

control of the Director of National Intelligence or of National Foreign Intelligence Programs systems under the authority and control of the Secretary of Defense shall be made available to Congress only through the appropriate oversight committees of Congress, in accordance with applicable laws.

(h) COMPTROLLER GENERAL.—The Comptroller General shall periodically evaluate and report to Congress on—

- (1) the adequacy and effectiveness of agency information security policies and practices; and
- (2) implementation of the requirements of this subchapter.

(i) ASSESSMENT TECHNICAL ASSISTANCE.—The Comptroller General may provide technical assistance to an Inspector General or the head of an agency, as applicable, to assist the Inspector General or head of an agency in carrying out the duties under this section, including by testing information security controls and procedures.

(j) GUIDANCE.—The Director, in consultation with the Secretary, the Chief Information Officers Council established under section 3603, the Council of the Inspectors General on Integrity and Efficiency, and other interested parties as appropriate, shall ensure the development of guidance for evaluating the effectiveness of an information security program and practices.

(Added Pub. L. 113–283, §2(a), Dec. 18, 2014, 128 Stat. 3082.)

REFERENCES IN TEXT

The Inspector General Act of 1978, referred to in subsec. (b)(1), is Pub. L. 95–452, Oct. 12, 1978, 92 Stat. 1101, which is set out in the Appendix to Title 5, Government Organization and Employees.

PRIOR PROVISIONS

Provisions similar to this section were contained in sections 3535 and 3545 of this title prior to repeal by Pub. L. 113–283.

§ 3556. Federal information security incident center

(a) IN GENERAL.—The Secretary shall ensure the operation of a central Federal information security incident center to—

- (1) provide timely technical assistance to operators of agency information systems regarding security incidents, including guidance on detecting and handling information security incidents;
- (2) compile and analyze information about incidents that threaten information security;
- (3) inform operators of agency information systems about current and potential information security threats, and vulnerabilities;
- (4) provide, as appropriate, intelligence and other information about cyber threats, vulnerabilities, and incidents to agencies to assist in risk assessments conducted under section 3554(b); and
- (5) consult with the National Institute of Standards and Technology, agencies or offices operating or exercising control of national security systems (including the National Security Agency), and such other agencies or offices in accordance with law and as directed by the President regarding information security incidents and related matters.

(b) NATIONAL SECURITY SYSTEMS.—Each agency operating or exercising control of a national security system shall share information about information security incidents, threats, and vulnerabilities with the Federal information security incident center to the extent consistent with standards and guidelines for national security systems, issued in accordance with law and as directed by the President.

(Added Pub. L. 113–283, §2(a), Dec. 18, 2014, 128 Stat. 3084.)

PRIOR PROVISIONS

Provisions similar to this section were contained in section 3546 of this title prior to repeal by Pub. L. 113–283.

§ 3557. National security systems

The head of each agency operating or exercising control of a national security system shall be responsible for ensuring that the agency—

- (1) provides information security protections commensurate with the risk and magnitude of the harm resulting from the unauthorized access, use, disclosure, disruption, modification, or destruction of the information contained in such system;
- (2) implements information security policies and practices as required by standards and guidelines for national security systems, issued in accordance with law and as directed by the President; and
- (3) complies with the requirements of this subchapter.

(Added Pub. L. 113–283, §2(a), Dec. 18, 2014, 128 Stat. 3084.)

PRIOR PROVISIONS

Provisions similar to this section were contained in sections 3536 and 3547 of this title prior to repeal by Pub. L. 113–283.

§ 3558. Effect on existing law

Nothing in this subchapter, section 11331 of title 40, or section 20 of the National Standards¹ and Technology Act (15 U.S.C. 278g–3) may be construed as affecting the authority of the President, the Office of Management and Budget or the Director thereof, the National Institute of Standards and Technology, or the head of any agency, with respect to the authorized use or disclosure of information, including with regard to the protection of personal privacy under section 552a of title 5, the disclosure of information under section 552 of title 5, the management and disposition of records under chapters² 29, 31, or 33 of title 44, the management of information resources under subchapter I of chapter 35 of this title, or the disclosure of information to the Congress or the Comptroller General of the United States.

(Added Pub. L. 113–283, §2(a), Dec. 18, 2014, 128 Stat. 3084.)

PRIOR PROVISIONS

Provisions similar to this section were contained in sections 3538 and 3549 of this title prior to repeal by Pub. L. 113–283.

¹So in original. Probably should be “National Institute of Standards”.

²So in original. Probably should be “chapter”.

§ 3559. Federal websites required to be mobile friendly

(a) IN GENERAL.—If, on or after the date that is 180 days after the date of the enactment of this section, an agency creates a website that is intended for use by the public or conducts a re-design of an existing legacy website that is intended for use by the public, the agency shall ensure to the greatest extent practicable that the website is mobile friendly.

(b) DEFINITIONS.—In this section:

(1) AGENCY.—The term “agency” has the meaning given that term in section 551 of title 5.

(2) MOBILE FRIENDLY.—The term “mobile friendly” means, with respect to a website, that the website is configured in such a way that the website may be navigated, viewed, and accessed on a smartphone, tablet computer, or similar mobile device.

(Added Pub. L. 115–114, §2(a), Jan. 10, 2018, 131 Stat. 2278.)

REFERENCES IN TEXT

The date of the enactment of this section, referred to in subsec. (a), is the date of enactment of Pub. L. 115–114, which was approved Jan. 10, 2018.

SUBCHAPTER III—CONFIDENTIAL INFORMATION PROTECTION AND STATISTICAL EFFICIENCY

PRIOR PROVISIONS

Provisions similar to those in parts A to C of this subchapter are contained in Pub. L. 107–347, title V, Dec. 17, 2002, 116 Stat. 2962, which is set out as a note under section 3501 of this title and is repealed, effective 180 days after Jan. 14, 2019, by Pub. L. 115–435, title III, §302(c)(1), title IV, §403, Jan. 14, 2019, 132 Stat. 5552, 5557.

PART A—GENERAL

§ 3561. Definitions

In this subchapter:

(1) AGENCY.—The term “agency” means any entity that falls within the definition of the term “executive agency”, as defined in section 102 of title 31, or “agency”, as defined in section 3502.

(2) AGENT.—The term “agent” means an individual—

(A)(i) who is an employee of a private organization or a researcher affiliated with an institution of higher learning (including a person granted special sworn status by the Bureau of the Census under section 23(c) of title 13), and with whom a contract or other agreement is executed, on a temporary basis, by an executive agency to perform exclusively statistical activities under the control and supervision of an officer or employee of that agency;

(ii) who is working under the authority of a government entity with which a contract or other agreement is executed by an executive agency to perform exclusively statistical activities under the control of an officer or employee of that agency;

(iii) who is a self-employed researcher, a consultant, a contractor, or an employee of

a contractor, and with whom a contract or other agreement is executed by an executive agency to perform a statistical activity under the control of an officer or employee of that agency; or

(iv) who is a contractor or an employee of a contractor, and who is engaged by the agency to design or maintain the systems for handling or storage of data received under this subchapter; and

(B) who agrees in writing to comply with all provisions of law that affect information acquired by that agency.

(3) BUSINESS DATA.—The term “business data” means operating and financial data and information about businesses, tax-exempt organizations, and government entities.

(4) DATA ASSET.—The term “data asset” has the meaning given that term in section 3502.

(5) DIRECTOR.—The term “Director” means the Director of the Office of Management and Budget.

(6) EVIDENCE.—The term “evidence” means information produced as a result of statistical activities conducted for a statistical purpose.

(7) IDENTIFIABLE FORM.—The term “identifiable form” means any representation of information that permits the identity of the respondent to whom the information applies to be reasonably inferred by either direct or indirect means.

(8) NONSTATISTICAL PURPOSE.—The term “nonstatistical purpose”—

(A) means the use of data in identifiable form for any purpose that is not a statistical purpose, including any administrative, regulatory, law enforcement, adjudicatory, or other purpose that affects the rights, privileges, or benefits of a particular identifiable respondent; and

(B) includes the disclosure under section 552 of title 5 of data that are acquired for exclusively statistical purposes under a pledge of confidentiality.

(9) RESPONDENT.—The term “respondent” means a person who, or organization that, is requested or required to supply information to an agency, is the subject of information requested or required to be supplied to an agency, or provides that information to an agency.

(10) STATISTICAL ACTIVITIES.—The term “statistical activities”—

(A) means the collection, compilation, processing, or analysis of data for the purpose of describing or making estimates concerning the whole, or relevant groups or components within, the economy, society, or the natural environment; and

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

(11) STATISTICAL AGENCY OR UNIT.—The term “statistical agency or unit” means an agency or organizational unit of the executive branch whose activities are predominantly the collection, compilation, processing, or analysis of information for statistical purposes, as designated by the Director under section 3562.

(12) STATISTICAL PURPOSE.—The term “statistical purpose”—