

Public Law 97-69
97th Congress

An Act

To amend the provisions of title 39, United States Code, relating to the use of the frank, and for other purposes.

Oct. 26, 1981
[S. 1224]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3210(a)(3)(F) of title 39, United States Code, is amended to read as follows:

Congressional
franked mail,
amendment.

“(F) mail matter expressing congratulations to a person who has achieved some public distinction;”.

SEC. 2. (a) Section 3210(a)(5) of title 39, United States Code, is amended—

(1) by inserting the words “unless it is a brief reference in otherwise frankable mail” before the semicolon at the end of subparagraph (B)(i);

(2) by inserting the word “or” after the semicolon at the end of subparagraph (B)(iii);

(3) by striking out the semicolon and the word “or” at the end of subparagraph (C) and substituting a period; and

(4) by striking out subparagraph (D).

(b) Section 3210(a) of title 39, United States Code, is amended by adding the following new paragraph:

“(6)(A) It is the intent of Congress that a Member of, or Member-elect to, Congress may not mail any mass mailing as franked mail—

Mass mailing.

“(i) if the mass mailing is mailed fewer than 60 days immediately before the date of any primary election or general election (whether regular, special, or runoff) in which the Member is a candidate for reelection; or

“(ii) in the case of a Member of, or Member-elect to, the House who is a candidate for any other public office, if the mass mailing—

“(I) is prepared for delivery within any portion of the jurisdiction of or the area covered by the public office which is outside the area constituting the congressional district from which the Member or Member-elect was elected; or

“(II) is mailed fewer than 60 days immediately before the date of any primary election or general election (whether regular, special, or runoff) in which the Member or Member-elect is a candidate for any other public office.

“(B) Any mass mailing which is mailed by the chairman of any organization referred to in the last sentence of section 3215 of this title which relates to the normal and regular business of the organization may be mailed without regard to the provisions of this paragraph.

“(C) No Member of the Senate may mail any mass mailing as franked mail if such mass mailing is mailed fewer than 60 days immediately before the date of any primary election or general election (whether regular, special, or runoff) for any national, State or local office in which such Member is a candidate for election.

Rules and
regulations.

"(D) The Select Committee on Ethics of the Senate and the House Commission on Congressional Mailing Standards shall prescribe for their respective Houses rules and regulations, and shall take other action as the Committee or the Commission considers necessary and proper for Members and Members-elect to comply with the provisions of this paragraph and applicable rules and regulations. The rules and regulations shall include provisions prescribing the time within which mailings shall be mailed at or delivered to any postal facility and the time when the mailings shall be deemed to have been mailed or delivered to comply with the provisions of this paragraph.

"Mass mailing."

"(E) For purposes of this section, the term 'mass mailing' means newsletters and similar mailings of more than five hundred pieces in which the content of the matter mailed is substantially identical but shall not apply to mailings—

"(i) which are in direct response to communications from persons to whom the matter is mailed;

"(ii) to colleagues in the Congress or to government officials (whether Federal, State, or local); or

"(iii) of news releases to the communications media."

SEC. 3. (a) Section 3210(d) of title 39, United States Code, is amended by—

(1) striking "the House" and substituting "Congress" in paragraph (1);

(2) inserting "or State" after "district" in subparagraph (A) of paragraph (1);

(3) inserting "with respect to a Member of the House of Representatives" after "(B)" in subparagraph (B) of paragraph (1);

(4) striking "House of Representatives" and substituting "Congress" in paragraph (2);

(5) inserting "or the State" after "district" in paragraph (2);

(6) redesignating paragraph (4) and paragraph (5) as paragraph (7) and paragraph (8), respectively; and

(7) inserting after paragraph (3) the following new paragraphs:

"(4) Any franked mail which is mailed under this subsection shall be mailed at the equivalent rate of postage which assures that the mail will be sent by the most economical means practicable.

Rules and
regulations.

"(5) The Senate Committee on Rules and Administration and the House Commission on Congressional Mailing Standards shall prescribe for their respective Houses rules and regulations governing any franked mail which is mailed under this subsection and shall by regulation limit the number of such mailings allowed under this subsection.

Samples.

"(6)(A) Any Member of, or Member-elect to, the House of Representatives entitled to make any mailing as franked mail under this subsection shall, before making any mailing, submit a sample or description of the mail matter involved to the House Commission on Congressional Mailing Standards for an advisory opinion as to whether the proposed mailing is in compliance with the provisions of this subsection.

"(B) The Senate Select Committee on Ethics may require any Member of, or Member-elect to, the Senate entitled to make any mailings as franked mail under this subsection to submit a sample or description of the mail matter to the Committee for an advisory opinion as to whether the proposed mailing is in compliance with the provisions of this subsection."

Effective date.
39 USC 3210
note.

(b) This section shall become effective 120 days after the date of enactment of this Act.

SEC. 4. (a) Section 3210(e) of title 39, United States Code, is amended by striking out the last sentence.

(b) Section 3210 of title 39, United States Code, is amended by redesignating subsection (f) as subsection (g), and by inserting after subsection (e) the following new subsection:

"(f) Any mass mailing which otherwise would be permitted to be mailed as franked mail under this section shall not be so mailed unless the cost of preparing and printing the mail matter is paid exclusively from funds appropriated by Congress, except that an otherwise frankable mass mailing may contain, as an enclosure or supplement, any public service material which is purely instructional or informational in nature, and which in content is frankable under this section."

Restrictions.

SEC. 5. (a) Section 3211 of title 39, United States Code, is amended by striking out "until the first day of April" and substituting "during the 90-day period immediately".

(b) Section 3213(2) of title 39, United States Code, is amended by striking out "until the thirtieth day of June" and substituting "during the 90-day period immediately".

SEC. 6. (a) Section 3216(a)(1)(B) of title 39, United States Code, is amended by striking out "surviving spouse" and substituting "survivors".

(b) Section 3218 of title 39, United States Code, is amended by inserting after "such Member" the following: "(or, if there is no surviving spouse, a member of the immediate family of the Member designated by the Secretary of the Senate or the Clerk of the House of Representatives, as appropriate, in accordance with rules and procedures established by the Secretary or the Clerk)".

(c)(1) The heading for section 3218 of title 39, United States Code, is amended by striking out "surviving spouses" and substituting "survivors".

(2) The table of sections for chapter 32 of title 39, United States Code, is amended by striking out the item relating to section 3218 and substituting the following new item:

"3218. Franked mail for survivors of Members of Congress."

SEC. 7. (a)(1) Section 5(d) of the Act entitled "An Act to amend title 39, United States Code, to clarify the proper use of the franking privilege by Members of Congress, and for other purposes", approved December 18, 1973 (Public Law 93-191; 87 Stat. 742), is amended by striking out "and" the second place it appears therein, and by inserting after "United States Code," the following: "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,".

2 USC 501.

(2) The first sentence of section 5(e) of such Act is amended by inserting after "of this section" the following: "(or any other Federal law which does not include any criminal penalty or any rule of the House of Representatives relating to franked mail)".

(b) Section 5(d) of such Act is amended—

(1) by inserting "any former Member of the House or former Member-elect, Resident Commissioner or Resident Commissioner-elect, Delegate or Delegate-elect, any" after "Delegate-elect";

(2) by inserting "(or any individual designated by the Clerk of the House under section 3218 of title 39, United States Code)" after "any of the foregoing";

(3) by inserting "any" before "other House official"; and

Violations.
2 USC 501.

(4) by inserting "or former House official" after "House official".

(c) Section 5(e) of such Act is amended by inserting after the eighth sentence thereof the following new sentence: "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, United States Code), 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."

Approved October 26, 1981.

LEGISLATIVE HISTORY—S. 1224:

SENATE REPORT No. 97-155 (Comm. on Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 127 (1981):

July 20, considered and passed Senate.

Oct. 13, considered and passed House.