

## 1. Loan of Frank

Section 3215 states, “A person entitled to use a frank may not lend it or permit its use by any committee, organization, or association, or permit its use by any person for the benefit or use of any committee, organization, or association. This section does not apply to any standing, select, special, or joint committee, or subcommittee thereof, or commission of the Senate, House of Representatives, or Congress, composed of Members of Congress, or to the Democratic caucus or the Republican conference of the House of Representatives or of the Senate.”

This section prohibits the use of the frank for the benefit of charitable organizations, political action committees, trade organizations, and so forth.

It should be pointed out that while the “penalty mail” provisions of law, which apply to government agencies, permit penalty mail covers to be used by persons from whom official information is desired [39 U.S.C. 3202(b)], there is no such authority under the franking laws.<sup>1</sup> Therefore, attention is called to the following examples:

- A Representative may not provide a frank to a radio or television station for the return of a radio or television tape.
- A Representative may not permit his frank to be used for the return to him of responses to a questionnaire.
- A Representative may not use the frank to announce an event sponsored or cosponsored by an organization unless the event is part of an officially-sanctioned competition that appears on the list published by the Chairman and Ranking Member of the Committee on House Administration pursuant to the *Members Congressional Handbook*.<sup>2</sup>
- A Representative may not permit his frank to be used for the return of authorization forms from his constituents which may be required under the Privacy Act.

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<sup>1</sup> Prohibitions concerning the receipt of return mail under the frank are expressed in *Cannon's Precedents of the House of Representatives*, vol. VI, secs. 217, 219 (1936), Section 217 provides:

There is no provision of law under which a person receiving a request from a Member of Congress for information, official or otherwise, may send such information in the mails free of postage in an envelope bearing the frank of such Member of Congress furnished by the Member.

Section 219 provides:

There is no provision of law under which the frank may be used for return reply. – On July 21, 1930, reply to an inquiry from the Clerk of the House, submitted at the instance of Mr. Conrad G. Selvig, of Minnesota, the Third Assistant Postmaster General rendered the following opinion:

It is improper under the law to furnish envelopes bearing frank for the use of individuals in reply to letters, and individuals receiving such envelopes cannot lawfully use them to mail matter free of postage under the frank of a Member of Congress. \*\*\* Furthermore, there is no provision of law under which a person receiving a request from a Member of Congress for information, official or otherwise, may send such information in the mails free of postage in an envelope bearing the frank of such Member of Congress.

On May 8, 1975, the Commission held as frankable a petition by two Members, acting alone, to intervene in a rate case on behalf of constituents. The Commission held further that the same petition would not be frankable if another person not entitled to the franking privilege (such as the state attorney general) joined in the petition.

<sup>2</sup> Adopted by the Commission on October 29, 2015