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Former Speakers of the House: Office Allowances, Franking Privileges, and Staff Assistance

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August 28, 2007

Abstract. Research suggests that allowances were first made available to former Speakers of the House in 1959. A package of allowances was extended to former Speakers in 1974. Currently, the statutorily authorized allowances are available to former Speakers for office space and furnishings, office operations, franked mail, and staff assistance. Use of these allowances is limited to five years, beginning the day of expiration of a Speaker's tenure as a Representative. Allowances are to be used solely for the administration and conclusion of matters relating to service as a Representative and Speaker of the House.

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Analyst on the Congress

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Summary

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Introduction¹

Research indicates that the earliest allowances for former Speakers of the House were made available in 1959.² The two resolutions adopted that January provided “any Member of the House who had served as Speaker” with funds for additional staff and for the “purchase, maintenance, operation, and driving of an automobile.”

Eleven years later, in 1970, the House authorized several additional allowances for Speaker John W. McCormack upon his retirement.³ These allowances were for federal office space, office expenses (\$100 per month), franked mail privileges⁴, local telephone calls, salaries for two secretaries, and stationery. They were authorized for the incumbent Speaker, Hon. John W. McCormack, for two years in H.Res. 1238 (91st Cong., 2nd sess.).⁵ In 1974, these allowances were made available permanently to any former Speaker upon leaving the House.⁶

Allowances Made Available in 1959

The 1959 automobile allowance was contained in H.Res. 88 (86th Cong., 1st sess.), which authorized payment from the House contingent fund for “expenses necessary for the purchase, maintenance, operations, and driving of an automobile for the use of any Member of the House who has served as Speaker of the House.”⁷ The resolution was effective on January 12. It was later incorporated into permanent law that August (P.L. 86-176).⁸

Also in 1959, funding for additional staff was authorized in H.Res. 89 (86th Cong., 1st sess.), which stated that “there shall be payable from the contingent fund of the House...for any Member of the House who has served as Speaker of the House, an additional \$5,000 basic⁹ per annum for clerk hire, and in addition an administrative assistant at the basic rate of \$8,880 per annum.”¹⁰ H.Res. 89 was effective January 7, 1959; it too was made permanent law in August of that year (P.L. 86-176).

These allowances, however, were available only to former Speakers who continued as Members of the House. The authorizing language included the phrase, “for any Member of the House who

¹ This report was originally written by Paul Dwyer, formerly a Specialist in American National Government at CRS. The listed author updated the report and is available to answer questions concerning its contents.

² U.S. Congress, House, *Deschler's Precedents of the United States House of Representatives*, H. Doc. 94-661, 94th Cong., 2nd sess., prepared by Lewis Deschler (Washington: GPO, 1976), vol. 1, pp. 440-441.

³ *Ibid.*, p. 441.

⁴ As defined in 39 U.S.C. 3201, the frank is the use of autographic or facsimile signature by an authorized person (as defined in 39 U.S.C. 3210-3216 and 3218) to transmit matter through the mail without prepayment of postage.

⁵ Rep. Wayne Hays, “Relating to the Speaker of the House of Representatives in the 91st Congress,” remarks in the House, *Congressional Record*, vol. 116, December 22, 1970, p. 43316.

⁶ P.L. 93-532, 88 Stat. 1723, December 22, 1974, Relating to Former Speakers of the House of Representatives.

⁷ Rep. John McCormack, “Automobiles for Use of Former Speakers,” remarks in the House, *Congressional Record*, vol. 105, January 12, 1959, p. 559.

⁸ P.L. 86-176, 73 Stat. 412, August 21, 1959, sec. 103, Legislative Branch Appropriations Act, FY1960.

⁹ The pay rates of House employees were referred to as “basic” pay rates, which were converted by formula to “gross,” or the actual payable, rates.

¹⁰ Hon. Charles Halleck, “Additional Clerk Hire,” remarks in the House, *Congressional Record*, vol. 105, January 12, 1959, p. 559.

has served as Speaker of the House,” implying that a former Speaker must be a sitting Member. The staff allowance was *in addition* to the staff allowance authorized for a sitting Representative, implying that a former Speaker would have to be a sitting Member to receive an additional clerk hire allowance. At the time, a former Speaker, Representative Joseph W. Martin,¹¹ was an incumbent Member of the House.¹²

Allowances Made Available in 1970

The first time the House authorized allowances for a former Speaker available *upon departure from the House* was 1970. In adopting H.Res. 1238 (91st Cong., 2nd sess.), the House made available to former Speakers federal office space; office furniture, furnishings, and equipment; funds for office expenses, telephone service, stationery, and other office supplies; an administrative assistant and a secretary; and franked mail authority.

These allowances were agreed to by the House on December 22, 1970 (218-69) for the incumbent Speaker, John W. McCormack, who was scheduled to retire from the House two weeks later, on January 3, 1971. With the exception of use of the frank, the allowances were authorized for two years immediately following McCormack’s retirement at the conclusion of the 91st Congress. Use of the frank was extended for an additional 18 months beyond the 90 days allowed Members upon leaving Congress.¹³

During consideration of H.Res. 1238, proponents of the allowances noted McCormack’s exceptionally long tenure of 42 years in the House, and the fact that he was the first Speaker to retire to private life. As a consequence, they felt it appropriate to provide him the means to finish any Speaker—related business he felt necessary upon leaving Congress.¹⁴

Allowances Made Available in 1974

Allowances authorized in H.Res. 1238 were made permanent in 1974 (P.L. 93-532).¹⁵ That act entitled former Speakers, as long as they determined necessary, to federal office space, and furniture, furnishings, and equipment; reimbursement for office expenses, telephone calls, stationery, and other supplies; staff (administrative assistant and secretary); and use of the frank. In 1993, Congress limited the availability of benefits to five years.

¹¹ Rep. Martin was Speaker from January 3, 1947—January 3, 1949, and January 3, 1953—January 3, 1955.

¹² In addition, incumbent Speaker Sam Rayburn was technically a former Speaker because his service as Speaker had been interrupted twice since 1940. Rep. Rayburn was Speaker from September 16, 1940—January 3, 1947, and January 3, 1949—January 3, 1953. His third and final term as Speaker was from January 5, 1955 until his death November 16, 1961.

¹³ See 39 U.S.C. 3210(b)(3) for language providing use of the frank for 90 days by Members upon leaving Congress.

¹⁴ Rep. Thomas O’Neill, “Relating to the Speaker of the House of Representatives in the 91st Congress,” remarks in the House, *Congressional Record*, vol. 116, December 22, 1970, pp. 43313-43317.

¹⁵ P.L. 93-532, 88 Stat. 1723, December 22, 1974, Relating to Former Speakers of the House of Representatives.

Changes in Allowances, 1974-Present

Since 1974, former Speakers have been authorized an office expenses allowance equal to the “Official Expenses Allowance” for office operations received by sitting Representatives;¹⁶ an office at any location a former Speaker selects within the United States;¹⁷ and an additional secretary.¹⁸ Reimbursement for local telephone service was eliminated.¹⁹

Allowances Currently Available to Former Speakers

Four categories of allowances are currently available to a former Speaker. A summary of each of these allowances follows.

Office Space and Furnishings Allowance

A former Speaker is entitled to the use of one office of his selection, anywhere in the United States, which is to be furnished and maintained by the federal government. Statutory authority is 2 U.S.C. 31b-1.²⁰

(a) Each former Speaker of the House of Representatives (hereafter referred to in sections 31b-1 to 31b-7 of this title as the “Speaker”) is entitled to retain...commencing at the expiration of his term of office as a Representative in Congress the complete and exclusive use of one office selected by him in order to facilitate the administration, settlement, and conclusion of matters pertaining to...his incumbency in office as Representative in Congress and as Speaker of the House....Such office shall be located in the United States and shall be furnished and maintained by the Government in a condition appropriate for his use.

Office Operations Allowance

Each former Speaker is entitled to an office allowance equal to the base allowance component of the “Official Expenses Allowance” available to Members of the House.²¹ This allowance is to be

¹⁶ P.L. 99-151, 99 Stat. 797, November 13, 1985, sec. 102(b), Legislative Branch Appropriations Act, FY1986.

¹⁷ P.L. 99-225, 99 Stat. 1743, December 28, 1985, To Remove Certain Restrictions on the Availability of Office Space for Former Speakers of the House.

¹⁸ P.L. 95-94, 91 Stat. 668, August 5, 1977, Legislative Branch Appropriations Act, FY1978, which made permanent the provisions of H.Res. 1576, 94th Cong.

¹⁹ P.L. 99-151.

²⁰ P.L. 91-665, 84 Stat. 1989, January 9, 1971, ch. VIII, Supplemental Appropriations Act, FY1971, which made permanent the provisions of H.Res. 1238, 91st Cong., agreed to December 22, 1970; P.L. 93-532, 88 Stat. 1723, December 22, 1974, An Act Relating to Former Speakers of the House of Representatives; and P.L. 99-225, 99 Stat. 1743, December 28, 1985, To Remove Certain Restrictions on the Availability of Office Space for Former Speakers of the House. Allowances are administered by the General Services Administration.

²¹ The Official Expenses Allowance is available to pay ordinary and necessary business expenses incurred by Members in support of their official duties. The House Administration Committee determines the “ Official Expenses Allowance” for each Member. The exact amount is established by adding together a base amount and other monetary allowances. These allowances are determined by formula, for travel, long-distance telephone calls, and rental of office space in congressional districts. The total of these amounts represents the “Official Expenses Allowance.”

paid on a reimbursable basis upon presentation of vouchers with supporting documentation. Statutory authority is 2 U.S.C. 31b-2.²²

The Speaker is entitled to have applicable accounts of the House of Representatives be available for payment of... commencing at the expiration of his term of office as a Representative in Congress, an allowance equal to the base allowance component of the Official Expenses Allowance then currently in effect for each Member of the House (to be paid in the same manner as such Allowance) for office and other expenses incurred in connection with the administration, settlement, and conclusion of matters pertaining to or arising out of his incumbency in office as a Representative....and Speaker....

Use of the Congressional Frank

Each former Speaker is entitled to use of the congressional frank for correspondence and public documents. Statutory authority is 39 U.S.C. 31b-4.²³

(a) The Speaker may send mail as franked mail under sections 3210²⁴ and 3213²⁵ of title 39, and send and receive mail as franked mail under section 3211²⁶...commencing at the close of the period specified in those sections following the expiration of his term of office as a Representative....The postage on such mail...shall be paid and credited as provided by section 3216(a)²⁷ of title 39. (b)...commencing at the expiration of his term of office as a Representative...the Speaker shall be entitled to the benefits afforded by section 733 of title 44.²⁸

Staff Assistance Allowance

A former Speaker is entitled to an administrative assistant and two secretaries at statutorily designated rates of pay, under authority contained in 2 U.S.C. 31b-5:²⁹

²² P.L. 91-665, 84 Stat. 1989, January 8, 1971, ch. VIII, Supplemental Appropriations Act, FY1971, which made permanent the provisions of H.Res. 1238, 91st Cong., agreed to December 22, 1970; P.L. 93-532, 88 Stat. 1723, December 22, 1974, sec. 1(a), An Act Relating to Former Speakers of the House of Representatives; P.L. 99-151, 99 Stat. 797, November 13, 1985, Legislative Branch Appropriations Act, FY1986, Title I, sec. 102(b); and P.L. 104-186, 110 Stat. 1725, August 20, 1996, Title II, sec. 203(2), Legislative Branch Appropriations Act, FY1997.

²³ Public Law 91-665, 84 Stat. 1989, January 8, 1971, which made permanent the provisions of H.Res. 1238, 91st Cong., agreed to December 22, 1970, and P.L. 93-532, 88 Stat. 1723, December 22, 1974, An Act Relating to Former Speakers of the House of Representatives.

²⁴ Provisions of 39 U.S.C. 3210 extend use of the frank to the Vice President, Members of Congress, and congressional officials, and specify conditions governing use of the frank by authorized persons.

²⁵ Provisions of 39 U.S.C. 3213 authorize use of the frank to transmit reports of the Department of Agriculture.

²⁶ Provisions of 39 U.S.C. 3211 authorize use of the frank for all public documents printed by order of Congress.

²⁷ Provisions of 39 U.S.C. 3216(a) include requirements for reimbursement by Congress for franked mailings sent by persons authorized to do so in the Legislative Branch.

²⁸ Provisions of 44 U.S.C. 733 authorize the Public Printer to provide to Members of Congress, the Resident Commissioner, and Delegates (1) blank franks printed on sheets of paper for use on public documents and (2) envelopes, as authorized to be furnished by the House, with the facsimile signature of the Member, Resident Commissioner, or Delegate, along with the state, territory, or commonwealth, date, and subject matter.

²⁹ P.L. 91-665, 84 Stat. 1989, January 8, 1971, ch. VIII, Supplemental Appropriations Act, FY1971, which made permanent the provisions of H.Res. 1238, 91st Cong., agreed to December 22, 1970; P.L. 93-532, 88 Stat. 1723, December 22, 1974, An Act Relating to Former Speakers of the House of Representatives; P.L. 95-94, 91 Stat. 668, August 5, 1977, Title I, sec. 115, Legislative Branch Appropriations, FY1978; P.L. 99-151, 99 Stat. 797, November 13, 1985, Title I, sec. 102(a), Legislative Branch Appropriations, FY1986; and P.L. 104-186, 110 Stat. 1725, August 20, 1996, (continued...)

In order to provide staff assistance to the Speaker in connection with the administration, settlement, and conclusion of matters pertaining to...his incumbency in office as a Representative in Congress and as Speaker of the House....the contingent fund of the House is hereby made available....commencing at the expiration of the term of office of the Speaker as a Representative....for payment of the salaries of an Administrative Assistant...a Secretary...and an additional Secretary....

Restrictions on Use of Allowances by Former Speakers

Four restrictions apply to the use of allowances by former Speakers. Allowances are:

- limited to five years beginning the day of expiration of a Speaker's term of office;³⁰
- not available to a former Speaker who has been expelled from the House;³¹
- terminated during the period of time in which a former Speaker holds an appointive or elective office or position in or under the federal or District of Columbia government, for which he received pay other than at a nominal rate;³² and,
- limited solely to the administration and conclusion of matters relating to a Speaker's service as a Representative and Speaker of the House.³³

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(...continued)

1996, Title II, sec. 203(3), Legislative Branch Appropriations Act, FY1997.

³⁰ P.L. 103-69, 107 Stat. 699, August 11, 1993, Legislative Branch Appropriations Act, FY1994.

³¹ P.L. 93-532, 88 Stat. 1723, December 22, 1974, An Act Relating to Former Speakers of the House of Representatives.

³² Ibid.

³³ P.L. 86-176.