

Comments from Public Member Bernard Bell on *Congressional Constituent Service Inquiries*  
March 26, 2024

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

**Add after "programs." at page 1, line 6:**

*Ideally, however, 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 a congressional caseworker or instead seeks assistance from an agency ombud or a knowledgeable private representative or seeks no assistance at all.*

**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?

**Page 3, line 44:**

Replace "should" with "*may need to*"

**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.

**Page 4, lines 70-71:**

Replace "also should produce simplified, plain language summaries or flowcharts that succinctly summarize them" with "*simplified, plain language materials that succinctly summarize them, whether by way of written text, flowchart, table, or some other format.*"

**Explanation:** This generalizes the language such that the short summary can take some form other than "simplified plain language summaries" or "flowcharts." If this change is made, a conforming change should be made on page 6, lines 130-31.

**Page 4, line 80:**

Replace "work with them" with "*cooperate with their efforts.*" (An alternative is "*assist them*").

**Explanation:** The current phraseology is a bit colloquial. In addition, "work with" implies that agency staff will jointly be working to remedy the deficiency, rather than that the agency staff will cooperate to provide assistance to the caseworker in seeking to remedy the deficiency.

### **Page 5, Paragraph 10:**

All of the items listed from “a” to “g” may be helpful, but its not clear that all, such as “e” and “g” are necessary to maintain in structured data form. And while more information is almost always more helpful than less, there is a cost to coding information in structured data format. Items “a” through “d” seem to me fairly essential, items “e” through “g” seem to me ones that the agency should consider keeping track of in structured data from, but agencies should be free to balance the burden of keeping track of such information against the usefulness of such information

**Add a paragraph 12A as the sole paragraph in a separate section, which would read as follows:**

*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 seeking 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. 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.*

### **Comments re Questions for Committee Discussion**

**Comment CD1(2).** There should be interaction between ombuds and those handling congressional constituent requests – though I’m not sure if the recommendation need to specify this for agencies. But the question does bring to mind another one, namely should the constituent services SOP process (or the equivalent, except for response times) be usable by members of the public that do not go through caseworkers? What about with respect to requests from elected state or local officials?

**Comment CD2.** Should we also consider whether the SOP should explicitly state that an 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 (discussed in the consultant’s report)?