

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1349

To amend title 39, United States Code, to provide that the provisions of law preventing Members of Congress from sending mass mailings within the 60-day period immediately before an election be expanded so as to prevent Members from mailing any unsolicited franked mail within that period, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 1993

Mr. GREENWOOD (for himself, Mr. OXLEY, Mr. HORN, Mr. FRANK of Massachusetts, and Mr. FRANKS of New Jersey) introduced the following bill; which was referred to the Committee on Post Office and Civil Service

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## A BILL

To amend title 39, United States Code, to provide that the provisions of law preventing Members of Congress from sending mass mailings within the 60-day period immediately before an election be expanded so as to prevent Members from mailing any unsolicited franked mail within that period, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Franking Reform Act  
5 of 1993”.

1 **SEC. 2. EXPANSION OF RULE.**

2 Paragraph (6) of section 3210(a) of title 39, United  
3 States Code, is amended to read as follows:

4 “(6)(A) It is the intent of Congress—

5 “(i) that a Member of, or Member-elect to, Con-  
6 gress may not send any unsolicited franked mail  
7 postmarked fewer than 60 days immediately before  
8 the date of any primary election or general election  
9 (whether regular, special, or runoff) in which the  
10 Member is a candidate for reelection; and

11 “(ii) that a Member of, or Member-elect to, the  
12 House of Representatives who is a candidate for any  
13 other public office may not send—

14 “(I) any unsolicited franked mail for deliv-  
15 ery within any portion of the jurisdiction of or  
16 the area covered by the public office which is  
17 outside the area constituting the congressional  
18 district from which the Member or Member-  
19 elect was elected; or

20 “(II) any unsolicited franked mail post-  
21 marked fewer than 60 days immediately before  
22 the date of any primary election or general elec-  
23 tion (whether regular, special, or runoff) in  
24 which the Member or Member-elect is a can-  
25 didate for such office.

1       “(B) No Senator may send any unsolicited franked  
2 mail postmarked fewer than 60 days immediately before  
3 the date of any primary election or general election  
4 (whether regular, special, or runoff) for any national,  
5 State or local office in which such Senator is a candidate  
6 for election.

7       “(C) For purposes of subparagraphs (A) and (B) if  
8 mail matter is of a type which is not customarily post-  
9 marked, the date on which such matter would have been  
10 postmarked if it were of a type customarily postmarked  
11 shall apply.

12       “(D) The Select Committee on Ethics of the Senate  
13 and the House Commission on Congressional Mailing  
14 Standards shall prescribe for their respective Houses rules  
15 and regulations, and shall take such other action as the  
16 Committee or the Commission considers necessary and  
17 proper for Members of, and Members-elect to, Congress  
18 to comply with the provisions of this paragraph. The rules  
19 and regulations shall include provisions prescribing the  
20 time within which mailings shall be mailed at or delivered  
21 to any postal facility and the time when the mailings shall  
22 be deemed to have been mailed or delivered to comply with  
23 the provisions of this paragraph.

24       “(E) As used in this section, the term ‘mass mailing’  
25 means, with respect to a session of Congress, any mailing

1 of newsletters or other pieces of mail with substantially  
2 identical content (whether such mail is deposited singly  
3 or in bulk, or at the same time or different times), totaling  
4 more than 500 pieces in that session, except that such  
5 term does not include any mailing—

6 “(i) of matter in direct response to a commu-  
7 nication from a person to whom the matter is  
8 mailed;

9 “(ii) from a Member of Congress to other Mem-  
10 bers of Congress, or to Federal, State, or local  
11 government officials; or

12 “(iii) of a news release to the communications  
13 media.

14 “(F) Subparagraphs (A) through (D) shall not apply  
15 with respect to any mailing which would satisfy clause (i),  
16 (ii), or (iii) of subparagraph (E) (determined without con-  
17 sideration as to the number of pieces in such mailing),  
18 except that for purposes of this subparagraph, subpara-  
19 graph (E)(i) shall not be considered satisfied if the mailing  
20 is postmarked later than 60 days after the communication  
21 (or latest communication) to which it responds.”.

22 **SEC. 3. EFFECTIVE DATE.**

23 This Act shall take effect as of the 180th day after  
24 the date of the enactment of this Act, and shall apply with  
25 respect to any mailing made on or after that day.

