



# Congressional Official Mail Costs

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## Summary

The congressional franking privilege allows Members of Congress to send official mail via the U.S. Postal Service at government expense. This report provides information and analysis on the costs of franked mail in the House of Representatives and Senate.

In FY2009, total expenditures on official mail were \$16,793,101. House official mail costs (\$14,274,081) were 85.0% of the total, whereas Senate official mail costs (\$2,519,020) were 15.0% of the total. In FY2008, overall expenditures on official mail were \$32,613,096. House official mail costs (\$30,237,342) were 92.7% of the total, whereas Senate mail costs (\$2,375,754) were 7.3% of the total.

These expenditures continue an historical pattern of Congress spending less on official mail costs during non-election years than during election-years (**Figure 3**). However, analysis of monthly data on official mail costs indicates that, due to the structure of the fiscal year calendar, comparisons of election year and non-election year mailing data tend to overstate the effect of pre-election increases in mail costs, because it also captures the effect of a large spike in mail costs from December of the previous calendar year.

The analysis demonstrates that between FY2000 and FY2009, higher official mail costs in even-numbered fiscal years occurred for two reasons: a general increase in monthly mail costs prior to the pre-election prohibited period, and a significant spike in costs during December of odd-numbered years. Both increases were largely the result of an increase in the number of House Members sending mass mailings during those months.

During the past 20 years, franking reform efforts reduced franking expenditures in both even-numbered and odd-numbered years. Even-numbered year franking expenditures have been reduced by almost 70% from \$113.4 million in FY1988 to \$32.6 million in FY2008, while odd-numbered year franking expenditures have been reduced by over 80% from \$89.5 million in FY1989 to \$16.8 million in FY2007. House mail costs have decreased from a high of \$77.9 million in FY1988 to \$14.2 million in FY2009. The Senate has dramatically reduced its costs, from \$43.6 million in FY1984 to \$2.5 million in FY2009.

This report will be updated annually.

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## Introduction

The franking privilege, which allows Members of Congress to send official mail via the U.S. Postal Service 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 help Members communicate with their constituents. 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.

The franking privilege is regulated by federal law, House and Senate rules, regulations of the Committee on House Administration and the 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>3</sup> It may not be used to solicit votes or contributions, to send mail regarding campaigns or political parties, or to mail autobiographical or holiday greeting materials.

Although few would argue with the intent behind the frank—to help Members better communicate with their constituents—the privilege in recent years has been subjected to increased public criticism and extensive scrutiny by the media. Proponents of franking argue that, without the privilege, most Members could not afford to send important information to their constituents, in effect curtailing the delivery of ideas, reports, assistance, and services. Opponents, concerned with incumbent perquisites, mail costs, and the overall cost of Congress, have called for additional changes to the franking privilege, including an outright ban on franking for Members and a prohibition on use of the frank in election years.

Significant reforms have been adopted as a consequence of this debate. Although the cost of official congressional mail has fluctuated widely over the past 30 years, franking reform efforts have produced over a 70% reduction in even-numbered-year costs and over an 80% reduction in odd-numbered-year costs in the last 20 years, from a high of \$113.4 million and \$89.5 million in FY1988 and FY1989 to \$32.6 million and \$16.8 million in FY2008 and FY2009.

## Official Mail Costs, FY2005 to FY2009

Despite common public perception, franking is not free. Congress pays the U.S. Postal Service for franked mail through annual appropriations for the legislative branch. Each chamber makes an allotment to Members from these appropriations. In the Senate, the allocation process is

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

<sup>2</sup> *Journals of the Continental Congress, 1774-1789*, 34 vols., ed. Worthington C. Ford et al. (New York: Johnson Reprint Corp., 1968), vol. 3, p. 342 (Nov. 8, 1775).

<sup>3</sup> U.S.C. § 3210(3)(a).

administered by the Committee on Rules and Administration; in the House, by the Committee on House Administration.

## **Official Mail Costs**

Overall congressional mail costs include official mail sent by Members (both regular and mass mail), committees, and chamber officers.<sup>4</sup> During FY2009, Congress spent \$16.8 million on official mail according to the U.S. Postal Service, representing slightly less than 4 tenths of one percent of the \$4.40 billion budget for the entire legislative branch for FY2009.<sup>5</sup> House official mail costs (\$14.3 million) were 85.0% of the total, whereas Senate official mail costs (\$2.5 million) were 15.0% of the total.

During FY2008, Congress spent \$32.6 million on official mail. House official mail costs (\$30.2 million) were 92.7% of the total, whereas Senate official mail costs (\$2.4 million) were 7.3% of the total. During FY2007, Congress spent \$17.5 million on official mail. House official mail costs (\$14.2 million) were 81.1% of the total, whereas Senate official mail costs (\$3.3 million) were 18.9% of the total.

During FY2006, Congress spent \$34.3 million on official mail. House official mail costs (\$30.7 million) were 89.3% of the total, whereas Senate official mail costs (\$3.6 million) were 10.7% of the total. During FY2005, Congress spent \$17.6 million on official mail. House official mail costs (\$14.4 million) were 81.8% of the total, whereas Senate official mail costs (\$3.1 million) were 18.2% of the total.

## **Election Year vs. Non-election Year**

The higher official mail costs in FY2008 and FY2006 than in FY2009 and FY2007 continues a historical pattern of Congress spending more on official mail costs during election years. However, monthly data indicate that election year costs may be attributable to multiple factors. **Figure 1** plots monthly congressional mail costs from October 2004 to December 2009.

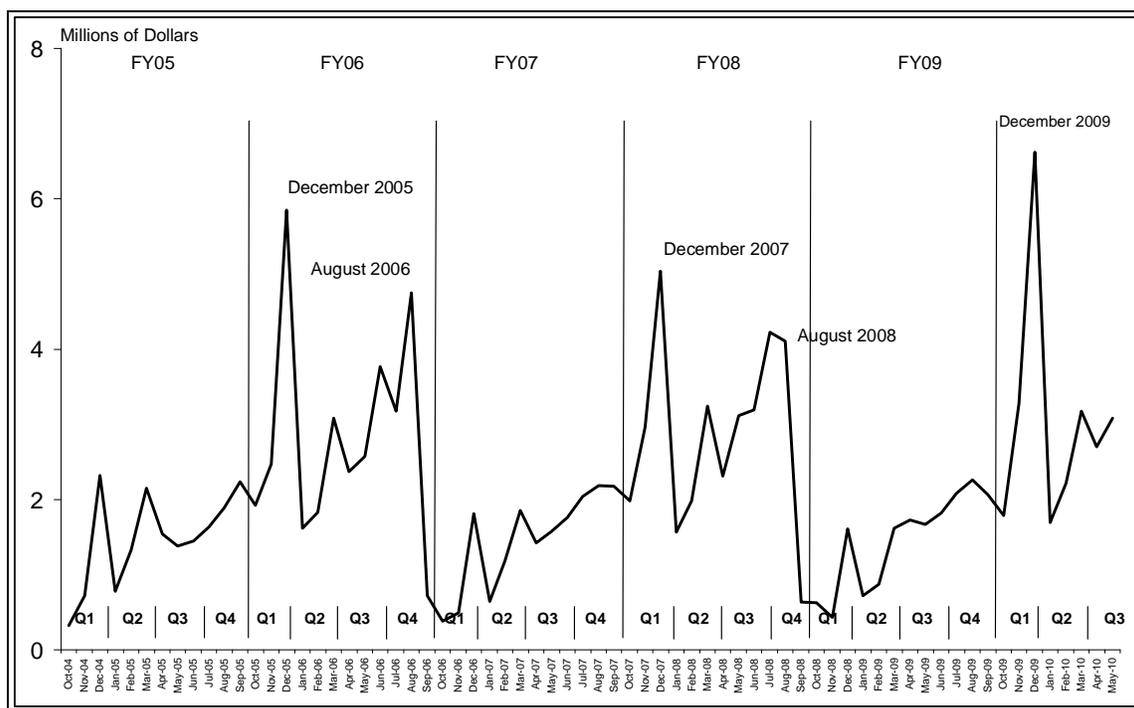
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<sup>4</sup> Official mail costs include franked mail only, and do not include the cost of stationery supplies or production costs.

<sup>5</sup> Throughout this report, cost figures are based on U.S. Postal Service data found in the *Annual Report of the Postmaster General*, additional data provided by the Postal Service.

**Figure 1. Monthly Official Mail Costs**

October 2004 to May 2010



**Source:** CRS analysis of U.S. Postal Service Data

As shown in **Figure 1**, the lowest monthly costs occur in October (\$0.3 million) and November 2004 (\$0.7 million); September (\$0.7 million), October (\$0.4 million), and November 2006 (\$0.5 million); and September (\$0.6 million), October (\$0.6 million), and November 2008 (\$0.4 million). This reflects the prohibition on mass mailing in the Senate (60 days) and House (90 days) prior to the general elections of November 2004, November 2006, and November 2008.<sup>6</sup>

The higher monthly costs occurred in December 2005 (\$5.8 million), December 2007 (\$5.0 million), December 2009 (\$6.6 million) and the six months (March-August) prior to the pre-election prohibited period for the 2006 and 2008 general election.

**Figure 1** demonstrates that the higher mail costs in FY2006 and FY2008 result from two separate events: a general increase in monthly mail costs prior to the pre-election prohibited period, and a significant spike in costs during December of 2005 and December of 2007, perhaps reflecting the traditional end-of-session newsletters many Members mail to constituents.

Both of these increases are largely due to increased mailings by the House during those periods. House mailings made during the first quarter (October-December) of FY2006 and FY2008 cost \$9.6 million and \$9.4 million, respectively, compared to an average of \$4.4 million over the four quarters of FY2007 and \$3.7 million over the four quarters of FY2005. House mailings made during the second quarter (\$5.1 million and \$6.2 million, respectively) and third quarter (\$6.8

<sup>6</sup> 39 U.S.C. § 3210(6)(a); *U.S. Senate Handbook*, Appendix I-D, p. I-116, available from Senate computers at <http://webster/rules/rules.cfm?page=handbook>, visited 12/4/07; *Senate Ethics Manual*, p. 171, available at <http://ethics.senate.gov/downloads/pdf/files/manual.pdf>, visited 12/4/07.

million and \$8.2 million, respectively) of FY2006 and FY2008 also were significantly higher than the FY2005 or FY2007 quarterly average.

Critics of the franking privilege have often cited increased election-year mail costs as evidence of political use of the frank prior to elections.<sup>7</sup> Although mail costs do rise in the months prior to the pre-election prohibited period, **Figure 1** shows that the structure of the fiscal calendar is also important in creating large disparities between election year and non-election year mail costs.

Since the fiscal years run from October 1 to September 30, both the December spike in mail costs and the pre-election rise in mail costs occur in the same fiscal year, despite taking place in different calendar years and different sessions of Congress. **Table 1** compares mail costs between 2005 and 2009, measured by fiscal and calendar year.

**Table 1. Official Mail Costs, by Fiscal Year and Calendar Year, 2005 to 2009**

Year	Overall Official Mail Costs <sup>a</sup>	
	Fiscal Year	Calendar Year
2005	\$17.6 million	\$24.5 million
2006	\$34.3 million	\$26.6 million
2007	\$17.5 million	\$24.8 million
2008	\$32.6 million	\$25.4 million
2009	\$16.8 million	\$26.5 million

**Source:** CRS analysis of U.S. Postal Service data

- a. Columns do not sum to the same total because fiscal years and calendar years do not correspond. FY2005 includes data from October-December 2004 and CY2008 includes data from October-December 2008.

As shown in **Table 1**, when annual costs are compared by calendar year, the December spike and the pre-election increase balance out, and the totals are relatively similar. Thus comparisons of fiscal year official mail costs tend to overstate the effect of pre-election increases in mail costs, because they also capture the effect of the December spike in mail costs.

## Official Mail Costs, FY1954 - FY2009

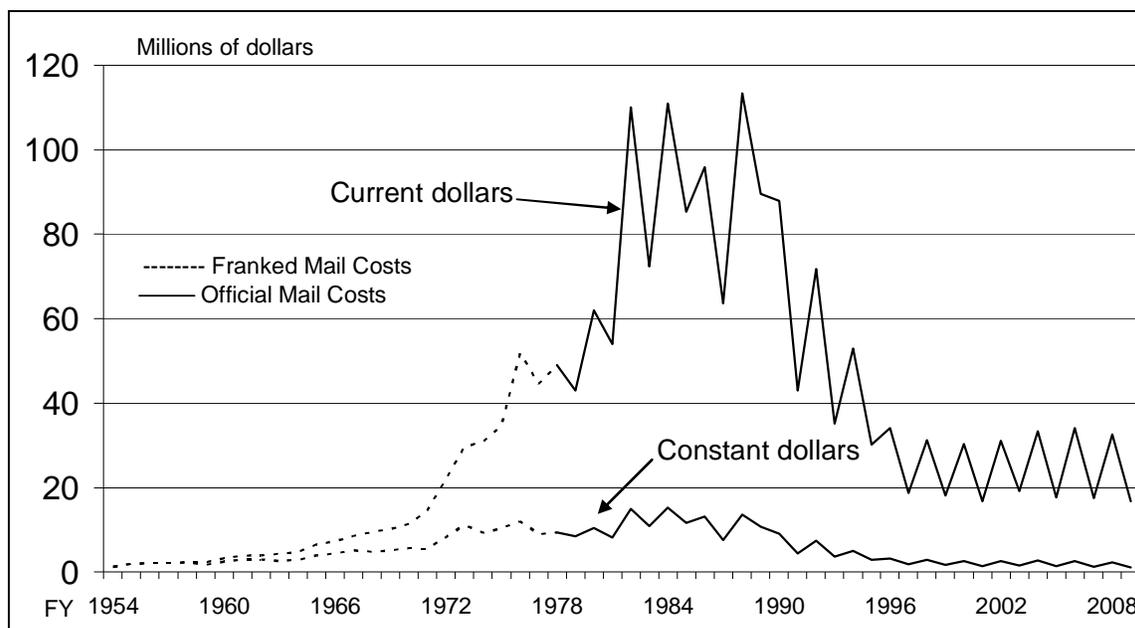
Data on congressional official mail costs is only available back to FY1978. The Post Office, however, kept records of overall franking costs beginning in FY1954, when Congress began reimbursing the Post Office for franked mail costs. Franked mail costs differ only slightly from congressional official mail costs, as they include the franking privilege granted to former Presidents and widows of former Presidents.

**Figure 2** is a plot of overall franked mail costs (FY1954 to FY1977) and official mail costs (FY1978 to FY2009) in both current and constant 1954 dollars.

<sup>7</sup> See Common Cause, "Franks A Lot," press release, June 16, 1989, Common Cause Records, 1968-1991, Series 15, Box 293, Princeton University, Seeley G. Mudd Manuscript Library; *Common Cause v. Bolger*, 512 F. Supp. 26, 32 (D.D.C. 1980).

**Figure 2. Franked Mail Costs (FY1954-FY1977) and Official Congressional Mail Costs (FY1978-FY2009)**

(current and constant 1954 dollars)



Source: CRS analysis of U.S. Postal Service data.

**Figure 2** demonstrates that franked mail/official mail costs significantly increased and then significantly decreased between FY1954 and FY2009. Although costs began to increase during the 1960s, the largest increases occurred during the 1970s. Costs remained high during the 1980s, and then were reduced significantly beginning in FY1989.

### Increased Costs, FY1954-FY1988

The sharp increase in costs that begins in the late 1960s and extends into the 1980s is plausibly attributable to several factors. The overall volume of mail sent by Members of Congress increased rapidly during this time period, aided by computer technology that simplified the creation of mass-mailing newsletters and other frankable mail. Second, postal rates increased significantly during the same time period, with first-class mail rates more than tripling from 8 cents in FY1972 to 25 cents by FY1988. Standard mail (formerly third-class) rates doubled from 5 cents in FY1972 to 10 cents in FY1988.

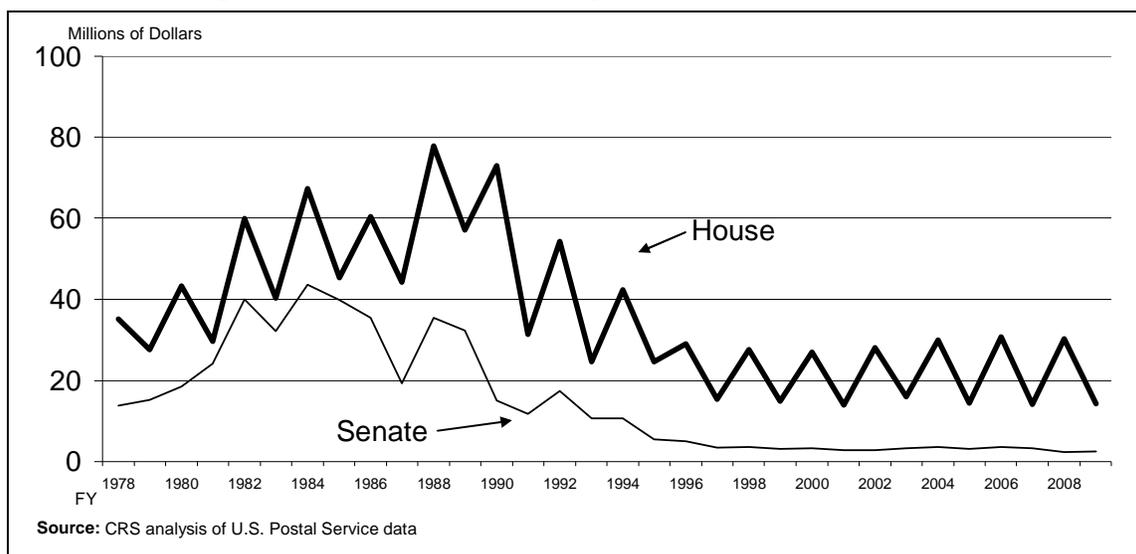
### Costs Reduced, FY1988-FY2009

Official congressional mail costs have decreased significantly in the past 20 years. Even-numbered-year franking expenditures have been reduced by almost 70% from \$113.4 million in FY1988 to \$32.6 million in FY2008. Odd-numbered-year franking expenditures have been reduced by over 80% from \$89.5 million in FY1989 to \$16.8 million in FY2009. **Figure 3** illustrates changes in official mail costs, by chamber, between FY1978 and FY2007.

The decrease in official mail expenditures during the early 1990s was primarily due to congressional reforms that placed individual limits on Members' mail costs and required public

disclosure of individual Member franking expenditures.<sup>8</sup> In 1986, the Senate established a franking allowance for each Senator and for the first time disclosed individual Member mail costs.<sup>9</sup> In 1990, the House established a separate franking allowance for its Members and required public disclosure of individual mail costs.<sup>10</sup>

**Figure 3. Official Mail Costs, by Chamber, FY1978-FY2009**



Source: CRS analysis of U.S. Postal Service data.

Tighter restrictions were also placed on Member mass mailings. Since October 1992, Members have been prohibited from sending mass mailings outside their districts.<sup>11</sup> Since October 1994, Senators have been limited to mass mailings that do not exceed \$50,000 per session of Congress. Senators may not use the frank for mass mailings above that amount.<sup>12</sup> Finally, the widespread adoption of new communications technology (such as email) since 1995 has shifted a proportion of communications formerly sent via franked mail to electronic format.

## Monthly Variation, FY2000 to FY2009

Official mail costs in both the House and Senate have shown significant monthly variation.

**Figure 4** plots monthly official mail costs for the House of Representatives from FY2000 to FY2009.<sup>13</sup>

<sup>8</sup> For a historical overview of franking regulations, see CRS Report RL34274, *Franking Privilege: Historical Development and Options for Change*, by Matthew Eric Glassman.

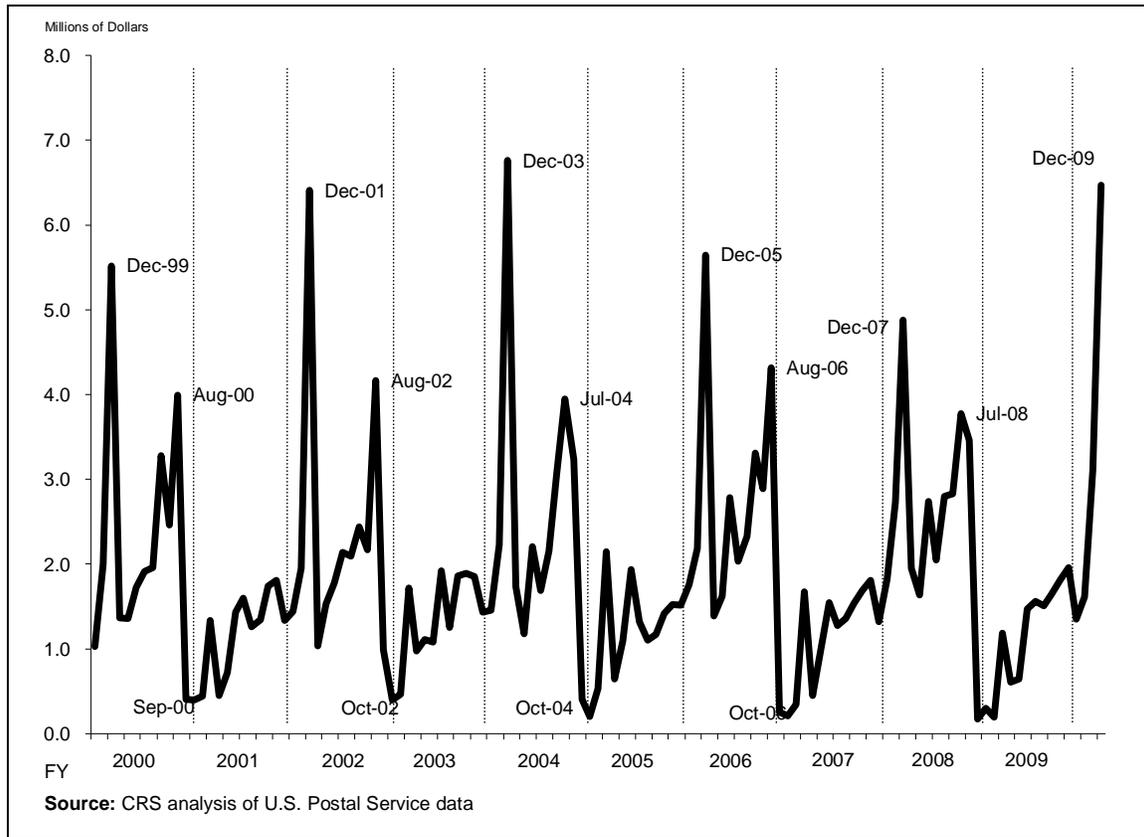
<sup>9</sup> S.Res. 500, 99<sup>th</sup> Cong., 2<sup>nd</sup> sess., agreed to in the Senate Oct. 8, 1986.

<sup>10</sup> Legislative Branch Appropriations Act, FY1991, P.L. 101-520, 104 Stat. 2254, 2279, sec. 311.

<sup>11</sup> Legislative Branch Appropriations Act, FY1993, P.L. 102-392, 106 Stat. 1703, 1722, sec. 309.

<sup>12</sup> Legislative Branch Appropriations Act, FY1995, P.L. 103-283, Stat. 1423, secs. 5, 108.

<sup>13</sup> Monthly official mail costs data are not available prior to FY2000.

**Figure 4. Monthly Official Mail Costs, House, FY2000-FY2009**

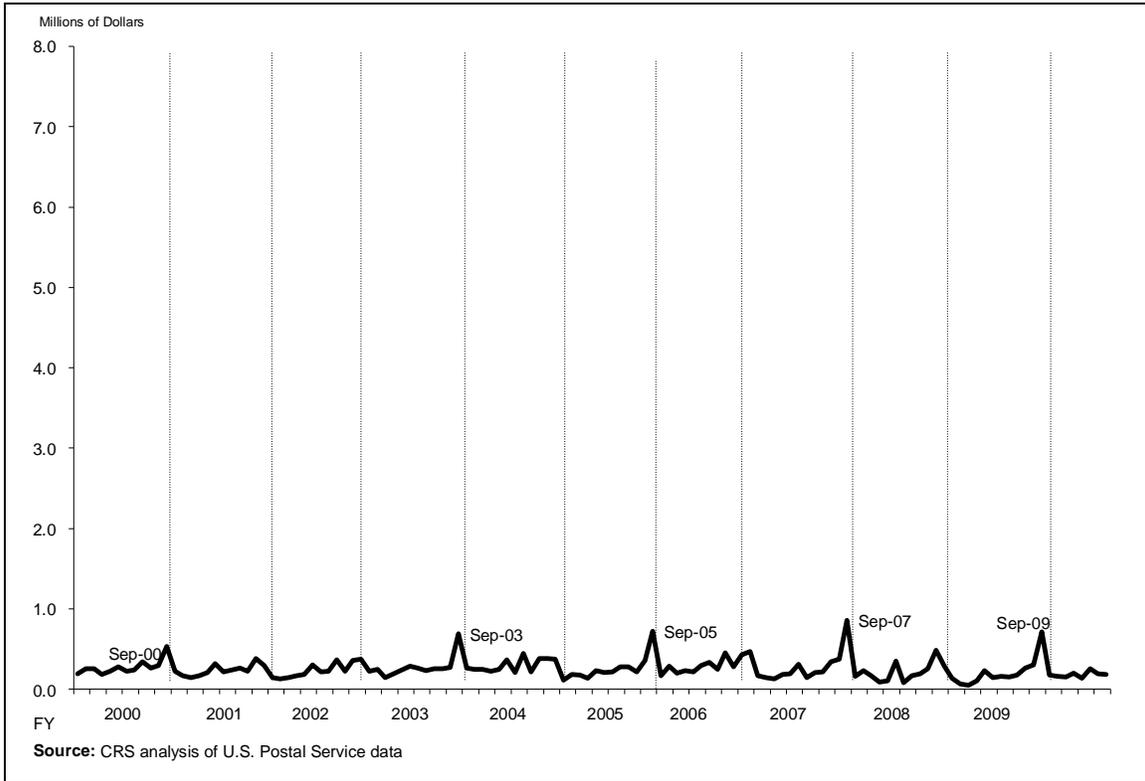
Source: CRS analysis of U.S. Postal Service data.

**Figure 4** demonstrates that the spikes in official mail costs found in FY2006 and FY2008 (as described in **Table 1**) are regular trends. From FY2000 to FY2009, peaks in House official mail cost occur cyclically, with the highest costs found in December of odd-numbered years and July or August of even-numbered years. The lowest costs occur during the pre-election months in which Member mass mailings are prohibited, and in the months immediately following the general elections.

**Figure 5**, plotting monthly official mail costs for the Senate on the same scale as **Figure 4**, demonstrates the relatively low costs of Senate official mail in comparison to House official mail costs. These lower costs are attributable to proportionally fewer Senators than Representatives franking mass mailings, as well as Senate rules that limit Senators to \$50,000 for mass mailings in any fiscal year.<sup>14</sup>

<sup>14</sup> Legislative Branch Appropriations Act, FY1995, P.L. 103-283, Stat. 1423, sec. 5.

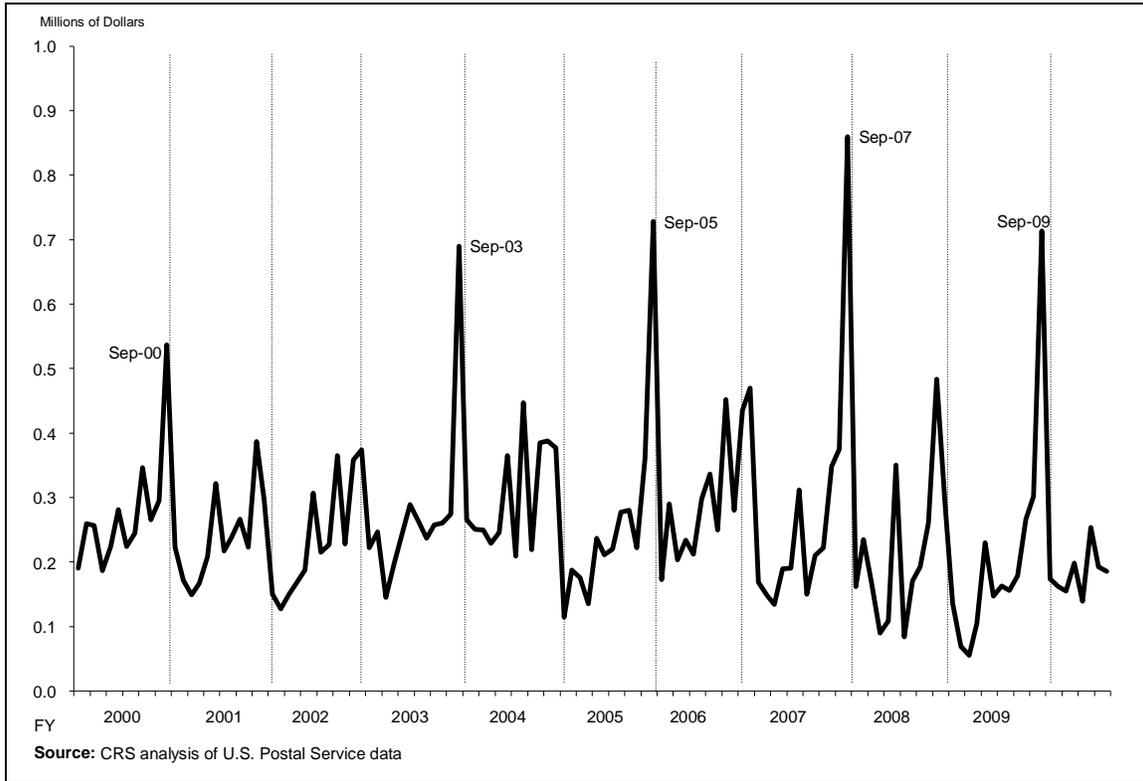
**Figure 5. Monthly Official Mail Costs, Senate, FY2000-FY2009**



Source: CRS analysis of U.S. Postal Service data.

**Figure 6** provides a re-scaled view of monthly Senate official mail costs. The pattern of costs in the Senate are similar to the House of Representatives, but not as pronounced. Costs peak annually in September, and are higher in the months just prior to the pre-election prohibited period.

**Figure 6. Monthly Official Mail Costs, Senate (re-scaled), FY2000 to FY2009**



Source: CRS analysis of U.S. Postal Service data.

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