



# **“Dear Colleague” Letters in the House of Representatives: An Analysis of Volume, Use, Characteristics, and Purpose**

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## Summary

The practice of writing “Dear Colleague” letters—official written correspondence from one Member, committee, or office to other Members, committees, or offices—dates back to at least the 1800s. Yet until recently, it was almost impossible to track the volume or purpose of “Dear Colleague” letters because a centralized, searchable system did not exist. The creation of the web-based *e*-“Dear Colleague” system has made it possible to systematically examine “Dear Colleague” letters, thereby offering a clearer understanding of what are largely, but not exclusively, intra-chamber communications.

In analyzing data on the volume of “Dear Colleague” letters sent between January 2003 and December 2010, several discernable trends can be observed. Overall, the total number of “Dear Colleague” letters sent continued to increase, from 5,161 “Dear Colleague” letters sent in 2003 to 14,531 letters sent in 2010. Additionally, the data show that overall more letters were sent during the first session of a Congress than the second session, and that the average number of “Dear Colleague” letters sent in the second session declined between September and December. This fall-off coincides with a decline in overall legislative activity at the end of a Congress.

During the 111<sup>th</sup> Congress, data from the web-based *e*-“Dear Colleague” system showed that Members sent the most letters (94%), and that the most popular topics were health care (8.8%) and foreign affairs (7.9%), followed by education (6.0%), family issues (5.8%), economy (5.6%), and environment (5.4%). The data demonstrated that the most frequent use of “Dear Colleague” letters in the 111<sup>th</sup> Congress was to elicit bill and resolution co-sponsors (53%).

Finally, when examining “Dear Colleague” letters that were linked to a specific piece of legislation, the data showed that public laws with a linked “Dear Colleague” letter had a greater number of average co-sponsors (74) than public laws without an associated “Dear Colleague” letter (16). The same can also be said for House resolutions, where resolutions associated with a “Dear Colleague” letter had an average of 50 co-sponsors and resolutions not associated with a “Dear Colleague” letter had an average of 24.

In light of the analysis of the volume, use, characteristics, and purpose of “Dear Colleague” letters, several possible administrative and operations questions are raised to aid the House in future discussions of the *e*-“Dear Colleague” system. These include questions on handling the growth in volume of “Dear Colleague” letters sent per year, and the potential to create additional mechanisms within the *e*-“Dear Colleague” system to aid subscribers in managing the “Dear Colleague” letters they receive.

For a brief explanation on how to send “Dear Colleague” letters, see CRS Report RL34636, *“Dear Colleague” Letters: Current Practices*, by (name redacted).

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## Introduction

Member-to-Member correspondence has long been used in Congress. For example, since early House rules permitted measures to be introduced only in a manner involving the “explicit approval of the full chamber,” Representatives needed permission from other Members to introduce legislation.<sup>1</sup> A common communication medium for soliciting support for this action was a letter to colleagues. For example, Representative Abraham Lincoln, in 1849, formally notified his colleagues in writing that he intended to seek their authorization to introduce a bill to abolish slavery in the District of Columbia.<sup>2</sup>

The use of the phrase “Dear Colleague” has been used since at least early in the 20<sup>th</sup> century to refer to a letter widely distributed among Members. In 1913, the *New York Times* included the text of a “Dear Colleague” letter written by Representative Finley H. Gray to Representative Robert N. Page in which Gray outlined his “conceptions of a fit and proper manner” in which Members of the House should “show their respect for the President” and “express their well wishes” to the first family.<sup>3</sup> In 1916, the *Washington Post* included the text of a “Dear Colleague” letter written by Representative William P. Borland and distributed to colleagues on the House floor. The letter provided an explanation of an amendment he had offered to a House bill.<sup>4</sup>

A “Dear Colleague” letter is official correspondence that is sent by a Member, committee, or officer of the House of Representatives or Senate and that is widely distributed to other congressional offices.<sup>5</sup> These letters frequently begin with the salutation “Dear Colleague.” The length of such correspondence varies, with a typical “Dear Colleague” running one to two pages. A “Dear Colleague” letter may be circulated in paper through internal mail, distributed on the chamber floor, or sent electronically.<sup>6</sup>

“Dear Colleague” letters are often used to encourage others to co-sponsor, support, or oppose a bill. “Dear Colleague” letters concerning a bill or resolution generally include a description of the legislation or other subject matter along with a reason or reasons for support or opposition.

Additionally, “Dear Colleague” letters are used to inform Members and their offices about events connected to congressional business or modifications to House or Senate operations. The Committee on House Administration and the Senate Committee on Rules and Administration, for

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<sup>1</sup> The power to introduce a bill was not regarded as the privilege of any single Member. See Joseph Cooper, “Origins of the Standing Committees and the Development of the Modern House,” *Rice University Studies*, vol. 56, no. 3 (1970), p. 3.

<sup>2</sup> Neil MacNeil, *Forge of Democracy: The House of Representatives* (New York: David McKay Company Inc., 1963), pp. 57-58.

<sup>3</sup> “Discord in House over Wilson Gift,” *The New York Times*, October 31, 1913, p. 10.

<sup>4</sup> “Hears Borland Today,” *The Washington Post*, March 14, 1916, p. 5.

<sup>5</sup> U.S. Congress, Committee on House Administration, *Members’ Congressional Handbook*, 112<sup>th</sup> Cong., 1<sup>st</sup> sess. ([http://cha.house.gov/index.php?option=com\\_content&view=article&id=25&Itemid=185](http://cha.house.gov/index.php?option=com_content&view=article&id=25&Itemid=185)).

<sup>6</sup> Internal mail circulation is handled by the House Postal Operations Office and the Senate Printing Graphics and Direct Mail Division. Electronic distribution of House “Dear Colleague” letters is available through a web-based e-“Dear Colleague” distribution system. Instructions on sending electronic “Dear Colleagues” can be found at <http://e-dearcolleague.house.gov>. The e-“Dear Colleague” website is available only to Members of the House of Representatives and their staffs.

example, routinely circulate “Dear Colleague” letters to Members concerning matters that affect House or Senate operations, such as House changes to computer password policies<sup>7</sup> or a reminder about Senate restrictions on mass mailings prior to elections.<sup>8</sup>

Congress has recently expanded its use of the Internet and electronic devices to facilitate distribution of legislative documents. Consequently, electronic “Dear Colleague” letters can be disseminated via internal networks in the House and Senate, supplementing or supplanting paper forms of the letters. Electronic communication has increased the speed and facilitated the process of distributing “Dear Colleague” letters.

The House has developed a web-based distribution system—the *e*-“Dear Colleague” system.<sup>9</sup> Unveiled in 2008, this system replaced an e-mail-based system.<sup>10</sup> The *e*-“Dear Colleague” system allows Members and staff to attach issue terms to “Dear Colleague” letters, to send letters with graphics and hyperlinks, and to subscribe to “Dear Colleague” letters based on issue terms. Additionally, the *e*-“Dear Colleague” system contains a searchable archive of all letters.<sup>11</sup> “Dear Colleague” letters may still be sent as a paper letter. For paper letters, the House has specific mailing requirements, including the number of copies required and the schedule for delivery to Member offices.<sup>12</sup>

This report first analyzes the volume of electronic “Dear Colleague” letters in the House of Representatives since 2003. The report then analyzes data from the *e*-“Dear Colleague” system to reveal what can now be known about the use of “Dear Colleague” letters in the House and explores some hypotheses that might explain the data. The report concludes with questions for potential future development of the *e*-“Dear Colleague” system.

## Data and Methodology

The existence of the e-mail “Dear Colleague” system and the web-based *e*-“Dear Colleague” system means that data on House “Dear Colleague” letters are available beginning in 2003. For the analysis in this report, these data were divided into two datasets. The first dataset, which contains the total number of “Dear Colleague” letters between January 2003 and December 2010, allowed examination of the *volume* of “Dear Colleague” letters sent. For “Dear Colleague” letters

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<sup>7</sup> Dear Colleague letter from Daniel Beard, chief administrative officer of the House, “Computer Password Protection Update,” August 22, 2008.

<sup>8</sup> Dear Colleague letter from Senator Dianne Feinstein, chair, and Senator Robert Bennett, ranking member, Senate Committee on Rules and Administration, July 30, 2008.

<sup>9</sup> For more information on the process for sending “Dear Colleague” letters in the House and the Senate, see CRS Report RL34636, “*Dear Colleague*” Letters: *Current Practices*, by (name redacted).

<sup>10</sup> U.S. Congress, Committee on House Administration, *Members’ Congressional Handbook*, 112<sup>th</sup> Cong., 1<sup>st</sup> sess. ([http://cha.house.gov/index.php?option=com\\_content&view=article&id=25&Itemid=185](http://cha.house.gov/index.php?option=com_content&view=article&id=25&Itemid=185)).

<sup>11</sup> The sending of “Dear Colleague” letters differs in the Senate and House. In the Senate, a “Dear Colleague” letter can be sent either on paper or by e-mail and requires a Senator’s signature. Senate guidance on “Dear Colleague” letters, however, addresses only the use of paper letters because a centralized electronic system does not exist. For more information on “Dear Colleague” letters in the Senate, see U.S. Congress, Senate “Dear Colleagues” webpage, Webster Senate Intranet (<http://webster.senate.gov/saa/services/subtemplate01.cfm?serviceid=107&subserved=396>). Webster is available only to Senate offices.

<sup>12</sup> U.S. Congress, Committee on House Administration, *Members’ Congressional Handbook*, 112<sup>th</sup> Cong., 1<sup>st</sup> sess. ([http://cha.house.gov/index.php?option=com\\_content&view=article&id=25&Itemid=185](http://cha.house.gov/index.php?option=com_content&view=article&id=25&Itemid=185)).

sent between January 2003 and December 2008, data were collected from the archive of e-mail letters collected in the Legislative Information System (LIS).<sup>13</sup> The e-“Dear Colleague” system was used to obtain data on letters sent between January 2009 and December 2010.

The second dataset comprises all “Dear Colleague” letters sent between January 2009 and December 2010 through the e-“Dear Colleague” system. This dataset was used to examine *how* the e-“Dear Colleague” system was used by Members, committees, and officers of the House. For each letter, the date sent, the letter’s associated issue terms, the sending office, the letter’s title, and any associated bills or resolutions were downloaded. These data were then coded by the Congressional Research Service (CRS) for the letter’s purpose, the type of office that sent the letter (Member, committee, House officer, or congressional commission), the political party of the sender (if relevant), and the final disposition of legislation associated with the letter (if any).<sup>14</sup>

For the purpose of this report, all analyses were based on “Dear Colleague” letters sent electronically, including letters sent through the e-mail system or the web-based e-“Dear Colleague” system. Paper copies of “Dear Colleague” letters were not included in the analyses since there had been no consistent effort to collect or track these “Dear Colleague” letters.

## “Dear Colleague” Volume

Overall, the number of “Dear Colleague” letters sent electronically between 2003 and 2010 increased each year. Using the first dataset to examine the volume of “Dear Colleague” letters sent electronically, **Figure 1** shows the number of “Dear Colleague” letters sent annually from 2003 to 2010.<sup>15</sup> In those years, a total of 78,279 “Dear Colleague” letters were sent electronically.<sup>16</sup> In the 111<sup>th</sup> Congress (2009-2010) alone, however, 31,768 “Dear Colleague” letters were sent.

The overall increase in the number of electronic “Dear Colleague” letters between 2003 and 2010 might be explained in part by increased use of electronic communications tools in the House. E-mail and webpages are no longer the only electronic communication tools available to Members, committees, and officers. As congressional offices have become more comfortable using social media, such as Facebook, Twitter, and YouTube, to communicate with their constituents,<sup>17</sup> their

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<sup>13</sup> Data from the e-mail-based system were compiled by Jennifer Manning, information research specialist, Knowledge Services Group, Congressional Research Service.

<sup>14</sup> While data exist in the e-“Dear Colleague” system for all “Dear Colleague” letters since August 2008, the analysis presented here was limited to letters sent in the 111<sup>th</sup> Congress (2009-2010). By using data for a full Congress, information about the final disposition of bills and resolutions, including the number of co-sponsors, the committees of referral, and whether legislation associated with “Dear Colleague” letters passed the House could be analyzed. Data on committee referrals, the number of co-sponsors, and the final disposition of bills and resolutions were compiled by Luis de Castro, technical information specialist, Knowledge Services Group, Congressional Research Service.

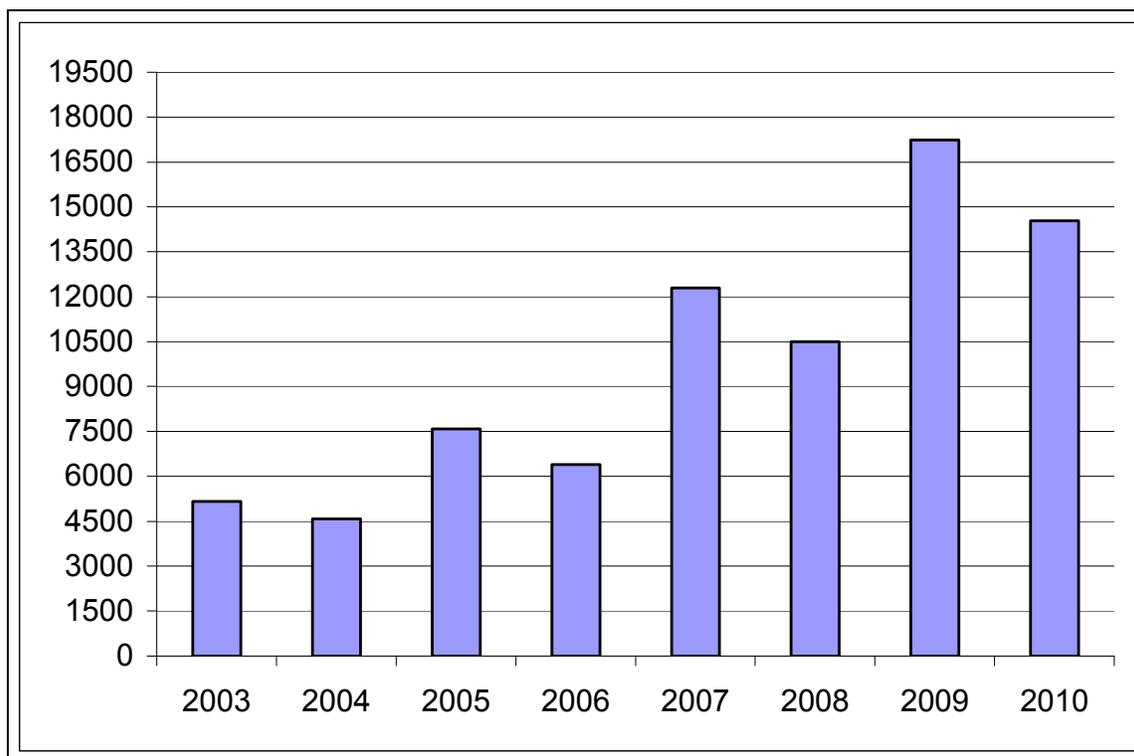
<sup>15</sup> The data in **Figure 1** do not include paper “Dear Colleague” letters or electronic “Dear Colleague” letters that were not sent through the House’s e-mail “Dear Colleague” system or the e-“Dear Colleague” system.

<sup>16</sup> The 78,279 “Dear Colleague” letters sent electronically between 2003 and 2010 include individual letters that were sent multiple times by an office. For example, if a Member sent a “Dear Colleague” letter at 9:00 a.m. and sent the same letter again at 2:00 p.m., it would be recorded twice in the dataset.

<sup>17</sup> For more information on Member usage of one social media outlet, see CRS Report R41066, *Social Networking and Constituent Communications: Member Use of Twitter During a Two-Month Period in the 111<sup>th</sup> Congress*, by Matthew Eric Glassman, (name redacted), and (name redacted).

comfort level with using electronic “Dear Colleague” letters to communicate with other Members, committees, and officers might have also increased. Additionally, the ease of communicating electronically might have contributed to the large number of “Dear Colleague” letters, as this form of communication easily accommodates Washington schedules, rapid response to events, and other aspects of the congressional work environment.

**Figure 1. Total Electronic “Dear Colleague” Letters, 2003-2010**

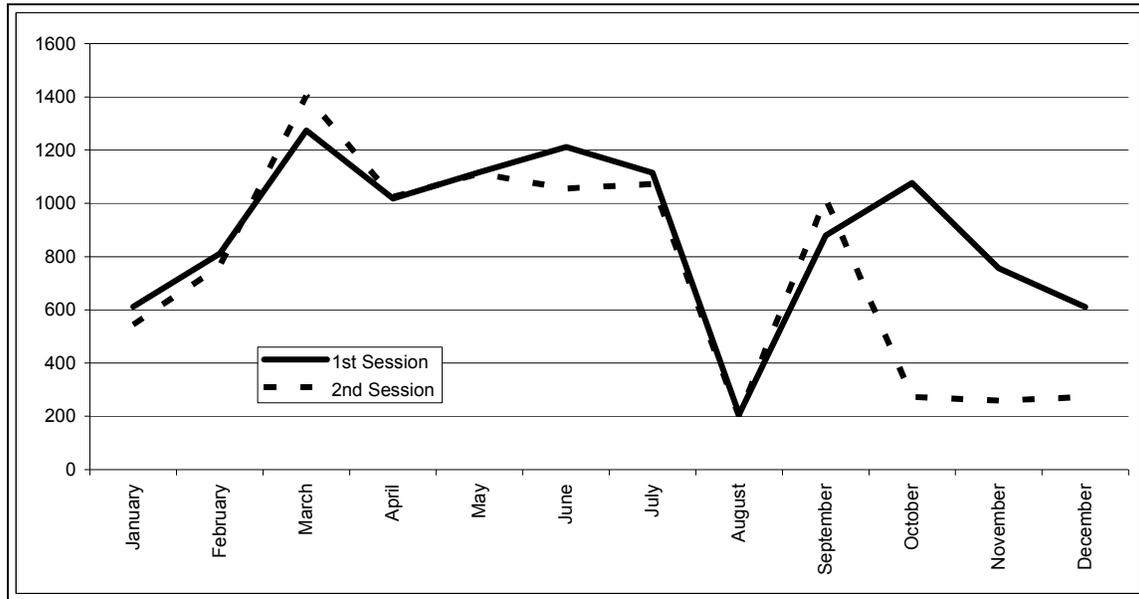


**Source:** Legislative Information System (LIS) of the U.S. Congress and <http://e-dearcolleague.house.gov>. Data for the e-mail-based system used between January 2003 and December 2008 were compiled by Jennifer Manning, information research specialist, Knowledge Services Group, Congressional Research Service.

Examining the number of electronic “Dear Colleague” letters sent each year provides an overall picture of the increased use of e-mail and web-based distribution. Examining the average number of letters sent each month provides a more detailed look at the distribution of “Dear Colleague” letters over an entire Congress. **Figure 2** shows (1) the average number of “Dear Colleague” letters sent each month over the four Congresses that occurred from 2003 to 2010 and (2) the average aggregate over the first and second sessions of each Congress.<sup>18</sup> Between 2003 and 2010, an average of 831 “Dear Colleague” letters were sent each month.

<sup>18</sup> The data for **Figure 2** do not include paper “Dear Colleague” letters or electronic “Dear Colleague” letters that were not sent through the House’s e-mail “Dear Colleague” system or the e-“Dear Colleague” system. The first session of Congress includes data from 2003, 2005, 2007, and 2009. The second session includes data from 2004, 2006, 2008, and 2010.

**Figure 2. Monthly Electronic “Dear Colleague” Letters Averages by Session, 2003-2010**



**Source:** Legislative Information System (LIS) of the U.S. Congress and <http://e-dearcolleague.house.gov>. Data from the e-mail-based system used between January 2003 and December 2008 was compiled by Jennifer Manning, information research specialist, Knowledge Services Group, Congressional Research Service.

As **Figure 2** shows, the pattern of “Dear Colleague” letters aligned with the overall congressional work schedule. Between January and September, the number of “Dear Colleague” letters sent in the first and second sessions was fairly similar. After September, however, the pattern in the number of “Dear Colleague” letter changed between the first and second sessions. The volume in September was relatively high in both sessions, but there was a drop-off beginning in October of the second session.

For August, there was a significant reduction in the number of “Dear Colleague” letters sent. Primarily, this reduction occurred because of the month-long district work period (recess) that is normally scheduled. As a result of the district work period, Members are likely more focused on constituent service and reelection activities than on introduction of legislation and public policy.

Following the August recess, there was an overall decline in the number of “Dear Colleague” letters sent. The decline, however, was more pronounced in the second session. In fact, in October of a first session, there was actually an increase in the number of “Dear Colleague” letters sent before the number of letters declines in November and December. For the second session, after approximately 1,000 letters sent in an average September, the number of “Dear Colleague” letters fell off dramatically for the remainder of the Congress.<sup>19</sup>

<sup>19</sup> For example, between the beginning of the first session of the 111<sup>th</sup> Congress (January 6, 2009) and Thanksgiving (November 26), 6,570 bills were introduced in the House, while 254 were introduced between November 27 and December 31. The difference in the second session (2010) was more pronounced with 2,158 bills introduced between January 1, 2010 and Thanksgiving (November 25) compared with 123 introduced between November 26 and December 31.

The drop-off in letters in the last months of the first session was likely the result of a declining workload in the fall of most Congresses. Additionally, the drop-off mirrors a traditional congressional recess at Thanksgiving and sine die adjournment before Christmas. During this time, generally the number of legislative decisions declines and fewer pieces of legislation are introduced.

During the second session, the drop-off in “Dear Colleague” letters can likely be explained by the congressional election cycle. Beginning sometime in October, Congress adjourns for a period leading up to the November election, allowing Members to spend time in their district and campaign for reelection. Use of the “Dear Colleague” system during this time is limited, as Members are focused on electoral, not legislative, activities. Following the election, generally the overall congressional workload in any lame-duck session is reduced as Congress meets for brief periods on a limited agenda, the parties work to organize for the next Congress, Members who were reelected devise future legislative and representational strategies, and Members who were not reelected work on closing their offices.

The data suggest that Members send “Dear Colleague” letters around the House’s legislative calendar and around legislative opportunities to initiate new bills and to influence floor actions. Sending “Dear Colleague” letters during longer breaks and during the final months of the second session are not likely to be as effective as sending letters when the House is in session and during the most legislatively active months. “Dear Colleague” letters reach their target audience if they are sent when Members are in Washington.

## Who Sent “Dear Colleague” Letters

The analysis in this and subsequent sections uses the second dataset of “Dear Colleague” letters: those sent in the 111<sup>th</sup> Congress (2009-2010). While Members, House officers,<sup>20</sup> committees, and House commissions<sup>21</sup> may send “Dear Colleague” letters, Members accounted for 94% (26,380) of all “Dear Colleague” letters sent in the 111<sup>th</sup> Congress. Committees sent the next highest volume of “Dear Colleague” letters with 5% (1,396 letters), followed by House officers with 0.6% (158 letters), and House commissions with 0.5% (134 letters).<sup>22</sup>

That Members send an overwhelming majority of “Dear Colleague” letters is expected, as the majority of “Dear Colleague” letters are sent to request legislative co-sponsors. While committees only account for 5% of “Dear Colleague” letters, it is possible that the number of “Dear Colleague” letters dealing with committee activities is greater than 5%, since committee members may have sent “Dear Colleague” letters in their own name rather than under a committee’s banner. In this case, a letter would have been counted as a Member letter.

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<sup>20</sup> Officers of the House of Representatives include the Clerk of the House, the Chief Administrative Officer, the Sergeant at Arms, the Inspector General, the House Chaplain, and the Office of the Attending Physician.

<sup>21</sup> House commissions include the Commission on Security and Cooperation in Europe (the Helsinki Commission), the United States-China Economic and Security Review Commission, the Tom Lantos Human Rights Commission, and the House Democracy Assistance Commission (now the House Democracy Partnership). Other commissions may have had the ability to send “Dear Colleague” letters but did not do so during the 111<sup>th</sup> Congress.

<sup>22</sup> Percentages of “Dear Colleague” letters do not equal 100% because of rounding.

In the 111<sup>th</sup> Congress, 82.5% of all Member letters were sent by Democrats and 17.5% were sent by Republicans. These numbers are not descriptively representative of the House membership for the 111<sup>th</sup> Congress. Overall, the 111<sup>th</sup> Congress was 59% Democratic and 41% Republican.<sup>23</sup> The difference between the membership of the 111<sup>th</sup> Congress and the party affiliation of “Dear Colleague” letter senders may result from one party having placed greater emphasis on using the e-“Dear Colleague” system than the other. It is also possible that, when Members from different parties co-sponsored legislation, only one majority party Member sent a “Dear Colleague” letter on behalf of his or her colleagues. Additionally, because the majority has more opportunities to schedule and direct legislation in the House, majority Members might have been more likely to use the “Dear Colleague” system to express their views and solicit support for their proposals.

## **“Dear Colleague” Letters’ Characteristics and Purpose**

“Dear Colleague” letters are often used to encourage others to co-sponsor, support, or oppose a bill or resolution. “Dear Colleague” letters concerning a bill or resolution generally include a description of the legislation along with a reason or reasons for support or opposition.<sup>24</sup> For example, a “Dear Colleague” letter sent during the 111<sup>th</sup> Congress solicited co-sponsors for H.R. 483, the Victims of Crime Preservation Fund Act of 2009, and H.R. 3402, the Crime Victims Fund Preservation Act of 2009. The “Dear Colleague” letter asked for other Members to co-sponsor the bills and then explained why the issue was important.

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<sup>23</sup> U.S. Congress, Clerk of the House of Representatives, “Party Divisions of the House of Representatives (1789 to Present)” ([http://artandhistory.house.gov/house\\_history/partyDiv.aspx](http://artandhistory.house.gov/house_history/partyDiv.aspx)).

<sup>24</sup> ““Dear Colleague’ Letters,” *Congressional Quarterly’s Guide to Congress*, 2 vols. (Washington: Congressional Quarterly Inc., 2008), p. 751; and Abner J. Mikva and Patti B. Saris, *The American Congress: The First Branch* (New York: Franklin Watts, 1983), p. 203. See also Susan Webb Hammond, *Congressional Caucuses in National Policy Making* (Baltimore: The Johns Hopkins University Press, 1998), pp. 90, 94, 128, 167, 175, 184, and 215.

Dear Colleague,

For 25 years, the Victims of Crime Act (VOCA) has been the lifeblood of victim service providers all over the country.

Thanks to this legislation, current law now requires criminals convicted in Federal courts to pay for their crimes by paying into a court cost fund. That money is then used to help pay for grants to victim services providers, rent on the courthouse, and victims’ medical or funeral expenses.

***This fund is money provided by criminals, and intended for victims. It is not paid for by taxpayer dollars.***

As co-chairs of the Congressional Victims’ Rights Caucus, we have introduced two bills to protect this fund and the victims it assists.

**H.R. 3402, Crime Victims Fund Preservation Act of 2009** will ensure a continued and substantial increase in the amount of Fund dollars that are made available to support critical crime victim services. The bill will do this by establishing minimum VOCA caps through 2014 that allow for suitable outlays while still leaving a substantial balance in the Fund for future use.

**H.R. 483, Victims of Crime Act Preservation Fund Act of 2009** will create a “lockbox” to ensure that this money cannot be used for anything other than victims programs.

We hope you will consider co-sponsoring these important bills. With this legislation, we can ensure that Congress honors the commitment that it made to victims 25 years ago.<sup>25</sup> (Emphasis in original.)

Additionally, “Dear Colleague” letters are used to inform Members and their offices about events connected to congressional business or modifications to chamber operations. The Committee on House Administration, for example, routinely circulates “Dear Colleague” letters to Members concerning matters that affect House operations, such as the announcement in the 111<sup>th</sup> Congress of support for Apple iPhones on the House network.<sup>26</sup> Other characteristics and purposes are described below.

## Self-Selected Categories

When a Member, officer, committee, or commission uses the e-“Dear Colleague” system to send a letter electronically, the sender may categorize the letter with up to three issue terms (see **Table 1** for a list of categories). When the letter is sent, the categories are included with the “Dear Colleague” letter and are displayed in the subject line of the e-mail sent to subscribers. In the 111<sup>th</sup> Congress, a majority of offices (52.6%) chose to assign three categories, the maximum, to their letters, while 26.6% of offices assigned two categories, and 20.8% assigned one category.

The available categories were drafted by the Committee on House Administration and the House Chief Administrative Officer based on conversations with offices that used the earlier e-mail-based system and the categories that appeared most frequently on “Dear Colleague” letters sent through that system. The categories have not been updated or changed since they were initially approved by the Committee on House Administration in 2008.<sup>27</sup>

<sup>25</sup> Dear Colleague letter from Rep. Ted Poe, “Protect Money for Crime Victims,” May 26, 2010.

<sup>26</sup> Dear Colleague letter from Rep. Robert Brady, chair, Committee on House Administration, “iPhones Now Supported by House Network,” April 15, 2010.

<sup>27</sup> Electronic “Dear Colleague” System Stakeholder Session briefing with John Clocker, Office of the Chief Administrative Officer of the House of Representatives, June 25, 2008.

**Table 1** shows that some categories were used more frequently by senders than others. If an office wanted to assign more than three categories to a letter, it may have sent the letter multiple times. Sending the letter multiple times with different issue terms assigned may have made it possible to reach a wider House audience. **Table 1** lists the 32 available categories and the number and percentage of “Dear Colleague” letters associated with each category.

**Table 1. “Dear Colleague” Letter Issue Categories, 111<sup>th</sup> Congress**

| Categories        | Number | Percent | Categories               | Number        | Percent       |
|-------------------|--------|---------|--------------------------|---------------|---------------|
| Health Care       | 6,398  | 8.8%    | Homeland Security        | 1,871         | 2.6%          |
| Foreign Affairs   | 5,771  | 7.9%    | Taxes                    | 1,906         | 2.6%          |
| Education         | 4,321  | 6.0%    | Agriculture              | 1,790         | 2.5%          |
| Family Issues     | 4,234  | 5.8%    | Transportation           | 1,688         | 2.3%          |
| Economy           | 4,037  | 5.6%    | Consumer Affairs         | 1,516         | 2.1%          |
| Environment       | 3,906  | 5.4%    | Technology               | 1,456         | 2.0%          |
| Armed Services    | 3,570  | 4.9%    | Small Business           | 1,414         | 1.9%          |
| Appropriations    | 3,098  | 4.3%    | Science                  | 1,331         | 1.8%          |
| Judiciary         | 3,124  | 4.3%    | Trade                    | 1,340         | 1.8%          |
| Civil Rights      | 2,564  | 3.5%    | Budget                   | 876           | 1.2%          |
| Energy            | 2,496  | 3.4%    | Intelligence             | 771           | 1.1%          |
| Labor             | 2,337  | 3.2%    | Social Security          | 526           | 0.7%          |
| Government        | 2,262  | 3.1%    | Elections                | 418           | 0.6%          |
| Natural Resources | 2,272  | 3.1%    | Rules/Legislative Branch | 374           | 0.5%          |
| Finance           | 2,182  | 3.0%    | Administrative           | 278           | 0.4%          |
| Veterans          | 2,213  | 3.0%    | Ethics and Standards     | 269           | 0.4%          |
|                   |        |         | <b>Total</b>             | <b>72,609</b> | <b>100.0%</b> |

**Source:** CRS compilation of data from <http://e-dearcolleague.house.gov>.

In the 111<sup>th</sup> Congress, the most popular categories were health care (8.8%) and foreign affairs (7.9%), followed by education (6.0%), family issues (5.8%), economy (5.6%), and environment (5.4%). When evaluating the data, it is important to note that the sender selects a category. While it is possible that some of the self-assigned categories do not accurately reflect the content of a “Dear Colleague” letter, the top six categories mirror the House’s legislative focus during the 111<sup>th</sup> Congress.

## Purpose of “Dear Colleague” Letters

To determine the purpose of each “Dear Colleague” letter sent during the 111<sup>th</sup> Congress, the author of this report examined each letter for content and placed each letter into one of five categories that described the purpose of the letter. These categories were

1. elicited co-sponsors for legislation;
2. collected signatures for letters to executive branch officials or congressional leadership;

3. invited other Members and staff to events;
4. provided information or advocated on public policy, floor action, or amendments;  
and
5. announced administrative policies of the House.

For letters that expressed multiple goals, the most prominent purpose (i.e., listed in the subject line, header, or first sentence of the letter) was coded. For example, a “Dear Colleague” letter that asked for co-sponsorship often also provided information on public policy or floor action. The author, however, by placing the word “co-sponsor” in the subject line and asking other Members to contact his or her office to co-sponsor a bill or resolution, highlighted co-sponsor solicitation over other goals. **Table 2** lists the purposes of letters in the 111<sup>th</sup> Congress and the number of letters associated with each purpose.

**Table 2. Purposes of “Dear Colleague” Letters, 111<sup>th</sup> Congress**

| <b>Reason for Sending</b>                                                                  | <b>Number</b> | <b>%</b>      |
|--------------------------------------------------------------------------------------------|---------------|---------------|
| Elicited co-sponsors for legislation                                                       | 16,850        | 53.0%         |
| Collected signatures for letters to executive branch officials or congressional leadership | 6,602         | 20.8%         |
| Invited other Members and staff to events                                                  | 5,810         | 18.3%         |
| Provided information on public policy or floor action                                      | 2,114         | 6.7%          |
| Announced administrative policies                                                          | 391           | 1.2%          |
|                                                                                            | <b>31,767</b> | <b>100.0%</b> |

**Source:** CRS compilation of data from <http://e-dearcolleague.house.gov>.

## **Co-sponsorship**

Eliciting co-sponsors was the most common reason for sending “Dear Colleague” letters (53%) in the 111<sup>th</sup> Congress. Overall for the Congress, 8,789 bills, resolutions, concurrent resolutions, and joint resolutions were introduced in the House. While the number of co-sponsors for any given piece of House legislation varied (from 0 to 425), the average number of co-sponsors was 17.9.

In the 111<sup>th</sup> Congress, 1,636 bills, resolutions, concurrent resolutions and joint resolutions were linked with a “Dear Colleague” letter. For this legislation, the average number of co-sponsors was greater than for legislation not associated with a “Dear Colleague” letter. For legislation linked with a “Dear Colleague” letter, the average number of co-sponsors was 38.2.

Measuring the exact impact of a “Dear Colleague” on the outcome of any given piece of legislation is not possible. What the data can provide is a glimpse into any variance between the number of co-sponsors for enacted bills with an associated “Dear Colleague” letter and those without. In the 111<sup>th</sup> Congress, 265 House bills became law. Of these public laws, 50 (19%) had “Dear Colleague” letters attached to the underlying legislation and 215 (81%) did not. For public laws that had a “Dear Colleague” letter, the underlying House legislation had a higher average number of co-sponsors (74) compared with the underlying House legislation that did not have an associated letter (16).

For simple resolutions (H.Res.), the numbers are similar. Of the 1,784 simple resolutions introduced in the House in the 111<sup>th</sup> Congress, 894 (50%) were agreed to, two failed to pass the

House (0.11%), 836 (47%) were introduced and referred to a committee or subcommittee, and 35 (2%) were reported by a committee but not scheduled for consideration in the House. Additionally, 17 (1%) simple resolutions were tabled on the floor. For simple resolutions that were agreed to in the House, 155 were associated with a “Dear Colleague” letter and 739 were not. Resolutions associated with a “Dear Colleague” letter had an average of 50 co-sponsors, while resolutions not associated with a “Dear Colleague” letter had an average of 24.

## **Invitation**

In addition to eliciting co-sponsors, “Dear Colleague” letters were also used to invite other Members or staff to a briefing or to join a caucus (18.3%).<sup>28</sup> “Dear Colleague” letters provide an opportunity to promote events directly to fellow Members and their staff. For example, a Member sent a “Dear Colleague” letter in June 2010 inviting other Members and staff to a “special briefing” on food security with panelists from the United Nations and the United States Agency for International Development (USAID).<sup>29</sup>

## **Collect Signatures for Letters**

“Dear Colleague” letters were often used to solicit other Members to co-sign letters to congressional leadership, committee chairs, and executive branch officials (20.8%). Sending letters to executive branch officials or congressional leadership can be an important tool for Members seeking to influence policymaking. A letter to congressional leadership, committee chairs, or the executive branch with multiple signers, can be used to express Members’ opinion on legislation pending before the House or on executive branch policy implementation. For example, the House Committee on Foreign Affairs used a “Dear Colleague” letter to solicit signatures on a letter to President Barack Obama expressing the need for tighter sanctions against Syria. The “Dear Colleague” letter outlined the committee signer’s beliefs on why sanctions were important and why other Members should consider signing on. Additionally, the “Dear Colleague” letter provided the text of the letter that would be sent to the White House.<sup>30</sup>

## **Information**

Members, committees, and commissions also used “Dear Colleague” letters to provide information to other Members (6.7%). Informational “Dear Colleague” letters included letters that shared newspaper articles, explained a Member’s position on a bill, or encouraged support or defeat of measures being considered on the House floor. For example, in June 2010, a Member sent a “Dear Colleague” letter encouraging other Members not to support H.R. 5034, the Comprehensive Alcohol Regulatory Effectiveness (CARE) Act of 2010. The letter shared a letter from the leaders of beer, wine, and spirits associations asking Congress “to preserve the

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<sup>28</sup> For more information on congressional member organization (caucuses), see CRS Report R40683, *Congressional Member Organizations: Their Purpose and Activities, History, and Formation*, by (name redacted); and Susan Webb Hammond, *Congressional Caucuses in National Policy Making* (Baltimore, MD: The Johns Hopkins University Press, 2001).

<sup>29</sup> “Dear Colleague” letter from Representative James McGovern, “TOMORROW – Special Briefing: Fresh Approaches on Food Security,” June 1, 2010.

<sup>30</sup> “Dear Colleague” letter from the House Committee on Foreign Affairs, “Time to Tighten Sanctions on the Syrian Regime: Sign Bipartisan Letter to the President,” July 29, 2010.

effectiveness of the existing state-based alcohol regulatory system,” and outlining the Member’s position on the bill.<sup>31</sup>

## Administrative Announcements

Finally, officers of the House and committees used “Dear Colleague” letters to make administrative announcements (1.2%). These announcements in the 111<sup>th</sup> Congress included a restatement of mileage reimbursement rates,<sup>32</sup> special event procedures (e.g., ticketing for House gallery seating),<sup>33</sup> or application of House rules to specific events (e.g., the use of official funds for travel to funerals).<sup>34</sup>

## Types of Legislation

The current “Dear Colleague” distribution system provides Members with the option of linking a “Dear Colleague” letter to a specific bill or resolution. Approximately 59.3% of “Dear Colleague” letters were linked in the e-“Dear Colleague” system to legislation in the 111<sup>th</sup> Congress. **Table 3** shows the type of legislation linked to “Dear Colleague” letters and the overall percentage of legislation introduced in the 111<sup>th</sup> Congress.

**Table 3. “Dear Colleague” Letters Linked to Legislation and Legislation Introduced in the 111<sup>th</sup> Congress**

| Legislation Type                         | “Dear Colleague” Letters Linked to Legislation | Breakdown of Legislation in the 111 <sup>th</sup> Congress |
|------------------------------------------|------------------------------------------------|------------------------------------------------------------|
| House Bills (H.R.)                       | 78.1%                                          | 74.7%                                                      |
| House Resolution (H.Res.)                | 17.6%                                          | 20.3%                                                      |
| House Concurrent Resolution (H.Con.Res.) | 3.9%                                           | 3.8%                                                       |
| House Joint Resolution (H.J.Res.)        | 0.4%                                           | 1.2%                                                       |
|                                          | <b>100.0%</b>                                  | <b>100.0%</b>                                              |

**Source:** CRS compilation of data from <http://e-dearcolleague.house.gov>; “Interim Resume of Congressional Activities: 1<sup>st</sup> Session, 111<sup>th</sup> Congress,” *Congressional Record*, vol. 156 (January 5, 2010), p. D3; and “Interim Resume of Congressional Activities: 2<sup>nd</sup> Session, 111<sup>th</sup> Congress,” *Congressional Record*, vol. 156 (December 29, 2010), p. D1249.

**Notes:** Senate initiated legislation (i.e., Senate bills, Senate joint resolutions, and Senate concurrent resolutions) are not included in the analysis because House Members do not have the opportunity to co-sponsor these bills and resolutions.

<sup>31</sup> “Dear Colleague” letter from Mike Thompson and George Radanovich, “Unprecedented Letter from Beer, Wine and Spirits Associations Opposing HR 5034,” June 24, 2010.

<sup>32</sup> “Dear Colleague” letter from Robert A. Brady, chair, Committee on House Administration, “Adjustment to the per mile rates of reimbursement for travel via privately owned or leaded vehicles,” January 27, 2009.

<sup>33</sup> “Dear Colleague” letter from Wilson Livingood, House Sergeant at Arms, “Important Information Regarding Ticketed Gallery Seating Assignments,” September 14, 2010.

<sup>34</sup> “Dear Colleague” letter from Representative Robert A. Brady, chair, Committee on House Administration, “Use of Official Funds for Travel to the Memorial Service for the late Honorable Stephanie Tubbs Jones,” August 22, 2008.

The majority (78.1%) of “Dear Colleague” letters linked to legislation discussed a House bill. Typically, these “Dear Colleague” letters asked for co-sponsors, but they also advocated a position prior to a floor vote or solicited other Members to cosign letters to the administration on public law implementation. The same goals for sending a “Dear Colleague” letter was presumably true for House resolutions.

## Committees of Referral

Bills and resolutions associated with a “Dear Colleague” letter were referred to all House committees that have legislative authority. **Table 4** shows the primary or sole committee referral for legislation linked to “Dear Colleague” letters and the primary or sole committee of referral for all bills and resolutions introduced in the during the 111<sup>th</sup> Congress.<sup>35</sup>

**Table 4. Primary or Sole Committee of Referral for Legislation Linked to “Dear Colleague” Letters, 111<sup>th</sup> Congress**

| Initial Committee Referral              | “Dear Colleague” Letters Linked to Legislation |         | Total Legislation |         |
|-----------------------------------------|------------------------------------------------|---------|-------------------|---------|
|                                         |                                                | Percent |                   | Percent |
| House Energy and Commerce               | 301                                            | 18.5%   | 1180              | 13.4%   |
| House Education and Labor               | 203                                            | 12.4%   | 867               | 9.9%    |
| House Ways and Means                    | 188                                            | 11.5%   | 1082              | 12.3%   |
| House Foreign Affairs                   | 140                                            | 8.6%    | 566               | 6.4%    |
| House Oversight and Government Reform   | 136                                            | 8.3%    | 739               | 8.4%    |
| House Financial Services                | 132                                            | 8.1%    | 625               | 7.1%    |
| House Judiciary                         | 103                                            | 6.3%    | 725               | 8.2%    |
| House Armed Services                    | 94                                             | 5.8%    | 465               | 5.3%    |
| House Natural Resources                 | 54                                             | 3.3%    | 608               | 6.9%    |
| House Transportation and Infrastructure | 48                                             | 2.9%    | 360               | 4.1%    |
| House Veterans’ Affairs                 | 45                                             | 2.8%    | 268               | 3.0%    |
| House Agriculture                       | 43                                             | 2.6%    | 197               | 2.2%    |
| House Homeland Security                 | 30                                             | 1.8%    | 152               | 1.7%    |
| House Administration                    | 28                                             | 1.7%    | 193               | 2.2%    |
| House Appropriations                    | 19                                             | 1.2%    | 89                | 1.0%    |
| House Science and Technology            | 20                                             | 1.2%    | 100               | 1.1%    |
| House Rules                             | 17                                             | 1.0%    | 243               | 2.8%    |
| House Small Business                    | 13                                             | 0.8%    | 76                | 0.9%    |

<sup>35</sup> Additionally, while 30% of bills and resolutions linked to “Dear Colleague” letters were referred to multiple committees, those numbers are not reflected in **Table 4** because mixing primary and additional or sequential referral data potentially provides an inaccurate picture of committee referral. For more information on referral of legislation, see CRS Report 98-175, *House Committee Jurisdiction and Referral: Rules and Practice*, by (name redacted).

| Initial Committee Referral          | “Dear Colleague” Letters Linked to Legislation |               | Total Legislation |               |
|-------------------------------------|------------------------------------------------|---------------|-------------------|---------------|
|                                     |                                                | Percent       |                   | Percent       |
| House Budget                        | 9                                              | 0.6%          | 92                | 1.0%          |
| House Intelligence                  | 7                                              | 0.4%          | 46                | 0.5%          |
| House Standards of Official Conduct | 1                                              | 0.1%          | 11                | 0.1%          |
| No Committee Assignment             | N/A                                            | N/A           | 105               | 1.2%          |
|                                     | <b>1631</b>                                    | <b>100.0%</b> | <b>8789</b>       | <b>100.0%</b> |

**Source:** Legislative Information System (LIS) of the U.S. Congress and <http://e-dearcolleague.house.gov>. Data compilation was conducted by Luis de Castro, technical information specialist, Knowledge Services Group, Congressional Research Service.

The most common committee of referral for legislation linked to “Dear Colleague” letters were similar to the most common primary or sole committee of referral for all legislation.

## Administrative and Operational Questions

Since the adoption and implementation of the *e*-“Dear Colleague” system in August 2008, the number of “Dear Colleague” letters sent in the House has continued to increase. In light of the analysis of the volume, use, characteristics, and purpose of “Dear Colleague” letters, several possible administrative and operational questions could be raised to aid the House in future discussions of the *e*-“Dear Colleague” system. These questions can be divided into two broad categories: questions about the volume of letters and questions about the characteristics and purpose of letters.

### Volume Questions

As the *e*-“Dear Colleague” system continues to process and archive a higher volume of letters on an annual basis, consideration of the capacity of the system to deliver and archive “Dear Colleague” letters may be necessary. Can the current software or infrastructure handle a continuing increase in the number of “Dear Colleague” letters? Can the current system handle the indefinite archiving of “Dear Colleague” letters? The ability for Members, committees, officers, congressional commissions, and researchers to access historic “Dear Colleague” letters is an invaluable addition of the *e*-“Dear Colleague” system. Ensuring that this form of internal communication continues to be available would provide a new dimension to research and analysis on past legislative and administrative actions in the House.

Additionally, as the number of “Dear Colleague” letters increases, how Member and committee offices handle the receipt of letters could be important. Under the current system, individual staff can receive (by subscription) “Dear Colleague” letters of interest to them. As the number of letters increase and the number of letters with cross-listed categories grows, individual subscribers could begin receiving a single letter multiple times. Creating a process at the system level to help subscribers manage letters might alleviate problems associated with receiving multiple copies of a single letter.

## Characteristic and Purpose Questions

Examining the characteristics and purpose of “Dear Colleague” letters in the House raises several questions about additions to the current system that might aid subscribers. First, the addition of information on a letter’s purpose could refine the targeting of letters to the correct audience. For example, if a letter was sent to generate bill or resolution co-sponsors, labeling the letter as such would allow subscribers to immediately identify the letter’s purpose. Such a label has the potential to ensure that other Members see the request for co-sponsorship and the overall topic of the letter in an expedited manner.

Second, creating a linkage between “Dear Colleague” letters discussing pending legislation and the Legislative Information System (LIS) might be useful for Member and committee offices. Such a linkage would allow Members and committees to identify “Dear Colleague” letters associated with specific legislation without searching the *e*-“Dear Colleague” website. Listing relevant “Dear Colleague” letters in LIS could also improve the visibility of letters and attract additional interest from individuals who had not received the letter through their subscriptions.

Third, creating additional issue terms could help “Dear Colleague” letter senders better target their letters. Having additional issue term choices would allow interested subscribers to more narrowly refine the types of letters they receive, thus diminishing the overall number of potentially superfluous letters they receive. Creating additional issue terms, however, could also result in an additional influx of letters for subscribers. So long as a limit of three issue terms is placed on each letter, when a sender wants a letter in more than three issue terms the letter must be sent multiple times. Adding additional issue terms may increase the number of cross-posted letters, creating additional work for subscribers to sort through the “Dear Colleague” correspondence.

Finally, since the majority of “Dear Colleague” letters are sent to request bill or resolution co-sponsors, an automated way of handling responses to co-sponsorship requests might be useful. Under the current *e*-“Dear Colleague” system, individual offices are responsible for fielding and processing requests for co-sponsorship. If a new feature could be developed to compile positive responses for co-sponsors, Member offices could be relieved of compiling co-sponsorship lists.

## Conclusion

The use of electronic “Dear Colleague” letters has increased since 2003. With the introduction of the *e*-“Dear Colleague” distribution system in 2008, the number of “Dear Colleague” letters sent on an annual basis continues to increase. In 2003, 5,161 “Dear Colleague” letters were sent, while in 2010, 14,531 letters were sent in the House. This report analyzed the number of “Dear Colleague” letters sent and showed that overall more letters were sent during the first session of a Congress than the second session. Additionally, the average number of “Dear Colleague” letters sent in the second session declined between September and December, which coincides with a decline in overall legislative activity at the end of a Congress.

During the 111<sup>th</sup> Congress, data from the web-based *e*-“Dear Colleague” system showed that Members sent the most letters (94%), and that the most popular topics were health care (8.8%), foreign affairs (7.9%), education (6.0%), family issues (5.8%), the economy (5.6%), and the environment (5.4%). The data demonstrated that the most frequent use of “Dear Colleague” letters in the 111<sup>th</sup> Congress was to elicit legislative co-sponsors (53%).

Finally, when examining "Dear Colleague" letters that were linked to a specific piece of legislation, the data showed that public laws with a linked "Dear Colleague" letter had a greater number of average co-sponsors (74) than public laws without an associated "Dear Colleague" letter (16). The same can also be said for House resolutions, where resolutions associated with a "Dear Colleague" letter had an average of 50 co-sponsors and resolutions not associated with a "Dear Colleague" letter had average of 24.

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