

- Sec.
502. Select Committee on Standards and Conduct of the Senate.
503. Official mail of persons entitled to use congressional frank.
504. Mass mailings by Senate offices; quarterly statements; publication of summary tabulations.
505. Mass mailing of information by Senators under frank; quarterly registration with Secretary of Senate.
506. Mass mailing sent by House Members.

§ 501. House Communications Standards Commission

(a) Establishment; designation

There is established a special commission of the House of Representatives, designated the "House Communications Standards Commission" (herein referred to as the "Commission").

(b) Membership; political party representation; Chairman; vacancies; quorum

The Commission shall be composed of six Members appointed by the Speaker of the House, three from the majority political party, and three from the minority political party, in the House. The Speaker shall designate as Chairman of the Commission, from among the members of the Committee on Post Office and Civil Service of the House, one of the Members appointed to the Commission. A vacancy in the membership of the Commission shall be filled in the same manner as the original appointment. Four members of the Commission shall constitute a quorum to do business.

(c) Assistance and use of personnel, including chief counsel, of Committee on Post Office and Civil Service of the House

In performing its duties and functions, the Commission may use such personnel, office space, equipment, and facilities of, and obtain such other assistance from, the Committee on Post Office and Civil Service of the House, as such committee shall make available to the Commission. Such personnel and assistance shall include, in all cases, the services and assistance of the chief counsel or other head of the professional staff (by whatever title designated) of such committee. All assistance so furnished to the Commission by the Committee on Post Office and Civil Service shall be sufficient to enable the Commission to perform its duties and functions efficiently and effectively.

(d) Advisory opinions or consultations respecting franked mail for persons entitled to franking privilege; franking privilege regulations

(1) The Commission shall provide guidance, assistance, advice, and counsel, through advisory opinions or consultations, in connection with the mailing or contemplated mailing of franked mail under section 3210, 3211, 3212, 3213(2), 3218, or 3219, in connection with the operation of section 3215, of title 39, and in connection with any other Federal law (other than any law which imposes any criminal penalty) or any rule of the House of Representatives relating to franked mail, upon the request of any Member of the House or Member-elect, Resident Commissioner or Resident Commissioner-elect, Delegate or Delegate-elect, any former Member of the House

or former Member-elect, Resident Commissioner or Resident Commissioner-elect, Delegate or Delegate-elect, any surviving spouse of any of the foregoing (or any individual designated by the Clerk of the House under section 3218 of title 39), or any other House official or former House official, entitled to send mail as franked mail under any of those sections. The Commission shall prescribe regulations governing the proper use of the franking privilege under those sections by such persons.

(2) In addition to the guidance, assistance, advice, and counsel described in paragraph (1), the Commission shall provide—

(A) guidance, assistance, advice, and counsel, through advisory opinions or consultations, in connection with any law and with any rule or regulation of the House of Representatives governing the dissemination of mass communications other than franked mail; and

(B) guidance, assistance, advice, and counsel in connection with any law and with any rule or regulation of the House of Representatives governing the official content of other official communications of any quantity, whether solicited or unsolicited.

(e) Complaint of franked mail violations; investigation; notice and hearing; conclusiveness of findings; decision of Commission; judicial review; reference of certain violations to Committee on Standards of Official Conduct of the House for appropriate action and enforcement; administrative procedure regulations

Any complaint that a violation of any provision of law or any rule or regulation of the House of Representatives to which subsection (d) applies is about to occur, or has occurred within the immediately preceding period of one year, by any person referred to in such subsection (d), shall contain pertinent factual material and shall conform to regulations prescribed by the Commission. The Commission, if it determines there is reasonable justification for the complaint, shall conduct an investigation of the matter, including an investigation of reports and statements filed by the complainant with respect to the matter which is the subject of the complaint. The Commission shall afford to the person who is the subject of the complaint due notice and, if it determines that there is substantial reason to believe that such violation has occurred or is about to occur, opportunity for all parties to participate in a hearing before the Commission. The Commission shall issue a written decision on each complaint under this subsection not later than thirty days after such a complaint has been filed or, if a hearing is held, not later than thirty days after the conclusion of such hearing. Such decision shall be based on written findings of fact in the case by the Commission. Such findings of fact by the Commission on which its decision is based are binding and conclusive for all judicial and administrative purposes, including purposes of any judicial challenge or review. Any judicial review of such decision, if ordered on any ground, shall be limited to matters of law. If the Commission finds in its written decision, that a

serious and willful violation has occurred or is about to occur, it may refer such decision to the Committee on Standards of Official Conduct of the House of Representatives for appropriate action and enforcement by the committee concerned in accordance with applicable rules and precedents of the House and such other standards as may be prescribed by such committee. In the case of a former Member of the House or a former Member-elect, a former Resident Commissioner or Delegate or Resident Commissioner-elect or Delegate-elect, any surviving spouse of any of the foregoing (or any individual designated by the Clerk of the House under section 3218 of title 39), or any other former House official, if the Commission finds in its written decision that any serious and willful violation has occurred or is about to occur, then the Commission may refer the matter to any appropriate law enforcement agency or official for appropriate remedial action. Notwithstanding any other provision of law, no court or administrative body in the United States or in any territory thereof shall have jurisdiction to entertain any civil action of any character concerning or related to a violation of any provision of law or any rule or regulation of the House of Representatives to which subsection (d) applies, except judicial review of the decisions of the Commission under this subsection. The Commission shall prescribe regulations for the holding of investigations and hearings, the conduct of proceedings, and the rendering of decisions under this subsection providing for equitable procedures and the protection of individual, public, and Government interests. The regulations shall, insofar as practicable, contain the substance of the administrative procedure provisions of sections 551–559, and 701–706, of title 5. These regulations shall govern matters under this subsection subject to judicial review thereof.

(f) Procedural considerations; sessions, place and time; subpoenas, issuance and service; oaths and affirmations; testimony; printing and binding; expenditures; organizational and procedural regulations; majority assent

The Commission may sit and act at such places and times during the sessions, recesses, and adjourned periods of Congress, require by subpoena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, administer such oaths and affirmations, take such testimony, procure such printing and binding, and make such expenditures, as the Commission considers advisable. The Commission may make such rules respecting its organization and procedures as it considers necessary, except that no action shall be taken by the Commission unless a majority of the Commission assent. Subpoenas may be issued over the signature of the Chairman of the Commission or of any member designated by him or by the Commission, and may be served by such person or persons as may be designated by such Chairman or member. The Chairman of the Commission or any member thereof may administer oaths or affirmations to witnesses.

(g) Property of Commission; records; voting record; location of records, data, and files

The Commission shall keep a complete record of all its actions, including a record of the votes on any question on which a record vote is demanded. All records, data, and files of the Commission shall be the property of the Commission and shall be kept in the offices of the Commission or such other places as the Commission may direct.

(h) Definition of mass communication

In this section, the term “mass communication” means a mass mailing described in section 3210(a)(6)(E) of title 39 or any other unsolicited communication of substantially identical content which is transmitted to 500 or more persons in a session of Congress, as provided under regulations of the Commission, except that such term does not include—

(1) any communication from an individual described in subsection (d) to another individual described in subsection (d), a Senator, or any Federal, State, local, or Tribal government official;

(2) any news release to the communications media;

(3) any such mass mailing or unsolicited communication made in direct response to a communication from a person to whom the mass mailing or unsolicited communication was transmitted; or

(4) in the case of any such unsolicited communication which is transmitted in a digital format, a communication for which the cost of the content is less than a threshold amount established under regulations of the House Communications Standards Commission.

(Pub. L. 93–191, § 5, Dec. 18, 1973, 87 Stat. 742; Pub. L. 93–255, § 3(a), Mar. 27, 1974, 88 Stat. 52; Pub. L. 97–69, § 7, Oct. 26, 1981, 95 Stat. 1043; Pub. L. 116–260, div. I, title I, § 116(b)(1), (c)(1), Dec. 27, 2020, 134 Stat. 1637, 1638.)

Editorial Notes

AMENDMENTS

2020—Subsec. (a). Pub. L. 116–260, § 116(b)(1), substituted “House Commission on Congressional Mailing Standards” for “House Commission on Congressional Mailing Standards”.

Subsec. (d). Pub. L. 116–260, § 116(c)(1)(A), designated existing provisions as par. (1) and added par. (2).

Subsec. (e). Pub. L. 116–260, § 116(c)(1)(B), in first sentence, substituted “Any complaint that a violation of any provision of law or any rule or regulation of the House of Representatives to which subsection (d) applies is about to occur” for “Any complaint by any person that a violation of any section of title 39 referred to in subsection (d) of this section (or any other Federal law which does not include any criminal penalty or any rule of the House of Representatives relating to franked mail) is about to occur” and in tenth sentence, substituted “a violation of any provision of law or any rule or regulation of the House of Representatives to which subsection (d) applies,” for “a violation of the franking laws or an abuse of the franking privilege by any person listed under subsection (d) of this section as entitled to send mail as franked mail.”

Subsec. (h). Pub. L. 116–260, § 116(c)(1)(C), added subsec. (h).

1981—Subsec. (d). Pub. L. 97–69, § 7(a)(1), (b), inserted references to Federal laws (other than laws which im-

pose criminal penalties), to rules of the House of Representatives relating to franked mail, to former Members of the House of Representatives or Members-elect, Resident Commissioners or Resident Commissioners-elect, Delegates or Delegates-elect, and former House officials, and to individuals designated by the Clerk of the House under section 3218 of title 39.

Subsec. (e). Pub. L. 97-69, § 7(a)(2), (c), inserted reference to Federal laws that do not include criminal penalties or rules of the House of Representatives relating to franked mail and inserted provision that, in the case of a former Member of the House or a former Member-elect, a former Resident Commissioner or Delegate or Resident Commissioner-elect or Delegate-elect, any surviving spouse of any of the foregoing (or any individual designated by the Clerk of the House under section 3218 of title 39), or any other former House official, if the Commission finds in its written decision that any serious and willful violation has occurred or is about to occur, then the Commission may refer the matter to any appropriate law enforcement agency or official for appropriate remedial action.

1974—Subsec. (d). Pub. L. 93-255 inserted reference to section 3219 of title 39.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Pub. L. 116-260, div. I, title I, § 116(b)(3), Dec. 27, 2020, 134 Stat. 1637, provided that: “Any reference in any rule, regulation, or other document to the House Commission on Congressional Mailing Standards shall be deemed to be a reference to the House Communications Standards Commission.”

Committee on Standards of Official Conduct of House of Representatives changed to Committee on Ethics of House of Representatives by House Resolution No. 5, One Hundred Twelfth Congress, Jan. 5, 2011.

EFFECTIVE DATE OF 2020 AMENDMENT

Pub. L. 116-260, div. I, title I, § 116(f), Dec. 27, 2020, 134 Stat. 1641, provided that: “Except as provided in subsection (e)(5)(B), this section and the amendments made by this section [amending this section, sections 503 and 506 of this title, and sections 3210, 3216, and 3220 of Title 39, Postal Service] shall apply with respect to communications disseminated on or after the date of the enactment of this Act [Dec. 27, 2020].”

EFFECTIVE DATE

Section effective Dec. 18, 1973, see section 14 of Pub. L. 93-191, set out as an Effective Date of 1973 Amendment note under section 3210 of Title 39, Postal Service.

SHORT TITLE OF 2020 AMENDMENT

Pub. L. 116-260, div. I, title I, § 116(a), Dec. 27, 2020, 134 Stat. 1637, provided that: “This section [amending this section, sections 503 and 506 of this title, and sections 3210, 3216, and 3220 of Title 39, Postal Service, and enacting provisions set out as notes under this section and section 3210 of Title 39] may be cited as the ‘Communications Outreach Media and Mail Standards Act’ or the ‘COMMS Act’.”

ABOLITION OF HOUSE COMMITTEE ON POST OFFICE AND CIVIL SERVICE

Committee on Post Office and Civil Service of House of Representatives abolished by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995. References to Committee on Post Office and Civil Service with respect to House Commission on Congressional Mailing Standards treated as referring to Committee on House Oversight, see section 1(b) of Pub. L. 104-14, set out as a note preceding section 21 of this title. Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

§ 502. Select Committee on Standards and Conduct of the Senate

(a) Advisory opinions or consultations respecting franked mail for persons entitled to franking privilege; franking privilege regulations

The Select Committee on Standards and Conduct of the Senate shall provide guidance, assistance, advice and counsel, through advisory opinions or consultations, in connection with the mailing or contemplated mailing of franked mail under section 3210, 3211, 3212, 3213(2), 3218, or 3219, and in connection with the operation of section 3215, of title 39, upon the request of any Member of the Senate or Member-elect, surviving spouse of any of the foregoing, or other Senate official, entitled to send mail as franked mail under any of those sections. The select committee shall prescribe regulations governing the proper use of the franking privilege under those sections by such persons.

(b) Complaint of franked mail violations; investigation; notice and hearing; decision of select committee; enforcement

Any complaint filed by any person with the select committee that a violation of any section of title 39 referred to in subsection (a) of this section is about to occur or has occurred within the immediately preceding period of one year, by any person referred to in such subsection (a), shall contain pertinent factual material and shall conform to regulations prescribed by the select committee. The select committee, if it determines there is reasonable justification for the complaint, shall conduct an investigation of the matter, including an investigation of reports and statements filed by the complainant with respect to the matter which is the subject of the complaint. The committee shall afford to the person who is the subject of the complaint due notice and, if it determines that there is substantial reason to believe that such violation has occurred or is about to occur, opportunity for all parties to participate in a hearing before the select committee. The select committee shall issue a written decision on each complaint under this subsection not later than thirty days after such a complaint has been filed or, if a hearing is held, not later than thirty days after the conclusion of such hearing. Such decision shall be based on written findings of fact in the case by the select committee. If the select committee finds, in its written decision, that a violation has occurred or is about to occur, the committee may take such action and enforcement as it considers appropriate in accordance with applicable rules, precedents, and standing orders of the Senate, and such other standards as may be prescribed by such committee.

(c) Administrative or judicial jurisdiction of civil actions respecting franking law violations or abuses of franking privilege dependent on filing of complaint with select committee and rendition of decision by such committee

Notwithstanding any other provision of law, no court or administrative body in the United States or in any territory thereof shall have jurisdiction to entertain any civil action of any character concerning or related to a violation of the franking laws or an abuse of the franking