

115TH CONGRESS  
2D SESSION

# H. R. 3076

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IN THE SENATE OF THE UNITED STATES

JULY 17, 2018

Received; read twice and referred to the Committee on Homeland Security and  
Governmental Affairs

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## AN ACT

To require the Director of the Office of Management and  
Budget to issue guidance on electronic consent forms,  
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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Creating Advanced  
3 Streamlined Electronic Services for Constituents Act of  
4 2018” or the “CASES Act”.

5 **SEC. 2. SENSE OF CONGRESS.**

6 It is the sense of Congress that—

7 (1) congressional offices provide crucial services  
8 to constituents by acting as a liaison between the  
9 constituents and the respective agencies;

10 (2) this includes assisting constituents by mak-  
11 ing inquiries and working toward resolutions on be-  
12 half of the constituent with the respective agencies;  
13 and

14 (3) this process should be simplified through  
15 the creation of electronic forms that may be sub-  
16 mitted under section 552a of title 5, United States  
17 Code (commonly referred to as the Privacy Act),  
18 thus modernizing the process for constituents and  
19 improving access and efficiency of Government serv-  
20 ices and agencies in order to expedite the resolution  
21 of the problem for which constituents sought help.

22 **SEC. 3. OMB GUIDANCE ON ELECTRONIC CONSENT FORMS.**

23 (a) GUIDANCE.—Not later than 1 year after the date  
24 of the enactment of this Act, the Director shall issue guid-  
25 ance that does the following:

26 (1) Establishes—

1 (A) standards for each agency to develop  
2 an electronic identity proofing and authentica-  
3 tion process for allowing an individual to pro-  
4 vide a prior written electronic consent form for  
5 the disclosure of the individual's record under  
6 section 552a(b) of title 5, United States Code,  
7 or for individual access to a record under sec-  
8 tion 552a(d) of such title; or

9 (B) a method by which each agency can  
10 electronically identity proof and authenticate an  
11 individual submitting an electronic consent form  
12 through a central online portal.

13 (2) Creates a template for an electronic consent  
14 form that can be properly identity proofed and au-  
15 thenticated in accordance with paragraph (1).

16 (3) Requires each agency to accept the elec-  
17 tronic consent form described in paragraph (2) that  
18 provides consent from any individual properly iden-  
19 tity proofed and authenticated in accordance with  
20 paragraph (1) from the individual providing consent  
21 or an entity other than the individual, including a  
22 congressional office, on behalf of the individual for  
23 the purpose of authorizing the disclosure of the indi-  
24 vidual's record in accordance with section 552a(b) or  
25 552a(d) of title 5, United States Code.

1           (4) Authorizes each agency to provide an online  
2 link to the consolidated online portal described under  
3 subsection (b)(1).

4           (b) PORTAL; CONSENT IDENTIFIER; CONGRESSIONAL  
5 FUNCTION.—

6           (1) CONSOLIDATED ONLINE PORTAL.—

7           (A) OPERATION OF PORTAL.—The Direc-  
8 tor (or a designee) shall operate (or designate  
9 the head of an agency to operate) a consoli-  
10 dated online portal that allows a member of the  
11 public to submit an electronic consent form in  
12 accordance with the guidance issued pursuant  
13 to subsection (a) to any agency from a single  
14 website.

15           (B) PRIVACY AND OTHER FEATURES.—  
16 The portal shall include features to protect the  
17 privacy of individuals using the portal and may  
18 include any additional functions the Director  
19 finds will improve the implementation of this  
20 section.

21           (C) USE OF EXISTING WEBSITE OR POR-  
22 TAL.—The Director may use any existing  
23 website or portal to satisfy the requirements of  
24 this subsection, including the portal established

1 under section 552(m) of title 5, United States  
2 Code.

3 (2) CONSENT IDENTIFIER.—The Director, or a  
4 designee, shall assign each consent form submitted  
5 through the portal described in paragraph (1) a con-  
6 sent identifier, which shall be provided to the agency  
7 and the individual or entity submitting the consent  
8 form. The agency shall track the consent form with  
9 the consent identifier.

10 (3) CONGRESSIONAL ASSISTANCE FUNCTION.—

11 (A) IN GENERAL.—The Director, or a des-  
12 ignee, shall ensure the operation of a function  
13 that allows a congressional office to provide a  
14 publicly available online link to the portal de-  
15 scribed in paragraph (1), which shall auto-pop-  
16 ulate information about such congressional of-  
17 fice, including an indication of consent for such  
18 office to access a record in accordance with sec-  
19 tion 552a(b) of title 5, United States Code, in  
20 the consent form accessed through the portal.

21 (B) NOTIFICATION OF CONSENT IDENTI-  
22 FIER REQUIRED.—The Director, or a designee,  
23 shall ensure the function sends the consent  
24 identifier to the congressional office when a

1 consent form is submitted to an agency through  
2 the portal as accessed through the function.

3 (c) AGENCY COMPLIANCE.—Each agency shall com-  
4 ply with the guidance issued pursuant to subsection (a)  
5 not later than 1 year after the date on which such guid-  
6 ance is issued.

7 (d) DEFINITIONS.—In this section:

8 (1) AGENCY; INDIVIDUAL; RECORD.—The terms  
9 “agency”, “individual”, and “record” have the  
10 meanings given those terms in section 552a(a) of  
11 title 5, United States Code.

12 (2) CONSENT IDENTIFIER.—The term “consent  
13 identifier” means a nonproprietary, unique identi-  
14 fication number.

15 (3) DIRECTOR.—The term “Director” means  
16 the Director of the Office of Management and Budg-  
17 et.

1 **SEC. 4. NO ADDITIONAL FUNDS AUTHORIZED.**

2       No additional funds are authorized to carry out the  
3 requirements of this Act. Such requirements shall be car-  
4 ried out using amounts otherwise authorized.

Passed the House of Representatives July 16, 2018.

Attest:

KAREN L. HAAS,

*Clerk.*