

113TH CONGRESS  
1ST SESSION

# H. R. 3635

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

DECEMBER 3, 2013

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

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## 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 Fed-  
5 eral Websites Act of 2013”.

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

7 **FEDERAL WEBSITES THAT COLLECT PERSON-**

8 **ALLY IDENTIFIABLE INFORMATION.**

9 (a) CERTIFICATION REQUIREMENT.—

1           (1) IN GENERAL.—Except as otherwise pro-  
2           vided under this subsection, an agency may not de-  
3           ploy or make available to the public a new Federal  
4           PII website until the date on which a certification  
5           under subsection (b)(2) is submitted to Congress  
6           that the website is fully functional and secure.

7           (2) TRANSITION.—In the case of a new Federal  
8           PII website that is operational on the date of the en-  
9           actment of this Act, paragraph (1) shall not apply  
10          until the end of the 30-day period beginning on such  
11          date of enactment. If the certification under sub-  
12          section (b)(2) for such website has not been sub-  
13          mitted to Congress before the end of such period,  
14          the head of the responsible agency shall render the  
15          website inaccessible to the public until such certifi-  
16          cation is submitted to Congress.

17          (3) EXCEPTION FOR BETA WEBSITE WITH EX-  
18          PLICIT PERMISSION.—Paragraph (1) shall not apply  
19          to a website (or portion thereof) that is designed for  
20          testing and development purposes, if the following  
21          conditions are met:

22                 (A) A member of the public may access  
23                 PII-related portions of the website only after  
24                 executing an agreement that acknowledges the  
25                 risks involved.

1 (B) No agency compelled, enjoined, or oth-  
2 erwise provided incentives for such a member to  
3 access the website for such purposes.

4 (4) CONSTRUCTION.—Nothing in this section  
5 shall be construed as applying to a website that is  
6 operated entirely by an entity (such as a State or lo-  
7 cality) that is independent of the Federal Govern-  
8 ment, regardless of the receipt of funding in support  
9 of such website from the Federal Government.

10 (b) PROCESS FOR STUDY AND CERTIFICATION OF  
11 FUNCTIONALITY AND SECURITY OF NEW FEDERAL PII  
12 WEBSITES.—

13 (1) GAO STUDY AND REPORT.—

14 (A) STUDY.—

15 (i) CURRENT WEBSITES.—Not later  
16 than 30 days after the date of the enact-  
17 ment of this Act, the Comptroller General  
18 of the United States shall conduct a study  
19 of each new Federal PII website that is  
20 operational as of such date of enactment to  
21 determine whether such website is fully  
22 functional and secure.

23 (ii) FUTURE WEBSITES.—Not later  
24 than 30 days after the date on which an  
25 advance notification is received under

1 paragraph (3) for a new Federal PII  
2 website that is not operational as of such  
3 date of enactment, the Comptroller Gen-  
4 eral shall conduct a study of such website  
5 to determine whether such website is fully  
6 functional and secure.

7 (B) REPORT TO APPROPRIATE CONGRES-  
8 SIONAL COMMITTEES.—Upon the completion of  
9 a study of a website under subparagraph (A) or  
10 (C), the Comptroller General shall submit to  
11 the appropriate committees of Congress and the  
12 Chief Information Officer for the responsible  
13 agency a report on the results of the study.  
14 Such report shall include a determination of  
15 whether the website is fully functional and se-  
16 cure.

17 (C) FOLLOWUP STUDIES AND REPORT.—  
18 If, based on the results of the most recent study  
19 under subparagraph (A) or this subparagraph,  
20 the Comptroller General determines that the  
21 website is not fully functional or not secure, the  
22 Comptroller General shall conduct an additional  
23 study (and submit a report described in sub-  
24 paragraph (B) on the results of such study)  
25 until the Comptroller General determines that

1           the website is determined to be fully functional  
2           and secure.

3           (2) CERTIFICATION BY CIO OF RESPONSIBLE  
4           AGENCY.—Upon the submission of a report under  
5           paragraph (1) that determines that a website oper-  
6           ated by a responsible agency is fully functional and  
7           secure, the Chief Information Officer for such agen-  
8           cy shall submit to Congress a certification of the re-  
9           sults of such report and a certification as to whether  
10          the website is fully functional and secure.

11          (3) ADVANCE NOTIFICATION FOR OPERATION  
12          OF FUTURE WEBSITES.—Each agency that intends  
13          to operate a new Federal PII website on or after the  
14          date of the enactment of this Act shall notify the  
15          Comptroller General of such intention and provide to  
16          the Comptroller General, in advance of the website  
17          becoming operational, such information as the  
18          Comptroller General may require to conduct a study  
19          and perform an evaluation under this subsection.

20          (c) DEFINITIONS.—In this section:

21           (1) AGENCY.—The term “agency” has the  
22           meaning given that term under section 551 of title  
23           5, United States Code.

24           (2) FULLY FUNCTIONAL.—The term “fully  
25           functional” means, with respect to a new Federal

1 PII website, that the website can fully support the  
2 activities for which it is designed or intended with  
3 regard to the eliciting, collection, or storage of per-  
4 sonally identifiable information, including handling a  
5 volume of queries relating to such information com-  
6 mensurate with the purpose for which the website is  
7 designed.

8 (3) NEW FEDERAL PII WEBSITE.—The term  
9 “new Federal PII website” means a website that—

10 (A) is operated by (or under a contract  
11 with) an agency;

12 (B) elicits, collects, or stores personally  
13 identifiable information of individuals and is ac-  
14 cessible to the public; and

15 (C) is first made accessible to the public  
16 and collects or stores personally identifiable in-  
17 formation of individuals, on or after July 1,  
18 2013.

19 (4) OPERATIONAL.—The term “operational”  
20 means, with respect to a website, that such website  
21 elicits, collects, or stores personally identifiable in-  
22 formation of members of the public and is accessible  
23 to the public.

24 (5) PERSONALLY IDENTIFIABLE INFORMATION  
25 (PII).—The terms “personally identifiable informa-

1 tion” and “PII” mean any information that can be  
2 associated with one individual through a social secu-  
3 rity account number, taxpayer identification number,  
4 state identification number or other identifier, but  
5 does not include information (such as name, mailing  
6 or email address, telephone number, or similar con-  
7 tact information) necessary to contact an individual.

8 (6) RESPONSIBLE AGENCY.—The term “respon-  
9 sible agency” means, with respect to a new Federal  
10 PII website, the agency that is responsible for the  
11 operation (whether directly or through contracts  
12 with other entities) of the website.

13 (7) SECURE.—The term “secure” means, with  
14 respect to a new Federal PII website, that the fol-  
15 lowing requirements are met:

16 (A) The website has security features that  
17 meet a standard acceptable for banking pur-  
18 poses and the responsible agency has a named  
19 overall security leader with a comprehensive,  
20 top-down view of the security posture for the  
21 website who has supervised a complete end-to-  
22 end security test.

23 (B) The website ensures that personally  
24 identifiable information elicited, collected, or  
25 stored in connection with the website is cap-

1           tured at the latest possible step in a user input  
2           sequence.

3           (C) The responsible agency for the website  
4           has taken reasonable efforts to minimize do-  
5           main name confusion, including through addi-  
6           tional domain registrations and a program to  
7           educate consumers how to spot fraudulent  
8           websites.

9           (D) The responsible agency requires all  
10          personnel who have access to personally identi-  
11          fiable information in connection with the  
12          website to have completed a Standard Form  
13          85P and signed a non-disclosure agreement  
14          with respect to personally identifiable informa-  
15          tion, and the agency takes proper precautions  
16          to ensure only trustworthy persons may access  
17          such information.

18          (E) The responsible agency maintains (ei-  
19          ther directly or through contract) ample per-  
20          sonnel to respond in a timely manner to issues  
21          relating to the proper functioning and security  
22          of the website, and to monitor on an ongoing  
23          basis existing and emerging security threats to  
24          the website.



1           (8) STATE.—The term “State” means each  
2           State of the United States, the District of Columbia,  
3           each territory or possession of the United States,  
4           and each federally recognized Indian tribe.

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