

**Suspend the Rules And Pass the Bill, H.R. 3076, With Amendments**

**(The amendments strike all after the enacting clause and insert a new text and a new title)**

115<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3076

To amend section 552a of title 5, United States Code (commonly referred to as the Privacy Act) to require agencies to accept electronic release forms, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

JUNE 27, 2017

Mr. GRAVES of Louisiana (for himself and Mr. KENNEDY) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

---

## A BILL

To amend section 552a of title 5, United States Code (commonly referred to as the Privacy Act) to require agencies to accept electronic release 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Creating Advanced  
5 Streamlined Electronic Services for Constituents Act of  
6 2018” or the “CASES Act”.

1 **SEC. 2. SENSE OF CONGRESS.**

2 It is the sense of Congress that—

3 (1) congressional offices provide crucial services  
4 to constituents by acting as a liaison between the  
5 constituents and the respective agencies;

6 (2) this includes assisting constituents by mak-  
7 ing inquiries and working toward resolutions on be-  
8 half of the constituent with the respective agencies;  
9 and

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

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

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

22 (1) Establishes—

23 (A) standards for each agency to develop  
24 an electronic identity proofing and authentica-  
25 tion process for allowing an individual to pro-  
26 vide a prior written electronic consent form for

1 the disclosure of the individual's record under  
2 section 552a(b) of title 5, United States Code,  
3 or for individual access to a record under sec-  
4 tion 552a(d) of such title; or

5 (B) a method by which each agency can  
6 electronically identity proof and authenticate an  
7 individual submitting an electronic consent form  
8 through a central online portal.

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

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

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

1 (b) PORTAL; CONSENT IDENTIFIER; CONGRESSIONAL  
2 FUNCTION.—

3 (1) CONSOLIDATED ONLINE PORTAL.—

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

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

18 (C) USE OF EXISTING WEBSITE OR POR-  
19 TAL.—The Director may use any existing  
20 website or portal to satisfy the requirements of  
21 this subsection, including the portal established  
22 under section 552(m) of title 5, United States  
23 Code.

24 (2) CONSENT IDENTIFIER.—The Director, or a  
25 designee, shall assign each consent form submitted

1 through the portal described in paragraph (1) a con-  
2 sent identifier, which shall be provided to the agency  
3 and the individual or entity submitting the consent  
4 form. The agency shall track the consent form with  
5 the consent identifier.

6 (3) CONGRESSIONAL ASSISTANCE FUNCTION.—

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

17 (B) NOTIFICATION OF CONSENT IDENTI-  
18 FIER REQUIRED.— The Director, or a designee,  
19 shall ensure the function sends the consent  
20 identifier to the congressional office when a  
21 consent form is submitted to an agency through  
22 the portal as accessed through the function.

23 (c) AGENCY COMPLIANCE.—Each agency shall com-  
24 ply with the guidance issued pursuant to subsection (a)

1 not later than 1 year after the date on which such guid-  
2 ance is issued.

3 (d) DEFINITIONS.—In this section:

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

8 (2) CONSENT IDENTIFIER.—The term “consent  
9 identifier” means a nonproprietary, unique identi-  
10 fication number.

11 (3) DIRECTOR.—The term “Director” means  
12 the Director of the Office of Management and Budg-  
13 et.

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

15 No additional funds are authorized to carry out the  
16 requirements of this Act. Such requirements shall be car-  
17 ried out using amounts otherwise authorized.

Amend the title so as to read: “A bill to require the  
Director of the Office of Management and Budget to  
issue guidance on electronic consent forms, and for other  
purposes.”.