



## **Administrative Conference Recommendation 2024-4**

### **Agency Management of Congressional Constituent Service Inquiries**

**Adopted June 13, 2024**

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 accessing federal programs or navigating adjudicative and other similar administrative processes. Elected representatives and their staff often submit requests to federal agencies on behalf of their constituents in such situations. This Recommendation refers to such requests as constituent service, or "casework,"<sup>1</sup> requests. In most circumstances, the resolution of an individual's issue should not require the assistance of the individual's elected representative or his or her staff.<sup>2</sup> However, these casework requests often appear to be helpful in ensuring appropriate agency action. For agencies, congressional casework requests may reveal broader, systemic problems with their policies and procedures. For Congress, casework requests may also play an important role in oversight of executive-branch agencies, allowing members of Congress to gain greater awareness of the operation and performance of the programs Congress authorizes and funds.

Today, every member of Congress employs "caseworkers," both in Washington, D.C., and in local offices, who help constituents with requests ranging from the simple, such as assistance with government forms, to the complex, such as correcting errors in veterans' service records. While nearly all agencies receive congressional casework requests, the agencies most

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<sup>1</sup> 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.

<sup>2</sup> Many agencies provide avenues for members of the public to seek assistance or redress of grievances directly from the agency, such as through agency ombuds. See Admin. Conf. of the U.S., Recommendation 2016-5, *The Use of Ombuds in Federal Agencies*, 81 Fed. Reg. 94316 (Dec. 23, 2016).



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frequently contacted include the Department of Veterans Affairs, Internal Revenue Service, Social Security Administration, Department of State, and U.S. Citizenship and Immigration Services.<sup>3</sup>

Agencies have developed practices for receiving, processing, and responding to requests and interacting with congressional caseworkers. There is significant variation in these practices across a number of dimensions.

**Organization:** Some agencies assign responsibility for managing casework requests to a centralized congressional liaison office, while others assign that responsibility to regional offices and staff that are empowered to work directly with caseworkers located in members' state or district offices.

**Technology:** Some agencies continue to use ad hoc, legacy systems to receive, process, and respond to casework requests, while others employ new technologies like internal electronic case management systems<sup>4</sup> and public-facing, web-based portals<sup>5</sup> to receive, process, and respond to casework requests in a more accurate, efficient, transparent, and timely manner.

**Procedures:** Many agencies have developed standard operating procedures (SOPs) for managing casework requests and made them available to caseworkers and the public. These SOPs vary widely in their content, scope, and level of detail. Some agencies have also produced handbooks and other informational materials like flowcharts and plain-language summaries of their SOPs to educate and assist caseworkers.

Agencies are also subject to differing legal requirements that affect when, how, and what agency personnel can communicate to congressional caseworkers in responding to a casework

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<sup>3</sup> See Sean J. Kealy, *Congressional Constituent Service Inquiries 20* (June 5, 2024) (report to the Admin. Conf. of the U.S.).

<sup>4</sup> 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).

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



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request. These legal requirements, including the Privacy Act of 1974 and the Health Insurance Portability and Accountability Act of 1996 typically bar agencies from sharing records or information that contain protected or personally identifiable information with congressional caseworkers unless the constituent provides an executed expression of consent.<sup>6</sup>

Recognizing the unique and important role that constituent services play in agency-congressional relations and congressional oversight of federal programs, this Recommendation offers best practices to help agencies receive, process, and respond to congressional casework requests in an accurate, efficient, transparent, and timely manner. Of course, agencies differ with respect to the volume of casework requests they receive, the communities they serve, their operational needs, their statutory requirements, and the resources available to them. This Recommendation recognizes that when adopting or reviewing practices for receiving, processing, and responding to casework requests and interacting with congressional caseworkers, agencies may need to tailor these best practices to their unique circumstances.

### RECOMMENDATION

#### **Adopting Standard Operating Procedures**

1. Agencies, especially those that receive a large volume of congressional casework requests, should develop standard operating procedures (SOPs) for tracking and managing such requests. Topics that SOPs should address include, as appropriate:
  - a. The agency office(s) or title(s) of personnel responsible for receiving, processing, and responding to congressional casework requests and interacting with congressional caseworkers, and the responsibilities of such office(s) or personnel;
  - b. The procedure by which congressional caseworkers should submit casework requests to the agency, including releases, waivers, or other documentation required by law;

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<sup>6</sup> See Kealy *supra* note 3, at 11–12.



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- c. The procedure by which agency personnel receive, process, and respond to requests, including: (i) intra-agency assignments of responsibility for the preparation, review, and approval of draft responses; (ii) constraints on agency personnel's ability to provide information in response to a casework request; (iii) circumstances in which a casework request should be elevated for review by program or agency leadership; and (iv) the process by which agency personnel responsible for handling casework requests communicate with other agency personnel, including ombuds, when working to resolve a casework request, consistent with *ex parte* rules;
- d. The agency's use of electronic case management or other systems employed for managing casework requests and status updates, including the use of a trackable unique identifier such as a docket number or case number (see Paragraph 6);
- e. The agency's procedures for monitoring the progress of responses to each casework request (see Paragraphs 10–11);
- f. The major legal requirements, if any, that may restrict the agency's ability to provide information to a congressional caseworker;
- g. The types of communications that the agency provides to congressional caseworkers upon receiving a casework request (e.g., a notice acknowledging receipt), while processing a request (e.g., periodic status updates), and in responding to a request (e.g., a letter, email, or other communication that explains action taken by the agency to resolve the request);
- h. Circumstances in which agency personnel will prioritize certain casework requests, including on a temporary basis to address emergencies, and how the agency's processing of prioritized requests differs from its handling of non-prioritized requests;
- i. The kinds of assistance or relief that the agency can and cannot provide in response to a casework request; and
- j. Performance goals and measures for responding to casework requests (see Paragraph 9).



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2. Agencies should make their SOPs on matters described in Paragraphs 1(a)–1(i) publicly available on their websites as a single, consolidated document along with plain-language materials that succinctly summarize them.
3. Agencies should provide regular training designed for both new and experienced agency personnel involved in receiving, processing, and responding to congressional casework requests to ensure their familiarity and compliance with agency SOPs.

### **Managing Casework Requests**

4. Agencies should not automatically close out incoming casework requests that do not include information or documentation required for the request to be processed. Instead, agency personnel should notify congressional caseworkers that their submissions are incomplete and cooperate with the congressional caseworkers' efforts to remedy the deficiency.
5. When agencies complete a casework request, they should provide written notice to the congressional caseworker or office, unless the caseworker or office has indicated that no written response is necessary.

### **Using Technology to Streamline Request Management and Resolution**

6. Consistent with their resources, agencies that receive a large volume of congressional casework requests should adopt systems, such as electronic case management systems and web-based portals, to receive, process, and respond to requests in an accurate, efficient, transparent, and timely manner. Such systems should allow agency personnel to receive, process, and respond to casework requests consistent with established SOPs and allow managers to monitor the status of requests and evaluate key performance goals and measures.
7. When considering adoption or development of an electronic case management system or web-based portal, agencies should consult with similarly situated agencies or units with particular expertise that may be able to share lessons learned during the adoption or development of similar systems.



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8. In developing and modifying electronic case management systems and web-based portals, agencies should solicit feedback and suggestions for improvement from agency managers and personnel and, as appropriate, congressional caseworkers.

### **Measuring Agency Performance**

9. Agencies should adopt performance goals for processing congressional casework requests and, for each goal, objective measures that use data collected consistent with Paragraph 10 to evaluate whether agency personnel are processing and responding to congressional casework requests successfully.
10. Agencies should collect data (to the extent possible, in a structured format) to allow managers to track and evaluate, as applicable:
  - a. Processing times for casework requests;
  - b. The congressional offices or caseworkers from which requests originate;
  - c. Agency actions taken in response to casework requests;
  - d. The nature, timing, and substance of communications between agency personnel and members of Congress and their caseworkers regarding specific casework requests;
  - e. The frequency with which members of Congress and their caseworkers resubmit the same request, for example, because the agency prematurely closed a previous request without fully responding to the caseworker's inquiry, and the reason(s) for the resubmission;
  - f. Training and other assistance that agency personnel provide to members of Congress and their caseworkers regarding casework generally;
  - g. The identities and roles of agency personnel who work on casework requests; and
  - h. Any other data the agency determines to be helpful in assessing the performance of their processes for receiving, processing, and responding to casework requests.



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11. Agencies should evaluate on an ongoing basis whether they are meeting performance goals for processing congressional casework requests and, as appropriate, identify internal or external factors affecting their performance, identify opportunities for improvement, and predict future resource needs.
12. Agencies periodically should reassess performance goals and measures, and update them as needed, to ensure that they continue to serve as accurate indicators of good performance consistent with available resources, agency priorities, and congressional expectations. Additionally, agencies periodically should reassess their data collection practices and update them as needed to ensure managers can track and evaluate performance accurately over time.
13. Senior agency officials regularly should consider whether issues raised in congressional casework requests indicate broader policy issues or procedural hurdles facing members of the public which the agency should address.

### **Communicating Effectively with Congress**

14. Agencies should foster strong working relationships with congressional caseworkers and maintain open lines of communication to provide information to and receive input from caseworkers on agency procedures and facilitate efficient resolution of casework requests. Options for fostering such relationships include:
  - a. Providing a point of contact to whom caseworkers can direct questions about individual casework requests or casework generally;
  - b. Maintaining a centralized webpage on the agency's website, consistent with Paragraph 2, where caseworkers can access the agency's SOPs; any plain language materials that succinctly summarize the agency's SOPs; and any releases, waivers, or other documentation that caseworkers must submit with requests;
  - c. Providing training or other events—in person in Washington, D.C., or regionally, or online in a live or pre-recorded format—through which agency personnel can share information with congressional caseworkers about the agency's procedures for receiving, processing, and responding to congressional casework requests



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- (and, for agencies that frequently receive a high volume of casework requests, holding these events regularly and either in person or live online, to the extent practicable, in a manner that facilitates receipt of user experience feedback);
- d. Participating in training or other casework-focused events organized by other agencies and congressional offices, including the Office of the Chief Administrative Officer of the House of Representatives and the Senate's Office of Education and Training; and
  - e. Organizing periodic, informal meetings with congressional offices and caseworkers with whom the agency regularly interacts to answer questions.
15. Agencies periodically should solicit input and user experience-related feedback from congressional caseworkers on the timeliness and accuracy of agencies' responses to casework requests.
16. When communicating with congressional caseworkers in the course of receiving, processing, or responding to casework requests, agencies should ensure that each communication identifies, as appropriate, any applicable legal constraints on the agency's ability to provide the information or assistance requested.
17. Congress should consider directing its training or administrative offices, such as the Office of the Chief Administrative Officer of the House of Representatives and the Senate's Office of Education and Training, to create a webpage that consolidates links to agencies' SOPs in one place for ready access by congressional caseworkers. Agencies should cooperate with any such effort, including by alerting the designated offices to any changes to the webpage at which their SOPs may be accessed.