

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.

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

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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