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CHAPTER 16—CONGRESSIONAL MAILING STANDARDS

§ 501. House Commission on Congressional Mailing Standards

(a) Establishment; designation

There is established a special commission of the House of Representatives, designated the “House Commission on Congressional Mailing Standards” (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

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.

(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 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, 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 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,
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; subpenas, 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 subpena 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. Subpenas 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.
§ 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.


Amendments


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.