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Administration of the House of Representatives: Actions Taken During a New Congress and Following a Majority Change

As seen in **Table 1**, majority party control in the House of Representatives has switched 10 times since 1910, most recently in 2011 (beginning of the 112th Congress). The results of the November 2018 elections have created another anticipated switch in the majority party in the House for the 116th Congress beginning in January 2019.

Table 1. Changes in Majority Party Control in the House of Representatives, 1910-2018

Congress (Years)	New Majority
112 th (2011-2012)	Republican
110 th (2007-2008)	Democratic
104 th (1995-1996)	Republican
84 th (1955-1956)	Democratic
83 rd (1953-1954)	Republican
81 st (1949-1950)	Democratic
80 th (1947-1948)	Republican
72 nd (1931-1933)	Democratic ^a
66 th (1919-1921)	Republican
62 nd (1911-1913)	Democratic

Source: U.S. Congress, Joint Committee on Printing, *Official Congressional Directory*, 115th Cong., 2nd sess., S.Pub.115-7 (Washington: GPO, 2018), p. 570. See also <https://history.house.gov/Institution/Party-Divisions/Party-Divisions/>.

- a. A Republican majority was elected to the 72nd Congress. Prior to the convening of Congress, several Representatives-elect died, leaving a Democratic majority to organize the House.

During the period between the November elections and when the new Congress convenes (at noon on January 3, unless a different day is designated by law during the preceding Congress, pursuant to the Twentieth Amendment to the Constitution), a new incoming House majority lacks official institutional authority to implement any changes beyond procedures governing the activities of its conference or caucus. Matters relating to chamber rules, officers, staff, office space, and administrative practices remain under the direction of the outgoing majority.

While a new incoming majority may lack formal authority to undertake administration of the House prior to the formal convening of the chamber, discussions related to a transition may need to occur prior to the formal assumption of majority status. Decisions about the transition may be made at various times, from the first meetings on early

organization of the chamber soon after the general election through the first several weeks of a new Congress.

Finally, on the first day of a new Congress, many activities and decisions are required and occur routinely, regardless of whether there was a change in party control.

Adoption of Rules Affecting Administrative Issues

The majority party routinely takes up adoption of the rules of the House for the new Congress as one of its first actions. Typically, the package of rules the House adopts is similar to the rules adopted in the previous Congress, with certain amendments to previous practices and procedures.

In addition to rules related to floor and committee procedures, recent rules changes have also addressed more administrative or operational changes—for example, related to use of the Hall of the House, Member records, access to the floor by staff and former Members, use of electronic devices on the floor, and document availability (for additional information, see CRS Report RL33610, *A Retrospective of House Rules Changes Since the 104th Congress through the 109th Congress*, by Michael L. Koempel and Judy Schneider, and CRS Report R42395, *A Retrospective of House Rules Changes Since the 110th Congress*, by Michael L. Koempel and Judy Schneider).

Election of Officers and Appointment of Officials

A change in majority party control may result in a change in some of the officers and other officials of the House, who are elected or appointed in accordance with House Rule II of the 115th Congress.

Officers elected by the House currently include the Clerk, Sergeant at Arms, Chief Administrative Officer, and Chaplain. These officers are elected at the beginning of each Congress to serve until their successors are chosen. In recent practice, the election process has entailed the offering of one resolution containing the majority slate of officers. A member of the minority party often then offers an amendment to the resolution offering a separate slate of candidates for positions other than the Chaplain.

The Parliamentarian, General Counsel, Legislative Counsel, Law Revision Counsel, head of the Office of Interparliamentary Affairs, and Historian are each appointed by the Speaker. The inspector general is jointly appointed by the Speaker and majority and minority leaders. Although some of these positions have been characterized by the lengthy tenure of the incumbents, others have experienced more frequent turnover; but they all serve at the pleasure of their appointing authority.

Following prior transitions, changes in officers and appointed officials have at times resulted in changes to the organization of some of these offices as well as areas or issues of focus.

Overall House Staffing Levels and Departing Staff

Congressional leadership has long influenced the size of the House workforce. In a new Congress, leaders may provide overall direction in the area of staffing—particularly for leadership, committee, and support offices. This directional focus may follow a majority transition—for example, overall cuts in internal House budgets were adopted at the start of the 112th Congress, when the House agreed to H.Res. 22—although it may happen at any time.

In at least one prior instance when the majority party changed, legislation was considered in December of the lame duck session to provide severance for certain staff “separated from employment solely and directly as a result of a change in the party holding the majority of the membership of the House.” The resolution (H.Res. 1104, 109th Congress) was not agreed to.

Committees Funding and Staffing

While committee funding and staffing levels are considered early in the new Congress, a switch in majority party control may bring additional changes.

Under House Rule X, clause 7, committees have interim funding authority through March 31 of the first session of a new Congress. During the interim period following a change in party control, the payment of committee expenses is approved “by the ranking member of the committee as it was constituted at the expiration of the preceding Congress who is a member of the majority party in the present Congress” (clause 7(e)). Early in the new session, the House considers an omnibus committee funding resolution reported from the Committee on House Administration establishing funding levels for committees for each session of Congress.

Although the details have varied over time, the principle of a two-third, one-third split between majority and minority funding and staffing on committees dates to the Legislative Reorganization Act of 1970. The fair treatment of the minority is also addressed in House Rule X, clauses 6 and 9, and it has been discussed during committee funding request hearings in recent Congresses.

Prior transitions also have resulted in changes to, for example, authorization and oversight plans and office transfers between the incoming majority and minority.

House Rules VII and XI govern the preservation of committee records, in paper and electronic form, and the transfer of any noncurrent committee records to the Clerk of the House for transfer to the National Archives and Records Administration. While these rules are long-standing, they may bear particular importance when committee leadership changes.

Members’ Representational Allowance

House staff, supplies, and district office rental costs are provided through funds appropriated annually and allocated to Representatives according to the formulas established under the Member Representational Allowance (MRA). The 2018 MRA is available through January 2, 2019. The incoming Committee on House Administration would be responsible for communicating to Members of the 116th Congress their MRA for 2019 (January 3, 2019, through January 2, 2020). Travel and staff expenses for Members-elect attending organizational caucus or conference meetings are governed by 2 U.S.C. 29a and 5343.

Member Office Space and Moves

Prior to the beginning of a new Congress, the superintendent of House Office Buildings, an employee of the Architect, supervises office moves and officiates at the office lottery under the direction of the House Office Building Commission. Members wishing to move office suites, Members displaced due to the Cannon office renewal, returning Members who served only in a portion of the 115th Congress and required to move for the 116th Congress, and Members-elect, may participate. The lottery is conducted once per Congress and according to a policy first addressed in an act approved in 1908 (2 U.S.C. 2004). The House Office Building Commission has periodically issued updates to the regulations. Current regulations require departing Members to vacate their offices by December 1 following the election. They also state that any Member elected to a vacant seat will temporarily occupy the predecessor’s office until the next regular lottery. Certain costs associated with voluntary office moves are charged to individual 2018 MRA accounts.

Other Administrative Considerations

Prior incoming majorities have also considered House policies and actions related to technology and cybersecurity; transparency initiatives; the organization of support offices; the House schedule for the year (e.g., weekly meetings and recesses); and House-wide contracts. The change in majority will also change the membership of internal entities like the House Office Building Commission and the Bipartisan Legal Advisory Group.

Assignment and Administration of Other House Office Space

Decisions made during prior transitions have affected the assignment and use of space on the House side of the Capitol (e.g., room locations for leadership, committees, and support offices; smoking policies; the provision of various convenience services; etc.).

For Additional Information

- House Transition Website: <https://transition.house.gov/>
- CRS Report RL34553, *Closing a Congressional Office: Overview of House and Senate Practices*, by R. Eric Petersen

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