

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
**TO H.R. 3076**  
**OFFERED BY M . \_\_\_\_\_**

Strike all after the enacting clause and insert the following:

1 **SEC. 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

1 improving access and efficiency of Government serv-  
2 ices and agencies in order to expedite the resolution  
3 of the problem for which constituents sought help.

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

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

8 (1) Establishes—

9 (A) standards for each agency to develop  
10 an electronic identity proofing and authentica-  
11 tion process for allowing an individual to pro-  
12 vide a prior written electronic consent form for  
13 the disclosure of the individual's record under  
14 section 552a(b) of title 5, United States Code,  
15 or for individual access to a record under sec-  
16 tion 552a(d) of such title; or

17 (B) a method by which each agency can  
18 electronically identity proof and authenticate an  
19 individual submitting an electronic consent form  
20 through a central online portal.

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

24 (3) Requires each agency to accept the elec-  
25 tronic consent form described in paragraph (2) that

1 provides consent from any individual properly iden-  
2 tity proofed and authenticated in accordance with  
3 paragraph (1) from the individual providing consent  
4 or an entity other than the individual, including a  
5 congressional office, on behalf of the individual for  
6 the purpose of authorizing the disclosure of the indi-  
7 vidual's record in accordance with section 552a(b) or  
8 552a(d) of title 5, United States Code.

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

12 (b) PORTAL; CONSENT IDENTIFIER; CONGRESSIONAL  
13 FUNCTION.—

14 (1) CONSOLIDATED ONLINE PORTAL.—

15 (A) OPERATION OF PORTAL.—The Direc-  
16 tor (or a designee) shall operate (or designate  
17 the head of an agency to operate) a consoli-  
18 dated online portal that allows a member of the  
19 public to submit an electronic consent form in  
20 accordance with the guidance issued pursuant  
21 to subsection (a) to any agency from a single  
22 website.

23 (B) PRIVACY AND OTHER FEATURES.—  
24 The portal shall include features to protect the  
25 privacy of individuals using the portal and may

1 include any additional functions the Director  
2 finds will improve the implementation of this  
3 section.

4 (C) USE OF EXISTING WEBSITE OR POR-  
5 TAL.—The Director may use any existing  
6 website or portal to satisfy the requirements of  
7 this subsection, including the portal established  
8 under section 552(m) of title 5, United States  
9 Code.

10 (2) CONSENT IDENTIFIER.—The Director, or a  
11 designee, shall assign each consent form submitted  
12 through the portal described in paragraph (1) a con-  
13 sent identifier, which shall be provided to the agency  
14 and the individual or entity submitting the consent  
15 form. The agency shall track the consent form with  
16 the consent identifier.

17 (3) CONGRESSIONAL ASSISTANCE FUNCTION.—

18 (A) IN GENERAL.—The Director, or a des-  
19 ignee, shall ensure the operation of a function  
20 that allows a congressional office to provide a  
21 publically available online link to the portal de-  
22 scribed in paragraph (1), which shall auto-pop-  
23 ulate information about such congressional of-  
24 fice, including an indication of consent for such  
25 office to access a record in accordance with sec-

1           tion 552a(b) of title 5, United States Code, in  
2           the consent form accessed through the portal.

3           (B) NOTIFICATION OF CONSENT IDENTIFI-  
4           FIER REQUIRED.— The Director, or a designee,  
5           shall ensure the function sends the consent  
6           identifier to the congressional office when a  
7           consent form is submitted to an agency through  
8           the portal as accessed through the function.

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

13          (d) DEFINITIONS.—In this section:

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

18           (2) CONSENT IDENTIFIER.—The term “consent  
19           identifier” means a nonproprietary, unique identi-  
20           fication number.

21           (3) DIRECTOR.—The term “Director” means  
22           the Director of the Office of Management and Budg-  
23           et.

Amend the long title so as to read as follows: “A bill  
to require the Director of the Office of Management and

Budget to issue guidance on electronic consent forms,  
and for other purposes.”

