

## United States Senate

September 21, 2023

The Honorable Ur Jaddou  
U.S. Citizenship and Immigration Services  
20 Massachusetts Ave NW  
Washington, DC 20001

Dear Director Jaddou,

We write to inquire about your agency's implementation of the statutory requirements established by the *Creating Advanced Streamline Electronic Services for Constituents Act of 2019 (CASES Act)*. The *CASES Act* was enacted into law to enhance the accessibility of and otherwise improve the services provided by congressional offices to our constituents. As offices that prioritize customer service to our respective constituencies, we believe it is vital for the *CASES Act* to be implemented as required under law; failure to do so only disserves American taxpayers across the country.

The *CASES Act* was unanimously approved by the United States House of Representatives and the United States Senate in 2019 before being enacted into law.<sup>1</sup> The intent of this Act is to update and streamline the casework privacy release form process used by congressional offices to assist constituents who contact federal agencies. As offices that focus on serving constituents with efficiency, we use data to monitor how quickly we are able to resolve issues. Although we cannot control how quickly a federal agency responds to our inquiries, we can control how quickly we respond to a constituent and open an inquiry. One barrier to opening an inquiry is the time required to receive a signed *privacy act release form*. As elected officials, we recognize and appreciate the importance of receiving signed authorization from a constituent prior to any federal agency providing us information on said individual. No one, not even a Member of Congress, should be able to access sensitive information without their express permission.

The *CASES Act* provided constituents the option to electronically authorize their congressional offices to engage with federal agencies on their behalf. Prior to enactment of the *CASES Act*, Members of Congress were required to obtain written authorization from a constituent before taking action to resolve the individual's case. The *CASES Act* modernizes this outdated and often inconvenient process that often creates unnecessary delays in issue resolution.

In November 2020, the Office of Management and Budget (OMB) issued guidance, as required by the *CASES Act*, outlining federal agencies' responsibilities for accepting digitally-formatted access and consent forms from individuals who are properly identity proofed and authenticated.<sup>2</sup> Under this Act, each federal agency is required to comply with

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<sup>1</sup> H.R. 1079/S. 435, the *Creating Advanced Streamline Electronic Services for Constituents Act* (P.L. 116-50), enacted into law on August 22, 2019.

<sup>2</sup> U.S. Office of Management and Budget, Memorandum for the Heads of Executive Departments and Agencies (M-21-04), from OMB Director Russell T. Vaught, entitled, "Modernizing Access to and Consent for Disclosure of

OMB's guidance within one year of the date on which such guidance was issued. This compliance date was November 12, 2020.

On January 17, 2023, the Congressional Research Service (CRS) made a preliminary assessment of the websites of 85 federal entities that typically interact with congressional offices during casework inquiries to examine the extent of agency compliance with the *CASES Act*.<sup>3</sup> CRS specifically noted that: "*Of the 85 entities assessed, 17 had web addresses that OMB directed as the landing page (www.[agency].gov/privacy) for access to CASES Act-mandated forms. 66 had privacy landing pages available at a wide variety of web addresses. Two entities had no identifiable privacy landing pages. Of the 83 entities with privacy landing pages, none appeared to provide direct access to CASES Act-mandated forms there*" (emphasis added).<sup>4</sup>

It is disheartening to learn that, despite this bill's unanimous passage in Congress, the implementation process has been sluggish, ineffective, and, in some cases, non-existent. While OMB adhered to its statutory requirements, most agencies seem to be lagging woefully behind. It has been nearly three years since OMB issued its guidance to federal agencies, making agency compliance nearly two years overdue and putting us no closer to serving constituents in a manner that is more accessible or streamlined.

When the *CASES Act* was signed into law, lawmakers saw this legislation as an opportunity to both modernize how the federal government operates constituent services and improve efficiency and accessibility for constituents. To help Congress better understand your agency's compliance with the *CASES Act*, as well as challenges that may be associated with such compliance, please kindly provide a response to the following questions no later than 5:00 p.m. on October 23, 2023:

1. Please provide the date on which your agency fully implemented the statutory requirement to:
  - a. accept remote identity proofing and authentication to allow an individual to request access to their records or to provide prior written consent authorizing disclosure of their records under the *Privacy Act*;
  - b. post on the agency website's privacy program page (www.[agency].gov/privacy) the forms developed using OMB-provided templates, as customized by the agency;
  - c. update all relevant portions of the agency website that pertain to obtaining access to records with forms and instructions on how to submit requests digitally; and
  - d. accept the access and consent forms from any individual properly identity-proofed and authenticated through digital channels for the purpose of individual access to records or for authorizing disclosure of the individual's records to another person

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<sup>3</sup> Congressional Research Service, "The Cases Act: Implementation Challenges," (IF12382)(April 13, 2023), <https://www.crs.gov/Reports/IF12382?source=search>.

<sup>4</sup> Ibid, pg. 2.

records or for authorizing disclosure of the individual's records to another person or entity, including a congressional office.

2. If your agency has not fully implemented 1a-1d, please provide a timeline by which these requirements will be fully implemented, broken down by category (i.e., 1a, 1b, 1c, and 1d).
3. If your agency has not fully implemented the statutory and regulatory requirements of the *CASES Act*, please include a description of any challenges that your agency faces when working to come into full compliance.

As described in S.Rept. 116-50, the Senate Committee on Homeland Security and Governmental Affairs report detailing the need for this legislation, the Act is intended to modernize and simplify what had become an inconsistent and variable process of obtaining an individual's written consent for information disclosure. We appreciate your attention to this matter, and we look forward to your timely response.

Sincerely,



Senator Mike Braun



Senator Tom Carper

CC: The Honorable Shalanda Young, OMB Director; The Honorable Gary Peters, Chair, Senate Committee on Homeland Security and Governmental Affairs; The Honorable Rand Paul, Ranking Member, Senate Committee on Homeland Security and Governmental Affairs



**U.S. Citizenship  
and Immigration  
Services**

November 17, 2023

The Honorable Mike Braun  
United States Senate  
Washington, DC 20510

Dear Senator Braun:

Thank you for your September 21, 2023 letter to U.S. Citizenship and Immigration Services (USCIS) regarding USCIS' implementation of the statutory requirements established by the Creating Advanced Streamline Electronic Services for Constituents Act of 2019 (CASES Act).

To ensure efficient and streamlined congressional advocacy on behalf of constituents, USCIS Office of Legislative Affairs (OLA) has established a website for congressional staff at <https://uscis.gov/congress>. While OLA offers an online web portal for congressional staff to use when submitting an inquiry, to protect the privacy of those we serve, we continue to require a privacy release with a signature that can be compared to signatures on file with USCIS. Note that the OLA web portal can only be accessed from a U.S. Government computer.

USCIS OLA has posted a Privacy Release Template at <https://www.uscis.gov/congress/congressional-casework> that may be used for congressional inquiries. Use of this privacy release template is not required. Congressional offices may tailor their own letterhead to satisfy the privacy release requirements. Information regarding USCIS' Privacy Program that went live in March 2019 can be found at: <https://www.uscis.gov/records/request-records-through-the-freedom-of-information-act-or-privacy-act> and <https://www.uscis.gov/website-policies/privacy-and-legal-disclaimers>. These were last updated December 2022.

USCIS also provides updates and information directly to congressional staff using GovDelivery. Any information shared directly with congressional staff on the GovDelivery platform is also shared with OLA and congressional liaisons across the agency.

Although USCIS OLA does not currently provide some of the access outlined in the CASES Act, we are working to identify a CASES Act compliant remote identity proofing solution for our online account platform following the National Institute of Standards Technology (NIST) standards.

The Honorable Mike Braun  
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Thank you again for your letter and interest in this important issue. The cosigner of your letter will receive a separate, identical response. Should you require any additional assistance, please have your staff contact the USCIS Office of Legislative Affairs at (240) 721-3801.

Respectfully,

A handwritten signature in black ink, appearing to read "Ur M. Jaddou", followed by a long horizontal flourish.

Ur M. Jaddou  
Director