



Managing Congressional Constituent Service Inquiries

Committee on Administration and Management

Draft Recommendation for Committee | May 3, 2024

1 Since the country’s earliest years, constituent services have been a cornerstone of the
 2 representational activities of members of Congress. Thousands of people each year ~~turn to~~contact
 3 their elected representatives for help while interacting with federal agencies and the programs
 4 they administer in accessing federal programs and navigating administrative processes. These
 5 constituent services, or “casework,” are requests—that is, requests submitted to an agency by
 6 congressional staff on behalf of constituents seeking assistance with accessing federal programs
 7 or navigating adjudicative and other similar administrative processes—also plays an important
 8 role in congressional oversight of executive-branch agencies, allowing members of Congress to
 9 gain greater awareness of the operation and performance of federal the programs they authorize
 10 and fund. For agencies, congressional casework requests may reveal broader, systemic problems
 11 with agency policies or procedures that, if addressed, might provide relief to those inclined to
 12 seek help from their member of Congress, reduce the volume of congressional casework requests
 13 submitted to the agency, and provide appropriate relief for those who cannot or will not invoke
 14 the assistance of members of Congress. Ideally, however, the resolution of an individual’s
 15 request for agency action and the explanation provided for failure to grant the request in whole or
 16 in part should be roughly equivalent whether that individual seeks assistance from a
 17 congressional caseworker or instead seeks assistance from an agency ombud or a knowledgeable
 18 private representative or seeks no assistance at all.

¹ This Recommendation and the best practices it identifies are intended to assist agencies with improving their management and resolution of congressional casework requests. Agency management of congressional requests directed towards programmatic or policy oversight is beyond the scope of this Recommendation.

Commented [JB1]: Comment from Senior Fellow Jack Beermann: Here’s a proposed re-write of the first paragraph. I don’t think it changes anything of substance, but it better expresses the idea behind the recommendation: “Since the country’s earliest years, constituent services have been a cornerstone of the representational activities of members of Congress. Thousands of people each year contact their elected representatives for help while interacting with federal agencies and the programs they administer. Elected representatives often respond to requests from their constituents by contacting agencies on their behalf. Ideally the resolution of an individual’s request for agency action and the explanation provided for failure to grant the request in whole or in part should be roughly equivalent whether that individual seeks assistance from an elected representative or instead seeks assistance from agency personnel, an agency ombud or a knowledgeable private representative or seeks no assistance at all. How... [1]

Commented [JB2]: Comment from Senior Fellow Jack Beermann: The preceding sentence refers to constituents contacting elected representatives and then the sentence starting on line 4 jumps to casework requests from congressional staff without saying that the constituent contact provokes that. There’s a sentence missing.

Commented [CD3]: Preamble language and footnote added to implement Comment AMC-M15R3 [in draft rec as amended by the Committee on 3/28]: “Add footnote to preamble that clearly delineates the scope of the recommendation (i.e., that it only speaks to agency constituent service assistance, not cong. policy oversight).”

Commented [JB4]: Comment from Senior Fellow Jack Beermann: you have the “also” without the main event that casework results in assistance being provided. You need to have the first thing before the “also”.

Commented [CD5]: Highlighted content added to implement comment AMC-M2-40 from 4/26 Comm. Meeting, which stated:

“CoS: Shift explanatory content included within Bernie’s originally proposed amendment to the preamble. ... [2]

Commented [BB6]: Proposed Revision from Public Member Bernard Bell
Explanation: This sets out the principle that a member of the public should not need to go to their Senator or Representative to receive an appropriate resolution of a request for agency action and/or a reasonable explanation of any failure to grant the request for agency action. ... [3]

Commented [JB7R6]: Comment from Senior Fellow Jack Beermann: I agree with Bernard Bell’s sentence, but maybe it should go first: “Ideally, individuals should not have to seek assistance from their elected representatives when interacting with federal agencies.” Or something like that. Then hit what really happens.



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19 Today, every member of Congress employs “caseworkers,” both in Washington, D.C.,
20 and in local offices, who help constituents with requests ranging from the simple, such as
21 assistance with government forms, to the complex, such as correcting errors in veterans’ service
22 records. While nearly all agencies receive congressional casework requests, the most frequently
23 contacted include the Department of Veterans Affairs, Internal Revenue Service, Social Security
24 Administration, Department of State, and U.S. Citizenship and Immigration Services.²

25 Agencies, especially those that receive a large volume of casework requests, have
26 developed practices for receiving, processing, and responding to requests and interacting with
27 congressional caseworkers. There is significant variation in these practices across a number of
28 dimensions.

29 Organizationally, for example, some agencies assign responsibility for managing
30 casework requests to a centralized congressional liaison office, while others assign that
31 responsibility to regional offices and staff that are empowered to work directly with caseworkers
32 located in members’ state or district offices. Still others provide alternative avenues for members
33 of the public to seek redress of grievances directly from the agency, such as through an Office of
34 the Ombuds, without the assistance of their elected representatives.³

35 Technologically, some agencies continue to use ad hoc, legacy systems to manage
36 casework requests, while others are adopting are employing new technologies like internal

Commented [CD8]: Language and footnote added here to implement comment AMC-M17R3 [in draft rec as amended by the Committee on 3/28]: “Include language in preamble that acknowledges existence of alternative avenues for assistance (e.g., ombuds) and noting that these processes differ both in terms of mechanisms and equities (and reference relevant ACUS recs).”

Commented [JB9]: Comment from Senior Fellow Jack Beermann: I would insert “such” before “as”.

Commented [JB10]: Comment from Senior Fellow Jack Beermann: I would change “are adopting” to either “have adopted” or “are employing”.

² See Sean Kealy, Congressional Constituent Service Inquiries 23 (Mar. 25, 2024) (draft report to the Admin. Conf. of the U.S.).

³ Cf. Admin. Conf. of the U.S., Recommendation 2016-5, *The Use of Ombuds in Federal Agencies*, 81 Fed. Reg. 94316 (Dec. 23, 2016). See also Carol S. Houk *et al.*, *A Reappraisal: The Nature and Value of Ombudsmen in Federal Agencies* (Nov. 14, 2016) (report to the Admin. Conf. of the U.S.).



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37 electronic case management systems⁴ and public-facing, web-based portals⁵ to improve the
38 efficiency, accuracy, and transparency of their management and resolution of requests.

39 Procedurally, many agencies have developed standard operating procedures (SOPs) for
40 managing casework requests and made them available to caseworkers and the public. These
41 SOPs vary widely in their content, scope, and level of detail. Some agencies have further
42 produced handbooks and other informational materials like flowcharts and plain language
43 summaries of their SOPs to educate and assist caseworkers.

44 Agencies are also subject to differing legal and regulatory requirements that affect when,
45 how, and what agency staff can communicate to congressional caseworkers in furtherance of a
46 constituent request. These legal and regulatory requirements, including the Privacy Act of 1974,
47 the Health Insurance Portability and Accountability Act of 1996, and agency-specific rules and
48 guidance, typically bar agencies from sharing records or information that contain protected or
49 personally identifiable information with congressional caseworkers unless the constituent
50 provides an executed expression of consent.⁶

51 Recognizing the unique and important role that constituent services play in agency-
52 congressional relations and congressional oversight of federal programs, this Recommendation
53 offers best practices to help agencies promote quality, efficiency, transparency, and timeliness in
54 their management and resolution of congressional casework requests. Of course, agencies
55 receive different volumes of casework requests, serve different communities, have different
56 operational needs, operate under different statutory requirements, and different resources
57 available to them. This Recommendation recognizes that, when adopting or reviewing practices
58 for receiving, managing, and responding to requests and interacting with congressional

Commented [CS11]: Proposed Revision from Public Member Cheryl Stanton

⁴ Cf. Admin. Conf. of the U.S., Recommendation 2018-3, *Electronic Case Management in Federal Administrative Adjudication*, 83 Fed. Reg. 30,686 (June 29, 2018).

⁵ Cf. Admin. Conf. of the U.S., Recommendation 2023-4, *Online Process in Agency Adjudication*, 88 Fed. Reg. 42,682 (July 3, 2023).

⁶ See Kealy *supra* note 1, at 10.



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59 caseworkers, agencies ~~should~~ **may need to** tailor these best practices to the unique circumstances
60 **of the programs they administer each agency faces.**

RECOMMENDATION

Adopting Standard Operating Procedures

- 61 1. Agencies, especially those that receive a large volume of congressional casework
62 requests, should develop standard operating procedures (SOPs) for tracking and
63 managing such requests. Topics that SOPs should address include, as appropriate:
 - 64 a. The agency office(s) or title(s) of personnel responsible for receiving, processing,
65 and responding to congressional casework requests and interacting with
66 congressional caseworkers, and the responsibilities of the office(s) or personnel;
 - 67 b. The procedure by which congressional caseworkers should submit casework
68 requests to the agency, including any releases, waivers, or other documentation
69 required by law;
 - 70 c. The structure and operation of casework request workflows employed by agency
71 personnel while receiving, processing, and responding to requests, including any
72 intra-agency assignments of responsibility for the preparation, review, and
73 approval of draft responses, consistent with ex parte rules; any constraints on
74 agency personnel's ability to provide information in response to a casework
75 request; when a casework request should be elevated for review by program or
76 agency leadership; and how agency personnel responsible for handling casework
77 requests communicate with other agency personnel, including ombuds, when
78 working to resolve a casework request;
 - 79 d. The agency's use of electronic case management or other systems employed for
80 managing casework requests and status updates, including the use of a trackable
81 unique identifier such as a docket number or case number (see Paragraph 6);
 - 82 e. The agency's procedures for monitoring the progress of responses to each
83 casework request (see Paragraphs 10–11);

Commented [BB12]: Proposed Revision from Public Member Bernard Bell

Explanation: This softens the admonition to signal that consistency among agency SOP is an important value (see comment of Senior Fellow John Kamensky) and that variations from best practices should occur because of a perceived need to adapt to the particular circumstances of the agency.

Commented [CS13]: Proposed Revision from Public Member Cheryl Stanton

Commented [CD14]: All internal cross-references will need to be updated / corrected after rec is finalized.



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- 84 f. The major legal requirements, if any, that may restrict the agency's ability to
85 provide information to a congressional caseworker;
- 86 g. The types of communications that the agency provides to congressional
87 caseworkers upon receiving a casework request, while processing a request, and
88 in responding to the request;
- 89 h. Common circumstances in which certain casework requests will be prioritized and
90 why, as well as how the agency's management of prioritized requests differs from
91 its handling of non-prioritized requests and any temporary changes in
92 prioritization or procedures that have been adopted to address emergency
93 circumstances;
- 94 i. The kinds of assistance or relief that the agency can and cannot provide in
95 response to a casework request; and
- 96 j. Performance goals and measures for responding to casework requests (see
97 Paragraph 9).
- 98 2. Agencies should make their SOPs on matters described in Paragraphs 1(a)–1(i) publicly
99 available on their websites as a single, consolidated document and produce plain
100 language materials that succinctly summarize them, whether by way of written text,
101 flowchart, table, or some other simplified format.
- 102 3. Agencies should provide regular, internal trainings for both new and experienced staff
103 involved in the management and resolution of congressional casework requests to ensure
104 their familiarity and compliance with agency SOPs.

Managing Casework Requests

- 105 4. Agencies should not automatically close out incoming casework requests that do not
106 include information or documentation required for the request to be processed. Instead,
107 the agency should notify congressional caseworkers that their submissions are incomplete
108 and cooperate with the congressional caseworkers' efforts to remedy the deficiency.



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- 109 5. When agencies complete a casework request, they should provide a written notice to the
110 congressional caseworker or office, unless the caseworker or office has indicated that no
111 written response is necessary.

Using Technology to Streamline Request Management and Resolution

- 112 6. Consistent with their resources, agencies that receive a large volume of congressional
113 casework requests should adopt electronic systems, such as case management systems
114 and web-based portals, to improve the accuracy, efficiency, and timeliness of their
115 management and resolution of requests. Such systems should allow agency personnel to
116 receive and manage casework requests consistent with established SOPs and allow
117 managers to monitor the status of requests and evaluate key performance goals and
118 measures.
- 119 7. When considering adoption or development of an electronic case management system or
120 web-based portal, agencies should consult with similarly situated agencies or units that
121 have particular expertise that may be able to share lessons learned during the
122 development or deployment of similar systems.
- 123 8. In developing and modifying electronic case management systems and web-based
124 portals, agencies should solicit feedback and suggestions for improvement from agency
125 managers and staff and, as appropriate, congressional caseworkers.

Measuring Agency Performance

- 126 9. Agencies should adopt performance goals for the management and resolution of
127 congressional casework requests and, for each goal, objective measures that leverage data
128 collected consistent with Recommendation 10 to evaluate whether congressional
129 casework requests have been successfully managed and resolved. ~~Agencies periodically
130 should reassess performance goals, measures, and associated data collection practices to
131 ensure they continue to reflect operational realities, programmatic developments, and the
132 expectations of agency leaders and members of Congress and their caseworkers.~~



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- 133 10. Agencies should collect data (to the extent possible, in a structured format) to allow
134 managers to track and evaluate, as applicable:
- 135 a. Processing times for casework requests;
 - 136 b. The nature, timing, and substance of communications between agency
137 personnel and members of Congress and their caseworkers regarding specific
138 casework requests;
 - 139 c. Agency actions taken in response to casework requests;
 - 140 d. The frequency with which members of Congress and their caseworkers
141 resubmit the same request, for example, because the agency prematurely closed
142 a previous request without fully responding to the caseworker's inquiry, and
143 the reason(s) for the resubmission;
 - 144 e. Trainings and other assistance that agency personnel provide to members of
145 Congress and their caseworkers regarding casework generally;
 - 146 f. The congressional offices or caseworkers from which requests originate;
 - 147 g. The identities and roles of agency personnel that work on casework requests;
148 and
 - 149 h. Any other data agencies determine to be helpful in assessing the performance
150 of their casework management processes.

151 11. Agencies should evaluate on an ongoing basis whether they are meeting performance
152 goals for the management and resolution of congressional casework requests and, as
153 appropriate, identify internal or external factors affecting their performance, identify
154 opportunities for improvement, and predict future resource needs.

155 ~~11-12.~~ Agencies periodically should reassess performance goals, measures, and
156 associated data collection practices to ensure they continue to reflect operational realities,
157 programmatic developments, and the expectations of agency leaders and members of
158 Congress and their caseworkers.

159 ~~12-13.~~ Senior agency officials should regularly consider whether congressional
160 constituent inquiries are indicators of broader policy issues or procedural hurdles that the
161 agency should address.

Commented [AMC-M2-15]: CoS: Review structure of section to ensure that it flows from one rec to another in a logical order.

Commented [CD16R15]: This section has been slightly reorganized by shifting content that was part of para 9 (re: periodic reassessment of goals, measures, and data collections) into a new para 12. The section now flows along the following lines:
(1) performance goals/objective measures = good and agencies should adopt; (2) collect sufficient data to assess attainment of goals; (3) use data collected to evaluate casework program performance on ongoing basis; (4) periodically reassess goals, measures, etc. to ensure fitness for purpose; and (5) regularly consider whether casework indicates broader issues.



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Communicating Effectively with Congress

162 ~~13~~.14. Agencies should foster strong working relationships with congressional
163 caseworkers and maintain open lines of communication to provide information to and
164 receive input from caseworkers on agency procedures and facilitate efficient resolution of
165 constituent requests. Options for fostering such relationships include:

- 166 a. Providing a point of contact to whom caseworkers can direct questions about
167 individual casework requests or casework generally;
- 168 b. Maintaining a webpage on the agency's website where caseworkers can access
169 the agency's SOPs; any plain language materials that succinctly summarize the
170 agency's SOPs; and any releases, waivers, or other documentation that
171 caseworkers must submit with requests;
- 172 c. Providing training or other events—in person in Washington, D.C. or regionally,
173 or online synchronously or asynchronously—through which agency personnel can
174 share information with congressional caseworkers about the agency's procedures
175 for managing congressional casework requests (and, for agencies that frequently
176 receive a high volume of casework requests, holding these events regularly and
177 either in person or synchronously to the extent practicable);
- 178 d. Participating in trainings or other casework-focused events organized by other
179 agencies, the House's Office of the Chief Administrative Officer, the Senate's
180 Office of Education and Training, or other appropriate congressional entities; and
- 181 e. Organizing periodic, informal meetings with congressional offices and
182 caseworkers with whom the agency regularly interacts to answer questions and
183 solicit feedback.

184 ~~14~~.15. Agencies should periodically solicit input and user experience-related feedback
185 from Congressional caseworkers on the timeliness and quality of responses to
186 congressional inquiries.

187 ~~15~~.16. When communicating with congressional caseworkers in the course of receiving,
188 processing, or responding to casework requests, agencies should ensure that each

Commented [CD17]: As directed by the Committee at its 4/26 meeting, staff have revised this paragraph to improve the flow and clarity of language originally inserted during our last meeting.

Original language as redrafted by the Comm. on 4/26:

"Providing trainings or events, held virtually, in person in Washington, D.C. or regionally, or recorded, at which agency personnel can provide training regarding submitting and managing requests and the kinds of assistance the agency can and cannot provide in response to requests; and, for those agencies that frequently receive a high volume of casework requests, preferably holding these trainings or events live and on a regular basis to also receive user experience feedback."



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189 communication identifies, as appropriate, any applicable legal constraints on the
190 agency's ability to provide the information or assistance requested.
191 ~~+6-17. Congress should consider directing its training or administrative entities, such as~~
192 ~~the House's Office of the Chief Administrative Officer or the Senate's Office of~~
193 ~~Education and Training, or another similarly situated congressional entity to should~~
194 create a webpage that consolidates links to agencies' SOPs in one place for ready
195 access by congressional caseworkers, and agencies should cooperate with any such
196 effort by alerting the designated entities to any changes to the URL at which their
197 SOPs may be accessed.

Commented [AMC-M2-18]: Staff to determine whether such specific directions are consistent with past ACUS practice. CoS to tidy up.

Commented [CD19R18]: I couldn't find any examples of prior recs in which we've directed some congressional office or subcomponent to engage in specific behavior. Generally, recs directed towards the legislative branch involve statements that "congress should..."

An alternative to the prior formulation would be to direct the recommendation to Congress, generally, and allow them to determine who the most appropriate "owner" of the SOP clearinghouse is. See proposed inline revisions.

Comment from Senior Fellow Jack Beermann: Here's a proposed re-write of the first paragraph. I don't think it changes anything of substance, but it better expresses the idea behind the recommendation: "Since the country's earliest years, constituent services have been a cornerstone of the representational activities of members of Congress. Thousands of people each year contact their elected representatives for help while interacting with federal agencies and the programs they administer. Elected representatives often respond to requests from their constituents by contacting agencies on their behalf. Ideally the resolution of an individual's request for agency action and the explanation provided for failure to grant the request in whole or in part should be roughly equivalent whether that individual seeks assistance from an elected representative or instead seeks assistance from agency personnel, an agency ombud or a knowledgeable private representative or seeks no assistance at all. However, these constituent services, or "casework," requests—that is, requests submitted to an agency by congressional staff on behalf of constituents seeking assistance with accessing federal programs or navigating adjudicative and other similar administrative processes—often appear to be helpful in ensuring appropriate and transparent agency action. Casework also plays an important role in congressional oversight of executive-branch agencies, allowing elected representatives to gain greater awareness of the operation and performance of the programs they authorize and fund.

Highlighted content added to implement comment AMC-M2-40 from 4/26 Comm. Meeting, which stated:

"CoS: Shift explanatory content included within Bernie's originally proposed amendment to the preamble.

Full text of Bernie's originally proposed amendment: '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, 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. Agencies should regularly consider whether congressional constituent inquiries are indicators of broader policy issues or procedural hurdles that the agency should resolve or address at a higher policy level. Analysis of the data collected in paragraph 10 to measure agency performance with regard to congressional constituent inquiries may be helpful in such an endeavor, and could be used to prompt a reconsideration of agency policies and procedures.'"

Proposed Revision from Public Member Bernard Bell

Explanation: This sets out the principle that a member of the public should not need to go to their Senator or Representative to receive an appropriate resolution of a request for agency action and/or a reasonable explanation of any failure to grant the request for agency action.

Question: Do state and local officials (like state legislators or mayors) make requests on behalf of constituents and are they handled in a similar manner as requests from congressional staff?