

116TH CONGRESS  
1ST SESSION

# S. 435

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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IN THE SENATE OF THE UNITED STATES

FEBRUARY 11, 2019

Mr. CARPER (for himself and Mr. PORTMAN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Creating Advanced  
5 Streamlined Electronic Services for Constituents Act of  
6 2019” or the “CASES Act”.

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

8 It is the sense of Congress that—

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

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

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

16 **SEC. 3. OMB GUIDANCE ON ELECTRONIC CONSENT AND AC-**  
17 **CESS FORMS.**

18 (a) DEFINITIONS.—In this section:

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

23           (2) DIRECTOR.—The term “Director” means  
24 the Director of the Office of Management and Budg-  
25 et.

1 (b) GUIDANCE.—Not later than 1 year after the date  
2 of enactment of this Act, the Director shall issue guidance  
3 that—

4 (1) requires each agency to accept electronic  
5 identity proofing and authentication processes for  
6 the purpose of allowing an individual to provide  
7 prior written consent for the disclosure of the  
8 records of the individual under section 552a(b) of  
9 title 5, United States Code, or for individual access  
10 to records under section 552a(d) of such title;

11 (2) creates a template for electronic consent  
12 and access forms and requires each agency to accept  
13 the forms from any individual properly identity  
14 proofed and authenticated in accordance with para-  
15 graph (1) for the purpose of authorizing disclosure  
16 of the records of the individual under section  
17 552a(b) of title 5, United States Code, or for indi-  
18 vidual access to records under section 552a(d) of  
19 such title; and

20 (3) requires each agency to accept the electronic  
21 consent and access forms described in paragraph (2)  
22 from any individual properly identity proofed and  
23 authenticated in accordance with paragraph (1) for  
24 the purpose of authorizing disclosure of the records  
25 of the individual to another entity, including a con-

1 gressional office, in accordance with section 552a(b)  
2 of title 5, United States Code, or for individual ac-  
3 cess to records under section 552a(d) of such title.

4 (c) AGENCY COMPLIANCE.—Each agency shall com-  
5 ply with the guidance issued under subsection (b) not later  
6 than 1 year after the date on which the guidance is issued.

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

8 No additional funds are authorized to carry out the  
9 requirements of this Act. Such requirements shall be car-  
10 ried out using amounts otherwise authorized.

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