

## 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 impose 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 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