenge of providing high-quality sta-
20 tistics has increased because our economy and soci-
21 ety are more complex, new technologies are avail-
22 able, and decisionmakers need more complete and
23 accurate data.

24 (5) Maintaining quality of Federal statistical
25 products requires full cooperation between Federal

1 statistical agencies and those persons and organiza-
2 tions that respond to their requests for information.

3 (6) Federal statistical products and programs
4 can be improved, without reducing respondent co-
5 operation, by permitting carefully controlled sharing
6 of data with statistical agencies in a manner that is
7 consistent with confidentiality commitments made to
8 respondents.

9 **SEC. 3. SENSE OF THE CONGRESS.**

10 It is the sense of the Congress that—

11 (1) a more centralized statistical system is inte-
12 gral to efficiency;

13 (2) with increased efficiency comes better inte-
14 gration of research methodology, survey design, and
15 economies of scale;

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

20 (4) statistical forms clearance at the Office of
21 Management and Budget should be better distin-
22 guished from regulatory forms clearance.

1 **TITLE I—FEDERAL COMMISSION**
2 **ON STATISTICAL POLICY**

3 **SEC. 101. ESTABLISHMENT.**

4 (a) **ESTABLISHMENT.**—There is established a com-
5 mission to be known as the “Federal Commission on Sta-
6 tistical Policy” (in this title referred to as the “Commis-
7 sion”).

8 (b) **COMPOSITION.**—The Commission shall be com-
9 posed of 15 members as follows:

10 (1) The Chief Statistician of the Office of Man-
11 agement and Budget.

12 (2)(A) One member appointed by the President
13 who—

14 (i) is a Cabinet officer, an officer of Cabi-
15 net rank, the Chairman of the Board of Gov-
16 ernors of the Federal Reserve System, the
17 Comptroller General, or the Chairman of the
18 Council of Economic Advisers; and

19 (ii) shall serve as Chairman of the Com-
20 mission.

21 (B) Five members appointed by the President
22 from among individuals who—

23 (i) are not officers or employees of the
24 United States; and

1 (ii) are qualified to serve on the Commis-
2 sion by virtue of experience relating to the Bu-
3 reau of the Census, the Bureau of Economic
4 Analysis, or the Bureau of Labor Statistics.

5 (3) Four members appointed by the Speaker of
6 the House of Representatives, in consultation with
7 the majority leader and minority leader of the House
8 of Representatives, from among individuals who—

9 (A) are not officers or employees of the
10 United States; and

11 (B) are qualified to serve on the Commis-
12 sion by virtue of experience relating to one or
13 more of the bureaus referred to in paragraph
14 (2)(B)(ii).

15 (4) Four members appointed by the President
16 pro tempore of the Senate, in consultation with the
17 majority leader and minority leader of the Senate,
18 from among individuals who—

19 (A) are not officers or employees of the
20 United States; and

21 (B) are qualified to serve on the Commis-
22 sion by virtue of experience relating to one or
23 more of the bureaus referred to in paragraph
24 (2)(B)(ii).

1 (c) DEADLINE FOR APPOINTMENT.—Members shall
 2 be appointed to the Commission not later than four
 3 months after the date of the enactment of this Act.

4 (d) POLITICAL AFFILIATION.—(1) Of the members of
 5 the Commission appointed under subsection (b)(2)(B), not
 6 more than three may be of the same political party.

7 (2) Of the members of the Commission appointed
 8 under subsection (b)(3), not more than two may be of the
 9 same political party.

10 (3) Of the members of the Commission appointed
 11 under subsection (b)(4), not more than two may be of the
 12 same political party.

13 (e) CONSULTATION BEFORE APPOINTMENTS.—In
 14 making appointments under subsection (b), the President,
 15 the Speaker of the House of Representatives, and the
 16 President pro tempore of the Senate shall consult with ap-
 17 propriate professional organizations, including the Amer-
 18 ican Economic Association, the American Statistical Asso-
 19 ciation, the National Academy of Sciences, the National
 20 Academy of Public Administration, the American Public
 21 Health Association, the American Sociological Association,
 22 the American Political Science Association, the National
 23 Governors Association, the United States Conference of
 24 Mayors, and the Conference Board.

1 (f) **TERMS.**—(1) Each member appointed under sub-
2 section (b)(2) shall be so appointed for a term of four
3 years, except that, of the members first appointed under
4 subsection (b)(2)(B), two (who shall be of different politi-
5 cal parties) shall be appointed for a term of two years.

6 (2) Each member appointed under subsection (b)(3)
7 shall be so appointed for a term of four years, except that,
8 of the members first appointed, two (who shall be of dif-
9 ferent political parties) shall be appointed for a term of
10 two years.

11 (3) Each member appointed under subsection (b)(4)
12 shall be so appointed for a term of four years, except that,
13 of the members first appointed, two (who shall be of dif-
14 ferent political parties) shall be appointed for a term of
15 two years.

16 **SEC. 102. DUTIES OF COMMISSION.**

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

21 (1) recommendations on how the Federal statis-
22 tical system could be reorganized by consolidating
23 the statistical functions of agencies that carry out
24 statistical programs;

1 (2) recommendations on how to consolidate the
2 Bureau of Labor Statistics, the Bureau of the Cen-
3 sus, and the Bureau of Economic Analysis by Octo-
4 ber 1, 2001 (or by a date after that date), in a Fed-
5 eral Statistical Service;

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

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

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

19 (6) any other recommendations regarding how
20 the Federal statistical system could be reorganized
21 to achieve greater efficiency in carrying out Federal
22 statistical programs; and

23 (7) recommendations on possible improvements
24 to procedures for the release of major economic and
25 social indicators by the United States.

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

8 (2) Draft legislation submitted to Congress under
 9 this subsection shall be limited to implementation of rec-
 10 ommendations for the consolidation or reorganization of
 11 the functions of such bureaus.

12 (3) Draft legislation submitted to Congress under
 13 this subsection that would establish a Federal Statistical
 14 Service shall—

15 (A) provide for an Administrator and Deputy
 16 Administrator of the Federal Statistical Service, and
 17 the creation of other officers as appropriate; and

18 (B) contain a provision designating the Admin-
 19 istrator as a member of the Interagency Council on
 20 Statistical Policy established under section
 21 3504(e)(8) of title 44, United States Code.

22 (c) PERMANENT FUNCTIONS OF COMMISSION.—If
 23 legislation establishing a Federal Statistical Service is en-
 24 acted by the Congress on or before the date that is 18
 25 months after the date that the Commission submits its

1 report to Congress under section 102(a), the Commission
2 shall—

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

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

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

14 (B) the sharing of data for statistical pur-
15 poses by States and local governments with the
16 United States; and

17 (3) conduct comprehensive studies and submit
18 reports to Congress on all matters relating to the
19 Federal statistical infrastructure, including longitu-
20 dinal surveys conducted by private agencies and par-
21 tially funded by the Federal Government for the
22 purpose of identifying opportunities to improve the
23 quality of statistics in the United States. Such stud-
24 ies shall include—

1 (A) an evaluation of the accuracy and ap-
2 propriateness of key statistical indicators and
3 recommendations on ways to improve such ac-
4 curacy and appropriateness so that the indica-
5 tors better serve the major purposes for which
6 they were intended;

7 (B) an examination of multipurpose statis-
8 tical agencies that collect and analyze data of
9 broad interest across department and function
10 areas, such as the Bureau of Economic Analy-
11 sis, the Bureau of the Census, and the Bureau
12 of Labor Statistics, for the purpose of under-
13 standing the interrelationship and flow of data
14 among agencies;

15 (C) a review and evaluation of the collec-
16 tion of data for purposes of administering such
17 programs as Old-Age, Survivors and Disability
18 Insurance and Unemployment Insurance under
19 the Social Security Act;

20 (D) a review and evaluation of the mission
21 and organization of various statistical agencies,
22 including—

23 (i) recommendations with respect to
24 statistical activities that should be ex-
25 panded or eliminated;

1 (ii) the order of priority such activities
2 should be carried out; and

3 (iii) a review of the advantages and
4 disadvantages of a centralized statistical
5 agency of additional consolidation of Fed-
6 eral statistical agencies;

7 (E) an examination of the methodology in-
8 volved in producing official data and rec-
9 ommendations for technical changes to improve
10 statistics;

11 (F) a review of interagency coordination of
12 statistical data and recommendations of meth-
13 ods to standardize collection procedures and
14 surveys, as appropriate, and presentation of
15 data throughout the Federal system;

16 (G) a review of information technology and
17 recommendations of appropriate methods for
18 disseminating statistical data, with special em-
19 phasis on resources such as the Internet that
20 allow the public to obtain information in a time-
21 ly and cost-effective manner;

22 (H) an identification and examination of
23 issues regarding individual privacy in the con-
24 text of statistical data;

1 (I) a comparison of the United States sta-
2 tistical system to statistical systems of other
3 nations for the purposes of identifying best
4 practices and developing a system of maintain-
5 ing best practices over time;

6 (J) a consideration of the coordination of
7 statistical data with other nations and inter-
8 national agencies, such as the Organization for
9 Economic Cooperation and Development;

10 (K) a recommendation of a strategy for
11 maintaining a modern and efficient Federal sta-
12 tistical infrastructure to produce meaningful in-
13 formation as the needs of the United States so-
14 ciety and economy change; and

15 (L) recommendations regarding the use of
16 statistical data in Federal funding formulas; the
17 presentation to the public of statistical data col-
18 lected by Federal agencies; and standards of ac-
19 curacy for statistical data used by Federal
20 agencies; including statistical data relating to—

21 (i) the national poverty level and
22 county poverty levels in the United States;

23 (ii) the Consumer Price Index;

24 (iii) the gross national product;

1 (iv) other indicators of economic and
2 social activity; and

3 (v) the decennial census.

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

13 **SEC. 103. POWERS.**

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

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

1 (c) IMMUNITY.—The Commission is an agency of the
2 United States for purposes of part V of title 18, United
3 States Code (relating to immunity of witnesses).

4 (d) 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 **SEC. 105. PERSONNEL MATTERS.**

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

1 in the actual performance of duties vested in the Commis-
2 sion.

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

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

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

19 **SEC. 106. OTHER ADMINISTRATIVE PROVISIONS.**

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

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

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

10 **SEC. 107. TERMINATION.**

11 (a) INAPPLICABILITY OF FEDERAL ADVISORY COM-
12 MITTEE ACT.—Section 14(a)(2)(B) of the Federal Advi-
13 sory Committee Act (5 U.S.C. App.), relating to the termi-
14 nation of advisory committees, shall not apply to the Com-
15 mission.

16 (b) CONTINGENCY OF TERMINATION.—If legislation
17 establishing a Federal Statistical Service (as that term is
18 defined in section 102(d)) is not enacted by the Congress
19 on or before the date that is 18 months after the date
20 that the Commission submits its report under section
21 102(a), the Commission shall terminate upon expiration
22 of that period.

1 **SEC. 108. FAST-TRACK PROCEDURES FOR STATISTICAL RE-**
 2 **ORGANIZATION BILL.**

3 (a) **RULES OF HOUSE OF REPRESENTATIVES AND**
 4 **SENATE.**—This section is enacted by the Congress—

5 (1) as an exercise of the rulemaking power of
 6 the House of Representatives and the Senate, re-
 7 spectively, and as such it shall be considered as part
 8 of the rules of each House, respectively, or of that
 9 House to which it specifically applies, and shall su-
 10 persede other rules only to the extent that they are
 11 inconsistent with this section; and

12 (2) with full recognition of the constitutional
 13 right of either House to change the rules (so far as
 14 relating to such House) at any time, in the same
 15 manner and to the same extent as in the case of
 16 any other rule of that House.

17 (b) **DEFINITION.**—As used in this section, the term
 18 “statistical reorganization bill” means only a bill of either
 19 House of Congress—

20 (1) that is substantially identical to the draft
 21 legislation submitted to Congress by the Commission
 22 under section 102(b); and

23 (2) that is introduced as provided in subsection
 24 (c).

25 (c) **INTRODUCTION AND REFERRAL.**—Within 15 leg-
 26 islative days after the Commission submits to Congress

1 draft legislation under section 102(b), legislation that is
2 substantially identical to the draft legislation shall be in-
3 troduced (by request) in the House by the majority leader
4 of the House of Representatives and shall be introduced
5 (by request) in the Senate by the majority leader of the
6 Senate. Such bills shall be referred to the appropriate
7 committees.

8 (d) CERTAIN AMENDMENTS PROHIBITED.—No
9 amendment to a statistical reorganization bill other than
10 a technical amendment shall be in order in either the
11 House of Representatives or the Senate, and no motion
12 to suspend the application of this subsection shall be in
13 order in either House, nor shall it be in order in either
14 House to entertain a request to suspend the application
15 of this subsection by unanimous consent.

16 (e) PERIOD FOR COMMITTEE AND FLOOR CONSIDER-
17 ATION.—

18 (1) If the committee of either House to which
19 a statistical reorganization bill has been referred has
20 not reported it at the close of the 20th day after its
21 introduction, such committee shall be automatically
22 discharged from further consideration of the bill and
23 it shall be placed on the appropriate calendar. If
24 prior to the passage by one House of a statistical re-
25 organization bill of that House, that House receives

1 the same statistical reorganization bill from the
2 other House; then—

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

6 (B) the vote on final passage shall be on
7 the statistical reorganization bill of the other
8 House.

9 (2) A vote on final passage of a statistical reor-
10 ganization bill shall be taken in each House on or
11 before the close of the 15th day after the bill is re-
12 ported by the committee or committees of that
13 House to which the bill was referred; or the 15th
14 day after such committee or committees have been
15 discharged from further consideration of the bill.

16 (3) For purposes of this subsection, in comput-
17 ing a number of days in either House, there shall be
18 excluded the days on which that House is not in ses-
19 sion because of an adjournment of more than 3 days
20 to a day certain or an adjournment of the Congress
21 sine die.

22 (f) FLOOR CONSIDERATION IN THE HOUSE.—

23 (1) A motion in the House of Representatives
24 to proceed to the consideration of a statistical reor-
25 ganization bill shall be highly privileged except that

1 a motion to proceed to consider may only be made
2 on the second legislative day after the calendar day
3 on which the Member making the motion announces
4 to the House his intention to do so. The motion to
5 proceed to consider is not debatable. An amendment
6 to the motion shall not be in order, nor shall it be
7 in order to move to reconsider the vote by which the
8 motion is agreed to or disagreed to.

9 ~~(2)~~ Debate on a statistical reorganization bill in
10 the House of Representatives shall be limited to not
11 more than 4 hours, which shall be divided equally
12 between those favoring and those opposing the bill.
13 The previous question on the statistical reorganiza-
14 tion bill shall be considered as ordered to final pas-
15 sage without intervening motion. It shall not be in
16 order to move to recommit a statistical reorganiza-
17 tion bill or to reconsider the vote by which a statis-
18 tical reorganization bill is agreed to or disagreed to.

19 ~~(3)~~ All appeals from the decisions of the Chair
20 relating to the application of the Rules of the House
21 of Representatives to the procedure relating to a sta-
22 tistical reorganization bill shall be decided without
23 debate.

24 ~~(g) FLOOR CONSIDERATION IN THE SENATE.—~~

1 (1) A motion in the Senate to proceed to the
2 consideration of a statistical reorganization bill shall
3 be privileged and not debatable. An amendment to
4 the motion shall not be in order, nor shall it be in
5 order to move to reconsider the vote by which the
6 motion is agreed to or disagreed to.

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

13 (3) Debate in the Senate on any debatable mo-
14 tion or appeal in connection with a statistical reorga-
15 nization bill shall be limited to not more than 1
16 hour, to be equally divided between, and controlled
17 by, the mover and the manager of the bill, except
18 that in the event the manager of the bill is in favor
19 of any such motion or appeal, the time in opposition
20 thereto shall be controlled by the minority leader or
21 his designee. Such leaders, or either of them, may,
22 from time under their control on the passage of a
23 statistical reorganization bill, allot additional time to
24 any Senator during the consideration of any debat-
25 able motion or appeal.

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

4 **SEC. 109. AUTHORIZATION OF APPROPRIATIONS.**

5 There is authorized to be appropriated for the Com-
6 mission such sums as may be necessary to carry out the
7 functions of the Commission.

8 **TITLE II—EFFICIENCY AND CON-**
9 **FIDENTIALITY OF FEDERAL**
10 **STATISTICAL SYSTEMS**

11 **SEC. 201. PURPOSES.**

12 The purposes of this title are the following:

13 (1) To provide that individually identifiable in-
14 formation furnished either directly or indirectly to
15 designated statistical agencies for exclusively statis-
16 tical purposes shall not be disclosed in individually
17 identifiable form by such agencies for any other pur-
18 pose without the informed consent of the respond-
19 ent.

20 (2) To prohibit the use by such agencies, in in-
21 dividually identifiable form, of any information col-
22 lected, compiled, or maintained solely for statistical
23 purposes under Federal authority, to make any deci-
24 sion or take any action directly affecting the rights,
25 benefits, and privileges of the person to whom the

1 information pertains, except with the person's con-
2 sent.

3 (3) To reduce the reporting burden, duplication,
4 and expense imposed on the public by permitting
5 interagency exchange, solely for statistical purposes,
6 of individually identifiable information needed for
7 statistical programs, and to establish secure condi-
8 tions for such exchanges.

9 (4) To reduce the cost and improve the accu-
10 racy of statistical programs by facilitating coopera-
11 tive projects between statistical agencies, and to cre-
12 ate a secure environment where expertise and data
13 resources that reside in different agencies can be
14 brought together to address the information needs of
15 the public.

16 (5) To reduce the risk of unauthorized disclo-
17 sure of information maintained solely for statistical
18 purposes by designating specific statistical agencies
19 that are authorized to receive otherwise privileged
20 information for such purposes from other agencies,
21 and to prescribe specific conditions and procedures
22 that must be complied with in any such exchange.

23 (6) To establish a consistent basis under the re-
24 quirements of section 552 of title 5, United States
25 Code (popularly known as the "Freedom of Informa-

1 tion Act”) for exempting a defined class of statis-
2 tical information from compulsory disclosure.

3 (7) To ensure that existing avenues for public
4 access to administrative data or information under
5 section 552a of title 5, United States Code (popu-
6 larly known as the “Privacy Act”) or the Freedom
7 of Information Act are retained without change.

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

12 **SEC. 202. DEFINITIONS.**

13 As used in this title:

14 (1) The term “agency” means any Federal or-
15 ganization that falls within the definition of “execu-
16 tive agency” in section 102 of title 31, United States
17 Code, or within the definition of “agency” in section
18 3502 of title 44, United States Code.

19 (2) The term “agent” means a person des-
20 ignated by a Statistical Data Center (as designated
21 in section 203) to perform, either in the capacity of
22 a Federal employee or otherwise, exclusively statis-
23 tical activities authorized by law under the super-
24 vision or control of an officer or employee of that
25 Statistical Data Center, and who has agreed in writ-

1 ing to comply with all provisions of law that affect
2 information acquired by that Statistical Data Cen-
3 ter.

4 (3) The term “identifiable form” means any
5 representation of information that permits informa-
6 tion concerning an individual to be reasonably in-
7 ferred by either direct or indirect means.

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

13 (5) The term “respondent” means a person who
14 is requested or required to supply information to an
15 agency, who is the subject of information requested
16 or required to be supplied to an agency, or who pro-
17 vides that information to an agency.

18 (6) The term “statistical activities”—

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

1 (B) includes the development of methods
2 or resources that support those activities, such
3 as measurement methods, models, statistical
4 classifications, or sampling frames.

5 (7) The term “statistical purpose”—

6 (A) means the description, estimation, or
7 analysis of the characteristics of groups without
8 regard to the identities of persons that comprise
9 such groups; and

10 (B) includes the development, implementa-
11 tion, or maintenance of methods, technical or
12 administrative procedures, or information re-
13 sources that support such purposes.

14 **SEC. 203. DESIGNATION OF STATISTICAL DATA CENTERS.**

15 Each of the following is hereby designated as a Sta-
16 tistical Data Center:

17 (1) The Bureau of Economic Analysis in the
18 Department of Commerce.

19 (2) The Bureau of the Census in the Depart-
20 ment of Commerce.

21 (3) The Bureau of Labor Statistics in the De-
22 partment of Labor.

23 (4) The National Agricultural Statistics Service
24 in the Department of Agriculture.

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

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

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

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

10 **SEC. 204. STATISTICAL DATA CENTER RESPONSIBILITIES.**

11 The Statistical Data Centers designated in section
12 ~~203~~ shall—

13 (1) identify opportunities to eliminate duplica-
14 tion and otherwise reduce reporting burden and cost
15 imposed on the public by sharing information for ex-
16 clusively statistical purposes;

17 (2) enter into joint statistical projects to im-
18 prove the quality and reduce the cost of statistical
19 programs;

20 (3) safeguard the confidentiality of individually
21 identifiable information acquired for statistical pur-
22 poses by assuring its physical security and by con-
23 trolling access to, and uses made of, such informa-
24 tion; and

1 **SEC. 206. DISCLOSURE OF DATA OR INFORMATION BY FED-**
 2 **ERAL AGENCIES TO STATISTICAL DATA CEN-**
 3 **TERS.**

4 (a) AGENCIES THAT MAY DISCLOSE DATA OR IN-
 5 FORMATION TO A STATISTICAL DATA CENTER.—Subject
 6 to subsection (b), the following agencies may disclose data
 7 or information to a Statistical Data Center for statistical
 8 purposes:

- 9 (1) A Statistical Data Center.
 10 (2) The Department of Commerce.
 11 (3) The Department of Labor.
 12 (4) The Department of Agriculture.
 13 (5) The Department of Education.
 14 (6) The Department of Health and Human
 15 Services.
 16 (7) The Department of Energy.
 17 (8) The National Science Foundation.
 18 (9) The Internal Revenue Service.

19 (b) LIMITATIONS ON DISCLOSURE.—Data or infor-
 20 mation may be disclosed to a Statistical Data Center
 21 under subsection (a) only if—

- 22 (1) the data or information is to be used exclu-
 23 sively for statistical purposes by the Statistical Data
 24 Center;
 25 (2) the disclosure to, and proposed use by, the
 26 data or information by the Statistical Data Center

1 is not inconsistent with any provisions of law or Ex-
 2 ecutive order that explicitly limit the statistical pur-
 3 poses for which such data or information may be
 4 used;

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

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

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

12 (B) the purposes for which the data or in-
 13 formation is to be used; and

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

17 (5) the data or information is not disclosed in
 18 identifiable form (except in a case in which the data
 19 or information was collected directly by a party to
 20 the agreement and the agreement specifies that the
 21 data or information may be so disclosed to another
 22 party to the agreement for exclusively statistical
 23 purposes).

24 (c) NOTICE AND COMMENT.—The public notice and
 25 comment procedures for data collections described in sec-

1 tion 3506(c)(2)(A) of title 44, United States Code, and
2 the provisions relating to review of data collections by the
3 Director of the Office of Management and Budget in sec-
4 tion 3507 of such title, shall apply to each written agree-
5 ment entered into under subsection (b)(4). The scope of
6 any public notice and comment with respect to any such
7 written agreement shall extend to all issues relating to the
8 requirements of this section.

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

16 (2) If data or information obtained by an agency is
17 disclosed to a Statistical Data Center pursuant to this sec-
18 tion, all provisions of law (including penalties) that relate
19 to the unlawful disclosure of the data or information apply
20 to the officers, employees, or agents of the Statistical Data
21 Center to which information is disclosed to the same ex-
22 tent and in the same manner as the provisions apply to
23 the officers and employees of the agency which originally
24 obtained the information.

1 (3) The officers, employees, and agents of the agency
 2 to which the information is released, in addition, shall be
 3 subject to the same provisions of law, including penalties,
 4 relating to the unlawful disclosure of information that
 5 would apply to officers and employees of that agency, if
 6 the information had been collected directly by that agency.

7 **SEC. 207. STATISTICAL DATA CENTER SUCCESSORS.**

8 (a) DESIGNATION.—In the case of a reorganization
 9 that eliminates, or substantially alters the mission or func-
 10 tions of, an agency listed in section 206(a), the Director
 11 of the Office of Management and Budget, after consulta-
 12 tion with the head of the agency proposing the reorganiza-
 13 tion, may designate an agency or unit that shall serve as
 14 a successor Statistical Data Center under the terms of this
 15 title, if the Director determines that—

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

19 (2) the proposed Statistical Data Center would
 20 participate in data sharing activities that signifi-
 21 cantly improve Federal statistical programs or prod-
 22 ucts;

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

1 and approve any rules proposed pursuant to this title for
 2 consistency with this title and chapter 35 of title 44,
 3 United States Code.

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

7 (A) each disclosure agreement entered into pur-
 8 suant to section 206(b)(4);

9 (B) the results of any review of information se-
 10 curity undertaken at the request of the Office of
 11 Management and Budget; and

12 (C) the results of any similar review undertaken
 13 on the initiative of the Statistical Data Center or an
 14 agency supplying data or information to a Statistical
 15 Data Center.

16 (2) The Director of the Office of Management and
 17 Budget shall include a summary of all reports submitted
 18 to the Director under this subsection and any actions
 19 taken by the Director to advance the purposes of this title
 20 in its annual report to the Congress on statistical pro-
 21 grams.

22 **SEC. 209. EFFECT ON OTHER LAWS.**

23 (a) 44 U.S.C. 3510.—This title, including the amend-
 24 ments made herein, does not diminish the authority under
 25 section 3510 of title 44, United States Code, of the Direc-

1 tor of the Office of Management and Budget to direct,
 2 and of an agency to make, disclosures that are not incon-
 3 sistent with any applicable law.

4 (b) ~~5 U.S.C. 552.~~—Data or information acquired for
 5 exclusively statistical purposes as provided in section 205
 6 is exempt from mandatory disclosure under section ~~552~~
 7 of title ~~5~~, United States Code, pursuant to section
 8 ~~552(b)(3)~~ of such title.

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

10 Not later than 90 days after the date of the enact-
 11 ment of this Act, the President shall submit to Congress
 12 a description of any changes in Federal law necessary to
 13 reflect any measures under this Act.

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

15 (a) *SHORT TITLE.*—*This Act may be cited as the “Sta-*
 16 *tistical Consolidation Act of 1998”.*

17 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 18 *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. Authorization of appropriations.

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.

1 SEC. 2. FINDINGS.

2 *The Congress, recognizing the importance of statistical*
3 *information in the development of national priorities and*
4 *policies and in the administration of public programs, here-*
5 *by finds the following:*

6 (1) *While the demand for statistical information*
7 *has grown substantially during the last 30 years, the*
8 *difficulty of coordinating planning within the decen-*
9 *tralized Federal statistical system has limited the use-*
10 *fulness of statistics in defining problems and deter-*
11 *mining national policies to deal with complex social*
12 *and economic issues.*

13 (2) *Coordination and planning among the statis-*
14 *tical programs of the Government are necessary to*
15 *strengthen and improve the quality and utility of*
16 *Federal statistics and to reduce duplication and*
17 *waste in information collected for statistical purposes.*

1 (3) *High-quality Federal statistical products and*
2 *programs are essential for sound business and public*
3 *policy decisions.*

4 (4) *The challenge of providing high-quality sta-*
5 *tistics has increased because our economy and society*
6 *are more complex, new technologies are available, and*
7 *decisionmakers need more complete and accurate*
8 *data.*

9 (5) *Maintaining quality of Federal statistical*
10 *products requires full cooperation between Federal*
11 *statistical agencies and those persons and organiza-*
12 *tions that respond to their requests for information.*

13 (6) *Federal statistical products and programs*
14 *can be improved, without reducing respondent co-*
15 *operation, by permitting carefully controlled sharing*
16 *of data with statistical agencies in a manner that is*
17 *consistent with confidentiality commitments made to*
18 *respondents.*

19 **SEC. 3. SENSE OF CONGRESS.**

20 *It is the sense of Congress that—*

21 (1) *a more centralized statistical system is inte-*
22 *gral to efficiency;*

23 (2) *with increased efficiency comes better inte-*
24 *gration of research methodology, survey design, and*
25 *economies of scale;*

1 (3) *the Chief Statistician must have the author-*
 2 *ity, personnel, and other resources necessary to carry*
 3 *out the duties of that office effectively, including du-*
 4 *ties relating to statistical forms clearance; and*

5 (4) *statistical forms clearance at the Office of*
 6 *Management and Budget should be better distin-*
 7 *guished from regulatory forms clearance.*

8 ***TITLE I—FEDERAL COMMISSION***
 9 ***ON STATISTICAL POLICY***

10 ***SEC. 101. ESTABLISHMENT.***

11 (a) *ESTABLISHMENT.*—*There is established a commis-*
 12 *sion to be known as the “Federal Commission on Statistical*
 13 *Policy” (in this title referred to as the “Commission”).*

14 (b) *COMPOSITION.*—*The Commission shall be composed*
 15 *of 15 members as follows:*

16 (1) *CHIEF STATISTICIAN.*—*The Chief Statisti-*
 17 *cian of the Office of Management and Budget.*

18 (2) *APPOINTMENTS BY PRESIDENT.*—

19 (A) *CHAIRMAN.*—*One member appointed by*
 20 *the President who—*

21 (i) *is an officer serving in a position*
 22 *at level I of the Executive Schedule under*
 23 *section 5312 of title 5, United States Code,*
 24 *the Chairman of the Board of Governors of*
 25 *the Federal Reserve System, the Comptroller*

1 *General, or the Chairman of the Council of*
2 *Economic Advisers; and*

3 *(ii) shall serve as Chairman of the*
4 *Commission.*

5 *(B) OTHER APPOINTEES.—Five members*
6 *appointed by the President from among individ-*
7 *uals who—*

8 *(i) are not officers or employees of the*
9 *United States; and*

10 *(ii)(I) are qualified to serve on the*
11 *Commission by virtue of experience relating*
12 *to the Bureau of the Census, the Bureau of*
13 *Economic Analysis, or the Bureau of Labor*
14 *Statistics; or*

15 *(II) have expertise relating to organi-*
16 *zational reorganization, State sources and*
17 *uses of statistical information, statistical*
18 *analysis, or management of complex organi-*
19 *zations.*

20 *(3) APPOINTMENTS BY SPEAKER OF THE HOUSE*
21 *OF REPRESENTATIVES.—Four members appointed by*
22 *the Speaker of the House of Representatives, in con-*
23 *sultation with the majority leader and minority lead-*
24 *er of the House of Representatives, from among indi-*
25 *viduals who—*

1 (A) are not officers or employees of the
2 United States; and

3 (B)(i) are qualified to serve on the Commis-
4 sion by virtue of experience relating to one or
5 more of the bureaus referred to in paragraph
6 (2)(B)(i)(I); or

7 (ii) are also qualified to serve on the Com-
8 mission by virtue of expertise relating to organi-
9 zational reorganization, State sources and uses
10 of statistical information, statistical analysis, or
11 management of complex organizations.

12 (4) *APPOINTMENTS BY PRESIDENT PRO TEM-*
13 *PORE.—Four members appointed by the President*
14 *pro tempore of the Senate, in consultation with the*
15 *majority leader and minority leader of the Senate,*
16 *from among individuals who—*

17 (A) are not officers or employees of the
18 United States; and

19 (B)(i) are qualified to serve on the Commis-
20 sion by virtue of experience relating to one or
21 more of the bureaus referred to in paragraph
22 (2)(B)(i)(I); or

23 (ii) are also qualified to serve on the Com-
24 mission by virtue of expertise relating to organi-
25 zational reorganization, State sources and uses

1 *of statistical information, statistical analysis, or*
2 *management of complex organizations.*

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

6 *(d) POLITICAL AFFILIATION.—*

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

11 *(2) APPOINTMENTS BY SPEAKER OF THE HOUSE*
12 *OF REPRESENTATIVES.—Of the members of the Com-*
13 *mission appointed under subsection (b)(3), not more*
14 *than 2 may be of the same political party.*

15 *(3) APPOINTMENTS BY PRESIDENT PRO TEM-*
16 *PORE.—Of the members of the Commission appointed*
17 *under subsection (b)(4), not more than 2 may be of*
18 *the same political party.*

19 *(e) CONSULTATION BEFORE APPOINTMENTS.—In mak-*
20 *ing appointments under subsection (b), the President, the*
21 *Speaker of the House of Representatives, and the President*
22 *pro tempore of the Senate shall consult with appropriate*
23 *professional organizations, including State and local gov-*
24 *ernments.*

1 (f) *PERIOD OF APPOINTMENT; VACANCIES.*—Members
2 shall be appointed for the life of the Commission. Any va-
3 cancy in the Commission shall not affect its powers, but
4 shall be filled in the same manner as the original appoint-
5 ment.

6 **SEC. 102. DUTIES OF COMMISSION.**

7 (a) *STUDY AND REPORT.*—Not later than 18 months
8 after the date of enactment of this Act, the Commission shall
9 study and submit to Congress and the President a written
10 report and draft legislation as necessary and appropriate
11 (except if the Commission decides otherwise in accordance
12 with section 104(d)) on the Federal statistical system in-
13 cluding—

14 (1) recommendations on how the Federal statis-
15 tical system could be reorganized by consolidating the
16 statistical functions of agencies that carry out statis-
17 tical programs;

18 (2) recommendations on how to consolidate the
19 Bureau of Labor Statistics, the Bureau of the Census,
20 and the Bureau of Economic Analysis by October 1,
21 2001 (or by a date after that date), in a Federal Sta-
22 tistical Service;

23 (3) recommendations on how the consolidation
24 described in paragraph (2) may be achieved without
25 disruption in the release of statistical products;

1 (4) *recommendations on whether other Federal*
2 *statistical agencies or the functions of other agencies*
3 *that carry out statistical programs should be trans-*
4 *ferred to a Federal Statistical Service;*

5 (5) *recommendations on whether the functions of*
6 *the Bureau of the Census relating to decennial cen-*
7 *suses of population should be delineated from the*
8 *other functions of the Bureau and, if so, recommenda-*
9 *tions on how such a delineation of functions might be*
10 *achieved;*

11 (6) *any other recommendations regarding how*
12 *the Federal statistical system could be reorganized to*
13 *achieve greater efficiency, improve quality, timeliness,*
14 *and adaptability to change in carrying out Federal*
15 *statistical programs;*

16 (7) *recommendations on possible improvements*
17 *to procedures for the release of major economic and*
18 *social indicators by the United States;*

19 (8) *recommendations to ensure that the relation-*
20 *ship between States and the Bureau of Labor Statis-*
21 *tics (or any successor agency) shall continue with re-*
22 *spect to the generation and dissemination of local*
23 *labor force and area data; and*

1 (9) *recommendations to ensure requirements that*
2 *State data and information shall be maintained in a*
3 *confidential, consistent, and comparable manner.*

4 **(b) PRESIDENTIAL REVIEW.—**

5 **(1) IN GENERAL.—**

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

11 **(B) APPROVAL OR INACTION.—***If the Presi-*
12 *dent approves the report, the Commission shall*
13 *submit the report to Congress on the day follow-*
14 *ing such approval. If the President does not dis-*
15 *approve the report, the Commission shall submit*
16 *the report to Congress on the day following the*
17 *15-day period described under subparagraph*
18 *(A).*

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

23 **(D) FINAL REPORT AFTER DISAPPROVAL.—**
24 *The Commission shall consider any objections*
25 *and suggested changes submitted by the Presi-*

1 *dent and may modify the report based on those*
2 *objections and suggested changes. Not later than*
3 *10 days after receipt of the President's dis-*
4 *approval under subparagraph (C), the Commis-*
5 *sion shall submit the final report (as modified if*
6 *modified) to Congress.*

7 *(c) STATISTICAL REORGANIZATION BILL.—*

8 *(1) IN GENERAL.—If the written report submit-*
9 *ted to Congress under subsection (a) contains rec-*
10 *ommendations on the consolidation of the Federal sta-*
11 *tistical functions of the United States, including the*
12 *Bureau of Labor Statistics, the Bureau of the Census,*
13 *and the Bureau of Economic Analysis in a Federal*
14 *Statistical Service, the report shall contain draft leg-*
15 *islation incorporating such recommendations under*
16 *subsection (a)(2) or at the option of the Commission*
17 *under subsection (a)(4).*

18 *(2) DRAFT LEGISLATION.—Draft legislation sub-*
19 *mitted to Congress under this subsection shall be*
20 *strictly limited to implementation of recommenda-*
21 *tions for the consolidation or reorganization of—*

22 *(A) the functions of such bureaus; or*

23 *(B) the functions of such bureaus and the*
24 *statistical functions of other Federal entities.*

1 (3) *PROVISIONS IN DRAFT LEGISLATION.*—Draft
2 *legislation submitted to Congress under this sub-*
3 *section that would establish a Federal Statistical*
4 *Service shall—*

5 (A) *provide for an Administrator and Dep-*
6 *uty Administrator of the Federal Statistical*
7 *Service, and the creation of other officers as ap-*
8 *propriate; and*

9 (B) *contain a provision designating the Ad-*
10 *ministrator as a member of the Interagency*
11 *Council on Statistical Policy established under*
12 *section 3504(e)(8) of title 44, United States*
13 *Code.*

14 (d) *OTHER DUTIES OF THE COMMISSION.*—

15 (1) *IN GENERAL.*—*The Commission shall also*
16 *conduct comprehensive studies and submit reports to*
17 *Congress on all matters relating to the Federal statis-*
18 *tical infrastructure, including longitudinal surveys*
19 *conducted by private agencies and partially funded*
20 *by the Federal Government for the purpose of identi-*
21 *fying opportunities to improve the quality of statis-*
22 *tics in the United States.*

23 (2) *INCLUSIONS.*—*Studies under this subsection*
24 *shall include—*

1 (A) a review and evaluation of the mission
2 of various statistical agencies and the relevance
3 of such missions to current and future needs;

4 (B) an evaluation of key statistics and
5 measures and recommendations on ways to im-
6 prove such statistics so that the statistics better
7 serve the intended major purposes;

8 (C) a review of interagency coordination of
9 statistical data and recommendations of methods
10 to standardize collection procedures and surveys,
11 as appropriate, and presentation of data
12 throughout the Federal system;

13 (D) a review of information technology and
14 recommendations of appropriate methods for dis-
15 seminating statistical data, with special empha-
16 sis on resources such as the Internet that allow
17 the public to obtain information in a timely and
18 cost-effective manner;

19 (E) an identification and examination of
20 issues regarding individual privacy in the con-
21 text of statistical data;

22 (F) a comparison of the United States sta-
23 tistical system to statistical systems of other na-
24 tions for the purposes of identifying best prac-
25 tices;

1 (G) a consideration of the coordination of
2 statistical data with other nations and inter-
3 national agencies, such as the Organization for
4 Economic Cooperation and Development; and

5 (H) recommendations regarding the presen-
6 tation to the public of statistical data collected
7 by Federal agencies, and standards of accuracy
8 for statistical data used by Federal agencies, in-
9 cluding statistical data relating to—

10 (i) the national poverty level and coun-
11 ty poverty levels in the United States;

12 (ii) the Consumer Price Index;

13 (iii) the gross domestic product; and

14 (iv) other indicators of economic and
15 social activity, including marriage and di-
16 vorce in the United States.

17 (e) *DEFINITION OF FEDERAL STATISTICAL SERVICE.*—

18 *As used in this section, the term “Federal Statistical Serv-*
19 *ice” means an entity established after the date of the enact-*
20 *ment of this Act as an independent agency in the executive*
21 *branch, the purpose of which is to carry out Federal statis-*
22 *tical programs and to which the statistical functions of the*
23 *Bureau of Economic Analysis, the Bureau of the Census,*
24 *or the Bureau of Labor Statistics are transferred.*

1 **SEC. 103. POWERS.**

2 (a) *HEARINGS AND SESSIONS.*—*The Commission may,*
3 *for the purpose of carrying out this Act, hold hearings, sit*
4 *and act at times and places, take testimony, and receive*
5 *evidence as the Commission considers appropriate.*

6 (b) *OBTAINING INFORMATION.*—*The Commission may*
7 *secure directly from any department or agency of the*
8 *United States information necessary to enable it to carry*
9 *out this Act. Upon request of the Chairman of the Commis-*
10 *sion, the head of that department or agency shall furnish*
11 *that information to the Commission.*

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

16 **SEC. 104. COMMISSION PROCEDURES.**

17 (a) *MEETINGS.*—*The Commission shall meet at the*
18 *call of the Chairman or a majority of its members.*

19 (b) *QUORUM.*—*Eight members of the Commission shall*
20 *constitute a quorum but a lesser number may hold hearings.*

21 (c) *DELEGATION OF AUTHORITY.*—*Any member or*
22 *agent of the Commission may, if authorized by the Commis-*
23 *sion, take any action which the Commission is authorized*
24 *to take by this Act.*

25 (d) *VOTING.*—*The Commission shall adopt any rec-*
26 *ommendation by a vote of a majority of its members, with*

1 *the exception of any recommendation under section*
2 *102(a)(2) which shall be implemented as stated unless a*
3 *majority of the Commission votes against such a rec-*
4 *ommendation and certifies, with explanation, to Congress*
5 *and the President that such a recommendation would not*
6 *improve the efficiency and effectiveness of the Federal statis-*
7 *tical system.*

8 **SEC. 105. PERSONNEL MATTERS.**

9 (a) *PAY OF MEMBERS.*—*Members of the Commission*
10 *appointed under paragraphs (2)(B), (3), or (4) of section*
11 *101(b) shall be entitled to receive the daily equivalent of*
12 *the rate of basic pay for level IV of the Executive Schedule*
13 *under section 5315 of title 5, United States Code, for each*
14 *day (including travel time) during which they are engaged*
15 *in the actual performance of duties vested in the Commis-*
16 *sion.*

17 (b) *TRAVEL EXPENSES.*—*Each member of the Com-*
18 *mission shall receive travel expenses, including per diem in*
19 *lieu of subsistence, in accordance with sections 5702 and*
20 *5703 of title 5, United States Code.*

21 (c) *STAFF.*—*The Commission may appoint and fix the*
22 *pay of personnel as it considers appropriate, including an*
23 *Executive Director.*

24 (d) *APPLICABILITY OF CERTAIN CIVIL SERVICE*
25 *LAWS.*—*Staff of the Commission may be appointed without*

1 regard to the provisions of title 5, United States Code, gov-
2 erning appointments in the competitive service, and may
3 be paid without regard to the provisions of chapter 51 and
4 subchapter III of chapter 53 of that title relating to classi-
5 fication and General Schedule pay rates, except that an in-
6 dividual so appointed may not receive pay in excess of the
7 highest basic rate of pay established for the Senior Execu-
8 tive Service under section 5382 of such title.

9 **SEC. 106. OTHER ADMINISTRATIVE PROVISIONS.**

10 (a) *POSTAL AND PRINTING SERVICES.*—The Commis-
11 sion may use the United States mails and obtain printing
12 and binding services in the same manner and under the
13 same conditions as other departments and agencies of the
14 United States.

15 (b) *ADMINISTRATIVE SUPPORT SERVICES.*—Upon the
16 request of the Commission, the Administrator of General
17 Services shall provide to the Commission, on a reimbursable
18 basis, the administrative support services necessary for the
19 Commission to carry out its responsibilities under this Act.

20 (c) *EXPERTS AND CONSULTANTS.*—The Commission
21 may procure temporary and intermittent services under
22 section 3109(b) of title 5, United States Code.

23 **SEC. 107. TERMINATION.**

24 The Commission shall terminate 3 years after the date
25 of enactment of this Act.

1 **SEC. 108. AUTHORIZATION OF APPROPRIATIONS.**

2 *There is authorized to be appropriated for the Commis-*
3 *sion such sums as may be necessary to carry out the func-*
4 *tions of the Commission.*

5 **TITLE II—EFFICIENCY AND CON-**
6 **FIDENTIALITY OF FEDERAL**
7 **STATISTICAL SYSTEMS**

8 **SEC. 201. SHORT TITLE.**

9 *This title may be cited as the “Statistical Confidential-*
10 *ity Act”.*

11 **SEC. 202. FINDINGS AND PURPOSES.**

12 *(a) FINDINGS.—Congress finds the following:*

13 *(1) High quality Federal statistical products and*
14 *programs are essential for sound business and public*
15 *policy decisions.*

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

21 *(3) Maintaining quality requires full cooperation*
22 *between Federal statistical agencies and those persons*
23 *and organizations that respond to requests for infor-*
24 *mation.*

25 *(4) Federal statistical products and programs*
26 *can be improved, without reducing respondent co-*

1 *operation, by permitting carefully controlled sharing*
2 *of data with statistical agencies in a manner that is*
3 *consistent with confidentiality commitments made to*
4 *respondents.*

5 *(b) PURPOSES.—The purposes of this title are the fol-*
6 *lowing:*

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

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

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 accuracy*
2 *of statistical programs by facilitating cooperative*
3 *projects between statistical agencies, and to create a*
4 *secure environment where expertise and data re-*
5 *sources 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 disclosure*
9 *of information maintained solely for statistical pur-*
10 *poses by designating specific statistical agencies that*
11 *are authorized to receive otherwise privileged infor-*
12 *mation for such purposes from other agencies, and to*
13 *prescribe specific conditions and procedures that must*
14 *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 statistical*
19 *information from compulsory disclosure.*

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

1 (8) *To establish consistent procedural safeguards*
2 *for records disclosed exclusively for statistical pur-*
3 *poses, including both public input and an oversight*
4 *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 Code;*
10 *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 designated*
14 *by a Statistical Data Center to perform, either in the*
15 *capacity of a Federal employee or otherwise, exclu-*
16 *sively statistical activities authorized by law under*
17 *the supervision or control of an officer or employee of*
18 *that Statistical Data Center, and who has agreed in*
19 *writing to comply with all provisions of law that af-*
20 *fect information acquired by that Statistical Data*
21 *Center.*

22 (3) *The term “identifiable form” means any rep-*
23 *resentation of information that permits information*
24 *concerning individual subjects to be reasonably in-*
25 *ferred 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, or*
5 *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 infor-*
9 *mation 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 agency.*

13 (6) *The term “statistical activities”—*

14 (A) *means the collection, compilation, proc-*
15 *essing, or analysis of data for the purpose of de-*
16 *scribing or making estimates concerning the*
17 *whole or relevant groups or components within,*
18 *the economy, society, or the natural environment;*
19 *and*

20 (B) *includes the development of methods or*
21 *resources that support those activities, such as*
22 *measurement methods, models, statistical classi-*
23 *fications, or sampling frames.*

24 (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 ad-
7 ministrative procedures, or information resources
8 that support such purposes.

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

10 (a) *IN GENERAL.*—Each of the following is designated
11 as a Statistical Data Center:

12 (1) *The Bureau of Economic Analysis in the De-*
13 *partment of Commerce.*

14 (2) *The Bureau of the Census in the Department*
15 *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 Statistics*
21 *in the Department of Education.*

22 (6) *The National Center for Health Statistics in*
23 *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 in*
5 *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 pro-*
11 *posing the reorganization, may designate an agency or*
12 *agency component that shall serve as a successor Statistical*
13 *Data Center under the terms of this title, if the Director*
14 *determines that—*

15 (1) *the primary activities of the proposed Statis-*
16 *tical Data Center are statistical activities specifically*
17 *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 dem-*
23 *onstrated its capability to protect the individual con-*
24 *fidentiality 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 Manage-*
7 *ment and Budget, provide public notice and an opportunity*
8 *to comment on the consequences of such designation and*
9 *on those determinations upon which the designation is pro-*
10 *posed 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 improve*
22 *the quality and reduce the cost of statistical pro-*
23 *grams;*

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 information;*
3 *and*

4 *(4) respect the rights and privileges of the public*
5 *by observing and promoting fair information prac-*
6 *tices.*

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

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

14 *(b) RULE DISTINGUISHING DATA OR INFORMATION.—*
15 *If a Statistical Data Center is authorized by any other stat-*
16 *ute to collect data or information for nonstatistical pur-*
17 *poses, the head of the Statistical Data Center shall clearly*
18 *distinguish such data or information by rule. Such rule*
19 *shall provide for fully informing the respondents requested*
20 *or required to supply such data or information of such non-*
21 *statistical uses before collecting such data or information.*

22 *(c) DISCLOSURE.—Data or information may be dis-*
23 *closed by an agency to 1 or more Statistical Data Centers,*
24 *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 Ex-*
6 *ecutive order in the interest of national security;*

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

10 (4) *the disclosure is made under the terms of a*
11 *written agreement between a Statistical Data Center*
12 *or Centers and the agency supplying information as*
13 *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 safe-*
18 *guard the confidentiality of the data or informa-*
19 *tion.*

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 identifiable*
23 *form by that Center for any purpose, except that data or*
24 *information collected directly by any party to such agree-*
25 *ment may be disclosed to any other party to that agreement*

1 *for exclusively statistical purposes specified in that agree-*
2 *ment.*

3 (e) *NOTICE.*—Whenever a written agreement author-
4 ized under subsection (c)(4) concerns data that respondents
5 were required by law to report and the agreement contains
6 terms that could not reasonably have been anticipated by
7 respondents who provided the data that will be disclosed,
8 or upon the initiative of any party to such an agreement,
9 or whenever ordered by the Director of the Office of Manage-
10 ment and Budget, the terms of such agreement shall be de-
11 scribed in a public notice issued by the agency that intends
12 to disclose the data. Such notice shall allow a minimum
13 of 60 days for public comment before such agreement shall
14 take effect. The Director shall be fully apprised of any issues
15 raised by the public and may suspend the effect of such an
16 agreement to permit modifications responsive to public
17 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, United
22 States Code, for the disclosure or withholding of the same
23 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 informa-
3 tion apply to the officers, employees, or agents of the agency
4 to which information is released to the same extent and in
5 the same manner as the provisions apply to the officers and
6 employees of the agency which originally obtained the infor-
7 mation. The officers, employees, and agents of the agency
8 to which the information is released, in addition, shall be
9 subject to the same provisions of law, including penalties,
10 relating to the unlawful disclosure of information that
11 would apply to officers and employees of that agency if the
12 information had been collected directly by that agency.

13 **SEC. 207. COORDINATION AND OVERSIGHT.**

14 (a) *IN GENERAL.*—The Director of the Office of Man-
15 agement and Budget shall coordinate and oversee the con-
16 fidentiality and disclosure policies established by this title.

17 (b) *REPORT OF DISCLOSURE AGREEMENTS.*—

18 (1) *REPORT TO THE OFFICE OF MANAGEMENT*
19 *AND BUDGET.*—The head of a Statistical Data Center
20 shall report to the Office of Management and Budg-
21 et—

22 (A) each disclosure agreement entered into
23 under this title;

1 (B) the results of any review of information
2 security undertaken at the request of the Office
3 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 the
9 Office of Management and Budget shall include a
10 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 Director
16 of the Office of Management and Budget shall review and
17 approve any rules proposed pursuant to this title for con-
18 sistency with this title and chapter 35 of title 44, United
19 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 Man-*
 2 *agement and Budget shall promulgate rules or provide such*
 3 *other guidance as may be needed to ensure consistent inter-*
 4 *pretation 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, sub-*
 8 *ject to the review and approval required under this title.*

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

11 (a) *DEPARTMENT OF COMMERCE.*—

12 (1) *Section 176(a) of title 15, United States*
 13 *Code, is amended by inserting “Except as provided in*
 14 *the Statistical Confidentiality Act,” at the beginning*
 15 *of the last sentence.*

16 (2)(A) *Chapter 10 of title 13, United States*
 17 *Code, is amended by adding after section 401 the fol-*
 18 *lowing:*

19 **“§402. Exchange of census information with Statis-**
 20 **tical Data Centers**

21 *“The Bureau of the Census is authorized to provide*
 22 *data collected under this title to Statistical Data Centers*
 23 *(Centers) named in the Statistical Confidentiality Act, or*
 24 *their successors designated under the terms of that Act.”.*

1 *(B) The table of sections for chapter 10 of title*
2 *13, United States Code, is amended by adding after*
3 *the item relating to section 401 the following:*

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

4 *(b) DEPARTMENT OF ENERGY.—*

5 *(1) Section 205 of the Department of Energy Or-*
6 *ganization Act (42 U.S.C. 7135) is amended by add-*
7 *ing after subsection (l) the following new subsection:*

8 *“(m)(1)(A) The Administrator shall designate an orga-*
9 *nizational unit to conduct statistical activities pertaining*
10 *to energy end use consumption information. Using proce-*
11 *dures authorized by the Statistical Confidentiality Act, the*
12 *Administrator shall ensure the security, integrity, and con-*
13 *fidentiality of the information that has been submitted in*
14 *identifiable form and supplied exclusively for statistical*
15 *purposes either directly to the Administrator or by other*
16 *Government agencies.*

17 *“(B) To carry out this section, the Administrator shall*
18 *establish procedures for the disclosure of these data to Sta-*
19 *tistical Data Centers for statistical purposes only consistent*
20 *with the Paperwork Reduction Act and the Statistical Con-*
21 *fidentiality Act.*

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

1 “(B) A person may not use statistical information des-
2 ignated in paragraph (1) for a nonstatistical purpose.

3 “(C) The identity of a respondent who supplies, or is
4 the subject of, information collected for statistical pur-
5 poses—

6 “(i) may not be disclosed through any process,
7 including disclosure through legal process, unless the
8 respondent consents in writing;

9 “(ii) may not be disclosed to the public, unless
10 information has been transformed into a statistical or
11 aggregate form that does not allow the identification
12 of the respondent who supplied the information or
13 who is the subject of that information; and

14 “(iii) may not, without the written consent of
15 the respondent, be admitted as evidence or used for
16 any purpose in an action, suit, or other judicial or
17 administrative proceeding.

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

22 “(E) For purposes of this subsection:

23 “(i) The term ‘person’ has the meaning given the
24 term in section 1 of title 1, United States Code, but

1 also includes a local, State, or Federal entity or offi-
2 cer or employee of a local State or Federal entity.

3 “(ii) The terms ‘statistical activities’, ‘identifi-
4 able form’, ‘statistical purpose’, ‘nonstatistical pur-
5 pose’, and ‘respondent’ have the meaning given those
6 terms in section 203 of the Statistical Confidentiality
7 Act.

8 “(3) Statistical information designated in paragraph
9 (1) is exempt from disclosure under sections 205(f) and 407
10 of the Department of Energy Organization Act and para-
11 graphs 12, 20, and 59 of the Federal Energy Administra-
12 tion Act of 1974, or any other law which requires disclosure
13 of that information.”.

14 (2) Section 205(f) of the Department of Energy
15 Organization Act (42 U.S.C. 7135) is amended by in-
16 serting “, excluding information designated solely for
17 statistical purposes under subsection (m)(1),” after
18 “analysis”.

19 (3) Section 407 of the Department of Energy Or-
20 ganization Act (42 U.S.C. 7177a) is amended by in-
21 serting “, excluding information designated solely for
22 statistical purposes under subsection (m)(1),” after
23 “information”.

24 (4) The Federal Energy Administration Act of
25 1974 is amended—

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

4 “(g) This section does not apply to information des-
 5 ignated solely for statistical purposes under section
 6 205(m)(1) of the Department of Energy Organization Act.”;

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

13 (C) in section 59 (15 U.S.C. 790h), by in-
 14 serting “, excluding information designated sole-
 15 ly for statistical purposes under subsection
 16 (m)(1) of the Department of Energy Organiza-
 17 tion Act (42 U.S.C. 7135)” after “information”.

18 (c) DEPARTMENT OF HEALTH AND HUMAN SERV-
 19 ICES.—Section 306 of the Public Health Service Act (42
 20 U.S.C. 242k) is amended by adding at the end the following
 21 new subsection:

22 “(o) SHARING OF IDENTIFYING INFORMATION FOR
 23 STATISTICAL PURPOSES.—

24 “(1) IN GENERAL.—The Director may, subject to
 25 the provisions of paragraph (2), designate as an agent

1 of the Center (within the meaning of section 203(2)
2 of the Statistical Confidentiality Act) an individ-
3 ual—

4 “(A) who is not otherwise an employee, offi-
5 cial, or agent of the Center; and

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

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

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

22 (e) *NATIONAL SCIENCE FOUNDATION.*—Section 14 of
23 the National Science Foundation Act of 1950 (42 U.S.C.
24 1873) is amended—

1 (1) by striking the paragraph following the head-
2 ing of subsection (i) and inserting the following:

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

16 (2) by redesignating subsection (j) as subsection
17 (k) and inserting the following new subsection after
18 subsection (i):

19 “(j) *OBLIGATIONS OF RESEARCHERS.*—In support of
20 functions authorized by section 3(a) (5) or (6), the Founda-
21 tion may designate, at its discretion, authorized persons,
22 including employees of Federal, State, or local agencies (in-
23 cluding local educational agencies) and employees of pri-
24 vate organizations who may have access, for exclusively sta-
25 tistical purposes as defined in the Statistical Confidential-

1 *ity Act, to identifiable information collected pursuant to*
2 *subsection (a) (5) or (6) of this title. No such person may—*

3 *“(1) publish information collected under section*
4 *3(a) (5) or (6) in such a manner that either an indi-*
5 *vidual, an industrial or commercial organization, or*
6 *an educational or academic institution that has re-*
7 *ceived a pledge of confidentiality from the Foundation*
8 *can be specifically identified;*

9 *“(2) permit anyone other than individuals au-*
10 *thorized by the Foundation to examine in identifiable*
11 *form data relating to an individual, to an industrial*
12 *or commercial organization, or to an educational or*
13 *academic institution that has received a pledge of*
14 *confidentiality from the Foundation; or*

15 *“(3) knowingly and willfully request or obtain*
16 *any confidential information described in subsection*
17 *(i) from the Foundation under false pretenses.*

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

20 *(f) DISCLOSURE PENALTIES.—Section 1905 of title 18,*
21 *United States Code, is amended—*

22 *(1) by inserting “, or agent of a Statistical Data*
23 *Center as defined in the Statistical Confidentiality*
24 *Act,” after “thereof”; and*

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

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

5 (a) *TITLE 44, U.S.C.—This title, including the*
6 *amendments made by this title, does not diminish the au-*
7 *thority under section 3510 of title 44, United States Code,*
8 *of the Director of the Office of Management and Budget to*
9 *direct, and of an agency to make, disclosures that are not*
10 *inconsistent with any applicable law.*

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

14 (c) *FOIA.—Data or information acquired for exclu-*
15 *sively statistical purposes as provided in section 206 is ex-*
16 *empt from mandatory disclosure under section 552 of title*
17 *5, United States Code, pursuant to section 552(b)(3) of such*
18 *title.*