

Statutory Authorities of the National Center for Health Statistics

Enacted as of December 2020



**Centers for Disease
Control and Prevention**
National Center for
Health Statistics

Executive Summary

The National Center for Health Statistics (NCHS) is the federal government’s principal health statistics agency. The NCHS mandate from Congress addresses the full spectrum of concerns in the health field from birth to death, including overall health status, lifestyle and exposure to unhealthful influences, the onset and diagnosis of illness and disability, and the use and financing of health care and rehabilitation services. This document delineates current authorities as of December 2020 and describes the evolution of federal health statistics in the United States. The authorizing legislation for NCHS, reprinted here, represents the accumulation of more than a dozen public laws over 60 years.

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Citation of Legislative Authority for the National Center for Health Statistics

Legislative authority for health statistics is mandated in sections 304, 306, 307, and 308 of the Public Health Service Act (PHSA). Together, they define the scope of NCHS authorities and responsibilities. For most purposes, legislative authority for the National Center for Health Statistics is attributed to the section of the PHSA which formally establishes the Center:

- Section 306 of the Public Health Service Act; or
- 42 U.S.C. 242k

These citations can be used interchangeably. The second citation is a reference to the United States Code, the official compilation and codification of the federal statutes of the U.S. government.

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Section 304. General authority respecting research, evaluations, and demonstrations in health statistics, health services, and health care technology assessment

42 U.S.C. 242b

(a) Scope of activities

The Secretary may, through the Agency for Healthcare Research and Quality or the National Center for Health Statistics, or using Ruth L. Kirschstein National Research Service Awards or other appropriate authorities, undertake and support training programs to provide for an expanded and continuing supply of individuals qualified to perform the research, evaluation, and demonstration projects set forth in section 242k of this title and in subchapter VII.

(b) Additional authority; scope of activities

To implement subsection (a) and section 242k of this title, the Secretary may, in addition to any other authority which under other provisions of this chapter or any other law may be used by him to implement such subsection, do the following:

- (1) Utilize personnel and equipment, facilities, and other physical resources of the Department of Health and Human Services, permit appropriate (as determined by the Secretary) entities and individuals to utilize the physical resources of such Department, provide technical assistance and advice, make grants to public and nonprofit private entities and individuals, and, when appropriate, enter into contracts with public and private entities and individuals.
- (2) Admit and treat at hospitals and other facilities of the Service persons not otherwise eligible for admission and treatment at such facilities.
- (3) Secure, from time to time and for such periods as the Secretary deems advisable but in accordance with section 3109 of title 5, the assistance and advice of consultants from the United States or abroad. The Secretary may for the purpose of carrying out the functions set forth in sections 242c,¹ 242k, and 242n¹ of this title, obtain (in accordance with section 3109 of title 5, but without regard to the limitation in such section on the number of days or the period of service) for each of the centers the services of not more than fifteen experts who have appropriate scientific or professional qualifications.
- (4) Acquire, construct, improve, repair, operate, and maintain laboratory, research, and other necessary facilities and equipment, and such other real or personal property (including patents) as the Secretary deems necessary; and acquire, without regard to section 8141 of title 40, by lease or otherwise, through the Administrator of General Services, buildings or parts of buildings in the District of Columbia or communities located adjacent to the District of Columbia.

(c) Coordination of activities through units of Department

- (1) The Secretary shall coordinate all health services research, evaluations, and demonstrations, all health statistical and epidemiological activities, and all research, evaluations, and demonstrations respecting the assessment of health care technology undertaken and supported through units of the Department of Health and Human Services. To the maximum extent feasible such coordination shall be carried out through the Agency for Healthcare Research and Quality and the National Center for Health Statistics.
- (2) The Secretary shall coordinate the health services research, evaluations, and demonstrations, the health statistical and (where appropriate) epidemiological activities, and the research, evaluations, and demonstrations respecting the assessment of health care technology authorized by this chapter through the Agency for Healthcare Research and Quality and the National Center for Health Statistics.

Section 306. National Center for Health Statistics

PHSA Sec. 306 [42 U.S.C. 242k]

(a) Establishment; appointment of Director; statistical and epidemiological activities

There is established in the Department of Health and Human Services the National Center for Health Statistics (hereinafter in this section referred to as the "Center") which shall be under the direction of a Director... who shall be appointed by the Secretary. The Secretary, acting through the Center, shall conduct and support statistical and epidemiological activities for the purpose of improving the effectiveness, efficiency, and quality of health services in the United States.

(b) Duties

In carrying out subsection (a), the Secretary, acting through the Center,

(1) shall collect statistics on-

- (A) the extent and nature of illness and disability of the population of the United States (or of any groupings of the people included in the population), including life expectancy, the incidence of various acute and chronic illnesses, and infant and maternal morbidity and mortality,
- (B) the impact of illness and disability of the population on the economy of the United States and on other aspects of the well-being of its population (or of such groupings),
- (C) environmental, social, and other health hazards,
- (D) determinants of health,
- (E) health resources, including physicians, dentists, nurses, and other health professionals by specialty and type of practice and the supply of services by hospitals, extended care facilities, home health agencies, and other health institutions,
- (F) utilization of health care, including utilization of (i) ambulatory health services by specialties and types of practice of the health professionals providing such services, and (ii) services of hospitals, extended care facilities, home health agencies, and other institutions,
- (G) health care costs and financing, including the trends in health care prices and cost, the sources of payments for health care services, and Federal, State, and local governmental expenditures for health care services, and
- (H) family formation, growth, and dissolution;

(2) shall undertake and support (by grant or contract) research, demonstrations, and evaluations respecting new or improved methods for obtaining current data on the matters referred to in paragraph (1);

(3) may undertake and support (by grant or contract) epidemiological research, demonstrations, and evaluations on the matters referred to in paragraph (1); and

(4) may collect, furnish, tabulate, and analyze statistics, and prepare studies, on matters referred to in paragraph (1) upon request of public and nonprofit private entities under arrangements under which the entities will pay the cost of the service provided.

Amounts appropriated to the Secretary from payments made under arrangements made under paragraph (4) shall be available to the Secretary for obligation until expended.

(c) Statistical and epidemiological compilations and surveys

The Center shall furnish such special statistical and epidemiological compilations and surveys as the Committee on Labor and Human Resources and the Committee on Appropriations of the Senate and the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives may request. Such statistical and epidemiological compilations and surveys shall not be made subject to the payment of the actual or estimated cost of the preparation of such compilations and surveys.

(d) Technical aid to States and localities

To ensure comparability and reliability of health statistics, the Secretary shall, through the Center, provide adequate technical assistance to assist State and local jurisdictions in the development of model laws dealing with issues of confidentiality and comparability of data.

(e) Cooperative Health Statistics System

For the purpose of producing comparable and uniform health information and statistics, there is established the Cooperative Health Statistics System. The Secretary, acting through the Center, shall-

- (1) coordinate the activities of Federal agencies involved in the design and implementation of the System;
- (2) undertake and support (by grant or contract) research, development, demonstrations, and evaluations respecting the System;
- (3) make grants to and enter into contracts with State and local health agencies to assist them in meeting the costs of data collection and other activities carried out under the System; and
- (4) review the statistical activities of the Department of Health and Human Services to assure that they are consistent with the System.

States participating in the System shall designate a State agency to administer or be responsible for the administration of the statistical activities within the State under the System. The Secretary, acting through the Center, shall prescribe guidelines to assure that statistical activities within States participating in the system produce uniform and timely data and assure appropriate access to such data.

(f) Federal-State cooperation

To assist in carrying out this section, the Secretary, acting through the Center, shall cooperate and consult with the Departments of Commerce and Labor and any other interested Federal departments or agencies and with State and local health departments and agencies. For such purpose he shall utilize insofar as possible the services or facilities of any agency of the Federal Government and, without regard to section 6101 of title 41, of any appropriate State or other public agency, and may, without regard to such section, utilize the services or facilities of any private agency, organization, group, or individual, in accordance with written agreements between the head of such agency, organization, or group and the Secretary or between such individual and the Secretary. Payment, if any, for such services or facilities shall be made in such amounts as may be provided in such agreement.

(g) Collection of health data; data collection forms

To secure uniformity in the registration and collection of mortality, morbidity, and other health data, the Secretary shall prepare and distribute suitable and necessary forms for the collection and compilation of such data.

(h) Registration area records

- (1) There shall be an annual collection of data from the records of births, deaths, marriages, and divorces in registration areas. The data shall be obtained only from and restricted to such records of the States and municipalities which the Secretary, in his discretion, determines possess records affording satisfactory data in necessary detail and form. The Secretary shall encourage States and registration areas to obtain detailed data on ethnic and racial populations, including subpopulations of Hispanics, Asian Americans, and Pacific Islanders with significant representation in the State or registration area. Each State or registration area shall be paid by the Secretary the Federal share of its reasonable costs (as determined by the Secretary) for collecting and transcribing (at the request of the Secretary and by whatever method authorized by him) its records for such data.
- (2) There shall be an annual collection of data from a statistically valid sample concerning the general health, illness, and disability status of the civilian noninstitutionalized population. Specific topics

to be addressed under this paragraph, on an annual or periodic basis, shall include the incidence of illness and accidental injuries, prevalence of chronic diseases and impairments, disability, physician visits, hospitalizations, and the relationship between demographic and socioeconomic characteristics and health characteristics.

(i) Technical assistance in effective use of statistics

The Center may provide to public and nonprofit private entities technical assistance in the effective use in such activities of statistics collected or compiled by the Center.

(j) Coordination of health statistical and epidemiological activities

In carrying out the requirements of section 242b(c) of this title and paragraph (1) of subsection (e) of this section, the Secretary shall coordinate health statistical and epidemiological activities of the Department of Health and Human Services by-

- (1) establishing standardized means for the collection of health information and statistics under laws administered by the Secretary;
- (2) developing, in consultation with the National Committee on Vital and Health Statistics, and maintaining the minimum sets of data needed on a continuing basis to fulfill the collection requirements of subsection (b)(1);
- (3) after consultation with the National Committee on Vital and Health Statistics, establishing standards to assure the quality of health statistical and epidemiological data collection, processing, and analysis;
- (4) in the case of proposed health data collections of the Department which are required to be reviewed by the Director of the Office of Management and Budget under section 3509 of title 44, reviewing such proposed collections to determine whether they conform with the minimum sets of data and the standards promulgated pursuant to paragraphs (2) and (3), and if any such proposed collection is found not to be in conformance, by taking such action as may be necessary to assure that it will conform to such sets of data and standards, and
- (5) periodically reviewing ongoing health data collections of the Department, subject to review under such section 3509,² to determine if the collections are being conducted in accordance with the minimum sets of data and the standards promulgated pursuant to paragraphs (2) and (3) and, if any such collection is found not to be in conformance, by taking such action as may be necessary to assure that the collection will conform to such sets of data and standards not later than the ninetieth day after the date of the completion of the review of the collection.

(k) National Committee on Vital and Health Statistics

- (1) There is established in the Office of the Secretary a committee to be known as the National Committee on Vital and Health Statistics (hereinafter in this subsection referred to as the "Committee") which shall consist of 18 members.
- (2) The members of the Committee shall be appointed from among persons who have distinguished themselves in the fields of health statistics, electronic interchange of health care information, privacy and security of electronic information, population-based public health, purchasing or financing health care services, integrated computerized health information systems, health services research, consumer interests in health information, health data standards, epidemiology, and the provision of health services. Members of the Committee shall be appointed for terms of 4 years.
- (3) Of the members of the Committee-
 - (A) 1 shall be appointed, not later than 60 days after August 21, 1996, by the Speaker of the House of Representatives after consultation with the Minority Leader of the House of Representatives;

- (B) 1 shall be appointed, not later than 60 days after August 21, 1996, by the President pro tempore of the Senate after consultation with the Minority Leader of the Senate; and
- (C) 16 shall be appointed by the Secretary.
- (4) Members of the Committee shall be compensated in accordance with section 210(c) of this title.
- (5) The Committee-
- (A) shall assist and advise the Secretary-
- (i) to delineate statistical problems bearing on health and health services which are of national or international interest;
 - (ii) to stimulate studies of such problems by other organizations and agencies whenever possible or to make investigations of such problems through subcommittees;
 - (iii) to determine, approve, and revise the terms, definitions, classifications, and guidelines for assessing health status and health services, their distribution and costs, for use (I) within the Department of Health and Human Services, (II) by all programs administered or funded by the Secretary, including the Federal-State-local cooperative health statistics system referred to in subsection (e), and (III) to the extent possible as determined by the head of the agency involved, by the Department of Veterans Affairs, the Department of Defense, and other Federal agencies concerned with health and health services;
 - (iv) with respect to the design of and approval of health statistical and health information systems concerned with the collection, processing, and tabulation of health statistics within the Department of Health and Human Services, with respect to the Cooperative Health Statistics System established under subsection (e), and with respect to the standardized means for the collection of health information and statistics to be established by the Secretary under subsection (j)(1);
 - (v) to review and comment on findings and proposals developed by other organizations and agencies and to make recommendations for their adoption or implementation by local, State, national, or international agencies;
 - (vi) to cooperate with national committees of other countries and with the World Health Organization and other national agencies in the studies of problems of mutual interest;
 - (vii) to issue an annual report on the state of the Nation's health, its health services, their costs and distributions, and to make proposals for improvement of the Nation's health statistics and health information systems; and
 - (viii) in complying with the requirements imposed on the Secretary under part C of title XI of the Social Security Act [42 U.S.C. 1320d et seq.];
- (B) shall study the issues related to the adoption of uniform data standards for patient medical record information and the electronic exchange of such information;
- (C) shall report to the Secretary not later than 4 years after August 21, 1996, recommendations and legislative proposals for such standards and electronic exchange; and
- (D) shall be responsible generally for advising the Secretary and the Congress on the status of the implementation of part C of title XI of the Social Security Act [42 U.S.C. 1320d et seq.].
- (6) In carrying out health statistical activities under this part, the Secretary shall consult with, and seek the advice of, the Committee and other appropriate professional advisory groups.
- (7) Not later than 1 year after August 21, 1996, and annually thereafter, the Committee shall submit to the Congress, and make public, a report regarding the implementation of part C of title XI of the Social Security Act [42 U.S.C. 1320d et seq.]. Such report shall address the following subjects, to the extent that the Committee determines appropriate:
- (A) The extent to which persons required to comply with part C of title XI of the Social Security Act are cooperating in implementing the standards adopted under such part.

(B) The extent to which such entities are meeting the security standards adopted under such part and the types of penalties assessed for noncompliance with such standards.

(C) Whether the Federal and State Governments are receiving information of sufficient quality to meet their responsibilities under such part.

(D) Any problems that exist with respect to implementation of such part.

(E) The extent to which timetables under such part are being met.

(l) Data specific to particular ethnic and racial populations

In carrying out this section, the Secretary, acting through the Center, shall collect and analyze adequate health data that is specific to particular ethnic and racial populations, including data collected under national health surveys. Activities carried out under this subsection shall be in addition to any activities carried out under subsection (m).

(m) Grants for assembly and analysis of data on ethnic and racial populations

(1) The Secretary, acting through the Center, may make grants to public and nonprofit private entities for-

(A) the conduct of special surveys or studies on the health of ethnic and racial populations or subpopulations;

(B) analysis of data on ethnic and racial populations and subpopulations; and

(C) research on improving methods for developing statistics on ethnic and racial populations and subpopulations.

(2) The Secretary, acting through the Center, may provide technical assistance, standards, and methodologies to grantees supported by this subsection in order to maximize the data quality and comparability with other studies.

(3) Provisions of section 242m(d) of this title do not apply to surveys or studies conducted by grantees under this subsection unless the Secretary, in accordance with regulations the Secretary may issue, determines that such provisions are necessary for the conduct of the survey or study and receives adequate assurance that the grantee will enforce such provisions.

(4) (A) Subject to subparagraph (B), the Secretary, acting through the Center, shall collect data on Hispanics and major Hispanic subpopulation groups and American Indians, and for developing special area population studies on major Asian American and Pacific Islander populations.

(B) The provisions of subparagraph (A) shall be effective with respect to a fiscal year only to the extent that funds are appropriated pursuant to paragraph (3) of subsection (n), and only if the amounts appropriated for such fiscal year pursuant to each of paragraphs (1) and (2) of subsection (n) equal or exceed the amounts so appropriated for fiscal year 1997.

(n) Authorization of appropriations

(1) For health statistical and epidemiological activities undertaken or supported under subsections (a) through (l), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1991 through 2003.

(2) For activities authorized in paragraphs (1) through (3) of subsection (m), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1999 through 2003. Of such amounts, the Secretary shall use not more than 10 percent for administration and for activities described in subsection (m)(2).

(3) For activities authorized in subsection (m)(4), there are authorized to be appropriated \$1,000,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002.

Section 307. International cooperation

42 U.S.C. 2421

(a) Cooperative endeavors

The Secretary may participate with other countries in cooperative endeavors in-

- (1) biomedical research, health care technology, and the health services research and statistical analysis authorized under section 242k of this title and subchapter VII; and
- (2) biomedical research, health care services, health care research, or other related activities in furtherance of the activities, objectives or goals authorized under the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008.

(b) Authority of Secretary; building construction prohibition

In connection with the cooperative endeavors authorized by subsection (a), the Secretary may-

- (1) make such use of resources offered by participating foreign countries as he may find necessary and appropriate;
- (2) establish and maintain fellowships in the United States and in participating foreign countries;
- (3) make grants to public institutions or agencies and to nonprofit private institutions or agencies in the United States and in participating foreign countries for the purpose of establishing and maintaining the fellowships authorized by paragraph (2);
- (4) make grants or loans of equipment and materials, for use by public or nonprofit private institutions or agencies, or by individuals, in participating foreign countries;
- (5) participate and otherwise cooperate in any international meetings, conferences, or other activities concerned with biomedical research, health services research, health statistics, or health care technology;
- (6) facilitate the interchange between the United States and participating foreign countries, and among participating foreign countries, of research scientists and experts who are engaged in experiments or programs of biomedical research, health services research, health statistical activities, or health care technology activities, and in carrying out such purpose may pay per diem compensation, subsistence, and travel for such scientists and experts when away from their places of residence at rates not to exceed those provided in section 5703(b)¹ of title 5 for persons in the Government service employed intermittently;
- (7) procure, in accordance with section 3109 of title 5, the temporary or intermittent services of experts or consultants;
- (8) enter into contracts with individuals for the provision of services (as defined in section 104 of part 37 of title 48, Code of Federal Regulations (48 CFR 37.104)) in participating foreign countries, which individuals may not be deemed employees of the United States for the purpose of any law administered by the Office of Personnel Management;
- (9) provide such funds by advance or reimbursement to the Secretary of State, as may be necessary, to pay the costs of acquisition, lease, construction, alteration, equipping, furnishing or management of facilities outside of the United States; and
- (10) in consultation with the Secretary of State, through grant or cooperative agreement, make funds available to public or nonprofit private institutions or agencies in foreign countries in which the Secretary is participating in activities described under subsection (a) to acquire, lease, construct, alter, or renovate facilities in those countries.

Section 308. General provisions respecting effectiveness, efficiency, and quality of health services

42 U.S.C. 242m

(a) Reports to Congress and President; preparation; review by Office of Management and Budget

- (1) Not later than March 15 of each year, the Secretary shall submit to the President and Congress the following reports:
 - (A) A report on health care costs and financing. Such report shall include a description and analysis of the statistics collected under section 242k(b)(1)(G) of this title.
 - (B) A report on health resources. Such report shall include a description and analysis, by geographical area, of the statistics collected under section 242k(b)(1)(E) of this title.
 - (C) A report on the utilization of health resources. Such report shall include a description and analysis, by age, sex, income, and geographic area, of the statistics collected under section 242k(b)(1)(F) of this title.
 - (D) A report on the health of the Nation's people. Such report shall include a description and analysis, by age, sex, income, and geographic area, of the statistics collected under section 242k(b)(1)(A) of this title.
- (2) The reports required in paragraph (1) shall be prepared through the National Center for Health Statistics.
- (3) The Office of Management and Budget may review any report required by paragraph (1) of this subsection before its submission to Congress, but the Office may not revise any such report or delay its submission beyond the date prescribed for its submission, and may submit to Congress its comments respecting any such report.

(b) Grants or contracts; applications, submittal; application peer review group, findings and recommendations; necessity of favorable recommendation; appointments

- (1) No grant or contract may be made under section 242b, 242k, or 242l of this title unless an application therefor has been submitted to the Secretary in such form and manner, and containing such information, as the Secretary may by regulation prescribe and unless a peer review group referred to in paragraph (2) has recommended the application for approval.
- (2) (A) Each application submitted for a grant or contract under section 242k of this title in an amount exceeding \$50,000 of direct costs and for a health services research, evaluation, or demonstration project, or for a grant under section 242k(m) of this title, shall be submitted to a peer review group for an evaluation of the technical and scientific merits of the proposals made in each such application. The Director of the National Center for Health Statistics shall establish such peer review groups as may be necessary to provide for such an evaluation of each such application.
 - (B) A peer review group to which an application is submitted pursuant to subparagraph (A) shall report its finding and recommendations respecting the application to the Secretary, acting through the Director of the National Center for Health Statistics, in such form and manner as the Secretary shall by regulation prescribe. The Secretary may not approve an application described in such subparagraph unless a peer review group has recommended the application for approval.
 - (C) The Secretary, acting through the Director of the National Center for Health Statistics, shall make appointments to the peer review groups required in subparagraph (A) from among persons who are not officers or employees of the United States and who possess appropriate technical and scientific qualifications, except that peer review groups regarding grants under section 242k(m) of this title may include appropriately qualified such officers and employees.

(c) Development and dissemination of statistics

The Secretary shall take such action as may be necessary to assure that statistics developed under sections 242b and 242k of this title are of high quality, timely, comprehensive as well as specific, standardized, and adequately analyzed and indexed, and shall publish, make available, and disseminate such statistics on as wide a basis as is practicable.

(d) Information; publication restrictions

No information, if an establishment or person supplying the information or described in it is identifiable, obtained in the course of activities undertaken or supported under section 242b, 242k, or 242l of this title may be used for any purpose other than the purpose for which it was supplied unless such establishment or person has consented (as determined under regulations of the Secretary) to its use for such other purpose; and in the case of information obtained in the course of health statistical or epidemiological activities under section 242b or 242k of this title, such information may not be published or released in other form if the particular establishment or person supplying the information or described in it is identifiable unless such establishment or person has consented (as determined under regulations of the Secretary) to its publication or release in other form.

(e) Payment procedures; advances or reimbursement; installments; conditions; reductions

- (1) Payments of any grant or under any contract under section 242b, 242k, or 242l of this title may be made in advance or by way of reimbursement, and in such installments and on such conditions, as the Secretary deems necessary to carry out the purposes of such section.
- (2) The amounts otherwise payable to any person under a grant or contract made under section 242b, 242k, or 242l of this title shall be reduced by-
 - (A) amounts equal to the fair market value of any equipment or supplies furnished to such person by the Secretary for the purpose of carrying out the project with respect to which such grant or contract is made, and
 - (B) amounts equal to the pay, allowances, traveling expenses, and related personnel expenses attributable to the performance of services by an officer or employee of the Government in connection with such project, if such officer or employee was assigned or detailed by the Secretary to perform such services,

but only if such person requested the Secretary to furnish such equipment or supplies, or such services, as the case may be.

(f) Contracts without regard to section 3324 of title 31 and section 6101 of title 41

Contracts may be entered into under section 242b or 242k of this title without regard to section 3324 of title 31 and section 6101 of title 41.

Health Services and Centers Amendments. National disease prevention data profile

42 U.S.C. 242p

(a) The Secretary, acting through the National Center for Health Statistics, shall submit to Congress on March 15, 1990, and on March 15 of every third year thereafter, a national disease prevention data profile in order to provide a data base for the effective implementation of this Act and to increase public awareness of the prevalence, incidence, and any trends in the preventable causes of death and disability in the United States. Such profile shall include at a minimum-

- (1) mortality rates for preventable diseases;
- (2) morbidity rates associated with preventable diseases;
- (3) the physical determinants of health of the population of the United States and the relationship between these determinants of health and the incidence and prevalence of preventable causes of death and disability; and
- (4) the behavioral determinants of health of the population of the United States including, but not limited to, smoking, nutritional and dietary habits, exercise, and alcohol consumption, and the relationship between these determinants of health and the incidence and prevalence of preventable causes of death and disability.

(b) In preparing the profile required by subsection (a), the Secretary, acting through the National Center for Health Statistics, shall comply with all relevant provisions of sections 242k and 242m of this title.

Foundations for Evidence-Based Policymaking Act of 2018

The “Evidence Act” is the most significant data policy change in the last two decades. It requires federal agency data to be accessible and requires agencies to plan to develop statistical evidence to support policymaking. It consists of three main parts focused on evidence building, data accessibility, and confidentiality protections, respectively. Summaries of the relevant mandates of the legislation are included below.

Title I:

- Revises existing strategic planning law to require federal agencies to submit an annual plan for identifying and addressing policy questions using evidence-based approaches.
- Requires each Department to identify an Evaluation Officer and a Statistical Official to coordinate, oversee, and advise different elements of evaluation, data, and statistical policy issues. Of note, the Statistical Official advises the Department on statistical policy, techniques, and procedures. Additionally, each designated statistical official shall serve as a member of an Interagency Council on Statistical Policy.
 - The Director of NCHS serves as the Statistical Official for the Department of Health and Human Services.

Title II:

- Requires public government data assets to be published as machine-readable data.
- It also requires each Department to designate a Chief Data Officer (CDO) to develop and maintain a comprehensive data inventory. The CDO must establish best practices for use, protection, and generation of data, and promote data sharing agreements between agencies.

Title III:

- Revises and reauthorizes the Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA).
 - Codifies a “presumption of accessibility” for statistical agencies and units for purposes of developing evidence. Unless prohibited in statute, other agencies must provide their data to statistical agencies upon request.
 - Creates a common portal for researchers to apply for access to restricted data sets.
 - Requires that statistical agencies conduct comprehensive risk assessments of the confidentiality of each data asset. The process for determining risk is required to be transparent and easy to understand.
 - Requires that OMB and statistical agencies develop a standard application process for allowing external users access to data acquired under the law’s presumption of accessibility clause.
- Defines “evidence” as information produced as a result of statistical activities conducted for a statistical purpose.
- Codifies four primary responsibilities of statistical agencies:
 - produce and disseminate relevant and timely statistical information;
 - conduct credible and accurate statistical activities;
 - conduct objective statistical activities; and
 - protect the trust of information providers by ensuring the confidentiality and exclusive statistical use of their responses.

Other laws related to NCHS responsibilities

Public Law	Enacted	Title
101-445	October 22, 1990	National Nutrition Monitoring and Related Research Act of 1990 Mandated a coordinated, 10-year program (now expired) to improve data for monitoring nutrition status, and to improve the comparability of nutrition monitoring data collected by HHS and USDA; established new procedures (still in effect) for review and clearance of dietary guidance.
107-347, Title V	December 17, 2002	Confidential Information Protection and Statistical Efficiency Act of 2002 Established standards for the protection of data that are collected for exclusively statistical purposes under a pledge of confidentiality; provided criminal penalties for unauthorized disclosure of confidential statistical information; authorized the designation of agents for performing statistical activities subject to confidentiality laws in the same manner as NCHS employees.
108-458	December 17, 2004	Intelligence Reform and Terrorism Prevention Act of 2004 Required (in Sec. 7211) the establishment of minimum standards for birth certificates for use by federal agencies for official purposes.
110-246	June 18, 2008	Food, Conservation, and Energy Act of 2008 Mandated (in Sec. 4403) continuation of joint USDA and HHS nutrition monitoring activities.
111-148; 111-152	March 23, 2010	Affordable Care Act Expanded access to health care and coverage, including requiring Americans to have health insurance and expanding Medicaid; established the Prevention and Public Health Fund; included many other provisions addressing health issues such as quality improvement, health disparities, outcomes research, national indicators, standards, and health promotion.

Legislative Milestones in the History of NCHS

- The initial basis for NCHS surveys was the National Health Survey Act (P.L. 84-652), enacted July 3, 1956. This Act called for a continuing survey and special studies on the nation's health. It also provided for studying methods and survey techniques for securing this statistical information and for disseminating results of these surveys or studies.
- NCHS was administratively established as an organizational entity in the Public Health Service in 1960. The Center was created through a merging of the National Health Survey and the National Office of Vital Statistics. Responsibility for vital statistics had been transferred to the Public Health Service from the U.S. Bureau of the Census in 1946.
- NCHS confidentiality protections and a cooperative system for collecting national statistics were legislated in 1970. The Heart Disease, Cancer, Stroke, and Kidney Disease Amendments of 1970 (P.L. 91-515) established confidentiality provisions for national health surveys that remain (with minor amendments) in the current authority (section 308(d)). These amendments also called for the design and implementation of a cooperative system for federal and state data collection.
- The Health Services Research and Evaluation and Health Statistics Act of 1974 (P.L. 93-353) established NCHS in law and codified its mandate and authorities under section 306 of the Public Health Service Act. Although this section (and sections 304 and 308, which also relate to NCHS) has been amended numerous times since 1974, this law contained the preponderance of what is currently the Center's legislative authority. The Act called for NCHS to collect a broad range of statistics on the illness and disability of the population of the United States. It also provided for the annual collection of data from records of births, deaths, marriages, and divorces. In addition, the Act called for the Center to undertake and support research, demonstrations, and evaluations regarding survey methods and to provide technical assistance to state and local jurisdictions. The Act also established the National Committee on Vital and Health Statistics, an expert advisory committee to the Secretary.
- Building on authority established in 1970, the Cooperative Health Statistics System was formally instituted in 1978 (P.L. 95-623). Authority for this program included the support, coordination, and evaluation of state and federal health statistics systems.
- In 1989, Congress established the Agency for Health Care Policy and Research to support studies of health care effectiveness and outcomes. In the process, legislative authority for the National Center for Health Services Research (NCHSR) was deleted. Because NCHS and NCHSR were jointly authorized by portions of the Public Health Service Act, a number of technical and conforming amendments were made to NCHS authorities by this law, P.L. 101-239.
- In the Disadvantaged Minority Health Improvement Act of 1990 (P.L. 101-527), NCHS was given a new mandate to obtain more detailed data on racial and ethnic populations and subpopulations. New authorities in this Act called for NCHS to improve racial and ethnic detail through vital statistics and national surveys, and to establish a grants program for special studies, analyses, and methodological research on minority populations.
- The Health Professions Education Partnerships Act of 1998 (P.L. 105-392) expanded the mandate to collect data on minority populations. Subject to appropriations, it required the collection of data on Hispanic and American Indian populations and the conduct of special studies on Asian-American and Pacific Islander populations.

Like many other programs of the Public Health Service, NCHS is authorized for a certain number of years by act of Congress. More than a dozen public laws have established, amended, or extended NCHS

authorities; many of these laws have made only minor changes or extended the authorization without change.

History of Laws Directly Establishing or Amending Authorities for NCHS

Enacted	Title	Public Law
July 3, 1956	National Health Survey Act	84-652
October 30, 1970	Heart Disease, Cancer, Stroke, and Kidney Disease Amendments of 1970	91-515
June 18, 1973	Health Programs Extension Act of 1973	93-45
July 23, 1974	Health Services Research and Evaluation and Health Statistics Act of 1974	93-353
December 31, 1974	Privacy Act of 1974	93-579
August 1, 1977	Health Planning and Health Services and Statistics Extension Act of 1977	95-83
November 9, 1978	Health Services Research, Health Statistics, and Health Care Technology Act of 1978	95-623
November 10, 1978	Health Services and Centers Amendments of 1978	95-626
August 13, 1981	Omnibus Budget Reconciliation Act of 1981	97-35
January 4, 1983	Orphan Drug Act	97-414
October 30, 1984	Health Promotion and Disease Prevention Amendments of 1984	98-551
December 1, 1987	Public Health Service Amendments of 1987	100-177
December 19, 1989	Omnibus Budget Reconciliation Act of 1989	101-239
November 6, 1990	Disadvantaged Minority Health Improvement Act of 1990	101-527
December 14, 1993	Preventive Health Amendments of 1993	103-183
August 21, 1996	Health Insurance Portability and Accountability Act of 1996	104-191
October 31, 1998	Women's Health Research and Prevention Amendments of 1998	105-340
November 13, 1998	Health Professions Education Partnerships Act of 1998	105-392
January 14, 2019	Foundations for Evidence-Based Policymaking Act of 2018	115-435