

Casework in Congressional Offices: Frequently Asked Questions

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The House of Representatives and Senate Explained

Congressional Procedure

A Practical Guide to the Legislative Process in the U.S. Congress

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 **TheCapitolNet**

Summary

Constituents often contact a congressional office looking for assistance; the work congressional offices do in response to these requests is generally referred to as *casework*. Members of Congress determine the scope of their constituent service activities, including casework. Many requests for casework come from constituents seeking assistance from federal agencies, but offices may also receive requests from non-constituents. Congressional offices can have different conceptualizations of casework based on Member preferences, district needs, and constituent expectations.

This report addresses frequently asked questions (FAQs) about congressional casework. It is intended to provide resources for congressional offices and individual caseworkers. This includes the casework rules and guidelines established by the House and Senate, as well as some observations about how congressional offices generally approach casework and work with federal agencies on behalf of constituents.

Casework practices are largely left to each Member office to determine, like many other aspects of congressional operations. Each constituent's situation is unique, and federal agencies vary in their casework practices, which makes it difficult for either chamber to issue prescriptive guidelines regarding casework. The degree of flexibility afforded to offices can help caseworkers tailor their assistance to best meet constituents' needs.

The relative autonomy afforded to congressional offices regarding casework also means that many of the answers provided here are necessarily broad-based. Further resources are available from CRS that can provide more specific, context-specific information. Several of these CRS resources are discussed throughout this report, including the following:

- CRS Video WVB00093, *Introduction to Congressional Casework*, by R. Eric Petersen;
- CRS Report RL33209, *Casework in a Congressional Office: Background, Rules, Laws, and Resources*, by R. Eric Petersen;
- CRS Report RL33213, *Congressional Nominations to U.S. Service Academies: An Overview and Resources for Outreach and Management*, by R. Eric Petersen and Sarah J. Eckman;
- CRS Report 98-446, *Congressional Liaison Offices of Selected Federal Agencies*, by Audrey Celeste Crane-Hirsch; and
- the CRS resources website, "Casework & Other Constituent Services," by Jennifer E. Manning, available at <https://www.crs.gov/Resources/Casework>.

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1. What is casework?

Casework, in a congressional office, refers to the response or services that Members of Congress provide to constituents¹ who request assistance. As part of the process of determining how to carry out their congressional duties, Members of Congress largely determine the scope of casework and their other constituent service activities.² Typically with casework, Members and their staffs help individual constituents deal with federal administrative agencies by acting as facilitators, ombudsmen, and, in some cases, advocates.

Some congressional offices may consider their liaison activities between the federal government and local governments or businesses concerned with the effects of federal legislation or regulation to be casework. Other offices may include interactions with communities and nonprofit organizations seeking federal grants³ or other assistance as casework.

Common congressional casework requests include

- tracking a misdirected benefits payment;
- helping to fill out a government form;
- applying for Social Security, veterans', education, and other federal benefits;
- explaining government activities or decisions;
- applying to a military service academy;⁴
- seeking relief from a federal administrative decision; and
- immigrating to the United States or applying for U.S. citizenship.

Contrary to the widely held public perception that Members of Congress can initiate a broad array of actions resulting in a speedy, favorable outcome, there are significant limitations on the degree of permissible intervention from a Member office. More of these restrictions are described later in this report: see **"3. What rules govern casework?"**.

2. Why do offices do casework?

Casework is not required of Members of Congress, but it is commonly expected by constituents.⁵ Some constituents may view a Member's office as the best point of a contact for assistance with the federal government.⁶ It appears that each Member office today provides some type of casework, reflecting a broadly held understanding among Members and their staff that casework

¹ Definitions of constituents can be found in another section of this report: see "4. Who, or what, is a constituent for casework purposes?"

² See CRS Report RL33686, *Roles and Duties of a Member of Congress: Brief Overview*, by R. Eric Petersen; and CRS Report R44726, *Constituent Services: Overview and Resources*, by Sarah J. Eckman.

³ For additional information on federal grants programs and assisting with grants-related constituent requests, see <https://www.crs.gov/Resources/Grants>.

⁴ See CRS Report RL33213, *Congressional Nominations to U.S. Service Academies: An Overview and Resources for Outreach and Management*, by R. Eric Petersen and Sarah J. Eckman.

⁵ John R. Johannes, "Explaining Congressional Casework Styles," *American Journal of Political Science*, vol. 27, August 1983, pp. 530-547.

⁶ See U.S. Congress, House, Committee on Standards of Official Conduct, *House Ethics Manual*, 110th Cong. 2nd sess. (Washington: GPO, 2008), pp. 356-357 (hereinafter cited as *House Ethics Manual*, and also available at http://ethics.house.gov/Media/PDF/2008_House_Ethics_Manual.pdf). The Committee on Standards of Official Conduct was renamed the Committee on Ethics in 2011.

is integral to the representational duties of a Member of Congress.⁷ Some also believe that casework activities can be part of an outreach strategy to build political support among constituents.⁸

Casework may also be viewed as an evaluative stage of the legislative process. Some observers suggest that casework inquiries afford Members the opportunity to evaluate whether a program is functioning as Congress intended. Constituent inquiries about specific policies, programs, or benefits may also suggest areas in which programs or policies require additional oversight, or further legislative consideration.⁹

3. What rules govern casework?

Federal statute prohibits Members of Congress, chamber officers, and congressional staff from representing anyone before the federal government, except in the performance of their official duties.¹⁰ House and Senate rules and federal law also prohibit *ex parte*, or off-the-record, communications with agency employees reasonably expected to be involved in case adjudication.¹¹

Generally, a Member of Congress may do the following on behalf of eligible individuals seeking their assistance, under House and Senate guidelines:

- request information or a status report;
- urge prompt consideration;
- arrange for interviews or appointments;
- express judgments;
- call for reconsideration of an administrative response that the Member believes is not reasonably supported by statutes, regulations, or considerations of equity or public policy; or
- perform any other service of a similar nature consistent with the provisions of the rules of the House or Senate.

⁷ Dennis F. Thompson, *Ethics in Congress: From Individual to Institutional Corruption* (Washington: The Brookings Institution, 1995), pp. 77-78; David E. Price, *The Congressional Experience: A View From the Hill* (Boulder, CO: Westview Press, 1992), pp. 113-119; Rep. Lee H. Hamilton, "Congressional Casework," *Congressional Record*, vol. 138, April 29, 1992, p. 9814; Heinz Eulau and Paul D. Karpis, "The Puzzle of Representation: Specifying Components of Responsiveness," *Legislative Studies Quarterly*, vol. 2, August 1977, pp. 243-245; and U.S. Congress, Joint Committee on the Organization of Congress, *Organization of Congress*, 79th Cong., 2nd sess., H.Rept. 1675 (Washington: GPO, 1946), p. 15.

⁸ Bruce Cain, John Ferejohn, and Morris Fiorina, *The Personal Vote: Constituency Service and Electoral Independence* (Cambridge, MA: Harvard University Press, 1987), pp. 63-34; and Richard F. Fenno, Jr., *Home Style: House Members in Their Districts* (New York: Harper Collins, 1978), pp. 101-113.

⁹ Larry P. Ortiz, Cindy Wirz, Kelli Semion, and Ciro Rodriguez, "Legislative Casework: When Policy and Practice Intersect," *Journal of Sociology and Social Welfare*, vol. 31, June 2004, pp. 49-52; Rep. Lee H. Hamilton, "Casework," *Congressional Record*, vol. 142, July 24, 1996, pp. 19015-19016; and John R. Johannes, "Casework as a Technique of U.S. Congressional Oversight of the Executive," *Legislative Studies Quarterly*, vol. 4, August 1979, pp. 325-351.

¹⁰ 18 U.S.C. §§203, 205. Also, see *House Ethics Manual*, p. 185.

¹¹ 5 U.S.C. §557. Also, see "Off-the-Record Ex Parte Communications," U.S. Congress, House, Committee on Ethics, at <http://ethics.house.gov/casework/record-ex-parte-communications>; "Prohibited Interventions with Federal Agencies" section in U.S. Congress, Senate, Select Committee on Ethics, "Constituent Service," at <http://www.ethics.senate.gov/public/index.cfm/constituentservice>.

Under the Privacy Act of 1974, executive branch agencies cannot share records containing an individual's personally identifiable information with any outside entity unless that individual has authorized the release of that information.¹² Agencies may request a particular format or types of information on a Privacy Act release.¹³ Requests involving medical information might require an additional authorization, pursuant to rules promulgated under the Health Insurance Portability and Accountability Act of 1996 (HIPAA).¹⁴

House Casework Rules and Guidance

House rules regarding casework services are discussed in the *House Ethics Manual*.¹⁵ Guidelines in the *House Ethics Manual* say that when contacting a federal agency on behalf of a constituent, a Member, officer, or employee of the House should not make prohibited, off-the-record comments, receive things of value for providing casework assistance, or improperly pressure agency officials.¹⁶ Casework requests typically do not involve the courts, but guidelines in the *House Ethics Manual* provide a range of options to Members who might choose to participate in judicial proceedings.¹⁷

Senate Casework Rules and Guidance

Senate Rule XLIII¹⁸ and the *Senate Ethics Manual*¹⁹ establish parameters for casework services in that chamber. Senate Rule XLIII (3)²⁰ prohibits the provision of casework assistance on the basis of contributions or services to organizations in which the Senator has a political, personal, or financial interest. The *Senate Ethics Manual* describes constituent service as something that occurs with respect to the executive branch and is silent on service before the courts.²¹

4. Who, or what, is a constituent for casework purposes?

Because casework is often viewed as a representational activity, the primary recipients of an office's casework services are usually considered to be individual constituents residing within a House Member's district, or a Senator's state. Yet there are reasons why other persons or entities might seek assistance from a Member's office. For example, foreign-born individuals seeking to immigrate to the United States may contact a Member of Congress for assistance. A family member or other concerned party outside of a Member's district may contact an office on behalf

¹² P.L. 93-579, 88 Stat. 1896, December 31, 1974, 5 U.S.C. §552(a).

¹³ For example, the Internal Revenue Service (IRS) typically requests that congressional caseworkers ask constituents to return a signed copy of IRS form 8821, Tax Information Authorization, available at <http://www.irs.gov>.

¹⁴ 45 C.F.R. Parts 160, 164. For more information on HIPAA and medical records privacy, see CRS Report RS20500, *Medical Records Privacy: Questions and Answers on the HIPAA Rule*, by C. Stephen Redhead.

¹⁵ *House Ethics Manual*, pp. 299-300.

¹⁶ *Ibid.*, pp. 185, 300-302, 307, 314-315.

¹⁷ *Ibid.*, pp. 311-312.

¹⁸ Senate Rule XLIII, available at <https://www.rules.senate.gov/rules-of-the-senate>.

¹⁹ U.S. Congress, Senate, Select Committee on Ethics, *Senate Ethics Manual*, 108th Cong., 1st sess., S. Pub. 108-1 (Washington: GPO, 2003), pp. 177-185 (hereinafter cited as *Senate Ethics Manual* and available at <http://ethics.senate.gov/downloads/pdf/files/manual.pdf>).

²⁰ Senate Rule XLIII (3).

²¹ *Senate Ethics Manual*, p. 178.

of a resident constituent. Strict definitions of who is eligible for casework assistance are not provided by the House or Senate; however, other guidelines may imply certain parameters.

Senate Rule XLIII recognizes that not everyone who seeks assistance from a Senator will be a constituent of the state the Senator represents, and uses the term “petitioner” to refer to the casework requester. No such distinction is drawn in the *House Ethics Manual*, which uses the term “constituents” to refer to the recipients of Members’ casework services. In the House, guidance issued by the Committee on Ethics suggests that “particular care should be exercised when providing assistance to individuals who are not from the Member’s congressional district.” The guidance also indicates that a Member should not use official resources to provide casework for individuals who live outside the district the Member represents. When a Member of the House is unable to assist a non-constituent, the Member may refer the person to his or her own House Member or Senators.²²

5. How do offices establish an approach to manage casework?

Matters regarding the management of casework activities are at the discretion of individual congressional offices, subject to the rules of their respective chambers, relevant law, and the priorities of that office. The number and type of constituent requests, how an office defines casework, Member priorities, and the distribution of responsibilities among office locations and staff are some of the factors that can affect a congressional office’s casework policies and procedures. Most casework is conducted by staff in state or district offices, and staff are commonly hired in these locations to work on casework or other constituent services.

Offices often establish and document procedures for how they handle casework; this is not required, but some offices find it useful to specify casework goals, management procedures, or expectations of staff. This can help ensure that all cases are addressed in a similar manner, and that all appropriate staff can process new casework requests and access casework records if needed. Offices sometimes create their own forms to serve as Privacy Act waivers or to gather necessary case-related information from constituents.

Most constituents expect that offices will handle their personal information carefully and discreetly. Casework and other records created in a congressional office are considered to be the personal property of the Member; the House and Senate provide guidance for managing these materials.²³

6. Who handles casework in a congressional office?

Many state or district offices have enough constituent requests to assign at least one staff member to work specifically on casework.²⁴ Congressional staff serving as caseworkers typically act as liaisons between constituents and federal agencies. The decision to hire a caseworker, the specific qualifications for that role, and job responsibilities, however, are left to each Member office to determine. In some offices, certain caseworkers work with particular agencies or on certain types

²² *House Ethics Manual*, pp. 309-310.

²³ See U.S. House, Office of the Clerk, *Records Management Manual for Members of the U.S. House of Representatives*, Publication M-1 (Washington: December 2005), pp. 5, 7; and U.S. Senate, Secretary of the Senate, *Records Management Handbook for United States Senators and Their Archival Repositories*, S. Pub. 109-19 (Washington: GPO, 2006), p. 5.

²⁴ For more information on staff duties and data over time about the number of staff, pay levels, and time in specific roles in House and Senate offices, see CRS Report R44688, *Congressional Staff: CRS Products on Size, Pay, Job Tenure, and Duties*.

of cases; in other offices, all caseworkers work on all types of cases. For some staff, casework is their primary job responsibility; others perform casework alongside another role in the office.

7. What does a caseworker do?

Caseworkers generally first obtain information about the constituent's situation from the person requesting assistance. This often involves understanding the problem presented by, or on behalf of, the constituent. Caseworkers may need to establish what services or benefits the constituent may be eligible for. They may also need to request documentation, like copies of birth certificates or military service or other records, to provide to the agency in support of a case.

Caseworkers also identify the appropriate way to address the constituent's concerns. Often, this involves contacting a federal agency's congressional liaison. To receive any information from federal agencies about a constituent, caseworkers must provide a Privacy Act waiver, signed by the constituent, which allows the agency to share the constituent's personal information with a Member. Throughout the process, caseworkers try to communicate with the constituent about realistic expectations. While many congressional offices focus on national agencies, some issues presented by constituents may lead caseworkers to contact state or local governments, or nonprofit or community organizations; in some instances, these entities may be able to provide intermediary or alternative assistance to constituents. Caseworkers also determine when a case may require additional support from a Member of Congress, other officials, or other staff.

Additional information for caseworkers on working with constituents is available on the CRS casework resources website (<https://www.crs.gov/Resources/Casework>) or by contacting CRS.

8. What is a congressional liaison?

Often, federal agencies have designated legislative affairs or congressional relations staff assigned as general points of contact for congressional caseworkers. Many of these contacts are listed in a searchable directory at <https://www.crs.gov/Resources/LiaisonOffices> or in CRS Report 98-446, *Congressional Liaison Offices of Selected Federal Agencies*. Congressional liaisons generally are not agency decisionmakers, and essentially serve as a resource available to assist Members and congressional staff on legislative and constituent service matters. Individuals serving in this capacity commonly work in an agency's legislative or intergovernmental affairs office. Although most of these congressional liaisons are located in Washington, DC, agency locations, they can refer caseworkers to the appropriate local or regional office staff members, if needed, for further assistance.

9. How do caseworkers find other assistance for constituents?

Caseworkers may also need to identify other sources of assistance for constituents. Frequently, caseworkers can utilize contacts known to their offices. This can include local leaders or community organizations that may be able to provide alternative means of assistance for constituents. Caseworkers may also learn about helpful points of contact through other caseworkers who have worked on similar issues in another congressional office.

In addition to developing a broad network of contacts, caseworkers often develop expertise through their interactions with agencies and insights into what agency acronyms or terminology mean in practical terms for the constituent. This sometimes enables caseworkers to provide information to constituents that the constituents may not have otherwise gleaned from the agency's formal response.

10. Does an agency have to respond to a caseworker?

Although Members and caseworkers are limited in how much they can directly intervene in an agency's decisionmaking process on behalf of a particular case, there are several reasons why agencies typically are responsive to congressional concern. Congress, broadly, is responsible for creating federal agencies and programs, determining their scope, providing their funding, and overseeing their activities.²⁵ Because some constituents seek congressional assistance only after other means of working with an agency have failed, agencies may view congressional casework inquiries as micro-level exercises of oversight and respond to them accordingly.

11. How soon will an agency respond?

Response times, whether for an acknowledgment that a case inquiry has been received, or for a response the agency considers final, can vary considerably from agency to agency. Waiting periods may be determined in part by the priority agencies place on constituent service, the type or complexity of an individual case, or the volume of cases to which an agency responds. In some instances, agency response practices might result in slower response than constituents and some congressional offices expect or would prefer. Federal agencies might have different protocols that apply for emergency or time-sensitive situations, and congressional liaisons can share these methods with caseworkers. There are, however, limits on what caseworkers and agency officials can do to expedite requests.

As constituents wait for an agency response, caseworkers might try to provide information about how long the process could take, based on information from or past work with the agency. Caseworkers may choose to provide regular updates to constituents at defined intervals to help assure constituents that their case is still being considered by the agency.

12. What if the agency response does not solve the constituent's problem?

Federal agencies are required to comply with statutes and regulations governing their activities, including decisions regarding services and benefits provided to constituents. As a consequence, an agency might sometimes be unable to provide a response that is satisfactory to the constituent. If there is reason to believe that incomplete information was available to the agency, or that an agency decision was not in keeping with its statutory or regulatory requirements, a Member office may, pursuant to House or Senate rules, request reconsideration of a constituent's concerns. Caseworkers can sometimes refer constituents to state, local, or community resources that might address some of the challenges a constituent is experiencing. Nonfederal entities that provide services to veterans, the elderly, or others with specific needs might offer services while a constituent awaits an agency decision or fashion a remedy if no agency resolution is available.

13. What resources are available to congressional offices?

CRS has a number of casework resources for congressional offices, accessible online through <http://www.crs.gov/Resources/Casework>. These resources include

- an introductory video on casework (CRS Video WVB00093, *Introduction to Congressional Casework*);

²⁵ See CRS Report RS20371, *Overview of the Authorization-Appropriations Process*, by Bill Heniff Jr.

- a longer report on casework practices (CRS Report RL33209, *Casework in a Congressional Office: Background, Rules, Laws, and Resources*);
- a report on U.S. service academy nominations (CRS Report RL33213, *Congressional Nominations to U.S. Service Academies: An Overview and Resources for Outreach and Management*); and
- a list of frequently updated congressional liaison contacts (CRS Report 98-446, *Congressional Liaison Offices of Selected Federal Agencies* or in a searchable directory at <https://www.crs.gov/Resources/LiaisonOffices>).

CRS periodically hosts seminars for district and state staff that can provide additional information; upcoming programs are listed at <http://www.crs.gov/Events>. Congressional offices may also contact CRS analysts directly to address more specific questions or concerns related to casework.

Further case support may be obtained by contacting local or state officials, professional associations, or community groups that help individuals facing similar situations; these entities may have access to additional resources that can help resolve or alleviate a constituent's problem. Caseworkers working in district offices may find it useful to contact staff in the Member's Washington, DC, office for additional information about policies or programs that affect casework. Similarly, information from fellow caseworkers in neighboring states or districts where constituent and agency experiences may be similar can be useful in providing caseworkers with contacts, resources, or advice.

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