

Union Calendar No. 639

115TH CONGRESS
2^D SESSION

H. R. 3076

[Report No. 115–826]

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

JULY 16, 2018

Additional sponsors: Mrs. MIMI WALTERS of California, Mr. THOMAS J. ROONEY of Florida, Mr. WEBSTER of Florida, Mrs. COMSTOCK, Mr. BABIN, Mr. HUDSON, Mr. LUETKEMEYER, Mr. NOLAN, Mr. MEADOWS, Mr. GOSAR, Mr. FERGUSON, Mr. GROTHMAN, Ms. NORTON, Mr. GENE GREEN of Texas, Mr. FARENTHOLD, Mr. GIANFORTE, and Mr. GUTHRIE

JULY 16, 2018

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on June 27, 2017]

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 **SEC. 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”.*

7 **SEC. 2. SENSE OF CONGRESS.**

8 *It is the sense of Congress that—*

9 *(1) congressional offices provide crucial services*
10 *to constituents by acting as a liaison between the con-*
11 *stituents and the respective agencies;*

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

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

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

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

5 (1) *Establishes—*

6 (A) *standards for each agency to develop an*
7 *electronic identity proofing and authentication*
8 *process for allowing an individual to provide a*
9 *prior written electronic consent form for the dis-*
10 *closure of the individual's record under section*
11 *552a(b) of title 5, United States Code, or for in-*
12 *dividual access to a record under section 552a(d)*
13 *of such title; or*

14 (B) *a method by which each agency can*
15 *electronically identity proof and authenticate an*
16 *individual submitting an electronic consent form*
17 *through a central online portal.*

18 (2) *Creates a template for an electronic consent*
19 *form that can be properly identity proofed and au-*
20 *thenticated in accordance with paragraph (1).*

21 (3) *Requires each agency to accept the electronic*
22 *consent form described in paragraph (2) that provides*
23 *consent from any individual properly identity*
24 *proofed and authenticated in accordance with para-*
25 *graph (1) from the individual providing consent or*
26 *an entity other than the individual, including a con-*

gressional office, on behalf of the individual for the purpose of authorizing the disclosure of the individual's record in accordance with section 552a(b) or 552a(d) of title 5, United States Code.

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

(b) *PORTAL; CONSENT IDENTIFIER; CONGRESSIONAL FUNCTION.*—

(1) *CONSOLIDATED ONLINE PORTAL.*—

(A) *OPERATION OF PORTAL.*—The Director (or a designee) shall operate (or designate the head of an agency to operate) a consolidated online portal that allows a member of the public to submit an electronic consent form in accordance with the guidance issued pursuant to subsection (a) to any agency from a single website.

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

(C) *USE OF EXISTING WEBSITE OR PORTAL.*—The Director may use any existing website or portal to satisfy the requirements of this sub-

1 *section, including the portal established under*
2 *section 552(m) of title 5, United States 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-popu-*
16 *late information about such congressional office,*
17 *including an indication of consent for such office*
18 *to access a record in accordance with section*
19 *552a(b) of title 5, United States Code, in the*
20 *consent form accessed through the portal.*

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

1 *submitted to an agency through the portal as*
2 *accessed through the function.*

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

7 (d) *DEFINITIONS.—In this section:*

8 (1) *AGENCY; INDIVIDUAL; RECORD.—The terms*
9 *“agency”, “individual”, and “record” have the mean-*
10 *ings given those terms in section 552a(a) of title 5,*
11 *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 the*
16 *Director of the Office of Management and Budget.*

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.”.

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