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Closing a Congressional Office: Overview of House and Senate Practices

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Summary

Turnover of membership in the House and Senate necessitates closing congressional offices. The closure of a congressional office requires an outgoing Member of Congress to evaluate pertinent information regarding his or her staff; the disposal of personal and official records; and final disposition of office accounts, facilities, and equipment. In the past several years, the House and Senate have developed extensive resources to assist Members in closing their offices. These services are most typically used at the end of a Congress, when a Member's term of service ends, but most of the services are available to an office that becomes vacant for other reasons. This report provides an overview of the issues that may arise in closing a congressional office, and provides a guide to resources available through the appropriate support offices of the House and Senate.

This report, which will be updated as warranted, is designed to address questions that arise when a congressional office is closing. Another related report is CRS Report R41121, *Selected Privileges and Courtesies Extended to Former Members of Congress*, by (name redacted).

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Turnover of membership in the House and Senate necessitates closing congressional offices. The most common reason for departure is the expiration of a Member's term of office, but a congressional office may also become vacant due to resignation, death, or other reasons. The closure of a congressional office requires an outgoing Member of Congress, or congressional officials, in the case of a deceased Member, to evaluate pertinent information regarding staff; the disposal of personal and official records; and final disposition of office accounts, facilities, and equipment. **Table 1** summarizes the numbers of Members who have left or will be leaving the House and Senate after the 112th Congress, and in the prior 10 Congresses.

The House and Senate have developed extensive resources to assist Members in closing their offices. These services are typically used at the end of a Congress, when a Member's term of service ends, but most services are available to an office that becomes vacant for other reasons.

This report provides an overview of issues that may arise in closing a congressional office, and provides a guide to resources available through the appropriate support offices of the House and Senate.

Table 1. Departures of Members of Congress, 103rd - 113th Congresses

Congress	Representatives	Senators
113 th a	70	16
112 th	92	14
111 th	104	23
110 th	68	15
109 th	59	10
108 th	45	8
107 th	57	10
106 th	46	13
105 th	49	8
104 th	77	17
103 rd	94	14

Sources: Various Congressional Research Service web pages, including "Congressional Departures for the 113th Congress," at http://www.crs.gov/resources/Pages/Congress_113_departures.aspx; "Congressional Departures for the 112th Congress," at http://crs.gov/resources/Pages/Congress_112_departures.aspx; "Congressional Departures for the 111th Congress," at http://crs.gov/resources/Pages/Congress_111_departures.aspx; "Congressional Departures for the 110th Congress," at http://crs.gov/resources/Pages/Congress_110_departures.aspx; "Congressional Departures for the 109th Congress," at http://crs.gov/resources/Pages/Congress_109_departures.aspx; "Congressional Departures for the 108th Congress" at http://crs.gov/resources/Pages/Congress_108_departures.aspx; "Congressional Departures for the 107th Congress," at http://crs.gov/resources/Pages/Congress_107_departures.aspx; "Congressional Departures for the 106th Congress," at http://crs.gov/resources/Pages/Congress_106_departures.aspx. Data from Congresses prior to the 106th Congress come from articles in *Roll Call*, *CQ Almanac*, the Senate Library, and other sources.

- a. Through December 2, 2014. Includes Members who have left office, and those sitting Members who have announced that they will retire at the conclusion of the 113th Congress.

House Support

House office closing activities are supported by the Chief Administrative Officer (CAO), Clerk of the House, and House Sergeant at Arms. Resources related to closing a congressional office are available to House offices through the 113th Congress transition website on the House intranet.¹

Senate Support

When it becomes known that a Senate office will be closing, the Sergeant at Arms contacts that office to initiate closing support services.² The Senate Sergeant at Arms provides office closing services through an Office Support Services Customer Support Analyst (CSA) assigned to each Senate office. A CSA helps coordinate an initial closing office planning meeting between the office and all Senate support offices, and it facilitates the provision of the following:

- office equipment inventory reports
- assistance with archiving documents
- information on closing out financial obligations
- information on benefits and entitlements available to a Senator after leaving office

Staff

House

Payroll for staff of Members who are leaving office at the conclusion of a Congress typically terminates automatically on January 2. The employing authority, a Member in the case of a personal office that is closing, determines whether outgoing staff are eligible to receive a lump sum payment for any accrued annual leave. Other potential benefits, including retirement plans, post-employment life or health insurance benefits, and student loan repayment programs, are administered through the House Office of Human Resources, according to statute and chamber regulation. The office will continue to interact with former House employees on a wide range of post-employment matters, including wage and earning statements, employee benefits, and any forms that must be completed by former employees.

In addition to staff procedures to support the closing of a Representative's office, the House provides certain post-employment services to departing staff, including

- a résumé referral service to House staff who desire employment with Members-elect, provided by the CAO;

¹ See <https://113transition.house.gov/departing-members>, available to House users only.

² Materials regarding Senate practices in this report principally are drawn from U.S. Senate, Sergeant at Arms, *Closing a Senate Office: Handbook for the 109th Congress* (Washington: 2006); and U.S. Congress, Senate Committee on Rules and Administration, *United States Senate Handbook*, 111th Cong., 2nd Sess., October 2010, pp. I-91-I-106, available to Senate offices at <http://webster.senate.gov>; and other sources as noted.

- individual outplacement and technical assistance, as well as job search strategies and transitional techniques to separating employees of the House, provided by the House Outplacement Services Resource Center; and
- help for affected employees focused on designing and developing a successful job search, provided by the Office of Employee Assistance.

Senate

Staffs of Senators who will leave office when their term of office officially expires at noon on January 3 of the year in which such a term ends remain on the payroll until the close of business on January 2 of the year in which the Senator's term of office expires, unless terminated sooner.³ The Senate Disbursing Office addresses issues related to the termination of employment of departing staff and provides information on the available options to staff regarding post-employment insurance and retirement programs and other benefits.

The Senate Placement Office provides application and referral service for professionals and support staff, and it can assist outgoing Senate employees who are seeking positions in new congressional offices. The departing staff who are interested in this service must complete an application form and be interviewed by a personnel specialist. Placement office personnel then review applications and send them to offices with matching available positions.

Records

House

According to the Clerk of the House, the files generated by a Member's congressional office and accumulated in the course of service in the House are the personal property of the Member.⁴ The House pays for point-to-point shipping of all official records and papers for departing Members of that chamber. Official papers are generally described as those materials that may be mailed under franking regulations. Other materials, including memorabilia, photographs, and documents that do not relate to official business, must be shipped or disposed of at the outgoing Member's expense. Guidance regarding records management is available from the Office of the Clerk. Shipping of records is carried out by the House CAO.

Senate

The Senate *Records Management Handbook* notes that neither statute nor the standing rules of the Senate define which items constitute a Senator's papers. For management purposes, the Secretary of the Senate defines Senators' papers as "all records, regardless of physical form and characteristics, that are made or received in connection with an individual's career as a United

³ The regular term for a U.S. Senator is from noon on January 3 of the year following election to noon on January 3, six years later. See U.S. Senate, *Senate Manual*, S. Doc. 110-1, 110th Cong., 2nd sess. (Washington: GPO, 2008), p. 275. For accounting purposes, the period for pay and allowances, including staff salaries, has been established by the Senate as the full day of January 3 through the full day of January 2.

⁴ See U.S. House, Office of the Clerk, *Records Management Manual for Members of the U.S. House Of Representatives*, Publication M-1 (Washington: Dec. 2005).

States Senator.”⁵ The manual notes that, by tradition and practice, any such records are the private property of the individual Senator. The principal exclusion from Senators’ papers are committee records that are defined by statute and Senate standing rules to be records of the Senate.⁶ Senate office closing guidelines specify a detailed process for the handling of a Senator’s records.

Records Stored by the National Archives

The National Archives and Records Administration (NARA) provides courtesy storage facilities to Members of Congress for records created in Capitol Hill offices at the Washington National Records Center (WNRC) in Suitland, MD, and at regional storage facilities around the country for records generated in state or district offices. NARA courtesy storage expires at the conclusion of a Member’s term of office.⁷ WNRC can be reached at 301-778-1650. Contact information for NARA regional facilities is available at <http://www.archives.gov/locations/>.

Accounts

House

The House Office of Finance requests that contact information for each closing office be provided to expedite resolution of final payments to vendors.

Senate

Closing offices must settle several accounts, with units of the Secretary of the Senate and the Sergeant at Arms, as well as other government agencies.⁸ The Senate Disbursing Office is authorized to withhold from Senators’ pay, reimbursements, mileage, or expense money for delinquent indebtedness to the Senate.⁹

Facilities

House

At the conclusion of a Congress, the Architect of the Capitol has in the past advised that departing Members must vacate their Washington, DC, offices not later than noon on December 1, of the second year of a Congress. A Departing Member Service Center has provided functional workspace for departing Members and staff once their office suites are vacated. The center is typically secured by the U.S. Capitol Police and has a central administrative facility that is staffed

⁵ 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.

⁶ Committee rules are defined as records of the Senate in 44 U.S.C. 2118; 2 U.S.C. 4301; and Senate Rules XI and XXVI.

⁷ Based on discussions with NARA staff in the Congressional Affairs Office, Oct. 3-4, 2006.

⁸ Other government agencies include the Architect of the Capitol, Office of the Attending Physician, Senate restaurants, United States Botanic Garden, Library of Congress, National Gallery of Art, and Federal Election Commission.

⁹ U.S. Senate, *Senate Manual*, p. 328.

by CAO employees. Each departing Member office is assigned a single cubicle that can accommodate the Member and one other person at any given time. Each cubicle is equipped with a telephone, networked computer, and basic supplies.

Senate

Senators may remain in their personal offices in Washington, DC, until their terms of office expire. Senators leasing federal office premises or commercial space in their home states must notify the General Services Administration (GSA) or private landlord in writing at least 30 days in advance of their intention to vacate the premises. The Sergeant at Arms requires that a copy of an intent to vacate letter be provided to his office at the same time it is provided to landlords. All office space must be vacated by the close of business on January 2 of the year in which the Senator's term expires.

Office Furniture and Equipment

House

House Support Services (HSS) staff will begin scheduling final equipment inventories for the Capitol Hill offices of departing Members shortly after the November elections. GSA is responsible for performing the final inventory for the district office locations of departing Members. All furniture and equipment (including copiers, faxes, telecommunication systems, computers, personal digital assistants, and any other equipment used to support office operations), whether used in office settings, or in the residences of Members and staff, must be accounted for in those inventories. Representatives are allowed to purchase their chairs and desks only from the Washington, DC, inventory. In district offices, succeeding Members will receive all of the equipment and furniture items of the outgoing Member. If the succeeding Member chooses not to use office items of the departing Member, those items will then become available for purchase by the departing Member.

Senate

Furnishings in a departing Senator's personal and Capitol offices¹⁰ remain in place. Keys for Capitol offices must be returned to Sergeant at Arms Capitol Facilities. The Asset Management Section of the Sergeant at Arms conducts an inventory of all office and information technology (IT) related equipment in closing offices. Telecommunications equipment must be returned to the Senate. Outgoing Senators may purchase select office equipment and non-historical furniture used in their Capitol Hill offices. Emergency equipment, including annunciators, escape hoods, emergency supply kits (go kits), and victim rescue units, will be inventoried by the Office of Security and Emergency Preparedness (OSEP). Outgoing Senators may purchase office furnishings from only one of their state offices at a price equal to the acquisition price less depreciation.¹¹

¹⁰ This refers to a Senator's personal Capitol office, which is sometimes referred to as a "hideaway" office.

¹¹ 2 U.S.C. 6320.

Closing an Office Prior to Completion of a Member's Term

A Member of Congress may leave office prior to the expiration of his or her term, due to resignation, death,¹² or for other reasons.

House

On the first business day after the death, resignation, or expulsion of a Member of the House, his or her office is renamed the Office of the ___ Congressional District of State/Territory. Pursuant to House Rule II, cl.2(i)(1),¹³ staff on payroll of the congressional office when the outgoing Member departs remain employed by the House, and carry out their duties under the supervision of the Clerk of the House until a successor is elected.¹⁴

Senate

Senate practice regarding the closing of the office of a Senator who leaves office prior to the expiration of his or her term of office varies according to the circumstances of the departure. In addition to the expiration of the regular term of office, the *Senate Handbook* notes that a Senate office might be closed due to the following categories:

- resignation
- termination of the service of a Senator who is appointed and who does not stand for election, or is defeated
- death of a Senator

Resignation

Employees in the personal office of a Senator who resigns are continued on the Senate payroll at their respective salaries for up to 60 days after the Senator leaves office, unless the Senator's term of office expires sooner. Employee duties are performed under the direction of the Secretary of the Senate.¹⁵

An amount equal to one-tenth of the official office expense account portion of the Senator's Official Personnel and Office Expense Account¹⁶ is available to the Secretary of the Senate to

¹² For consideration of a range of issues related to the death of a sitting Member of Congress, see CRS Report RL34347, *Members of Congress Who Die in Office: Historic and Current Practices*, by (name redacted) and (name redacted).

¹³ House Rule II, cl. 2(i)(1) provides that "[t]he Clerk shall supervise the staff and manage the office of a Member, Delegate, or Resident Commissioner who has died, resigned, or been expelled until a successor is elected." 2 U.S.C. 5323, on the other hand, provides that staff of a deceased Member of the House or Senate are continued on the payroll for 30 days. As Article 1, Section 5, clause 2 of the Constitution provides that "[e]ach House may determine the Rules of its Proceedings," House Rule II, cl.2(i)(1) arguably provides the House with sufficient authority to take actions related to its administrative operations beyond the scope of the limitations specified in 2 U.S.C. 5323.

¹⁴ A new Member of the House would have authority to hire staff, and is not required to retain staff members of the deceased Member.

¹⁵ U.S. Senate, *United States Senate Handbook*, p. I-93.

¹⁶ Senators have three official allowances available to them for personnel and official office expenses. They are the (continued...)

defray those expenses directly related to closing a Senator's office. Expenses are paid from the Contingent Fund of the Senate as Miscellaneous Items.

Terminated Appointment

Employees in the personal office of a Senator whose appointment is terminated are continued on the Senate payroll at their respective salaries for up to 30 days after the termination of the Senator's service, or until they have become otherwise gainfully employed, whichever is earlier.

The office space in Washington, DC, and in the state of an appointed Senator must be vacated on the day preceding the swearing-in of the successor, if the Senate is in session. If the Senate has adjourned sine die, an appointed Senator who will not continue to serve in the Senate must vacate office facilities the day before a successor is certified, or 30 days after a successor has been elected, whichever is earlier.

Death of a Senator

Employees in the personal office of a deceased sitting Senator¹⁷ are continued on the Senate payroll at their respective salaries for up to 60 days after the Senator's death, unless the Senator's term of office expires sooner. The Committee on Rules and Administration may extend this period in cases where it will take longer to close a deceased Senator's office. Employee duties are performed under the direction of the Secretary of the Senate.¹⁸

An amount equal to one-tenth of the official office expense account portion of the Senator's Official Personnel and Office Expense Account is available to the Secretary of the Senate to defray those expenses directly related to closing a Senator's office. Expenses are paid from the Contingent Fund of the Senate as Miscellaneous Items. The Senate Financial Clerk provides information concerning allowances for the operation of the deceased Senator's office during the 60-day period.¹⁹

(...continued)

administrative and clerical assistance allowance, the legislative assistance allowance, and the official office expense allowance. The three allowances are funded together in a "Senators' Official Personnel and Office Expense Account," within the "Contingent Expenses of the Senate" in the annual legislative branch appropriations bill. For further information, see CRS Report RL30064, *Congressional Salaries and Allowances*, by (name redacted).

¹⁷ Employees of Senators who die while holding the office of President pro tempore, Deputy President pro tempore, President pro tempore emeritus, majority leader, minority leader, majority whip, minority whip, secretary of the Conference of the Majority, secretary of the Conference of the Minority, the chairman of the Conference of the Majority, the chairman of the Conference of the Minority, the chairman of the majority Policy Committee, or the chairman of the minority Policy Committee, are also continued in their positions at their respective salaries for up to 60 days, subject to the same limitations of employees working in personal offices.

¹⁸ S.Res. 458, 98th Congress, adopted Oct. 4, 1984, as amended. Incorporated as a standing rule of the Senate in U.S. Senate, *Senate Manual*, pp. 165-167. 2 U.S.C. 5323, on the other hand, provides that staff of a deceased Member of the House or Senate are continued on the payroll for 30 days. As Article 1, Section 5, clause 2 of the Constitution provides that "[e]ach House may determine the Rules of its Proceedings," S.Res. 458, as amended, arguably provides the Senate with sufficient authority to take actions related to its administrative operations beyond the scope of the limitations specified in 2 U.S.C. 5321.

¹⁹ U.S. Senate, *United States Senate Handbook*, p. I-91.

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