

## Union Calendar No.

114<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 451

**[Report No. 114-]**

To ensure the functionality and security of new Federal websites that collect personally identifiable information, and for other purposes.

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### IN THE HOUSE OF REPRESENTATIVES

JANUARY 21, 2015

Mr. FLEISCHMANN introduced the following bill; which was referred to the Committee on Oversight and Government Reform

JUNE --, 2015

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on January 21, 2015]

# **A BILL**

To ensure the functionality and security of new Federal websites that collect personally identifiable information, and for other purposes.

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.**

4 *This Act may be cited as the “Safe and Secure Federal*  
5 *Websites Act of 2015”.*

6 **SEC. 2. ENSURING FUNCTIONALITY AND SECURITY OF NEW**

7 **FEDERAL WEBSITES THAT COLLECT PERSON-**  
8 **ALLY IDENTIFIABLE INFORMATION.**

9 *(a) CERTIFICATION REQUIREMENT.—*

10 *(1) IN GENERAL.—Except as otherwise provided*  
11 *under this subsection, an agency may not deploy or*  
12 *make available to the public a new Federal PII*  
13 *website until the date on which the chief information*  
14 *officer of the agency submits a certification to Con-*  
15 *gress that the website is fully functional and secure.*

16 *(2) TRANSITION.—In the case of a new Federal*  
17 *PII website that is operational on the date of the en-*  
18 *actment of this Act, paragraph (1) shall not apply*  
19 *until the end of the 90-day period beginning on such*  
20 *date of enactment. If the certification required under*  
21 *paragraph (1) for such website has not been submitted*  
22 *to Congress before the end of such period, the head of*  
23 *the responsible agency shall render the website inac-*  
24 *cessible to the public until such certification is sub-*  
25 *mitted to Congress.*

1           (3) *EXCEPTION FOR BETA WEBSITE WITH EX-*  
2           *PLICIT PERMISSION.*—*Paragraph (1) shall not apply*  
3           *to a website (or portion thereof) that is in a develop-*  
4           *ment or testing phase, if the following conditions are*  
5           *met:*

6                   (A) *A member of the public may access PII-*  
7                   *related portions of the website only after exe-*  
8                   *cuting an agreement that acknowledges the risks*  
9                   *involved.*

10                   (B) *No agency compelled, enjoined, or other-*  
11                   *wise provided incentives for such a member to*  
12                   *access the website for such purposes.*

13           (4) *CONSTRUCTION.*—*Nothing in this section*  
14           *shall be construed as applying to a website that is op-*  
15           *erated entirely by an entity (such as a State or local-*  
16           *ity) that is independent of the Federal Government,*  
17           *regardless of the receipt of funding in support of such*  
18           *website from the Federal Government.*

19           (b) *DEFINITIONS.*—*In this section:*

20                   (1) *AGENCY.*—*The term “agency” has the mean-*  
21                   *ing given that term under section 551 of title 5,*  
22                   *United States Code.*

23                   (2) *FULLY FUNCTIONAL.*—*The term “fully func-*  
24                   *tional” means, with respect to a new Federal PII*  
25                   *website, that the website can fully support the activi-*

1 *ties for which it is designed or intended with regard*  
2 *to the eliciting, collection, storage, or maintenance of*  
3 *personally identifiable information, including han-*  
4 *dling a volume of queries relating to such information*  
5 *commensurate with the purpose for which the website*  
6 *is designed.*

7 (3) *NEW FEDERAL PERSONALLY IDENTIFIABLE*  
8 *INFORMATION WEBSITE (NEW FEDERAL PII*  
9 *WEBSITE).—The terms “new Federal personally iden-*  
10 *tifiable information website” and “new Federal PII*  
11 *website” mean a website that—*

12 (A) *is operated by (or under a contract*  
13 *with) an agency;*

14 (B) *elicits, collects, stores, or maintains per-*  
15 *sonally identifiable information of individuals*  
16 *and is accessible to the public; and*

17 (C) *is first made accessible to the public*  
18 *and collects or stores personally identifiable in-*  
19 *formation of individuals, on or after October 1,*  
20 *2012.*

21 (4) *OPERATIONAL.—The term “operational”*  
22 *means, with respect to a website, that such website*  
23 *elicits, collects, stores, or maintains personally identi-*  
24 *fiable information of members of the public and is ac-*  
25 *cessible to the public.*

1           (5) *PERSONALLY IDENTIFIABLE INFORMATION*  
2           (*PII*).—*The terms “personally identifiable informa-*  
3           *tion” and “PII” mean any information about an in-*  
4           *dividual elicited, collected, stored, or maintained by*  
5           *an agency, including—*

6                   (A) *any information that can be used to*  
7                   *distinguish or trace the identity of an indi-*  
8                   *vidual, such as a name, a social security num-*  
9                   *ber, a date and place of birth, a mother’s maiden*  
10                  *name, or biometric records; and*

11                  (B) *any other information that is linked or*  
12                  *linkable to an individual, such as medical, edu-*  
13                  *cational, financial, and employment informa-*  
14                  *tion.*

15           (6) *RESPONSIBLE AGENCY*.—*The term “respon-*  
16           *sible agency” means, with respect to a new Federal*  
17           *PII website, the agency that is responsible for the op-*  
18           *eration (whether directly or through contracts with*  
19           *other entities) of the website.*

20           (7) *SECURE*.—*The term “secure” means, with re-*  
21           *spect to a new Federal PII website, that the following*  
22           *requirements are met:*

23                   (A) *The website is in compliance with sub-*  
24                   *chapter II of chapter 35 of title 44, United*  
25                   *States Code.*

1           (B) *The website ensures that personally*  
2 *identifiable information elicited, collected, stored,*  
3 *or maintained in connection with the website is*  
4 *captured at the latest possible step in a user*  
5 *input sequence.*

6           (C) *The responsible agency for the website*  
7 *has encrypted, masked, or taken other similar*  
8 *actions to protect personally identifiable infor-*  
9 *mation elicited, collected, stored, or maintained*  
10 *in connection with the website.*

11           (D) *The responsible agency for the website*  
12 *has taken reasonable efforts to minimize domain*  
13 *name confusion, including through additional*  
14 *domain registrations.*

15           (E) *The responsible agency requires all per-*  
16 *sonnel who have access to personally identifiable*  
17 *information in connection with the website to*  
18 *have completed a Standard Form 85P and*  
19 *signed a non-disclosure agreement with respect to*  
20 *personally identifiable information, and the*  
21 *agency takes proper precautions to ensure that*  
22 *only the fewest reasonable number of trustworthy*  
23 *persons may access such information.*

24           (F) *The responsible agency maintains (ei-*  
25 *ther directly or through contract) sufficient per-*

1           *sonnel to respond in a timely manner to issues*  
2           *relating to the proper functioning and security*  
3           *of the website, and to monitor on an ongoing*  
4           *basis existing and emerging security threats to*  
5           *the website.*

6           (8) *STATE.*—*The term “State” means each State*  
7           *of the United States, the District of Columbia, each*  
8           *territory or possession of the United States, and each*  
9           *federally recognized Indian tribe.*

10 **SEC. 3. PRIVACY BREACH REQUIREMENTS.**

11           (a) *INFORMATION SECURITY AMENDMENT.*—*Sub-*  
12 *chapter II of chapter 35 of title 44, United States Code,*  
13 *is amended by adding at the end the following:*

14 **“§ 3559. Privacy breach requirements**

15           “(a) *POLICIES AND PROCEDURES.*—*The Director of*  
16 *the Office of Management and Budget shall establish and*  
17 *oversee policies and procedures for agencies to follow in the*  
18 *event of a breach of information security involving the dis-*  
19 *closure of personally identifiable information, including re-*  
20 *quirements for—*

21           “(1) *not later than 72 hours after the agency dis-*  
22 *covers such a breach, or discovers evidence that rea-*  
23 *sonably indicates such a breach has occurred, notice*  
24 *to the individuals whose personally identifiable infor-*

1        *mation could be compromised as a result of such*  
2        *breach;*

3            *“(2) timely reporting to a Federal cybersecurity*  
4        *center, as designated by the Director of the Office of*  
5        *Management and Budget; and*

6            *“(3) any additional actions that the Director*  
7        *finds necessary and appropriate, including data*  
8        *breach analysis, fraud resolution services, identity*  
9        *theft insurance, and credit protection or monitoring*  
10       *services.*

11        *“(b) REQUIRED AGENCY ACTION.—The head of each*  
12       *agency shall ensure that actions taken in response to a*  
13       *breach of information security involving the disclosure of*  
14       *personally identifiable information under the authority or*  
15       *control of the agency comply with policies and procedures*  
16       *established by the Director of the Office of Management and*  
17       *Budget under subsection (a).*

18        *“(c) REPORT.—Not later than March 1 of each year,*  
19       *the Director of the Office of Management and Budget shall*  
20       *report to Congress on agency compliance with the policies*  
21       *and procedures established under subsection (a).*

22        *“(d) FEDERAL CYBERSECURITY CENTER DEFINED.—*  
23       *The term ‘Federal cybersecurity center’ means any of the*  
24       *following:*

1           “(1) *The Department of Defense Cyber Crime*  
2           *Center.*

3           “(2) *The Intelligence Community Incident Re-*  
4           *sponse Center.*

5           “(3) *The United States Cyber Command Joint*  
6           *Operations Center.*

7           “(4) *The National Cyber Investigative Joint*  
8           *Task Force.*

9           “(5) *Central Security Service Threat Operations*  
10          *Center of the National Security Agency.*

11          “(6) *The United States Computer Emergency*  
12          *Readiness Team.*

13          “(7) *Any successor to a center, team, or task*  
14          *force described in paragraphs (1) through (6).*

15          “(8) *Any center that the Director of the Office of*  
16          *Management and Budget determines is appropriate to*  
17          *carry out the requirements of this section.”.*

18          ***(b) TECHNICAL AND CONFORMING AMENDMENT.—The***  
19          *table of sections for subchapter II of chapter 35 of title 44,*  
20          *United States Code, is amended by adding at the end the*  
21          *following:*

          “3559. *Privacy breach requirements.*”.