

# Casework in a Congressional Office

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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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## Casework in a Congressional Office

In a congressional office, the term *casework* refers to the response or services that Members of Congress provide to constituents who request assistance. Each year, thousands of constituents turn to Members of Congress with a wide range of requests, from the simple to the complex. Members and their staffs help constituents deal with federal and state administrative agencies and some private entities by acting as facilitators and, in some cases, advocates.

Members of Congress determine the scope of their constituent service activities. Casework is conducted for various reasons, including a broadly held understanding among Members and staff that casework is integral to the representational duties of a Member of Congress. Casework activities may also be viewed as part of an outreach strategy to build political support, or as an evaluative stage of the legislative process. Constituent inquiries about specific policies, programs, or benefits may suggest areas where government programs or policies require institutional oversight or legislative consideration.

One challenge to congressional casework is the widely held public perception that Members of Congress can initiate a broad array of actions resulting in a speedy, favorable outcome. The rules of the House and Senate, and laws and regulations governing federal executive agency activities, closely limit interventions made on the behalf of constituents. When performing casework, congressional staff cannot force an agency to expedite a case or act in favor of a constituent. Congressional staff can intervene to facilitate the appropriate administrative processes, encourage an agency to give a case consideration, and sometimes advocate for a favorable outcome.

This report discusses House and Senate rules and guidelines, laws, and regulations affecting congressional casework, as well as the role of caseworkers. It also provides sample outlines and document templates for implementing and managing congressional casework. Further casework materials are available at the CRS Casework Resources web page at <https://www.crs.gov/Resources/Casework>.

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## Introduction

*Casework* in a congressional office refers to the response or services that Members of Congress provide to constituents who request assistance. Casework appears to be one of the more enduring representational activities, with Members of Congress providing services since the early years of the American republic. In contemporary times, thousands of constituents seek assistance annually from Members of Congress, with requests ranging from the simple to the complex. Members and their staffs help individual constituents deal with federal and state administrative agencies, as well as private entities, by acting as facilitators, and, in some cases, advocates. Typical casework requests include the following:

- applying for or following up on the progress of various federal benefits including Social Security, veterans', education, economic support, and other benefits;
- seeking assistance for those immigrating to the United States or applying for U.S. citizenship;
- explaining government activities or decisions;
- applying to a military service academy;<sup>1</sup> and
- seeking relief from a federal administrative decision.

All congressional offices carry out some type of casework. In addition to providing services to individual constituents, some congressional offices also consider their liaison activities between the federal government and local governments or businesses concerned about the effects of federal legislation or regulation to be casework. Other congressional offices may include interactions with communities and nonprofit organizations seeking federal grants or other assistance as casework.<sup>2</sup>

Members of Congress determine the scope of their constituent service activities as part of the larger process of determining how to carry out their congressional duties.<sup>3</sup> Casework is conducted for various reasons, including constituent demand and broadly held understandings among Members and their staff that casework is integral to the representational duties of a Member of Congress. Others believe that casework activities can be part of an outreach strategy to build political support among constituents. As a consequence of differing perspectives, the level and intensity of congressional casework might vary among Member offices.

Casework might also be seen by some as an evaluative stage of the legislative process. Some suggest that casework inquiries can provide Members of Congress with a micro-level view of executive agency activities, affording them 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 programmatic or policy changes require additional institutional oversight, or further legislative consideration.

Subsequent sections of this report discuss House and Senate rules and guidelines, laws, and regulations affecting congressional casework, as well as the role of caseworkers. This report also

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<sup>1</sup> See CRS Report RL33213, *Congressional Nominations to U.S. Service Academies: An Overview and Resources for Outreach and Management*.

<sup>2</sup> Information on congressional grants work is available in CRS Report RL34035, *Grants Work in a Congressional Office*; and CRS Report RL34012, *Resources for Grantseekers*.

<sup>3</sup> See CRS Report RL33686, *Roles and Duties of a Member of Congress: Brief Overview*; and CRS Report R44726, *Constituent Services: Overview and Resources*.

provides sample outlines and document templates for establishing and managing congressional casework. Further casework materials are available at the CRS Casework Resources web page at <https://www.crs.gov/Resources/Casework>.

## House and Senate Rules Governing Casework

Each chamber has rules and guidelines regarding its Members' casework activities. House standards regarding casework services are discussed in the *House Ethics Manual*.<sup>4</sup> Senate Rule XLIII and the *Senate Ethics Manual* establish parameters for casework services in that chamber.<sup>5</sup> In each chamber, at the request of a constituent or petitioner for assistance, a Member of Congress may do the following:

- 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.

### Constituent Casework Expectations

One challenge to congressional casework is the widely held public perception that Members of Congress can initiate a broad array of actions resulting in a speedy, favorable outcome. The rules of the House and Senate, and laws and regulations governing federal executive agency activities, closely limit the extent of an intervention made on behalf of a constituent. When conducting casework, congressional staff cannot force an agency to expedite a case or act in favor of a constituent. Congressional staff may intervene to facilitate the appropriate administrative processes involved, encourage an agency to give a case consideration, and sometimes advocate for a favorable outcome. Some congressional offices address constituent expectations throughout casework encounters.

Among other things, Senate Rule XLIII 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. 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.<sup>6</sup>

## Casework and the Courts

Casework is generally not something that draws Members of Congress or their staff, acting in their official capacity, into a proceeding before the courts. The *Senate Ethics Manual* describes constituent service as something that occurs in the executive branch, and is silent on service

<sup>4</sup> See U.S. Congress, House Committee on Ethics, *House Ethics Manual*, 2022 Print, 117<sup>th</sup> Cong., 2<sup>nd</sup> sess., 2022, pp. 299-322, at <https://ethics.house.gov/sites/ethics.house.gov/files/documents/2022/House-Ethics-Manual-2022-Print.pdf>.

<sup>5</sup> Senate Rule XLIII, at <https://www.rules.senate.gov/rules-of-the-senate#D694623C-BA95-9DAD-5C90-8277B7DD9A9E>; and U.S. Congress, Senate, Select Committee on Ethics, *Senate Ethics Manual*, 108<sup>th</sup> Cong., 1<sup>st</sup> Sess., S. Pub. 108-1 (Washington: GPO, 2003), pp. 177-185, available at <http://ethics.senate.gov/downloads/pdffiles/manual.pdf>.

<sup>6</sup> *House Ethics Manual*, pp. 300-316.



before the courts.<sup>7</sup> Guidelines in the *House Ethics Manual* provide a range of options to Members who might choose to participate in judicial proceedings.<sup>8</sup>

## Constituent Service Staff

Decisions regarding staff employment in congressional offices rest with each Member of Congress, subject to applicable law and chamber rules. When seeking staff, Members of Congress have specified a number of job titles related to constituent service and casework, including, but not limited to, Caseworker; Constituent Services Representative; District, Field, or Regional Representative; Field Representative/Caseworker; or Regional Coordinator. While the particular job responsibilities can vary across offices, Members of Congress have ascribed the following duties to staff in those positions:

- respond to casework inquiries from constituents;
- act as a liaison with federal, state, and/or local agencies on behalf of constituents;
- respond to casework correspondence; and
- monitor and update the Member and district or state director on issues within the staffer's areas of responsibility.<sup>9</sup>

To carry out their duties, congressional caseworkers typically

- communicate clearly with constituents about what can and cannot be done on their behalf;
- learn the laws and regulations affecting a constituent's case and governing potential agency actions;
- build relationships with federal agency personnel; and
- serve as a neutral facilitator between the constituent and agency.

Individuals who work as caseworkers come from a variety of backgrounds and levels of professional experience. Members seeking constituent service staff typically seek out applicants who are motivated, patient, and adaptable, and who demonstrate good organizational skill, discretion, and a sense of humor. Caseworkers typically learn the policies and procedures through which agencies operate to provide services or benefits, and work with constituents whose requests are sometimes made with a high level of personal and emotional engagement.

## Case Management

Each congressional office establishes its own policies and procedures regarding the provision of casework services. These are typically based on a number of factors, which may be weighed differently in each congressional office, and include

- the demands or needs of constituents for casework services;
- the type and nature of cases;

<sup>7</sup> U.S. Senate, Select Committee on Ethics, *Senate Ethics Manual*, p. 178, available at <http://ethics.senate.gov/downloads/pdf/files/manual.pdf>.

<sup>8</sup> See U.S. Congress, House Committee on Ethics, *House Ethics Manual*, 2022 Print, 117<sup>th</sup> Cong., 2<sup>nd</sup> sess., 2022, pp. 311-312, at <https://ethics.house.gov/sites/ethics.house.gov/files/documents/2022/House-Ethics-Manual-2022-Print.pdf>.

<sup>9</sup> See CRS Report R46262, *Congressional Staff: Duties, Qualifications, and Skills Identified by Members of Congress for Selected Positions*.

- the manner in which an office defines casework;
- office strategy for outreach, including decisions regarding the solicitation of casework; and
- Member priorities.

## **Constituent Privacy Protections**

Federal law and agency regulations can affect congressional access to casework-related information held by executive branch agencies. Two main laws, the Privacy Act of 1974<sup>10</sup> and the Health Insurance Portability and Accountability Act of 1996 (HIPAA),<sup>11</sup> protect constituent records in a variety of casework scenarios. The Privacy Act, discussed in greater detail below, affects most constituents with casework inquiries that require interaction with a federal agency. HIPAA may affect constituents with casework inquiries that involve medical or other health care information. Other federal laws and agency regulations may protect certain constituent information in agency records.<sup>12</sup> Regulations issued by the Department of Homeland Security (DHS), for example, may affect constituents with immigration concerns.

## **The Privacy Act**

Under the Privacy Act, each executive branch agency that maintains records containing an individual's personally identifiable information must have a release from that individual to share information with any other entity. In general, agencies cannot reply to a congressional inquiry without a Privacy Act release from the constituent requesting assistance.<sup>13</sup> Sample authorizations are included below.

Constituent correspondence sent to a Member's office does not fall under the protections provided by the Privacy Act or any other statute safeguarding personally identifiable records. Due to the high probability of an expectation of privacy concerning these communications, and Member interest in maintaining the confidentiality of office activities, many congressional offices develop a policy for safeguarding the privacy of casework-related documents. Such a policy could include limiting access to casework correspondence files, including working drafts of correspondence, to office personnel assigned to constituent service duties.

## **HIPAA**

Rules promulgated under HIPAA give patients the right of access to their medical information and prohibit health plans and health-care providers from using or disclosing identifiable information to most individuals or entities without a patient's written authorization.<sup>14</sup> Examples of constituent inquiries that might involve medical information include claims for benefits under the following programs: Social Security disability; veterans' programs; Medicare; disaster relief;

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<sup>10</sup> P.L. 93-579, 5 U.S.C. 552a.

<sup>11</sup> P.L. 104-191, 42 U.S.C. 201 note.

<sup>12</sup> For example, 26 U.S.C. 6103 addresses confidentiality and disclosure of taxpayer returns and return information by the Internal Revenue Service (IRS).

<sup>13</sup> Some congressional offices also provide casework services related to nonfederal issues. In these circumstances, state or municipal regulations related to privacy protection may need to be addressed to provide assistance to constituents.

<sup>14</sup> 45 C.F.R. Parts 160, 164.



medical services to military members injured on active duty, or to military members, their dependents, and retirees through TRICARE;<sup>15</sup> workers' compensation; and immigration.

Some agencies have determined that congressional requests for medical information related to casework inquiries require a HIPAA release. Procedures for securing patient consent to release information or to provide information to third parties may vary from agency to agency.

## Immigration Casework

Access to information related to immigration cases may be governed by the Privacy Act, HIPAA, or regulations of DHS. Constituents with cases before DHS entities, including United States Citizenship and Immigration Services (USCIS) and United States Immigration and Customs Enforcement (USICE), might be requested to complete an agency-specific form instead of or in addition to a Privacy Act release before DHS immigration-related entities will communicate with congressional offices.<sup>16</sup>

## The CASES Act

The Creating Advanced Streamlined Electronic Services for Constituents Act of 2019, or the CASES Act,<sup>17</sup> is intended to modernize and simplify what has been an inconsistent and variable process of obtaining an individual's written consent for information disclosure. The act would enable citizens to provide electronic authorization to additional parties, including Members of Congress for assistance with casework matters, replacing requirements and informal practices for verbal or email authorizations, or "wet" signatures on paper forms.

The CASES Act required the Office Management and Budget (OMB) to issue guidance requiring agencies to accept electronic identity proofing and authentication processes that citizens could use to consent to gaining personal access to, or the disclosure of, an individual's records in possession of a federal agency to another party; and requiring each agency to accept electronic consent and access forms.

Agencies were required by November 21, 2021, to comply with OMB implementation guidance. The extent to which agencies have complied with congressional and OMB requirements is questionable,<sup>18</sup> and it does not appear that most agencies are able to consistently accept Privacy Act or other privacy releases.

## Establishing Procedures: A Casework Manual

Based on the priorities identified in individual congressional offices, many offices compile documentation to clarify policies related to casework. Having a manual or established protocol can help offices ensure consistency in their casework practices. This type of document is not required, and there is no congressional standard regarding its format or contents. All decisions regarding activities and operations in a Member's office are within the discretion of the Member, subject to chamber rules and relevant statute. Procedures are typically developed by modifying

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<sup>15</sup> TRICARE is a managed health care program provided by the Department of Defense (DOD) for active duty military, active duty service families, retirees and their families, and other beneficiaries, available at <http://www.tricare.mil/>.

<sup>16</sup> Further information for congressional offices is available from USCIS at <https://www.uscis.gov/congress/>.

<sup>17</sup> P.L. 116-50, 5 U.S.C. 101 note.

<sup>18</sup> For further consideration of the CASES Act, see CRS In Focus IF12382, *The CASES Act: Implementation Challenges*, and CRS In Focus IF12159, *The CASES Act: Implementation and Issues for Congress*.

# Pocket Constitution



The Declaration of Independence  
The Constitution of the United States  
The Bill of Rights  
Amendments XI–XXVII  
Gettysburg Address



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standardized outlines and protocols to a particular office, based on the priorities and goals of that office and the preferences and needs of the Member's constituents. The outline below suggests questions to help develop an office casework manual addressing those demands. Sample documents, which may be used in whole or in part, are also provided.

## Introduction to Casework

This section of the manual could be where congressional offices explain their approach to constituent service. This section could also explain the role of casework in relation to broader office goals and the caseworker's role in meeting those goals. Questions that might be addressed in this section include the following:

- What are the goals of the office?
- How does casework support or facilitate the achievement of those goals?
- Where does casework fit in terms of office priorities?

## Office Organization

This section could provide an overview of office organization and operations. Questions that might be addressed in this section include the following:

- What do caseworkers do?
- Will caseworkers work on specific agency/issue areas or will they all be generalists?
- Who supervises caseworkers, and what is the extent of that supervision?
- Where does casework fit in the office organization?

## Casework Rules and Practices

This section could incorporate the rules and guidelines regarding casework of the House or Senate, as appropriate. Such documents could include Senate Rule XLIII and the *Senate Ethics Manual*, Chapter 8, "Constituent Services," available at <http://ethics.senate.gov/downloads/pdffiles/manual.pdf>, or the *House Ethics Manual*, Chapter 8, "Casework," available at <https://ethics.house.gov/house-ethics-manual>. In addition, this section could detail rules or procedures specific to the particular congressional office. Questions that might be addressed in this section include

- how to contact the Senate Ethics Committee or the House Ethics Committee, as appropriate;
- practices for storing casework records;
- a review of office security and personal safety procedures; and
- strategies for dealing with people who may be uncooperative, scared, angry, etc.

## Step-by-Step Considerations of Casework Activities

### Intake

Intake describes the process by which constituents request casework services and a congressional office prepares to respond. Intake procedures could define the information and materials needed from constituents, including descriptions of the problem according to the constituent and related

documentation, as well as the release of personal information from agencies under various authorities (see “Sample Documents and Release Forms” below) as appropriate, if necessary. Questions that might be addressed in developing procedures for the intake process include the following:

### **Office Procedures**

- Who is responsible in your office for intake (caseworkers, outreach or reception staff, everyone)?
- What training or protocols are necessary so that everyone charged with intake can do the job effectively?
- How will case requests made during outreach and other public events be incorporated into the casework system?

### **Working with Constituents**

As part of the intake process, it is generally necessary to determine the scope of the constituent’s case and to set expectations between the caseworker and the constituent. Questions that might be addressed in developing procedures for working with constituents include the following:

- What procedures might be necessary to obtain a privacy release from constituents who cannot read English or sign their own name?
- Will the office open a case on behalf of constituents represented by family members or other individuals who hold a power of attorney, or are legally appointed as a guardian to act on their behalf?
- Will the office open a case on behalf of a constituent represented by an attorney or other paid representative? If so, will the office work with the attorney, the constituent, or both?
- How will the office communicate with constituents?
- How will nonwritten contact be documented?
- How frequently will the office communicate with constituents to provide updates, status checks, or other information?
- How will the office communicate these expectations to the constituent?
- What procedures need to be in place to address potentially high-profile cases?

### **Case Management and Scheduling**

- How much time will the office allow between a constituent inquiry and a response by the office, such as an acknowledgment or a request for more information?
- How much time will the office allow for a constituent to reply to follow up?
  - After that time has elapsed, will the office send a reminder letter or close the case file?
  - How long will incomplete case files due to missing privacy release or other documentation from a constituent remain active?
- Who has access to the constituent correspondence management system (CMS) for reviewing cases, updating records, and closing and archiving files?

## Working with Agencies

At the end of the intake process, it is necessary to identify and contact the appropriate agency to address the constituent's concerns. Preliminary information on agencies with congressional liaison offices can be obtained from CRS's directory of Congressional Liaison Offices of Selected Federal Agencies, at <http://www.crs.gov/resources/liaisonoffices/>. Questions that might be addressed in developing procedures for working with executive branch agencies include the following:

- How much time will the office allow between establishing complete constituent information and contact with the agency?
- How much time will the office allow between initial agency contact and subsequent follow up?
- How much time will the office allow between receiving the agency's response and communicating the response to the constituent?
- Is it necessary to establish specific protocols for working with individual agencies? (A list of agencies for which protocols might be developed is provided below.)

## Closing out Casework

- How will the office communicate the agency's final response to the constituent?
- How long, and in what format, will the office maintain records regarding the case?
- Will the office track casework outcomes, and, if so, how?

## Casework Records

A common concern regarding casework records is their maintenance while cases are open, and their disposition when cases are concluded. The House and Senate consider the records generated in a Member's office to be the personal property of the Member,<sup>19</sup> and policies regarding casework records are at the discretion of individual Member offices.

## Agencies for Which Casework Services Might be Requested

American Battle Monuments Commission	Department of Labor
AmeriCorps (Corporation for National and Community Service)	Occupational Safety and Health Administration
Amtrak	Office of Administrative Law Judges
Appalachian Regional Commission	Office of Disability and Employment Policy
Central Intelligence Agency	Office of Workers' Compensation Programs

<sup>19</sup> House Rule VII (6)(b); 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. Guidance for House offices is available from U.S. House, *Records Management Manual for Members*, at <https://housenet.house.gov/sites/housenet.house.gov/files/documents/member-archives-manual.pdf>.

Commission on Fine Arts	Department of State
Commodity Futures Trading Commission	Bureau of Consular Affairs
Consumer Financial Protection Bureau	Department of the Interior
Department of Agriculture	Bureau of Indian Affairs
Agricultural Marketing Service	Bureau of Land Management
Animal and Plant Health Inspection Service	Bureau of Reclamation
Farm Service Agency	Fish and Wildlife Service
Food and Nutrition Service	National Park Service
Food Safety and Inspection Service	Department of the Treasury
Forest Service	Alcohol and Tobacco Tax and Trade Bureau
Rural Housing Service	Bureau of the Fiscal Service
Department of Commerce	Comptroller of the Currency
Economic Development Administration	Financial Crimes Enforcement Network
International Trade Administration	Internal Revenue Service
Minority Business Development Agency	Office of Foreign Assets Control
National Institute of Standards and Technology	Department of Transportation
National Telecommunications and Information Administration	Federal Aviation Administration
Patent and Trademark Office	Department of Veterans Affairs
U.S. Census Bureau	National Cemetery Administration
Department of Defense	Veterans Benefits Administration
Defense Counterintelligence and Security Agency	Veterans Health Administration
Defense Finance and Accounting Services	Election Assistance Commission
Defense Intelligence Agency	Environmental Protection Agency
Defense Logistics Agency	Equal Employment Opportunity Commission
Joint Chiefs of Staff	Fannie Mae
National Geospatial-Intelligence Agency	Farm Credit Administration
National Guard Bureau	Federal Communications Commission
National Security Agency/Central Security Service	Federal Deposit Insurance Corporation
U.S. Air Force	Federal Election Commission
U.S. Army	Federal Housing Finance Agency
Arlington National Cemetery	Federal Labor Relations Authority
Office of Army Cemeteries	Federal Maritime Commission
U.S. Army Corps of Engineers	Federal Retirement Thrift Investment Board
U.S. Marine Corps	Federal Trade Commission
U.S. Navy	Freddie Mac
U.S. Space Force	General Services Administration
Department of Education	Legal Services Corporation
Department of Energy	Library of Congress



Department of Health and Human Services

Centers for Disease Control and Prevention  
Centers for Medicare and Medicaid Services  
Food and Drug Administration  
Health Resources and Services Administration  
Indian Health Service  
National Institutes of Health  
Substance Abuse and Mental Health Services Administration  
U.S. Public Health Service

Department of Homeland Security

Citizenship and Immigration Services Ombudsman  
Federal Emergency Management Agency  
Transportation Security Administration  
U.S. Citizenship and Immigration Services  
U.S. Coast Guard  
U.S. Customs and Border Protection  
U.S. Immigration and Customs Enforcement

Department of Housing and Urban Development

Federal Housing Administration

Department of Justice

Bureau of Alcohol, Tobacco, Firearms, and Explosives  
Bureau of Prisons  
Drug Enforcement Administration  
Federal Bureau of Investigation  
Office of Justice Programs  
U.S. Marshals Service

U.S. Copyright Office

Merit Systems Protection Board  
National Aeronautics and Space Administration  
National Archives and Records Administration  
National Endowment for the Arts  
National Endowment for the Humanities  
National Labor Relations Board  
National Science Foundation

National Transportation Safety Board

Occupational Safety and Health Review Commission

Office of Personnel Management

Office of Special Counsel

Peace Corps

Pension Benefit Guaranty Corporation

Railroad Retirement Board

Sallie Mae

Securities and Exchange Commission

Selective Service System

Small Business Administration

Smithsonian Institution

Social Security Administration

Tennessee Valley Authority

U.S. Commission on Civil Rights

U.S. Consumer Product Safety Commission

U.S. Postal Service

## CRS Resources

The CRS Casework Resources Webpage, available at <https://www.crs.gov/resources/casework>, provides a number of reports, links to websites, and other materials that may be of assistance to congressional constituent service staff.

## Sample Documents and Release Forms<sup>20</sup>

### Sample Constituent Guide/Newsletter Piece/Outreach Handout

As a Member of Congress, one of my most important responsibilities is to help constituents interact with the many agencies and offices of the federal government. Staff in my office can provide you with basic information, such as a federal agency phone number, and help you with governmental procedures, such as applying for a passport or visa. In addition, my staff can help with matters involving other government agencies and programs, including

- military awards and commendations;
- veterans' benefits;
- Social Security and Medicare benefits;
- immigration matters;
- federal worker injury compensation;
- small-business concerns;
- tax matters and the Internal Revenue Service;
- housing;
- student loans; and
- military academy applications.

Although we cannot force an agency to expedite your case or act in your favor, we can frequently intervene to facilitate the processes involved, encourage an agency to give your case consideration, and sometimes advocate for a favorable outcome.

My office is unable to offer legal advice or recommend an attorney. The rules of the <HOUSE/SENATE> do not allow me to intervene in or influence the outcome of cases that are under the jurisdiction of any court. Finally, my office cannot intervene in matters under the jurisdiction of local or state governments. Although I cannot guarantee a particular outcome, my staff and I will do our best to help you receive a fair and timely response regarding your problem.

If I may be of assistance to you, please contact my \_\_\_\_\_ office at \_\_\_\_\_. I look forward to hearing from you.

### Initial Correspondence with Constituents Opening a Case

Dear <CONSTITUENT>:

Thank you for contacting me about your concerns with <AGENCY> and its actions regarding <BRIEF SUMMARY OF PROBLEM>. I appreciate the opportunity to assist you.

My office can frequently intervene to facilitate the processes involved, encourage an agency to give your case consideration, and sometimes advocate for a favorable outcome. As my staff address your concerns and work to secure a response from <AGENCY>, please bear in mind that the rules of the <HOUSE/SENATE> do not allow me to force an agency to expedite your case or to act in your favor. My office is not able to offer legal advice or recommend an attorney, or intervene in, or influence the outcome of, cases that are under the jurisdiction of any court. Finally, our office cannot intervene in matters under the jurisdiction of local or state governments.<sup>21</sup>

To begin the process, please sign and return the enclosed form allowing <AGENCY> to release information about your case to my office. This requirement falls under the provisions of the Privacy Act of 1974. The release must

<sup>20</sup> The following are sample documents and are not intended to be definitive. Any information may be deleted or modified as appropriate to specific Member office policies and procedures.

<sup>21</sup> Some congressional offices offer assistance on matters related to state or municipal policies and services. If a congressional office does not address these matters, an office might choose to provide contact information for the appropriate local or state officials here.

be signed by the person directly affected, unless the person is a minor, or a third party has a notarized power of attorney.<sup>22</sup> Once we have the release, we can begin to work on your case.

If you have any questions, please contact <STAFFER> at <PHONE>. My staff and I look forward to working with you.

Sincerely,

<MEMBER OF CONGRESS>

### **Additional Text Related to Opening a Case**

Some offices may wish to provide or request additional information to facilitate case management. Examples of sample text for selected purposes might include specifying methods of communication, agency-specific information that might be helpful, or how to manage health care information.

#### ***Supplement 1 to Initial Correspondence: Preferred Contact***

For us to better assist you, please provide, in writing, a summary of the problem you are facing with <FEDERAL AGENCY>. A written statement helps ensure that we have a record of all the pertinent details that the agency will need. Please mail your information to <OFFICE MAILING ADDRESS>, or you can e-mail it to <STAFF NAME> at <STAFF E-MAIL ADDRESS>.

#### ***Supplement 2 to Initial Correspondence: Provide Information (Generic)***

In order for us to better work with the agency on your behalf, please provide my office with any pertinent information or claim numbers in your correspondence, such as

- your Social Security number, if your case involves the Social Security Administration;
- your A# or case number, if your case involves immigration or visa matters;
- your service number from the military, if your case involves military member benefits; or
- your claim number from the Department of Veterans Affairs, if your case involves veterans' benefits.

If you have received any related correspondence or documents from the agency involved, please send those to us as well. My office conducts most of its correspondence via <EMAIL/MAIL>, and it would help us work most efficiently if you would communicate with us this way. Please send your materials to <STAFF NAME> at <EMAIL/MAILING ADDRESS>.

#### ***Supplement 3 to Initial Correspondence: Agency-Specific Requests***

For the <AGENCY NAME> to process your case, you must complete a <FORM NAME> from the agency. The <AGENCY NAME> will not respond to any inquiries from my office without it. This form is available online at <AGENCY WEBSITE>, or you may request one through my office.

#### ***Supplement 4 to Initial Correspondence: Healthcare Information***

Since your case involves medical or healthcare information, we also ask that you complete the enclosed release specifically authorizing access to the medical records necessary to resolve your case, as required by the Health Insurance Portability and Accountability Act of 1996 (HIPPA).

<sup>22</sup> Some congressional offices do not accept cases through a power of attorney. Some agencies may or may not accept a power of attorney provided through a congressional office.

## Simple Privacy Act Release Form

<CONSTITUENT>

<CONSTITUENT ADDRESS>

[Date]

To Whom It May Concern:

Pursuant to the Privacy Act of 1974, as amended, 5 U.S.C. 552a, I authorize the <FEDERAL DEPARTMENT OR AGENCY> to provide information regarding my records to <MEMBER OF CONGRESS>.

<CONSTITUENT SIGNATURE>

## Sample Privacy Act and HIPAA Release Form

<CONSTITUENT>

<CONSTITUENT ADDRESS>

[Date]

To Whom It May Concern:

Pursuant to the Privacy Act of 1974, as amended, 5 U.S.C. 552a, I authorize the <FEDERAL DEPARTMENT OR AGENCY> to provide information regarding my records to <MEMBER OF CONGRESS>. Pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended, 42 U.S.C. 1320d, I authorize the release to <MEMBER OF CONGRESS> of any protected health information related to my case that may be held by <FEDERAL DEPARTMENT OR AGENCY> to assist in resolving my case.

<CONSTITUENT SIGNATURE>

## Case Information and Privacy Act Release Form

### Information Release

The Privacy Act of 1974 is a federal law designed to protect you from any unauthorized use and exchange of personal information by federal agencies. Any information that a federal agency has on file regarding your dealings with the United States government may not, with a few exceptions, be given to another agency or Member of Congress without your written permission. Specific protections of health care information are established in the Health Insurance Portability and Accountability Act of 1996 (HIPAA). Some agencies might require additional protections to ensure that your personal information is protected. Family members, friends, or other interested parties generally may not authorize on your behalf the release of information covered by the Privacy Act, HIPAA or agency practices.

*Please describe the situation for which you are requesting assistance:*

I hereby request the assistance of the Office of <REPRESENTATIVE/SENATOR> to resolve the matter described above. I authorize <REPRESENTATIVE/SENATOR> and <HIS/HER> staff to receive any information that they might need to provide this assistance.

The information I have provided to <SENATOR/REPRESENTATIVE> is true and accurate to the best of my knowledge and belief. The assistance I have requested from <MEMBER>'s office is in no way an attempt to evade or violate any federal, state, or local law.<sup>23</sup>

SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_

Name: (please print) \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Day Telephone: \_\_\_\_\_ Evening Telephone: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Federal Agency Involved: \_\_\_\_\_

Case Number (if applicable): \_\_\_\_\_

## Response Correspondence 1: Completed Response from Agency

Dear <CONSTITUENT>,

The attached <LETTER/E-MAIL> was received from <AGENCY> in response to my recent inquiry on your behalf. I hope the information provided is helpful.

If I may be of further assistance, please contact me.

Sincerely,

<MEMBER OF CONGRESS> or <CONGRESSIONAL STAFF>

<sup>23</sup> Some congressional offices require constituents to certify that their case requests are lawful. This certification is not required. Some agencies may pursue civil or criminal remedies against constituents who do not provide truthful information when seeking public benefits or assistance.

## Response Correspondence 2: Partial/Interim Response from Agency

Dear <CONSTITUENT>,

The attached <LETTER/E-MAIL> was received from <AGENCY> in response to my recent inquiry on your behalf. While this is not a final resolution to your case, I do hope this information will be helpful to you.

Should you not hear from the <AGENCY> by <DATE>, please contact <CONGRESSIONAL STAFF> at my <STATE/DISTRICT/WASHINGTON> congressional office.

If I may be of further assistance, please contact me.

Sincerely,

<MEMBER OF CONGRESS> or <CONGRESSIONAL STAFF>

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