

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.

§ 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 redesign 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 were contained in Pub. L. 107-347, title V, Dec. 17, 2002, 116 Stat. 2962, which was set out as a note under section 3501 of this title, prior to repeal by Pub. L. 115-435, title III, §302(c)(1), title IV, §403, Jan. 14, 2019, 132 Stat. 5552, 5557, effective 180 days after Jan. 14, 2019.

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 pur-

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

pose 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”—

(A) means the description, estimation, or analysis of the characteristics of groups, without identifying the individuals or organizations that comprise such groups; and

(B) includes the development, implementation, or maintenance of methods, technical or administrative procedures, or information resources that support the purposes described in subparagraph (A).

(Added Pub. L. 115–435, title III, §302(a), Jan. 14, 2019, 132 Stat. 5544.)

EFFECTIVE DATE

Section effective 180 days after Jan. 14, 2019, see section 403 of Pub. L. 115–435, set out as an Effective Date of 2019 Amendment note under section 306 of Title 5, Government Organization and Employees.

TRANSITIONAL AND SAVINGS PROVISIONS

Pub. L. 115–435, title III, §302(d), Jan. 14, 2019, 132 Stat. 5553, provided that:

“(1) CUTOFF DATE.—This title [see Short Title of 2019 Amendment note set out under section 101 of this title] replaces certain provisions of law enacted on December 17, 2002. If a law enacted after that date amends or repeals a provision replaced by this title, that law is deemed to amend or repeal, as the case may be, the corresponding provision enacted by this title. If a law enacted after that date is otherwise inconsistent with this title, it supersedes this title to the extent of the inconsistency.

“(2) ORIGINAL DATE OF ENACTMENT UNCHANGED.—For purposes of determining whether one provision of law supersedes another based on enactment later in time, the date of the enactment of a provision enacted by this title is deemed to be the date of the enactment of the provision it replaced.

“(3) REFERENCES TO PROVISIONS REPLACED.—A reference to a provision of law replaced by this title, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding provision enacted by this title.

“(4) REGULATIONS, ORDERS, AND OTHER ADMINISTRATIVE ACTIONS.—A regulation, order, or other administrative action in effect under a provision of law replaced by this title continues in effect under the corresponding provision enacted by this title.

“(5) ACTIONS TAKEN AND OFFENSES COMMITTED.—An action taken or an offense committed under a provision of law replaced by this title is deemed to have been taken or committed under the corresponding provision enacted by this title.”

DEADLINE FOR GUIDANCE AND IMPLEMENTATION

Pub. L. 115–435, title III, §303(c), Jan. 14, 2019, 132 Stat. 5556, provided that: “Not later than 1 year after the date of the enactment of this Act [Jan. 14, 2019], the Director of the Office of Management and Budget shall

promulgate or issue any regulation or guidance required by subchapter III of [chapter 35 of] title 44, United States Code, as amended by this section, with a requirement for such regulation or guidance to be implemented not later than 1 year after the date on which such regulation or guidance has been promulgated or issued.”

§ 3562. Coordination and oversight of policies

(a) IN GENERAL.—The Director shall coordinate and oversee the confidentiality and disclosure policies established by this subchapter. The Director may promulgate rules or provide other guidance to ensure consistent interpretation of this subchapter by the affected agencies. The Director shall develop a process by which the Director designates agencies or organizational units as statistical agencies and units. The Director shall promulgate guidance to implement such process, which shall include specific criteria for such designation and methods by which the Director will ensure transparency in the process.

(b) AGENCY RULES.—Subject to subsection (c), agencies may promulgate rules to implement this subchapter. Rules governing disclosures of information that are authorized by this subchapter shall be promulgated by the agency that originally collected the information.

(c) REVIEW AND APPROVAL OF RULES.—The Director shall review any rules proposed by an agency pursuant to this subchapter for consistency with the provisions of this chapter and such rules shall be subject to the approval of the Director.

(d) REPORTS.—

(1) The head of each agency shall provide to the Director such reports and other information as the Director requests.

(2) Each Designated Statistical Agency (as defined in section 3576(e)) shall report annually to the Director, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate on the actions it has taken to implement section 3576. The report shall include copies of each written agreement entered into pursuant to section 3576(c)(1) for the applicable year.

(3) The Director shall include a summary of reports submitted to the Director under this subsection and actions taken by the Director to advance the purposes of this subchapter in the annual report to Congress on statistical programs prepared under section 3504(e)(2).

(Added Pub. L. 115–435, title III, §302(a), Jan. 14, 2019, 132 Stat. 5546.)

CHANGE OF NAME

Committee on Oversight and Government Reform of House of Representatives changed to Committee on Oversight and Reform of House of Representatives by House Resolution No. 6, One Hundred Sixteenth Congress, Jan. 9, 2019.

EFFECTIVE DATE

Section effective 180 days after Jan. 14, 2019, see section 403 of Pub. L. 115–435, set out as an Effective Date of 2019 Amendment note under section 306 of Title 5, Government Organization and Employees.

§ 3563. Statistical agencies

(a) RESPONSIBILITIES.—