



CRS Report for Congress

Selected Privileges and Courtesies Extended to Departing and Former Senators

Mildred Amer
Specialist in American National Government
Government and Finance Division

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 Senators. For additional information, please refer to CRS Report 98-962, *Selected Privileges and Courtesies Extended to Departing and Former Members of the House*; 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.

Privileges and Courtesies

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

This report has been compiled in consultation with the staff of the Senate Library. Other sources included the offices of the Secretary of the Senate, Senate Sergeant at Arms, Senate Parliamentarian, Senate Postmaster, Senate Historian, and Senate Stationery Store; the Senate Disbursing Office; and the Washington National Records Center of the National Archives and Records Administration.¹

(1) Floor Privileges. Former Senators are entitled to admission to the floor of the Senate while it is in session (Senate Rule XXIII). A Senator who becomes a registered

¹ See also U.S. Congress, Senate Committee on Rules and Administration, *U.S. Senate Handbook*, S. Prt. 109-70, 109th Cong., 2nd Sess. (Washington: GPO, 2006), pp. I-89 through I-103; and 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.

lobbyist, agent of a foreign principal, or is employed to influence legislation, is denied floor privileges except for ceremonial functions and events designated by the Majority Leader and Minority Leader (Senate Rule XXIII, clause 2).

Senators who, upon leaving office, become registered lobbyists under the Federal Regulation of Lobbying Act of 1946 or any successor statute (e.g., the Lobbying Disclosure Act of 1995, as amended), or who are employed or retained for the purpose of influencing legislation, are prohibited from lobbying Members, officers, or employees of either house of Congress for two years after leaving office.² In addition, Senate rules prohibit former Senators who become lobbyists from lobbying any Member, officer, or employee of the Senate for two years after leaving office (Senate Rule XXXVII, clause 8).

Former Senators who also served as Members of the House of Representatives have floor privileges in the House.³ By tradition, former Senators who did not serve in the House are also given floor privileges in the House, including joint meetings and sessions of Congress.

(2) Closing a Senate Office. The office of the Senate Sergeant at Arms assists in closing an office. Customer Support Analysts (202-224-0821) help with Senate offices in Washington, DC, and the home state including coordinating the initial closing planning meeting between the office and all Senate support units (*U.S. Senate Handbook*, p. I-100). Other services offered by the Senate Sergeant at Arms include the following:

² Previously, pursuant to the Ethics Reform Act of 1989 (P.L. 101-194, 103 Stat. 1719), Members of Congress were prohibited for one year after leaving office from lobbying or making advocacy contacts with any Member, officer, or employee of either house of Congress or any employee of a legislative office (18 U.S.C. § 207(e)). However, P.L. 110-8, the Honest Leadership and Open Government Act of 2007, extended the ban on Senators to two years (18 U.S.C. §207(e)(1)(A), as amended by P.L. 110-81, Section 101).

In addition, the Ethics Reform Act of 1989 prohibits any Member of Congress, for one year after leaving office, from representing an official foreign entity before the United States, or aiding or advising such entity with the intent to influence any decision of an agency or employee of the United States 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 Senator 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 trade or treaty negotiation (18 U.S.C. § 207(b)).

³ House Rule IV, clause 4, denies privileges of the House floor and rooms leading thereto to former Members of the House if they (1) are 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 by or represent any party or organization for the purpose of influencing 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. House Rules also prohibit former Members who are lobbyists from using the House exercise facilities (H.Res. 6, Section 511(c), adopted Jan. 4, 2007).

(a) Purchasing Office Equipment. The Senate Sergeant at Arms may sell departing Senators office equipment located in their Washington, DC, or state offices, subject to certain restrictions. They may purchase only one of each type of general office equipment (exclusive of furniture). It must have reached the end of its expected useful life and been declared surplus to the needs of the Senate by the Sergeant at Arms at least 30 days prior to the end of a Senator's tenure. Questions regarding the purchase of Senate office equipment should be directed to the Asset Management Division of the Sergeant at Arms (202-224-6751).

(b) Purchasing State Office Furnishings. Within 30 days of leaving office, a departing Senator has the option to purchase through the Sergeant at Arms any furnishings provided by the General Services Administration (GSA) in one home state office (2 U.S.C. § 59(b)). The purchase shall be at depreciated fair market value prices and in accordance with regulations prescribed by GSA. Questions regarding such purchases should be directed to the State Office Liaison Division of the Sergeant at Arms (202-224-5409).

(c) Purchasing Senate Chamber Chair. A departing Senator may purchase his or her Senate chamber chair upon written request to the Senate Sergeant at Arms. The name plate on each Senator's desk in the Senate chamber is automatically mailed to the Senator by the Sergeant at Arms when he or she leaves office or is sent with his or her purchased chamber chair. Questions regarding the purchase of a chamber chair should be directed to the Capitol Facilities Office of the Sergeant at Arms (202-224-4171).

(3) Storage/Shipment of Inactive Office Files. While a Senator 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 before leaving office in January, a departing Senator is obligated to remove his or her papers from the Records Center. At a Senator'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. Senators 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, Senators should call the Washington National Records Center (301-778-1650).

(4) Archival Disposition of Office Files. The Senate Historical Office (202-224-6900), upon request, will confer with offices about processing and planning for the disposition of a Senator's papers. The Historical Office has prepared a publication, *Records Management Handbook For U.S. Senators and Their Archival Repositories* (Senate Publication 109-19), which provides advice to current and former Senators about the management of office papers and records.

(5) Franking Privilege. Former Senators are authorized to use the frank for 90 days immediately after they leave office. Only official matters relating to the closing of their offices are frankable (39 U.S.C. § 3210(b)(c)). Any questions should be directed to the Senate Select Committee on Ethics (202-224-2981).

(6) Other Mailing Service. The Senate Post Office will forward mail until January 31 of the year following a Senator's departure. For Senators who leave before the end of a session, the Post Office will forward mail for up to one year. Any questions regarding mail service for former Senators should be directed to the Senate Post Office (202-224-5353).

(7) 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).

(8) Use of the Library of Congress. Borrowing privileges at the Library of Congress are available to former Senators whose accounts are clear and who are residing 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.

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

(10) Parking on the Senate Side of the Capitol. Upon request by a former Senator, the Senate Parking Office (202-224-8888) will issue a parking permit for any Senate-controlled outdoor parking area. The permit must be displayed on a car dashboard. No permit is available for indoor parking, but arrangements can frequently be made on a day-to-day basis by calling the Senate Rules Committee (202-224-6352). However, any former Senator who becomes a registered lobbyist or agent of a foreign principal, or who is employed or retained for the purpose of influencing legislation, may not use Member-only parking spaces (Senate Rule XXIII, clause 3).

(11) Use of Senate Athletic Facilities. For a fee, former Senators are allowed to use the Senate athletic facilities. However, any former Senator who becomes a registered lobbyist or agent of a foreign principal, or who is employed or retained for the purpose of influencing legislation, may not use the facilities (Senate Rule XXIII, clause 3).

(12) Other Traditional Benefits and Courtesies Extended to Former Senators.

CRS-5

- Services from the Senate Disbursing Office, including check cashing privileges and assistance with retirement and other benefits
- Use of the Senate Credit Union
- Permanent ID from the Senate Sergeant at Arms
- Limited use of the Senate Dining Room
- Use of the Senate Library, including borrowing privileges
- Documents from the Senate document room upon personal request of the former Senator
- Purchasing privileges in the Senate Stationery Room
- Membership in the U.S. Association of Former Members of Congress