

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3635
OFFERED BY MR. BENTIVOLIO OF MICHIGAN

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Safe and Secure Fed-
3 eral Websites Act of 2014”.

4 SEC. 2. ENSURING FUNCTIONALITY AND SECURITY OF NEW
5 FEDERAL WEBSITES THAT COLLECT PERSON-
6 ALLY IDENTIFIABLE INFORMATION.

7 (a) CERTIFICATION REQUIREMENT.—

8 (1) IN GENERAL.—Except as otherwise pro-
9 vided under this subsection, an agency may not de-
10 ploy or make available to the public a new Federal
11 PII website until the date on which the chief infor-
12 mation officer of the agency submits a certification
13 to Congress that the website is fully functional and
14 secure.

15 (2) TRANSITION.—In the case of a new Federal
16 PII website that is operational on the date of the en-
17 actment of this Act, paragraph (1) shall not apply
18 until the end of the 90-day period beginning on such

1 date of enactment. If the certification required under
2 paragraph (1) for such website has not been sub-
3 mitted to Congress before the end of such period,
4 the head of the responsible agency shall render the
5 website inaccessible to the public until such certifi-
6 cation is submitted to Congress.

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

12 (A) A member of the public may access
13 PII-related portions of the website only after
14 executing an agreement that acknowledges the
15 risks involved.

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

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

25 (b) DEFINITIONS.—In this section:

1 (1) AGENCY.—The term “agency” has the
2 meaning given that term under section 551 of title
3 5, United States Code.

4 (2) FULLY FUNCTIONAL.—The term “fully
5 functional” means, with respect to a new Federal
6 PII website, that the website can fully support the
7 activities for which it is designed or intended with
8 regard to the eliciting, collection, storage, or mainte-
9 nance of personally identifiable information, includ-
10 ing handling a volume of queries relating to such in-
11 formation commensurate with the purpose for which
12 the website is designed.

13 (3) NEW FEDERAL PERSONALLY IDENTIFIABLE
14 INFORMATION WEBSITE (NEW FEDERAL PII
15 WEBSITE).—The terms “new Federal personally
16 identifiable information website” and “new Federal
17 PII website” mean a website that—

18 (A) is operated by (or under a contract
19 with) an agency;

20 (B) elicits, collects, stores, or maintains
21 personally identifiable information of individuals
22 and is accessible to the public; and

23 (C) is first made accessible to the public
24 and collects or stores personally identifiable in-

1 formation of individuals, on or after October 1,
2 2012.

3 (4) OPERATIONAL.—The term “operational”
4 means, with respect to a website, that such website
5 elicits, collects, stores, or maintains personally iden-
6 tifiable information of members of the public and is
7 accessible to the public.

8 (5) PERSONALLY IDENTIFIABLE INFORMATION
9 (PII).—The terms “personally identifiable informa-
10 tion” and “PII” mean any information about an in-
11 dividual elicited, collected, stored, or maintained by
12 an agency, including—

13 (A) any information that can be used to
14 distinguish or trace the identity of an indi-
15 vidual, such as a name, a social security num-
16 ber, a date and place of birth, a mother’s maid-
17 en name, or biometric records; and

18 (B) any other information that is linked or
19 linkable to an individual, such as medical, edu-
20 cational, financial, and employment informa-
21 tion.

22 (6) RESPONSIBLE AGENCY.—The term “respon-
23 sible agency” means, with respect to a new Federal
24 PII website, the agency that is responsible for the

1 operation (whether directly or through contracts
2 with other entities) of the website.

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

6 (A) The website is in compliance with sub-
7 chapter III of chapter 35 of title 44, United
8 States Code.

9 (B) The website ensures that personally
10 identifiable information elicited, collected,
11 stored, or maintained in connection with the
12 website is captured at the latest possible step in
13 a user input sequence.

14 (C) The responsible agency for the website
15 has taken reasonable efforts to minimize do-
16 main name confusion, including through addi-
17 tional domain registrations.

18 (D) The responsible agency requires all
19 personnel who have access to personally identi-
20 fiable information in connection with the
21 website to have completed a Standard Form
22 85P and signed a non-disclosure agreement
23 with respect to personally identifiable informa-
24 tion, and the agency takes proper precautions

1 to ensure only trustworthy persons may access
2 such information.

3 (E) The responsible agency maintains (ei-
4 ther directly or through contract) sufficient per-
5 sonnel to respond in a timely manner to issues
6 relating to the proper functioning and security
7 of the website, and to monitor on an ongoing
8 basis existing and emerging security threats to
9 the website.

10 (8) STATE.—The term “State” means each
11 State of the United States, the District of Columbia,
12 each territory or possession of the United States,
13 and each federally recognized Indian tribe.

