

tion, 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.)

Statutory Notes and Related Subsidiaries

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 disclo-

sure 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.)

Statutory Notes and Related Subsidiaries

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.—

(1) IN GENERAL.—Each statistical agency or unit shall—

(A) produce and disseminate relevant and timely statistical information;

(B) conduct credible and accurate statistical activities;

(C) conduct objective statistical activities; and

(D) protect the trust of information providers by ensuring the confidentiality and exclusive statistical use of their responses.

(2) **POLICIES, BEST PRACTICES, AND PROCEDURES.**—Each statistical agency or unit shall adopt policies, best practices, and appropriate procedures to implement the responsibilities described in paragraph (1).

(b) **SUPPORT FROM OTHER AGENCIES.**—The head of each agency shall enable, support, and facilitate statistical agencies or units in carrying out the responsibilities described in subsection (a)(1).

(c) **REGULATIONS.**—The Director shall prescribe regulations to carry out this section.

(d) **DEFINITIONS.**—In this section:

(1) **ACCURATE.**—The term “accurate”, when used with respect to statistical activities, means statistics that consistently match the events and trends being measured.

(2) **CONFIDENTIALITY.**—The term “confidentiality” means a quality or condition accorded to information as an obligation not to disclose that information to an unauthorized party.

(3) **OBJECTIVE.**—The term “objective”, when used with respect to statistical activities, means accurate, clear, complete, and unbiased.

(4) **RELEVANT.**—The term “relevant”, when used with respect to statistical information, means processes, activities, and other such matters likely to be useful to policymakers and public and private sector data users.

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

Statutory Notes and Related Subsidiaries

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.

§ 3564. Effect on other laws

(a) **TITLE 44, UNITED STATES CODE.**—This subchapter does not diminish the authority under section 3510 of the Director to direct, and of an agency to make, disclosures that are not inconsistent with any applicable law.

(b) **TITLE 13 AND TITLE 44, UNITED STATES CODE.**—This subchapter does not diminish the authority of the Bureau of the Census to provide information in accordance with sections 8, 16, 301, and 401 of title 13 and section 2108 of this title.

(c) **TITLE 13, UNITED STATES CODE.**—This subchapter shall not be construed as authorizing the disclosure for nonstatistical purposes of demographic data or information collected by the Bureau of the Census pursuant to section 9 of title 13.

(d) **VARIOUS ENERGY STATUTES.**—Data or information acquired by the Energy Information Administration under a pledge of confidentiality and designated by the Energy Information Administration to be used for exclusively statistical purposes shall not be disclosed in identifiable form for nonstatistical purposes under—

(1) section 12, 20, or 59 of the Federal Energy Administration Act of 1974 (15 U.S.C. 771, 779, 790h);

(2) section 11 of the Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 796); or

(3) section 205 or 407 of the Department of Energy Organization Act (42 U.S.C. 7135, 7177).

(e) **SECTION 201 OF CONGRESSIONAL BUDGET ACT OF 1974.**—This subchapter shall not be construed to limit any authorities of the Congressional Budget Office to work (consistent with laws governing the confidentiality of information the disclosure of which would be a violation of law) with databases of Designated Statistical Agencies (as defined in section 3576(e)), either separately or, for data that may be shared pursuant to section 3576(c) or other authority, jointly in order to improve the general utility of these databases for the statistical purpose of analyzing pension and health care financing issues.

(f) **PREEMPTION OF STATE LAW.**—Nothing in this subchapter shall preempt applicable State law regarding the confidentiality of data collected by the States.

(g) **STATUTES REGARDING FALSE STATEMENTS.**—Notwithstanding section 3572, information collected by an agency for exclusively statistical purposes under a pledge of confidentiality may be provided by the collecting agency to a law enforcement agency for the prosecution of submissions to the collecting agency of false statistical information under statutes that authorize criminal penalties (such as section 221 of title 13) or civil penalties for the provision of false statistical information, unless such disclosure or use would otherwise be prohibited under Federal law.

(h) **CONSTRUCTION.**—Nothing in this subchapter shall be construed as restricting or diminishing any confidentiality protections or penalties for unauthorized disclosure that otherwise apply to data or information collected for statistical purposes or nonstatistical purposes, including, but not limited to, section 6103 of the Internal Revenue Code of 1986.

(i) **AUTHORITY OF CONGRESS.**—Nothing in this subchapter shall be construed to affect the authority of the Congress, including its committees, members, or agents, to obtain data or information for a statistical purpose, including for oversight of an agency’s statistical activities.

(Added Pub. L. 115-435, title III, §302(a), Jan. 14, 2019, 132 Stat. 5547.)

Editorial Notes

REFERENCES IN TEXT

Section 201 of the Congressional Budget Act of 1974, referred to in subsec. (e), is classified to section 601 of Title 2, The Congress.

Section 6103 of the Internal Revenue Code of 1986, referred to in subsec. (h), is classified to section 6103 of Title 26, Internal Revenue Code.

Statutory Notes and Related Subsidiaries

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.