

§ 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

privilege by any person listed under subsection (a) of this section as entitled to send mail as franked mail, until a complaint has been filed with the select committee and the committee has rendered a decision under subsection (b) of this section.

(d) Administrative procedure regulations

The select committee 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 to 559 and 701 to 706, of title 5. These regulations shall govern matters under this subsection subject to judicial review thereof.

(e) Property of Senate; records of select committee; voting record; location of records, data, and files

The select committee 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 select committee shall be the property of the Senate and shall be kept in the offices of the select committee or such other places as the committee may direct.

(Pub. L. 93-191, § 6, Dec. 18, 1973, 87 Stat. 744; Pub. L. 93-255, § 3(b), Mar. 27, 1974, 88 Stat. 52.)

Editorial Notes

AMENDMENTS

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

Statutory Notes and Related Subsidiaries

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.

§ 503. Official mail of persons entitled to use congressional frank

(a) Congressional committee regulations for expenditure of appropriations for official mail

Except as otherwise provided in this section, funds appropriated by this Act or any other Act for expenses of official mail of any person entitled to use the congressional frank may be expended only in accordance with regulations prescribed by the Committee on Rules and Administration of the Senate or the Committee on House Oversight of the House of Representatives, as applicable. Such regulations shall require—

(1) individual accountability for use of official mail by each person entitled to use the congressional frank;

(2)(A) with respect to the House of Representatives, allocation of funds for official mail to be made to each such person with respect to each session of Congress (with no transfer to any other session or to any other such person); and

(B) with respect to the Senate, allocation of funds for official mail to be made to each such person with respect to each session of Congress (with no transfer to any other session, other than transfers from the first session of a Congress to the second session of that Congress, or to any other such person); and

(3) with respect to the House of Representatives, that in addition to any other report or information made available to the public (through the House Communications Standards Commission or otherwise) regarding the use of the frank, the Chief Administrative Officer of the House of Representatives shall include in the quarterly report of receipts and expenditures submitted to the House of Representatives a statement (based solely on data provided for that purpose by the Committee on House Oversight of the House of Representatives and the House Communications Standards Commission) of costs incurred for official mail by each person entitled to use the congressional frank.

(b) Postmaster General functions

The Postmaster General, in consultation with the Committee on Rules and Administration of the Senate and the Committee on House Oversight of the House of Representatives—

(1) shall monitor use of official mail by each person entitled to use the congressional frank;

(2) at least monthly, shall notify any person with an allocation under subsection (a)(2)(A) as to the amount that has been used and any person with an allocation under subsection (a)(2)(B) as to the percentage of the allocation that has been used; and

(3) may not carry or deliver official mail the cost of which is in excess of an allocation under subsection (a)(2).

(c) Source of funds for expenses of official mail

Expenses of official mail of the Senate and the House of Representatives may be paid only from funds specifically appropriated for that purpose and funds so appropriated—

(1) may be supplemented by other appropriated funds only if such supplementation is provided for by law or by regulation under subsection (a); and

(2) may not be supplemented by funds from any other source, public or private.

(d) Maintenance or use of unofficial office accounts or defrayal of official expenses from certain funds prohibited

No Senator or Member of the House of Representatives may maintain or use, directly or indirectly, an unofficial office account or defray official expenses for franked mail, employee salaries, office space, furniture, or equipment and any associated information technology services (excluding handheld communications devices) from—

(1) funds received from a political committee or derived from a contribution or expenditure (as such terms are defined in section 30101 of title 52);

(2) funds received as reimbursement for expenses incurred by the Senator or Member in connection with personal services provided by the Senator or Member to the person making the reimbursement; or

(3) any other funds that are not specifically appropriated for official expenses.

(e) Official Mail Allowance in House of Representatives

(1) The use of funds of the House of Representatives which are made available for official mail of Members, officers, and employees of the House of Representatives who are persons entitled to use the congressional frank shall be governed by regulations promulgated—

(A) by the Committee on House Oversight of the House of Representatives, with respect to allocation and expenditures relating to official mail (except as provided in subparagraph (B)); and

(B) by the House Communications Standards Commission, with respect to matters under section 3210(a)(6)(D) of title 39.

(2) Funds used for official mail—

(A) with respect to a Member of the House of Representatives, shall be available, in a session of Congress, in a total amount, as determined under paragraph (1)(A), of not more than the product of (i) 3 times the single-piece rate applicable to first class mail, and (ii) the number (as determined by the Postmaster General) of addresses (other than business possible delivery stops) in the congressional district, as such addresses are described in section 3210(d)(7)(B) of title 39; and

(B) with respect to any other person entitled to use the congressional frank in the House of Representatives (including any Member of the House of Representatives who receives an allocation under subsection (a)(2) with respect to duties as an elected officer of, or holder of another position in, the House of Representatives), shall be available, in a session of Congress, in a total amount determined under paragraph (1)(A).

(f) Mass mailing; submission of samples or description of proposed mail matter; advisory opinion

(1) Except as provided in paragraph (2), a Member of the House of Representatives shall, before making any mass communication, submit a sample or description of the matter involved to the House Communications Standards Commission for an advisory opinion as to whether such proposed communication is in compliance with applicable provisions of law, rule, or regulation.

(2) Paragraph (1) does not apply in the case of any type of mass communication which is designated as exempt from the requirements of such paragraph as provided under regulations of the House Communications Standards Commission.

(g) “Member of the House of Representatives” and “person entitled to use the congressional frank” defined

As used in subsections (a) through (f)—

(1) the term “Member of the House of Representatives” means a Representative in, or a Delegate or Resident Commissioner to, the Congress;

(2) the term “person entitled to use the congressional frank” means a Senator, Member of the House of Representatives, or other person authorized to use the frank under section 3210(b) of title 39; and

(3) 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 House Communications Standards Commission, except that such term does not include—

(A) any communication from a Member of the House of Representatives to another Member of the House of Representatives, a Senator, or any Federal, State, or local government official;

(B) any news release to the communications media;

(C) 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

(D) 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.

(h) Omitted

(i) Effective date

This section and the amendments made by this section shall apply with respect to sessions of Congress beginning with the first session of the One Hundred Second Congress, except that, with respect to the Senate, subsection (d) shall apply beginning on May 1, 1992, and the funds referred to in paragraph (3) of such subsection shall not include personal funds of a Senator or Member of the House of Representatives.

(Pub. L. 101–520, title III, §311, Nov. 5, 1990, 104 Stat. 2278; Pub. L. 102–229, title II, §211, Dec. 12, 1991, 105 Stat. 1718; Pub. L. 104–186, title II, §203(22), Aug. 20, 1996, 110 Stat. 1728; Pub. L. 105–275, title I, §104, Oct. 21, 1998, 112 Stat. 2439; Pub. L. 106–19, §1(a), Apr. 8, 1999, 113 Stat. 29; Pub. L. 106–57, title I, §§102, 103(a)(1)–(3), (4)(B), Sept. 29, 1999, 113 Stat. 415; Pub. L. 107–68, title I, §110, Nov. 12, 2001, 115 Stat. 569; Pub. L. 108–83, title I, §105(a), Sept. 30, 2003, 117 Stat. 1018; Pub. L. 116–260, div. I, title I, §116(b)(2)(B), (c)(2), Dec. 27, 2020, 134 Stat. 1637, 1639.)

Editorial Notes

REFERENCES IN TEXT

The amendments made by this section, referred to in subsec. (i), means the amendments made by section 311(h) of Pub. L. 101–520, which amended section 6314 of this title and sections 3210 and 3216 of Title 39, Postal Service, and amended provisions set out as notes under sections 3210 and 3216 of Title 39.

CODIFICATION

Section was formerly classified to section 59e of this title prior to editorial reclassification and renumbering as this section.

Section is from the Legislative Branch Appropriations Act, 1991.

Subsec. (h) of this section made the amendments specified in the References in Text note above.

AMENDMENTS

2020—Subsec. (a)(3). Pub. L. 116–260, §116(b)(2)(B), substituted “House Communications Standards Commission” for “House Commission on Congressional Mailing Standards” in two places.

Subsec. (e)(1)(B). Pub. L. 116–260, §116(b)(2)(B), substituted “House Communications Standards Commission” for “House Commission on Congressional Mailing Standards”.

Subsec. (f). Pub. L. 116–260, §116(c)(2)(B), designated existing provisions as par. (1), substituted “Except as provided in paragraph (2), a Member” for “A Member”, and added par. (2).

Pub. L. 116–260, §116(c)(2)(A), substituted “any mass communication” for “any mass mailing”, “matter” for “mail matter”, “House Communications Standards Commission” for “House Commission on Congressional Mailing Standards”, and “such proposed communication” for “such proposed mailing”.

Pub. L. 116–260, §116(b)(2)(B), substituted “House Communications Standards Commission” for “House Commission on Congressional Mailing Standards”.

Subsec. (g)(3). Pub. L. 116–260, §116(c)(2)(C), added par. (3).

2003—Subsec. (d). Pub. L. 108–83, in introductory provisions, struck out “in the House, or official expenses” after “defray official expenses” and “in the Senate” after “(excluding handheld communications devices)”.

2001—Subsec. (d). Pub. L. 107–68, in introductory provisions, inserted “in the House, or official expenses for franked mail, employee salaries, office space, furniture, or equipment and any associated information technology services (excluding handheld communications devices) in the Senate” after “expenses”.

1999—Subsec. (a)(3). Pub. L. 106–57, §103(a)(4)(B), substituted “costs incurred for official mail by” for “costs charged against the Official Mail Allowance for”.

Subsec. (b)(2). Pub. L. 106–19 substituted “any person with an allocation under subsection (a)(2)(A) as to the amount that has been used and any person with an allocation under subsection (a)(2)(B)” for “any person with an allocation under subsection (a)(2)”.

Subsec. (e)(1). Pub. L. 106–57, §103(a)(1)(A), in introductory provisions, substituted “The use of funds of the House of Representatives which are made available for official mail of Members, officers, and employees of the House of Representatives who are persons entitled to use the congressional frank shall be governed by regulations promulgated—” for “There is established in the House of Representatives an Official Mail Allowance for Members, officers, and employees of the House of Representatives who are persons entitled to use the congressional frank. Regulations for use of the Official Mail Allowance shall be prescribed—”.

Subsec. (e)(1)(A). Pub. L. 106–57, §103(a)(1)(B), substituted “official mail (except as provided in subparagraph (B))” for “the Allowance”.

Subsec. (e)(2). Pub. L. 106–57, §103(a)(2)(A), substituted “Funds used for official mail—” for “The Official Mail Allowance—” in introductory provisions.

Pub. L. 106–57, §102, made technical correction to directory language of Pub. L. 105–275, §104(a). See 1998 Amendment note below.

Subsec. (e)(2)(A) to (C). Pub. L. 106–57, §103(a)(2)(B), (C), redesignated subpars. (B) and (C) as (A) and (B), respectively, and struck out former subpar. (A) which read as follows: “shall be available for postage for franked mail sent at a first class, third class, or fourth class rate;”.

Subsec. (e)(3). Pub. L. 106–57, §103(a)(3), struck out par. (3) which read as follows:

“(3)(A) Subject to subparagraph (B), each Member of the House of Representatives may transfer amounts from the Members’ Representational Allowance of the Member to the Official Mail Allowance of the Member.

“(B) The total amount a Member may so transfer with respect to a session of Congress may not exceed \$25,000.”

1998—Subsec. (e)(2). Pub. L. 105–275, §104(a), as amended by Pub. L. 106–57, §102, inserted “and” at end of sub-

par. (B), substituted a period for “; and” at end of subpar. (C), and struck out subpar. (D) which read as follows: “shall not be available for payment of any non-postage fee or charge, including any fee or charge for express mail, express mail drop shipment, certified mail, registered mail, return receipt, address correction, or postal insurance.”

Subsec. (e)(4). Pub. L. 105-275, §104(b), struck out par. (4) which read as follows: “The Members’ Representational Allowance shall be available to a Member of the House of Representatives for the payment of nonpostage fees and charges referred to in paragraph (2)(D) and for postage for mail for official business sent outside the United States.”

1996—Subsec. (a). Pub. L. 104-186, §203(22)(B)(i), substituted “House Oversight” for “House Administration” in introductory provisions.

Subsec. (a)(3). Pub. L. 104-186, §203(22)(A), (B)(ii), substituted “Chief Administrative Officer of the House of Representatives” for “Clerk of the House of Representatives” and “House Oversight” for “House Administration”.

Subsec. (b). Pub. L. 104-186, §203(22)(B)(iii), substituted “House Oversight” for “House Administration” in introductory provisions.

Subsec. (e)(1)(A). Pub. L. 104-186, §203(22)(B)(iv), substituted “House Oversight” for “House Administration”.

Subsec. (e)(2)(A). Pub. L. 104-186, §203(22)(B)(v), struck out “only” after “available”.

Subsec. (e)(3)(A). Pub. L. 104-186, §203(22)(B)(vi), substituted “Members’ Representational Allowance” for “Official Expenses Allowance and the Clerk Hire Allowance”.

Subsec. (e)(4). Pub. L. 104-186, §203(22)(B)(vii), substituted “Members’ Representational Allowance” for “Official Expenses Allowance”.

1991—Subsec. (i). Pub. L. 102-229 substituted “beginning on May 1, 1992,” for “with respect to sessions of Congress beginning with the second session of the One Hundred Second Congress,”.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

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.

EFFECTIVE DATE OF 2020 AMENDMENT

Amendment by Pub. L. 116-260 applicable with respect to communications disseminated on or after Dec. 27, 2020, see section 116(f) of div. I of Pub. L. 116-260, set out as a note under section 501 of this title.

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108-83, title I, §105(b), Sept. 30, 2003, 117 Stat. 1018, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to fiscal year 2004 and each succeeding fiscal year.”

EFFECTIVE DATE OF 1999 AMENDMENTS

Amendment by section 103(a)(1)–(3), (4)(B) of Pub. L. 106-57 applicable with respect to the first session of the One Hundred Sixth Congress and each succeeding session of Congress, see section 103(c) of Pub. L. 106-57, set out as a note under section 4313 of this title.

Pub. L. 106-19, §1(b), Apr. 8, 1999, 113 Stat. 29, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to January 1999 and each succeeding month.”

§ 504. Mass mailings by Senate offices; quarterly statements; publication of summary tabulations

Two weeks after the close of each calendar quarter, or as soon as practicable thereafter, the

Sergeant at Arms and Doorkeeper of the Senate shall send to each Senate office a statement of the cost of postage and paper and of the other operating expenses incurred as a result of mass mailings processed for such Senate office during such quarter. The statement shall separately identify the cost of postage and paper and other costs, and shall distinguish the costs attributable to newsletters and all other mass mailings. The statement shall also include the total cost per capita in the State. A compilation of all such statements shall be sent to the Senate Committee on Rules and Administration. A summary tabulation of such information shall be published quarterly in the Congressional Record and included in the semiannual report of the Secretary of the Senate. Such summary tabulation shall set forth for each Senate office the following information: the Senate office’s name, the total number of pieces of mass mail mailed during the quarter, the total cost of such mail, and, in the case of Senators, the cost of such mail divided by the total population of the State from which the Senator was elected, and the total number of pieces of mass mail divided by the total population of the State from which the Senator was elected, and in the case of each Senator, the allocation made to such Senator from the appropriation for official mail expenses.

(Pub. L. 101-520, title III, §318, Nov. 5, 1990, 104 Stat. 2283; Pub. L. 103-283, title I, §3(b), July 22, 1994, 108 Stat. 1427.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 59f of this title prior to editorial reclassification and renumbering as this section.

Section is from the Legislative Branch Appropriations Act, 1991.

AMENDMENTS

1994—Pub. L. 103-283 inserted before period at end “, and in the case of each Senator, the allocation made to such Senator from the appropriation for official mail expenses”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1994 AMENDMENT

Pub. L. 103-283, title I, §3(c), July 22, 1994, 108 Stat. 1427, provided that: “The amendments made by this section [amending this section and section 4108 of this title] shall be effective with respect to—

“(1) reports and statements covering periods beginning on and after October 1, 1994; and

“(2) appropriations made and obligations incurred on and after such date.”

§ 505. Mass mailing of information by Senators under frank; quarterly registration with Secretary of Senate

In fiscal year 1991 and thereafter, when a Senator disseminates information under the frank by a mass mailing (as defined in section 3210(a)(6)(E) of title 39), the Senator shall register quarterly with the Secretary of the Senate such mass mailings. Such registration shall be made by filing with the Secretary a copy of the matter mailed and providing, on a form supplied