

**Congress of the United States**  
**House of Representatives**

COMMITTEE ON OVERSIGHT AND REFORM

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WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051  
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<https://oversight.house.gov>

January 12, 2022

The Honorable Ur M. Jaddou  
Director  
U.S. Citizenship and Immigration Services  
5900 Capital Gateway Drive  
Camp Springs, MD 20588

Dear Director Jaddou:

We are writing to request information regarding the U.S. Citizenship and Immigration Services' implementation of the Creating Advanced Streamlined Electronic Services for Constituents Act of 2019, known as the CASES Act, enacted on August 22, 2019.<sup>1</sup> Consistent implementation of the law is crucial to avoid putting additional burdens on constituents seeking assistance with federal agencies and to fulfill congressional intent to simplify the casework process. Your input will inform future oversight efforts of CASES Act implementation.

The public relies on the government for many essential benefits and services. Immigrants and refugees, for example, rely on U.S. Citizenship and Immigration Services to process their visa, naturalization, and asylum applications in a timely manner. Individuals need the government when they are most vulnerable—because a flood destroyed their home, the pandemic affected their small business or forced them to get laid off, or they returned from a war zone and need mental and physical health care resulting from their service to this nation. Navigating these federal services can be confusing and cumbersome, so constituents often seek help from their members of Congress.

Prior to the passage of the CASES Act, the law required constituents to fax, scan, or mail a sheet of paper to their member of Congress simply to *authorize* the congressional office to work with relevant federal agencies on their behalf. In particular, the Privacy Act of 1974 “prohibits disclosure by Federal agencies of any record contained in a system of records, except pursuant to a written request by or with the prior written consent of the individual to whom the record pertains.”<sup>2</sup> This provision required congressional offices to seek **written** authorization from constituents before working with relevant federal agencies to resolve their case, putting undue burden on constituents and caseworkers alike.

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<sup>1</sup> Pub. L. No. 116-50, 133 Stat. 1073 (2019).

<sup>2</sup> Pub. L. No. 93-579 (1974).

Congress passed the bipartisan CASES Act to change this. The law amends the outdated provision of the Privacy Act of 1974 and requires agencies to accept digital signatures for privacy authorization forms that enable members of Congress to work with federal agencies on behalf of their constituents. In short, Congress intended for the CASES Act to make it easier for members to help constituents engage with the federal government.

In particular, the CASES Act requires the Office of Management and Budget (OMB) to issue guidance that “requires each agency to accept electronic identity proofing and authentication processes for the purposes of allowing an individual to provide prior written consent for the disclosure of the individual’s records” under the Privacy Act.<sup>3</sup> OMB promulgated such guidance on November 12, 2020, mandating that agencies accept online digital forms and remote identity-proofing and authentication for these purposes. The guidance directed agencies to implement the specified requirements within one year, by November 12, 2021.<sup>4</sup>

OMB’s guidance compels federal agencies to implement their own remote identity-proofing and digital privacy request form solutions. If done right, a streamlined implementation of the CASES Act will reduce burden on agencies, caseworkers, and the public. These goals are aligned with President Biden’s Executive Order, “Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government,” which “directs Federal agencies to put *people* at the center of everything Government does.”<sup>5</sup>

To evaluate your agency’s progress in implementing the CASES Act, please respond to the following questions:

1. Please provide the status of your agency’s implementation of the requirement in the CASES Act and the OMB guidance that agencies accept “remote identity-proofing and authentication through digital processes,” including the final date of implementation.<sup>6</sup>
  - a. Does your agency plan to utilize login.gov, a shared service digital identity solution implemented by the General Services Administration?<sup>7</sup> If not, what solution does it plan to use?

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<sup>3</sup> Pub. L. No. 116-50 (2019).

<sup>4</sup> Memorandum from Director Russell T. Vought, Office of Management and Budget, to the Heads of Executive Departments and Agencies, *Modernizing Access to and Consent for Disclosure of Records Subject to the Privacy Act* (Nov. 12, 2020) (online at [www.whitehouse.gov/wp-content/uploads/2020/11/M-21-04.pdf](http://www.whitehouse.gov/wp-content/uploads/2020/11/M-21-04.pdf)).

<sup>5</sup> Exec. Order No. 14058, 86 Fed. Reg. 71357 (Dec. 16, 2021).

<sup>6</sup> Memorandum from Director Russell T. Vought, Office of Management and Budget, to the Heads of Executive Departments and Agencies, *Modernizing Access to and Consent for Disclosure of Records Subject to the Privacy Act* (Nov. 12, 2020) (online at [www.whitehouse.gov/wp-content/uploads/2020/11/M-21-04.pdf](http://www.whitehouse.gov/wp-content/uploads/2020/11/M-21-04.pdf)).

<sup>7</sup> Login.gov, *Home Page* (online at [www.login.gov](http://www.login.gov)) (accessed Dec. 16, 2021).

- b. If a constituent is unable or unwilling to use your agency’s remote identity-proofing solution, how else will they be able to prove their identity?
    - c. Do you plan to undertake user testing to ensure that the remote identity-proofing solution your agency adopts is user-friendly, intuitive, and based in a customer-focused design?
  2. OMB guidance requires that as
    - agencies determine the specific information required to verify an individual’s identity, establish consent, and identify relevant records, they should apply the minimization principle ... and ensure that they limit the collection of personally identifiable information to the minimum that is directly relevant and necessary for this purpose.

Please describe how your agency is applying the minimization principle to the most common records requests from congressional offices.

    - a. Please share the access and consent forms your agency plans to post (or has already posted) on [uscis.gov/privacy](https://uscis.gov/privacy), as required by OMB guidance.
    - b. If your agency uses the Social Security number as a personal identifier, have you explored alternatives?
  3. OMB guidance requires that agencies “provide a digital service option to ensure that individuals have the ability to digitally request access to or consent to disclosure of their records.” How will your agency’s digital service option—including its remote identity proofing solution and access and consent forms—reduce administrative burden, address inequities, and streamline existing casework processes, in alignment with the Biden-Harris Management Agenda?<sup>8</sup>
  4. Describe your agency’s plan to communicate CASES Act policies and procedures to congressional liaisons in its Office of Legislative Affairs and to caseworkers in congressional offices.
  5. Are there any obstacles to your agency’s user-centric implementation of the CASES Act? If so, please describe those obstacles.

Thank you for your attention to this matter. Proper implementation of the CASES Act will significantly improve the process and quality of assistance Americans receive when

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<sup>8</sup> President’s Management Agenda, *The Biden-Harris Management Agenda Vision: Toward an Equitable, Effective, and Accountable Government that Delivers Results for All* (online at [https://assets.performance.gov/PMA/Biden-Harris\\_Management\\_Agenda\\_Vision\\_11-18.pdf](https://assets.performance.gov/PMA/Biden-Harris_Management_Agenda_Vision_11-18.pdf)) (accessed Dec. 6, 2021).

engaging with your agency. We look forward to learning about your implementation progress on the CASES Act. Please provide the requested information by February 2, 2022.

The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. If you have any questions regarding this request, please contact Committee staff at (202) 225-5051.

Sincerely,



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Gerald E. Connolly  
Chairman  
Subcommittee on Government  
Operations



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Jody Hice  
Ranking Member  
Subcommittee on Government  
Operations



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

March 22, 2021

The Honorable Gerald E. Connolly  
Chairman  
Subcommittee on Government Operations  
U.S. House of Representatives  
Washington, DC 20515

Dear Chairman Connolly:

Thank you for your January 12, 2022 letter regarding implementation of the Creating Advanced Streamlined Electronic Services for Constituents Act of 2019.

Being a service providing agency, U.S. Citizenship and Immigration Services (USCIS) is mindful of the need to create reliable, secure, and efficient ways to interact with other government entities and the public. USCIS is committed to providing information to individuals and to Congress, while ensuring that privacy and security concerns are observed. Enclosed, you will find answers to the questions posed in your January 12, 2022 letter, and we would welcome a meeting or briefing to further discuss these efforts.

Thank you again for your letter and interest in this important issue. Representative Hice who cosigned 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 that reads "Ur M. Jaddou". The signature is written in a cursive style with a long horizontal line extending to the right.

Ur M. Jaddou  
Director

Enclosure

**U.S Citizenship and Immigration Services Response to  
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- 1. Please provide the status of your agency’s implementation of the requirement in the CASES Act and the OMB guidance that agencies accept “remote identity-proofing and authentication through digital processes,” including the final date of implementation.**

- a. Does your agency plan to utilize login.gov, a shared service digital identity solution implemented by the General Services Administration? If not, what solution does it plan to use?**

U.S. Citizenship and Immigration Services (USCIS) Office of Information Technology (OIT) is re-evaluating the login.gov services offered by the General Services Administration to determine whether this service is appropriate for USCIS’ online processes. OIT is also working with the Department of Homeland Security’s Science & Technology Directorate and the Chief Technology Officer to create a robust remote identity proofing process for USCIS that complies with the National Institutes of Standards and Technology (NIST) guidelines and ensures that USCIS appropriately verifies the identity of those who remotely access our systems to request information or file for an immigration benefit online.

USCIS continues to use the online account service built through the agency’s portal to enable customers to securely file immigration benefit requests, upload evidence in support of the submitted benefit requests, obtain detailed case status, send secure messages to USCIS, and pay filing fees electronically.

Regarding immediate solutions for efficient and streamlined congressional advocacy on behalf of constituents, USCIS’ Office of Legislative Affairs (OLA) offers an online web portal for congressional staff to use when submitting inquiries. USCIS requires that constituents submit a privacy release with a handwritten signature before the agency will release information to congressional staff through the OLA web portal. USCIS requires a handwritten signature to allow comparison with signatures on file with USCIS, if needed. Note that the OLA web portal can only be accessed from a U.S. government computer.

- b. If a constituent is unable or unwilling to use your agency’s remote identity-proofing solution, how else will they be able to prove their identity.**

USCIS is still in the process of developing a robust remote identity proofing process that complies with the NIST guidelines. In the interim, USCIS continues to require that “...a written, signed, and notarized privacy release, or one made under penalty of perjury (see 28 U.S.C. § 1746) and/or written waiver of any immigration specific confidentiality provisions, be obtained from the applicant or petitioner before any information is released.” USCIS has specific policies and operational procedures in place to ensure care is taken and legal compliance is applied with all requests for information release, especially when considering

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individuals whose information is protected by the provisions of 8 U.S.C. §1367 including non-citizens, and their beneficiaries, who are seeking or have been approved for immigrant status as (1) battered spouses, children, and parents under provisions of VAWA; (2) victims of a severe form of human trafficking who generally are cooperating with law enforcement authorities; or (3) victims who have suffered substantial physical or mental abuse and are cooperating with law enforcement authorities. USCIS also requires a handwritten signature from the requestor on the Privacy Act release that can be compared to previously filed USCIS applications or petitions to ensure that the request is being made by an individual who is authorized to receive such information. USCIS has a statutory duty to these individuals to ensure their information is not disclosed to their abusers.

**c. Do you plan to undertake user testing to ensure that the remote identity-proofing solution your agency adopts is user-friendly, intuitive, and based-in a customer-focused design?**

Yes. USCIS will look to include user-testing and feedback as part of the remote identity solution development process. OIT will work with its internal and external stakeholders to identify a diverse user testing community.

**2. OMB guidance requires that as agencies determine the specific information required to verify an individual’s identity, establish consent, and identify relevant records, they should apply the minimization principle ... and ensure that they limit the collection of personally identifiable information to the minimum that is directly relevant and necessary for this purpose.**

**a. Please share the access and consent forms your agency plans to post (or has already posted) on [uscis.gov/privacy](https://uscis.gov/privacy), as required by OMB guidance.**

OLA has posted a Privacy Release Template that may be used for congressional inquiries. Use of the OLA Privacy Release template is not required, and congressional offices may edit the OLA document or create their own releases, provided all privacy release requirements are met.

**b. If your agency uses the Social Security number as a personal identifier, have you explored alternatives?**

OLA does not require Social Security numbers as personal identifiers for congressional inquiries. In fact, guidance to congressional offices specifically asks staff not to include Social Security numbers.

**3. OMB guidance requires that agencies “provide a digital service option to ensure that individuals have the ability to digitally request access to or consent to disclosure of their records.” How will your agency’s digital service option—including its remote identity proofing solution and access and consent forms—reduce administrative burden, address inequities, and streamline existing**

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**casework processes, in alignment with the Biden-Harris Management Agenda?**

USCIS is still in the process of developing a robust remote identity proofing process that complies with the NIST guidelines. In the interim, OLA does not provide direct access to individuals and does not offer any remote identity proofing solution for online access to records and consent forms. Individuals can request records through our existing online process for Freedom of Information Act requests. Once we complete development of our remote identity proofing process for our other online systems, we will also ensure that we incorporate this process into the online process for individuals seeking disclosure of their records to congressional offices for assistance.

**4. Describe your agency's plan to communicate CASES Act policies and procedures to congressional liaisons in its Office of Legislative Affairs and to caseworkers in congressional offices.**

OLA has established a website for congressional staff at <https://uscis.gov/congress>. 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 the OLA and congressional liaisons across the agency.

**5. Are there any obstacles to your agency's user-centric implementation of the CASES Act? If so, please describe those obstacles.**

Beyond the technical issues discussed in questions 1-4, USCIS has not identified any additional obstacles.