

Comment from Public Member Bernard W. Bell on *Congressional Constituent Service Inquiries*  
April 23, 2024

In preparation for Friday's Committee on Administration and Management meeting regarding the above-referenced project, I provide the following comments for discussion.

### 1. Lines 84-86

***Comment and explanation of alternative suggestions:*** This comment and suggestions arises from having given more thought to the concern raised at our last meeting with regard to the impacts of the COVID pandemic upon agencies' prioritization of casework requests. We added "or emergency" to line 84 in response to concerns that the prioritization of casework requests may have to change temporarily due to emergency situations like COVID. But there was a concern that adding "or emergency" did little more than state the obvious. Rather than simply say that prioritization *should reflect unspecified future emergencies* as the text does now, we should provide that agencies should explain at the time of such an emergency *how the particular emergency affects the agency's prioritization*. It might be good practice for agencies to declare the nature of the emergency and how the emergency alters the agency's standard scheme of prioritization in order to accommodate the emergency. This would appear to me to reflect the nature of the concern that was being raised – not just advising congressional officers that an emergency *can* affect priorities, but *how* an emergency is affecting priorities. Below is a simpler suggestion that proposes revision in lines 84-86. The second alternative suggestion is a more robust provision that attempts to get at what was really being communicated by those who believed inclusion of the "or emergency" language was important. Both of the alternatives take into account that an emergency may necessitate changing other procedures in addition to the agency's scheme of prioritization.

Alt. #1 (revisions in lines 84-86)[deletions in strikethrough, additions in italics]:

Common ~~or emergency~~ circumstances in which certain casework requests will be prioritized and why, as well as how the agency's management of prioritized requests differs from its handling of non-prioritized requests, *as well as any temporary changes in prioritization or procedures that have been adopted to address emergency circumstances*.

Alt. #2 (separate provision to be added):

When an agency experiences an sudden increase in congressional casework requests or some other emergency that requires it to modify its prioritization of casework requests or other aspects of its standard operating procedures for handling casework requests, the agency should identify the sudden increase in casework requests or other emergency, set forth any revisions in its prioritization of case work requests or other aspects of its standard operating procedure, and, if possible, provide an estimate of how long it expects the increase in congressional casework requests or other emergency circumstances to necessitate following its revised prioritization of casework requests or revisions in other aspects of its standard operating procedures.

## 2. New paragraph to appear after paragraph 3.

*Agencies should provide a mechanism for their casework staff to raise concerns, regarding improper casework requests or other improper conduct by a congressional staffer, to supervisors, and further up the chain of authority if appropriate, so that those higher up in congressional casework offices can resolve any issues warranting further response.*

**Comment:** Rather than the SOP specifying that the agency “should not provide assistance or relief based on a request exceeding the scope limitations on casework imposed by the House or Senate Ethics rules,” (my initial tentative suggestion for discussion purposes), we might merely suggest as a best practice that the agency ensure that their casework personnel can raise concerns that a casework request or the conduct of a congressional caseworker might be improper, so that the matter can be resolved at a higher level, if necessary.

## 3. Lines 144-149 [deletion in strikethrough]

Congressional casework requests may reveal systematic problems with agency policies or with agency procedures. Revising policies or procedures might provide relief to those inclined to seek help from member of Congress more quickly (~~resulting in a satisfactory response without needing to seek congressional help~~), reduce the volume of congressional casework requests made to the agency, and provide appropriate relief for those who will not invoke the assistance of members of Congress.

**Comment:** This is merely a deletion of a stray parenthetical in the suggestion I initially made in my March 26, 2024 memo (reflected in the text at the above-referenced lines).