

CRS Report for Congress

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Congressional Franking Privilege: An Overview

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Summary

The congressional franking privilege, which allows Members of Congress to send official mail to their constituents at government expense, dates from 1775, when it was approved by the First Continental Congress. The frank (the Member's autographic or facsimile signature), is used instead of stamps. Congress, through legislative branch appropriations, reimburses the U.S. Postal Service for the franked mail it handles. During the past 15 years, franking reform efforts reduced franking expenditures by 83% from \$113.4 million in FY1988 to \$19 million in FY2003. This report provides an overview of the congressional franking privilege, its costs, and reform efforts. It will be updated as legislative actions occur. See also CRS Report RS20720, *Congressional Mail: History of the Franking Privilege and Options for Change*, and CRS Report RS20671, *Official Congressional Mail Costs*, by John Pontius.

The franking privilege, which allows Members of Congress to send official mail at government expense, has its antecedent in 17th century Great Britain; the British House of Commons instituted it in 1660. The United States practice dates from 1775, when the First Continental Congress passed legislation giving its members mailing privileges so as to communicate with their constituents.¹

Congress continues to use the frank to fulfill the perceived public interest in facilitating official communications from elected officials to the citizens whom they represent. It covers communications relating to the official and representational duties of Members. These communications include letters regarding legislation and casework,

¹ The word "frank" is derived from Middle English, meaning "free or generous," and originally from the Latin "francus," also meaning "free." In contemporary practice, the Member's signature, called the frank, appears in the upper right-hand corner of envelopes containing official mail from that Member. It is recognized by the U. S. Postal Service as the equivalent of a postage stamp or a metered mail mark. John Samuels Pontius, "Franking," in *The Encyclopedia of the United States Congress*, 4 vols. (New York: Simon and Schuster, 1995), vol. 2, pp. 883-888.

press releases, government reports, town meeting notices, and newsletters. Franked mail may not be used to solicit votes or contributions, or to send letters regarding political campaigns or political parties. Each mass mailing sent by a Member of Congress must bear the following notice: “Prepared, Published, and Mailed at Taxpayer Expense.”

Congress pays the U.S. Postal Service for franked mail through annual appropriations for the legislative branch. The House and Senate Appropriations Committees, and subsequently the respective chambers, determine the amount to be appropriated for each of the two bodies. Each Chamber makes an allotment to each Member from these appropriations. In the Senate, the allocation process is administered by the Committee on Rules and Administration; in the House, by the Committee on House Administration.

Representatives and Senators are authorized a specific dollar allotment for franked mail, according to a formula based on the number of addresses in their districts/states. In the Senate, the mail allocation is one of three allocations that make up a Senator’s official office account. The other two provide funds for office staff and legislative assistants, and office expenses. The combined funds may be used without limitation in any one allocation category. The franked mail allocation is subject to law and Senate regulations.

Since January 3, 1999, in the House, the funds for each Representative’s franked mail component have been combined with allocated allowances for office staff and official office expenses. Controls are applicable to the total of the combined funds (“Members Representational Allowance”), not to individual fund components. Use of the franked mail allocation, however, is subject to law and House regulations.

Senators are prohibited from sending mass mailings (500 or more pieces of mail identical in content) 60 days before a primary, run-off, special, or general election. The prohibition for Representatives is 90 days prior to each election. In 2003, the 90 day pre-election cutoff in the House did not apply to solicited e-mail. Beginning in FY1991, Congress replaced a joint account for “Official Mail Costs” with separate Senate and House accounts. This gave each house greater control over its franking budget and allowed for the creation of an official mail allowance from which each Member pays the cost of franked mail. In 1989 and 1990, the Senate and House respectively directed that the cost of individual Member franked mailings, and the total costs of franked mailings, be publicly disclosed. The Postmaster General issues a quarterly report on the number of pieces and cost of franked mail for that quarter, with separate tabulations for the House and Senate.

Although the intent behind the frank is to help Members better communicate with their constituents, the frank, in recent years, has been subjected to increased public criticism and extensive scrutiny by the media. Opponents, concerned about incumbent perquisites, mail costs, and the cost of Congress, have called for additional franking restrictions, including an outright ban on official postage for Members, a prohibition on use of the frank in election years, and free mailing privileges for electoral challengers. Proponents of franking argue that, without the privilege, most Members could not afford to send important information to their constituents, and that a limit on the use of the frank might impair Members’ ability to keep in touch with their constituents.