



CRS Report for Congress

Selected Privileges and Courtesies Extended to Departing and Former Members of the House of Representatives

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Summary

This report provides information on selected privileges and courtesies (with the exception of federal health insurance, life insurance, and retirement benefits) extended to departing and former Members of the House of Representatives. Some are derived from law and House Rules, but most are courtesies that have been extended as a matter of custom. For additional information, please refer to CRS Report 98-963, *Selected Privileges and Courtesies Extended to Departing and Former Senators*; CRS Report RL30631, *Retirement Benefits of Members of Congress*; and CRS Report RS21982, *Health Benefits for Members of Congress*. This report will be updated periodically as appropriate.

After Members of the House leave office, they are afforded certain courtesies and privileges. Some are derived from House Rules, but many are courtesies that have been extended as a matter of custom. Former Representatives who become lobbyists have limited privileges.

The House Chief Administrative Officer (CAO) has prepared a booklet to assist departing Members, *111th Congressional Transition, Transition Services for Departing Members and Staff* (<http://housenet.house.gov>], see 111th Congressional Transition). This document provides a wide range of information on benefits, closing a congressional office, and the transition. Staff in the CAO's Office of Employee Assistance (202-225-2400) are available to meet with Members to discuss their specific needs and will be holding briefings for departing members through mid-November 2008. Staff in the CAO's Office of Members' Services (202-225-3644) are available to assist Members with benefit-related questions. Additional information may be obtained from the House

Administration Committee (202-225-8281 or 202-225-2061) or First Call, a branch of the office of the CAO (202-225-8000, [<http://housenet.house.gov>]).¹

This report has been compiled in consultation with the offices of the House CAO, Clerk, Sergeant at Arms, director of postal operations, Parliamentarian, Franking Commission, and House Administration Committee; the offices of the Senate Parliamentarian and Sergeant at Arms; and the Washington National Records Center of the National Archives and Records Administration.

Privileges and Courtesies

(1) Floor Privileges. Former Members of the House are entitled to admission to the floor of the House while it is in session. However, they are not entitled to the privilege of admission to the House floor and rooms leading thereto if they are (1) a registered lobbyist or the agent of a foreign principal as defined in Rule XXV, clause 5; (2) have any direct personal or pecuniary interest in any legislative measure pending before the House or reported by any committee of the House; or (3) are employed for the purpose of influencing legislation directly or indirectly, the passage, defeat, or amendment of any legislative proposal. The Speaker may promulgate regulations that exempt ceremonial or educational functions from these restrictions.²

By tradition, former Members of the House are also accorded floor privileges during joint meetings or joint sessions of Congress. Former House Speakers are also entitled to admission to the Senate floor during sessions of the Senate as long as they are not a registered lobbyist, agent of a foreign principal, or are employed or retained for the purpose of influencing legislation (Senate Rule XXIII).

(2) Purchase of Washington, DC, Office Furnishings. Prior to the end of their term, departing Members who wish to purchase a standard inventory desk and chair from their Washington, DC offices must submit a request in writing to Chairman Robert Brady, House Administration Committee, 1309 Longworth House Office Building, Washington, DC 20515. The cost of each desk is \$1,000 and the chair, \$500. Purchase

¹ See also Congressional Management Foundation, "Management Guidance for Closing a Congressional Office," available at [http://www.cmfweb.org/storage/cmfweb/documents/CMF_Pubs/closing_a_congressional_office2008.pdf], visited June 11, 2008.

² House Rule IV, clause 4, as amended by H.Res. 648, Feb. 1, 2006, and regulations issued by the Speaker, *Congressional Record*, vol. 123, January 6, 1977, p. 321. Relatedly, pursuant to 18 U.S.C. §207(e)(1)(B), as amended by P.L. 110-81, Section 101, Members of the House are prohibited for a year after leaving Congress from lobbying or making other advocacy contacts with any Member, officer, or employee of either house of Congress, or any employee of a legislative office. In addition, the Ethics Reform Act of 1989 prohibits Members of Congress, for a year after leaving office, from representing an official foreign entity before the U.S. government, or aiding or advising such entity with the intent to influence any decision of an agency or employee of the government (18 U.S.C. § 207(f)). There is a further restriction on any Member who worked personally and substantially on a treaty or trade negotiation and who had access to information that is not subject to disclosure under the Freedom of Information Act. A former Representative is prohibited from using such information for one year after leaving office for the purpose of aiding, assisting, advising, or representing anyone other than the United States regarding such treaty or trade negotiation (18 U.S.C. § 207(b)).

may be made no later than the time of retirement. Payment by personal check or money order (payable to the U.S. Treasury) must accompany the request. Questions regarding such purchases should be directed to the House Administration Committee (202-225-8281 or 202-225-2061).

(3) Purchase of District Office Furnishings and Equipment. Under law and House Administration Committee regulations, Members-elect must choose from any furnishings and equipment currently located and in use in their predecessors' district offices. Any furniture or equipment not retained for use by them may be purchased by the outgoing Member from personal funds (2 U.S.C. § 57).

To exercise this option, the retiring Member must submit a request in writing by January 2, 2009, to the CAO Customer Solution Center (CSC), B227 Longworth House Office Building, Washington, DC 20515, identifying the items that he/she is interested in purchasing. Pricing will be based on fair market value and determined by the CSC. If there are outstanding obligations on an item, the obligations will be calculated into the price. Some software licenses may limit use of the software to offices, thus making them unavailable for purchase by retiring Members. The CSC will provide written notice to the retiring Member of the availability and price of the requested items. Questions should be directed to the CSC at 202-225-3994.

(4) Purchase of Personal Digital Assistants and Cellular Phones. Under regulations from the Committee on House Administration, a retiring Member may purchase personal digital assistants (PDAs) and cell phones assigned to his/her office. To exercise this option, prior to January 2, 2009, the retiring Member should contact the telecom administrator he or she has been working with from the CAO Office of Telecommunications (OT) at 202-226-4101. This individual will then advise the Member where to submit a request in writing for the items.

Pricing will be based on fair market value and determined by OT. This office will provide the retiring Member written information about the prices of the eligible items. A personal check or money order payable to the U.S. Treasury is required.

The retiring Member is also personally responsible for the shipping costs of purchased items, including applicable shipping and storage charges.

(5) Shipment of Office Active Files. The staff of the CAO at First Call will assist departing Members with the preparation and shipping of official papers and records from their Capitol Hill offices to any location within a Member's district. Prior to shipment, Members need to fill out certain forms, which are available through the office of the CAO at the 111th transition link on the House website [<http://housenet.house.gov>] or from First Call, B-227 Longworth House Office Building, Washington, DC 20515. Questions should be directed to John Mooney (202-226-5888).

(6) Storage/Shipment of Inactive Office Files. While a Representative is in office, the Washington National Records Center in Suitland, MD stores inactive office files under a storage program authorized by the National Archives and Records Administration.

By mid-December 2008, a departing Member is obligated to remove his or her papers from the Records Center. At a Member's written request, the National Archives will return the papers, destroy them, or prepare them for shipping. Records can be sent to a designated library or educational institution, a state archive or historical society, or a private residence. Members are requested to notify the Records Center about what should be done with the stored records. The center will prepare the records for shipment when a transfer is desired, but cannot pay the shipping costs. For additional information, Members should contact the Washington National Records Center (301-778-1650). Disposition of these records is also coordinated with the staff of the CAO at First Call (202-225-8000).

(7) Archival Disposition of Office Files. The office of the Clerk of the House has prepared a publication, *Records Management Manual for Members of the U.S. House of Representatives*, to assist departing Members with the proper disposition of records, papers, and books in their congressional offices. This document is also available on the Clerk's website [<http://clerkhouse.house.gov/archiveInfo/memberOfc.php>]. Staff from the Office of History and Preservation are also available for consultation on the disposition of office files. For further information, contact the Preservation Office at 202-226-1300.

(8) Franking Privilege. Former Members are authorized to use the frank 90 days immediately after they leave office. Only official matters relating to the closing of Members' offices are frankable (39 U.S.C. § 3210(b)(c)). Any questions should be directed to the House Commission on Mailing Standards (202-225-9337 or 202-225-2061).

(9) Other Mailing Service. The House Post Office will forward mail for up to 90 days following a Representative's departure from office. For procedures to follow, Member should contact Contractor Management, Pitney Bowes, B-240 Longworth House Office Building (202-225-7078).

(10) Use of the Congressional Research Service (CRS). CRS provides reference and research assistance on a limited basis to former Members of Congress. They may use the LaFollette Congressional Reading Room (LM-202, James Madison Memorial Building), the CRS Rayburn Research Center (B-335 Rayburn Building), and the CRS Senate Research Center (B-07 Russell Building). Services available at these locations include reference collections and assistance in the use of Library of Congress materials and resources. Former Members may also receive CRS general distribution products, responses to reference questions, and guidance for undertaking further research and analysis. CRS cannot undertake original research for former Members. Former Members may request CRS assistance in person, by telephone (202-707-5700), by fax (202-707-6745), or in writing to Daniel P. Mulhollan, Director, Congressional Research Service, Washington, DC 20540-7000. Former congressional staff may use the Library of Congress public reading rooms, but are not permitted to use the LaFollette Congressional Reading Room or other CRS research centers or facilities. For additional information, contact Lizanne Kelley, Deputy Associate Director for the Office of Congressional Affairs and Counselor to the Director (202-707-8833).

(11) Use of the Library of Congress. Borrowing privileges at the Library of Congress are available if the former Member's account is clear and he or she resides in

the Washington, DC area. The telephone number of the loan division is 202-707-5445. The Library is unable to make deliveries to former Members.

(12) Priority in Committee Testimony. When testifying before a congressional committee, a former Representative is frequently permitted to testify immediately after incumbent Members of Congress and before other witnesses.

(13) Use of the House Exercise Facilities. For a fee, former Members of the House and their spouses are permitted use of the Members' Wellness Center (MWC) facilities. However, they are not allowed this privilege if they are a registered lobbyist or agent of a foreign principal as defined in clause 5 of House Rule XXV.³

(14) Parking in the House Side of the Capitol. On a space available basis, former Members of the House are allowed parking privileges on the House side of the Capitol. For additional information, contact Parking Security at 202-225-6749.

(15) Other Traditional Benefits and Courtesies Extended to Former Members of the House.

- Assistance with retirement and other benefits from the Office of Members' Services (202-225-3644)
- Membership in the Wright Patman Congressional Federal Credit Union
- Permanent House of Representatives ID card from the Clerk of the House
- Use of the collections in the House Legislative Resource Center and Senate Library without borrowing privileges
- Use of the House Document Room
- Seating in the House restaurant facilities and Members' dining room
- Membership in the U.S. Association of Former Members of Congress

³ Rules Adopted for the 110th Congress, H.Res. 6, Section 511(c), adopted Jan. 4, 2007, *Congressional Record*, vol. 153, p. H-7-H39. Pursuant to H.Res. 6, the Committee on House Administration has promulgated regulations which require former Members and their spouses to certify in writing to the Architect of the Capitol that they are not lobbyists or agents of a foreign principal. These forms are available from the committee or the MWC.