

CRS Report for Congress

Closing a Congressional Office: Overview and Guide to House and Senate Practices

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Closing a Congressional Office: Overview and Guide to House and Senate Practices

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 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 one of several CRS products focusing on various aspects of congressional operations and administration. Others include CRS Report RL33220, *Support Offices in the House of Representatives: Roles and Authorities*, by Ida A. Brudnick; CRS Report RL34188, *Congressional Official Mail Costs*, by Matthew Eric Glassman; CRS Report RL34495, *Continuation of Employment Benefits for Senate Restaurant Employees*, by Jacob R. Straus; and CRS Report RL33686, *Roles and Duties of a Member of Congress*, by R. Eric Petersen.

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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 leaving the House and Senate after the 110th 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.

House Support

House office closing activities are supported by the Chief Administrative Officer (CAO), Clerk of the House, and House Sergeant at Arms. In preparation for the conclusion of the 110th Congress, House chamber officers, in conjunction with the Architect of the Capitol (AOC), will provide Departing Member Briefings to offices that will close before the 111th Congress convenes.¹ In addition to the briefings, extensive resources related to closing a congressional office are available to House offices through the 111th Congress transition web page on the House intranet.²

¹ See U.S. House, Chief Administrative Officer, "Departing Member Briefings to be Held May 19 — November 7," dear colleague letter, Apr. 25, 2008. The schedule for the briefings is available to House offices through Housenet, the House intranet, at [https://housenet.house.gov/portal/server.pt/gateway/PTARGS_0_2_2587_201_200_43/http%3B/onlinecao.house.gov/111transition/deploy-depart/departing/closingdc/depart_briefings.pdf].

² Materials in this report related to House office closing procedures are drawn from the House intranet 111th Congress transition web page, available at [https://housenet.house.gov/portal/server.pt/gateway/PTARGS_0_2_2587_201_200_43/]
(continued...)

**Table 1. Departures of Members of Congress,
100th - 110th Congresses**

Congress	Representatives	Senators
110 th ^a	46	7
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
102 nd	110	15
101 st	44	5
100 th	34	9

Sources: Various Congressional Research Service web pages, including “Congressional Departures — 110th Congress,” at [<http://www.crs.gov/reference/general/legislative/110departure.shtml>]; “Congressional Departures — 109th Congress — final Cumulative Edition,” at [<http://www.crs.gov/reference/general/legislative/109departure.shtml>]; “Congressional Departures — 108th Congress [Final],” at [<http://www.crs.gov/reference/general/legislative/108departure.shtml>]; “Congressional Departures — 107th Congress,” at [<http://www.crs.gov/reference/general/legislative/107departure.shtml>]; “Congressional Departures — 106th Congress — [Final],” at [<http://www.crs.gov/reference/general/legislative/106departure.shtml>]; “Congressional Departures, 105th Congress,” at [<http://www.crs.gov/staff/crd/congress/105depar.txt>]; and “Congressional Departures, 104th Congress,” at [<http://www.crs.gov/staff/crd/congress/104depar.txt>]. Data from Congresses prior to the 104th come from articles in *Roll Call*, *CQ Almanac*, the Senate Library, and other sources.

a. Through June 30, 2008. Includes Members who have left office, and those sitting Members who have announced that they will retire at the conclusion of the 110th Congress.

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.³ The Senate Sergeant at Arms provides office closing services through an Office Support Services

² (...continued)

<http://www.house.gov/transition/depart/index.htm>], and other sources as noted.

³ Materials 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. Senate Handbook, appendix 1-C, “Closing a Senator’s Office,” available to Senate offices at [<http://webster.senate.gov>]; and other sources as noted.

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 the 110th Congress on January 3, 2009, will terminate 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;
- 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.⁴ The Senate Disbursing

⁴ The regular term for a United States 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. 107-1, 107th Cong., 1st sess. (Washington: GPO, 2002), p. 236. For accounting (continued...)

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.

Records⁵

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. 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 States Senator."⁶ The manual notes that, by tradition and practice, any such records are the private property of the individual Senator. The principal exclusion from Senator's papers are committee records that are defined by statute and Senate standing rules to be records of the Senate.⁷ Senate office closing guidelines specify a detailed process for the handling of a Senator's records.

⁴ (...continued)

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.

⁵ House material in this section is based on 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), and other sources as noted. Senate material is based on 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), and other sources as noted.

⁶ U.S. Senate, *Records Management Handbook*, p. 5.

⁷ Committee rules are defined as records of the Senate in 44 U.S.C. 2118; 2 U.S.C. 72 a; and Senate Rules XI and XXVI.

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, Maryland, 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.⁸ 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.⁹ The Senate Disbursing Office is authorized¹⁰ to withhold Senators and staff's final paychecks if accounts with the recording studio, the Senate restaurants, or the Stationery Room do not reflect a zero balance.

Facilities

House. The Architect of the Capitol advises that departing Members must vacate their Washington, DC, offices not later than noon on December 1, 2008. A Departing Member Service Center to outgoing Members provides functional workspace for departing Members and staff once their office suites are vacated. The center is secured by the U.S. Capitol Police and has a central administrative facility that is staffed 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. Facilities will be available December 1-12, 2008, on a first-come, first-served basis.¹¹ Members must vacate district office space on or before January 2, 2009.

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

⁸ Based on discussions with NARA staff in the Congressional Affairs Office, Oct. 3-4, 2006.

⁹ 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.

¹⁰ U.S. Senate, *Senate Manual*, pp. 244, 267.

¹¹ "Departing Member Service Center," available to House offices at [https://housenet.house.gov/portal/server.pt/gateway/PTARGS_0_2_2587_201_200_43/http%3B/onlinecao.house.gov/111transition/deploy-depart/departing/closingdc/depart_sevicecenter.pdf].

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 inherit 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 offices¹² 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).

111th Congress Transition, Further Information

House. Further information regarding closing a Member office in the House at the conclusion of the 110th Congress may be obtained by House offices through Housenet, at [https://housenet.house.gov/portal/server.pt/gateway/PTARGS_0_2_2587_201_200_43/http%3B/onlinecao.house.gov/111transition/deploy-depart/departmembers.htm].

Senate. Further information regarding closing a Member office in the Senate may be obtained by contacting the Senate Sergeant at Arms, Office Support Services.

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,¹³ or for other reasons.

¹² This refers to a Senator's personal Capitol office.

¹³ For consideration of a range of issues related to the death of a sitting member of Congress, (continued...)

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),¹⁴ 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.¹⁵

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.¹⁶

An amount equal to one-tenth of the official office expense account portion of the Senator's Official Personnel and Office Expense Account¹⁷ is available to the Secretary of the Senate to defray those expenses directly related to closing a

¹³ (...continued)

see CRS Report RL34347, *Members of Congress Who Die in Office: Historic and Current Practices*, by R. Eric Petersen and Jennifer E. Manning.

¹⁴ 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. 92a, 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. 92.

¹⁵ A new Member of the House would have authority to hire staff, and is not required to retain staff members of the deceased Member.

¹⁶ U.S. Senate, *United States Senate Handbook*, p. I-90.

¹⁷ Senators have three official allowances available to them for personnel and official office expenses. They are the 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 Ida A. Brudnick.

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 Senator¹⁸ 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.¹⁹

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.²⁰

¹⁸ 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.

¹⁹ 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. 100-103. 2 U.S.C. 92a, 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. 92.

²⁰ U.S. Senate, *United States Senate Handbook*, p. I-91.