



## CRS Report for Congress

# Congressional Franking Privilege: An Overview

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### Summary

The congressional franking privilege, which dates from 1775, allows Members to send official mail to their constituents at government expense. Congress, through legislative branch appropriations, reimburses the U.S. Postal Service for the franked mail it handles. Use of the frank is regulated by federal law, House and Senate rules, and committee regulations. Reform efforts during the past 20 years have reduced overall franking expenditures by almost 70%, from \$113.4 million in FY1988 to \$34.3 million in FY2006 (current dollars). This report provides an overview of the congressional franking privilege, its costs, and regulations on Member use of the frank. It will be updated as legislative action occurs.

### Background

The franking privilege, which allows Members of Congress to send official mail at government expense, has its roots in 17<sup>th</sup> century Great Britain; the British House of Commons instituted it in 1660.<sup>1</sup> In the United States, the practice dates from 1775, when the First Continental Congress passed legislation giving its Members mailing privileges so as to communicate with their constituents.<sup>2</sup> Congress continues to use the franking privilege to satisfy an articulated public interest in facilitating official communications from elected officials to the citizens whom they represent. The communications may include letters in response to constituent requests for information, newsletters regarding legislation and Member votes, press releases about official Member activities, copies of the *Congressional Record* and government reports, and notices about upcoming town meetings organized by Members.

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<sup>1</sup> Post Office Act, 12 Charles II (1660).

<sup>2</sup> Journals of the Continental Congress, 1774-1789, ed. Worthington C. Ford et al. (Washington, D.C., 1904-37), 3:342.

## Member Mail Allowances

Congress pays the U.S. Postal Service for franked mail through annual appropriations for the legislative branch. 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.

In the Senate, the mail allocation is one of three that make up a Senator's official office account. Each Senator's franking allowance is determined by a formula that gives a maximum allowance equal to the cost of one first-class mailing to every address in their state. If the total Senate appropriation for official mail is less than the amount required for the maximum allowance, each Senator's allowance is proportionally reduced.<sup>3</sup> Senate offices that exceed their allowance may supplement the allowance with official office account funds. Senators are, however, limited to \$50,000 for mass mailings (defined as 500 or more identical pieces of unsolicited mail) in any fiscal year.<sup>4</sup>

In the House, funds for franked mail are allocated according to a formula based on the number of addresses in each Member's district.<sup>5</sup> Each Representative's mail allowance is combined with allowances for office staff and official office expenses to form the Member's Representational Allowance (MRA). Members may spend any portion of their MRA on franked mail, subject to law and House regulations.<sup>6</sup> Within the limits of the MRA, House Members are not restricted as to the total amount they may spend on mass mailings.

## Regulation

The franking privilege is regulated by federal law, House and Senate rules, regulations of the Committee on House Administration and Senate Rules and Administration Committee, and regulations of the Senate Select Committee on Ethics and the House Commission on Congressional Mailing Standards.

The franking privilege may only be used for matters of public concern or public service.<sup>7</sup> It may not be used to solicit votes or contributions, to send mail regarding political campaigns or political parties, or to mail autobiographical or holiday greeting materials. Both House and Senate regulations specify limitations on the size and formatting of franked mail. Official funds must be used in the preparation of materials

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<sup>3</sup> "Regulations governing official mail," adopted October 30, 1997; amended September 30, 1998. *Congressional Record*, October 2, 1998, S11360.

<sup>4</sup> P.L. 103-283, 108 Stat. 1427-1428, sec. 5, Legislative Branch Appropriations Act, FY1995.

<sup>5</sup> P.L. 101-520, 104 Stat. 2279, sec. 311, Legislative Branch Appropriations Act, FY1991.

<sup>6</sup> Committee Order No. 42. U.S. Congress, Committee on House Oversight, *Report on the Activities of the Committee on House Oversight during the 105<sup>th</sup> Congress*, 105<sup>th</sup> Cong., 2<sup>nd</sup> sess., H.Rept. 105-850 (Washington: GPO, 1999), p. 16; P.L. 106-57, 113 Stat. 416, sec. 103, Legislative Branch Appropriations Act, FY2000.

<sup>7</sup> 39 U.S.C. § 3210(3)(a).

sent under the frank; no private funds may supplement printing, production, or other costs.<sup>8</sup>

Mass mailings are further restricted by law and chamber rules. Each mass mailing sent by a Member of Congress must bear the following notice: “Prepared, Published, and Mailed at Taxpayer Expense.”<sup>9</sup> Senators are prohibited from sending mass mailings less than 60 days prior to any primary election in which they are a candidate, as well as 60 days prior to any general election, regardless of whether or not they are a candidate.<sup>10</sup> House Members are prohibited from sending mass mailings less than 90 days prior to any general or primary election in which they are a candidate,<sup>11</sup> and are prohibited from sending unsolicited mass mailings outside their district.<sup>12</sup>

Franking regulations also require disclosure of individual Members mass mailings costs. In the House, costs are printed quarterly in the *Statement of Disbursements of the House*. Senate costs appear in the biannual *Report of the Secretary of the Senate*.

Overall official congressional mail costs have fallen significantly in the past 15 years, largely because of reforms that instituted individual Member allowances and public disclosure of individual Member costs. Overall congressional mail costs in FY2006 were \$34.3 million, down from \$113.4 million in FY1988, and represented slightly more than nine-tenths of one percent of the \$3.79 billion budget for the entire legislative branch for FY2006. House mail costs in FY2006 were \$30.7 million, accounting for 89% of the total congressional cost. Although Members are prohibited from sending mass mailings for specific periods prior to elections, they do send higher volumes of mail in the months immediately preceding the prohibited period.

Despite contemporary restrictions on mass mailings and overall reduced costs, the frank continues to generate controversy. Opponents, concerned about incumbent electoral advantages and mail costs, have called for additional franking restrictions, including prohibitions on the use of the frank in election years, bans on unsolicited mass mailings, and free mailings for electoral challengers.

Proponents of franking argue that the privilege serves an important informational role in a democratic society and that without the privilege most Members could not afford to send important information to their constituents.

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<sup>8</sup> P.L. 101-520, 104 Stat. 2279, sec. 311(c), Legislative Branch Appropriations Act, FY1991.

<sup>9</sup> P.L. 104-197, 110 Stat. 2414, sec. 311(a), Legislative Branch Appropriations Act, FY1997.

<sup>10</sup> 39 U.S.C. § 3210(6)(a); “Regulations Governing Official Mail,” adopted October 30, 1997.

<sup>11</sup> 39 U.S.C. § 3210(6)(a).

<sup>12</sup> P.L. 102-392, 106 Stat. 1722, sec. 309, Legislative Branch Appropriations Act, FY1993.