

mail that originates and is intended for delivery outside the United States.

“(2) MEMORANDUM OF UNDERSTANDING.—For the purpose of carrying out the program operated under paragraph (1), the Secretary of Agriculture shall enter into a memorandum of understanding or other agreement with the Secretary of the Interior relating to prohibited plants, plant pests, or injurious animals under the jurisdiction of the Department of the Interior.

“(3) REMEDIAL ACTION.—If, pursuant to the program, mail is found to contain a prohibited plant, plant pest, or injurious animal, the Secretary shall—

“(A) make a record of the prohibited plant, plant pest, or injurious animal found in the mail;

“(B) take appropriate action to prevent the introduction of the prohibited material into Hawaii; and

“(C) determine whether the facts and circumstances warrant seeking prosecution under a law prohibiting the conveyance of a plant, plant pest, or injurious animal.

“(4) DEFINITIONS.—As used in this subsection:

“(A) INJURIOUS ANIMAL.—The term ‘injurious animal’ means an animal the importation or interstate shipment of which is prohibited by section 42 of title 18, United States Code.

“(B) PLANT.—The term ‘plant’ means a plant from any class of plants, or any other article or matter, the importation or interstate shipment of which is prohibited under the Act of August 20, 1912 (37 Stat. 315, chapter 308; 7 U.S.C. 151 et seq.) (commonly known as the ‘Plant Quarantine Act’).

“(C) PLANT PEST.—The term ‘plant pest’ means any organism or substance the importation or interstate shipment of which is prohibited under the Federal Plant Pest Act (7 U.S.C. 150aa et seq.).

“(b) COOPERATIVE AGREEMENTS WITH HAWAII TO ENFORCE CERTAIN AGRICULTURAL QUARANTINE LAWS.—

“(1) AGREEMENT BETWEEN SECRETARY OF AGRICULTURE AND HAWAII.—

“(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act [Oct. 6, 1992], the Secretary of Agriculture shall offer to enter into a cooperative agreement with the State of Hawaii for a 2-year period to enforce in the State—

“(i) the Act of August 20, 1912 (37 Stat. 315, chapter 308; 7 U.S.C. 151 et seq.) (commonly known as the ‘Plant Quarantine Act’);

“(ii) the Federal Plant Pest Act (7 U.S.C. 150aa et seq.); and

“(iii) the matter under the heading ‘ENFORCEMENT OF THE PLANT-QUARANTINE ACT:’ of the Act of March 4, 1915 (38 Stat. 1113; 7 U.S.C. 166) (commonly known as the ‘Terminal Inspection Act’).

“(B) INSPECTION OF PLANTS AND PLANT PRODUCTS.—The cooperative agreement shall establish a specific procedure for the submission and approval of the names of plants and plant products that the State of Hawaii elects to inspect under the provision of law referred to in subparagraph (A)(iii).

“(C) AUTHORITY.—The Secretary shall carry out this paragraph under the authority provided by—

“(i) section 102 of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 147a);

“(ii) section 3 of the Act of May 29, 1884 (23 Stat. 32, chapter 60; 21 U.S.C. 114); and

“(iii) section 11 of the Department of Agriculture Organic Act of 1956 (7 U.S.C. 114a) [probably means section 11 of act May 29, 1884, as added by the Department of Agriculture Organic Act of 1944, which is classified to 21 U.S.C. 114a].

“(2) AGREEMENT BETWEEN SECRETARY OF THE INTERIOR AND HAWAII.—

“(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act [Oct. 6, 1992], the Secretary of the Interior shall offer to enter into a cooperative agreement with the State of Hawaii for a 2-year period to enforce in the State the Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.).

“(B) AUTHORITY.—The Secretary shall use to carry out this paragraph the authority provided

under section 3 of the Fish and Wildlife Improvement Act of 1978 (16 U.S.C. 7427).

“(3) AGREEMENT BETWEEN POSTAL SERVICE AND HAWAII.—

“(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Postal Service shall offer to enter into a cooperative agreement with the State of Hawaii for a 2-year period to enforce in the State, under terms and conditions acceptable to the Postal Service and in compliance with postal regulations, Public Law 100-574 [enacting section 3014 of this title, sections 1716B and 1716C of Title 18, Crimes and Criminal Procedure, and provisions set out as a note under section 3014 of this title] and the amendments made by such Public Law.

“(B) AUTHORITY.—The Postal Service shall use to carry out this paragraph the authority provided under section 3014 of title 39, United States Code.

“(4) COOPERATIVE PROGRAMS.—Any program conducted jointly by the State of Hawaii and any Federal agency under this subsection that in any way affects the mail or the postal system of the United States shall comply with postal regulations and shall be conducted under terms and conditions acceptable to the Postal Service.

“(5) EXTENSION OF AGREEMENTS.—A cooperative agreement entered into under this subsection may be extended by mutual consent of the parties to the agreement.

“(c) PUBLIC INFORMATION PROGRAM ON PROHIBITIONS AGAINST SHIPMENT OR TRANSPORTATION OF PLANT PESTS AND INJURIOUS ANIMALS.—

“(1) IN GENERAL.—The Postal Service, the Secretary of the Interior, and the Secretary of Agriculture shall jointly establish a public information program to inform the public on—

“(A) the prohibitions against the shipment or transportation of plants, plants [sic] pests, and injurious animals; and

“(B) the consequences of violating Federal laws designed to prevent the introduction of alien species into the State of Hawaii and other areas of the United States.

“(2) METHODS.—In carrying out paragraph (1), the Postal Service and Secretaries may—

“(A) use public service announcements, mail, and other forms of distributing information, dial-up information services, and such other methods as will effectively communicate the information described in paragraph (1); and

“(B) cooperate with State and private organizations to carry out the program established under this subsection.

“(3) STUDY.—Not later than 1 year after the program established under subsection (a) commences, the Secretary of Agriculture, in cooperation with the Secretary of the Interior, the Postal Service, and the State of Hawaii, shall—

“(A) conduct a study to determine the proportion of plant pests and injurious animals that are introduced into Hawaii by various modes of commerce; and

“(B) report the results of the study to Congress.”

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 18 section 1716D.

### CHAPTER 32—PENALTY AND FRANKED MAIL

Sec. 3201.	Definitions.
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3204.	Restrictions on use of penalty mail.
3205.	Accounting for penalty covers.
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3209.	Executive departments to supply information.
3210.	Franked mail transmitted by the Vice President, Members of Congress, and congressional officials.
3211.	Public documents.
3212.	Congressional Record under frank of Members of Congress.
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3214.	Mailing privilege of former President; surviving spouse of former President.
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3216.	Reimbursement for franked mailings.
3217.	Correspondence of members of diplomatic corps and consuls of countries of Postal Union of Americas and Spain.
3218.	Franked mail for survivors of Members of Congress.
3219.	Mailgrams.
3220.	Use of official mail in the location and recovery of missing children.

## AMENDMENTS

1985—Pub. L. 99-87, §1(a)(2), Aug. 9, 1985, 99 Stat. 290, added item 3220.

1981—Pub. L. 97-69, §6(c)(2), Oct. 26, 1981, 95 Stat. 1043, substituted “survivors” for “surviving spouses” in item 3218.

1973—Pub. L. 93-191, §§1(b), 4(b), 12(b), Dec. 18, 1973, 87 Stat. 741, 742, 746, substituted “Franked mail transmitted by the Vice President, Members of Congress, and congressional officials” for “Official correspondence of Vice President and Members of Congress” in item 3210, substituted “President, surviving spouse of former President” for “Presidents” in item 3214, and added item 3219.

## CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 3684 of this title.

## § 3201. Definitions

As used in this chapter—

(1) “penalty mail” means official mail, other than franked mail, which is authorized by law to be transmitted in the mail without prepayment of postage;

(2) “penalty cover” means envelopes, wrappers, labels, or cards used to transmit penalty mail;

(3) “frank” means the autographic or facsimile signature of persons authorized by sections 3210-3216 and 3218 of this title to transmit matter through the mail without prepayment of postage or other indicia contemplated by sections 733 and 907 of title 44;

(4) “franked mail” means mail which is transmitted in the mail under a frank;

(5) “Members of Congress” includes Senators, Representatives, Delegates, and Resident Commissioners; and

(6) “missing child” has the meaning provided by section 403(1) of the Juvenile Justice and Delinquency Prevention Act of 1974.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 751; Pub. L. 99-87, §1(b), Aug. 9, 1985, 99 Stat. 291.)

## AMENDMENT OF SECTION

*For termination of amendment by section 5 of Pub. L. 99-87, see Termination Date of 1985 Amendment note below.*

## REFERENCES IN TEXT

Section 403(1) of the Juvenile Justice and Delinquency Prevention Act of 1974, referred to in par. (6), is

classified to section 5772(1) of Title 42, The Public Health and Welfare.

## AMENDMENTS

1985—Par. (6). Pub. L. 99-87 temporarily added par. (6). See Termination Date of 1985 Amendment note below.

## TERMINATION DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99-87 not effective after Dec. 31, 1997, see section 5 of Pub. L. 99-87, as amended, set out as a Termination Date note under section 3220 of this title.

## EFFECTIVE DATE

Chapter effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of this title.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3216 of this title.

## § 3202. Penalty mail

(a) Subject to the limitations imposed by sections 3204 and 3207 of this title, there may be transmitted as penalty mail—

(1) official mail of—

(A) officers of the Government of the United States other than Members of Congress;

(B) the Smithsonian Institution;

(C) the Pan American Union;

(D) the Pan American Sanitary Bureau;

(E) the United States Employment Service and the system of employment offices operated by it in conformity with the provisions of sections 49-49c, 49d, 49e-49k of title 29, and all State employment systems which receive funds appropriated under authority of those sections; and

(F) any college officer or other person connected with the extension department of the college as the Secretary of Agriculture may designate to the Postal Service to the extent that the official mail consists of correspondence, bulletins, and reports for the furtherance of the purpose of sections 341-343 and 344-348 of title 7;

(2) mail relating to naturalization to be sent to the Immigration and Naturalization Service by clerks of courts addressed to the Department of Justice or the Immigration and Naturalization Service, or any official thereof;

(3) mail relating to a collection of statistics, survey, or census authorized by title 13 and addressed to the Department of Commerce or a bureau or agency thereof; and

(4) mail of State agriculture experiment stations pursuant to sections 325 and 361f of title 7.

(b) A department or officer authorized to use penalty covers may enclose them with return address to any person from or through whom official information is desired. The penalty cover may be used only to transmit the official information and endorsements relating thereto.

(c) This section does not apply to officers who receive a fixed allowance as compensation for their services including expenses of postage.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 751; Pub. L. 94-553, §105(e), Oct. 19, 1976, 90 Stat. 2599; Pub. L.

103-123, title VII, § 708(b), Oct. 28, 1993, 107 Stat. 1272.)

#### AMENDMENTS

1993—Subsec. (a)(3), (4), Pub. L. 103-123 inserted “and” at end of par. (3) and substituted period for “; and” at end of par. (4).

1976—Subsec. (a)(5), Pub. L. 94-553 struck out par. (5) which related to articles for copyright deposited with postmasters and addressed to the Register of Copyrights pursuant to section 15 of title 17.

#### EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-553 effective Jan. 1, 1978, see section 102 of Pub. L. 94-553, set out as an Effective Date note preceding section 101 of Title 17, Copyrights.

#### PAYMENT OF POSTAGE FOR STATE UNEMPLOYMENT COMPENSATION SYSTEMS AND EMPLOYMENT SERVICES

Pub. L. 92-80, title I, Aug. 10, 1971, 85 Stat. 287, which required Department of Labor and Post Office Department to use such amounts as may be agreed upon for the payment of postage for the transmission of official mail matter in connection with the administration of unemployment compensation systems and employment services by States receiving grants, was from the Department of Labor Appropriation Act, 1972, and was not repeated in subsequent appropriation acts. See section 3202(a)(1)(E) of this title.

Similar provisions were contained in the following prior appropriation acts:

Jan. 11, 1971, Pub. L. 91-667, title I, 84 Stat. 2002.  
 Mar. 5, 1970, Pub. L. 91-204, title I, 84 Stat. 24.  
 Oct. 11, 1968, Pub. L. 90-557, title I, 82 Stat. 971.  
 Nov. 8, 1967, Pub. L. 90-132, title I, 81 Stat. 387.  
 Nov. 7, 1966, Pub. L. 89-787, title I, 80 Stat. 1379.  
 Aug. 31, 1965, Pub. L. 89-156, title I, 79 Stat. 590.  
 Sept. 19, 1964, Pub. L. 88-605, title I, 78 Stat. 960.  
 Oct. 11, 1963, Pub. L. 88-136, title I, 77 Stat. 226.  
 Aug. 14, 1962, Pub. L. 87-582, title I, 76 Stat. 363.  
 Sept. 22, 1961, Pub. L. 87-290, title I, 75 Stat. 591.  
 Sept. 2, 1960, Pub. L. 86-703, title I, 74 Stat. 757.  
 Aug. 14, 1959, Pub. L. 86-158, title I, 73 Stat. 341.  
 Aug. 1, 1958, Pub. L. 85-580, title I, 72 Stat. 459.  
 June 29, 1957, Pub. L. 85-67, title I, 71 Stat. 212.  
 June 29, 1956, ch. 477, title I, 70 Stat. 424.  
 Aug. 1, 1955, ch. 437, title I, 69 Stat. 398.  
 July 2, 1954, ch. 457, title I, 68 Stat. 435.  
 July 31, 1953, ch. 296, title I, 67 Stat. 246.  
 July 5, 1952, ch. 575, title I, 66 Stat. 360.  
 Aug. 31, 1951, ch. 373, title I, 65 Stat. 210.  
 Sept. 6, 1950, ch. 896, ch. V, title I, 64 Stat. 644.  
 June 29, 1949, ch. 275, title II, 63 Stat. 293.  
 June 16, 1948, ch. 472, title I, 62 Stat. 445.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3203, 3206 of this title; title 22 section 2905.

### § 3203. Endorsements on penalty covers

(a) Except as otherwise provided in this section, penalty covers shall bear, over the words “Official Business” an endorsement showing the name of the department, bureau, or office from which, or officer from whom, it is transmitted. The penalty for the unlawful use of all penalty covers shall be printed thereon.

(b) The Postal Service shall prescribe the endorsement to be placed on covers mailed under clauses (1)(E), (2), and (3) of section 3202(a) of this title.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 752.)

### § 3204. Restrictions on use of penalty mail

(a) Except as otherwise provided in this section or section 3220 of this title, an officer, execu-

utive department, or independent establishment of the Government of the United States may not mail, as penalty mail, any article or document unless—

- (1) a request therefor has been previously received by the department or establishment; or
- (2) its mailings is required by law.

(b) Subsection (a) of this section does not prohibit the mailing, as penalty mail, by an officer, executive department, or independent agency of—

- (1) enclosures reasonably related to the subject matter of official correspondence;
- (2) informational releases relating to the census of the United States and authorized by title 13;
- (3) matter concerning the sale of Government securities;
- (4) forms, blanks, and copies of statutes, rules, regulations, instructions, administrative orders, and interpretations necessary in the administration of the department or establishment;
- (5) agricultural bulletins;
- (6) lists of public documents offered for sale by the Superintendent of Documents;
- (7) announcements of the publication of maps, atlases, and statistical and other reports offered for sale by the Federal Power Commission as authorized by section 825k of title 16; or
- (8) articles or documents to educational institutions or public libraries, or to Federal, State, or other public authorities.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 752; Pub. L. 99-87, §1(c)(1), Aug. 9, 1985, 99 Stat. 291.)

#### AMENDMENT OF SECTION

*For termination of amendment by section 5 of Pub. L. 99-87, see Termination Date of 1985 Amendment note below.*

#### AMENDMENTS

1985—Subsec. (a), Pub. L. 99-87 temporarily inserted reference to section 3220(a) of this title. See Termination Date of 1985 Amendment note below.

#### TERMINATION DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99-87 not effective after Dec. 31, 1997, see section 5 of Pub. L. 99-87, as amended, set out as a Termination Date note under section 3220 of this title.

#### TRANSFER OF FUNCTIONS

Federal Power Commission terminated and its functions, personnel, property, funds, etc., transferred to Secretary of Energy (except for certain functions transferred to Federal Energy Regulatory Commission) by sections 7151(b), 7171(a), 7172(a), 7291, and 7293 of Title 42, The Public Health and Welfare.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 12 section 1701z-2; title 15 section 637; title 16 section 460l-1; title 29 section 1708; title 42 section 12651d.

### § 3205. Accounting for penalty covers

Executive departments and agencies, independent establishments of the Government of the United States, and organizations and persons authorized by law to use penalty mail, shall account for all penalty covers through the Postal Service.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 753.)

**§ 3206. Reimbursement for penalty mail service**

(a) Except as provided in subsection (b) of this section, executive departments and agencies, independent establishments of the Government of the United States, and Government corporations concerned, shall transfer to the Postal Service as postal revenue out of any appropriations or funds available to them, as a necessary expense of the appropriations or funds and of the activities concerned, the equivalent amount of postage due, as determined by the Postal Service, for matter sent in the mails by or to them as penalty mail under authority of section 3202 of this title.

(b) The Department of Agriculture shall transfer to the Postal Service as postal revenues out of any appropriations made to it for that purpose the equivalent amount of postage, as determined by the Postal Service, for penalty mailings under clauses (1)(F) and (4) of section 3202(a) of this title.

(c) The Department of State shall transfer to the Postal Service as postal revenues out of any appropriations made to it for that purpose the equivalent amount of postage, as determined by the Postal Service, for penalty mailings under clause (1)(C) and (D) of section 3202(a) of this title.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 753; Pub. L. 93-191, §9, Dec. 18, 1973, 87 Stat. 745; Pub. L. 94-553, §105(e), Oct. 19, 1976, 90 Stat. 2599.)

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-553 substituted “subsection (b)” for “subsections (b) and (c)”.

Subsecs. (c), (d). Pub. L. 94-553 redesignated subsec. (d) as (c). Former subsec. (c), directing the Library of Congress to transfer to the Postal Service as postal revenues out of any appropriations made to the Library for that purpose the equivalent amount of postage, as determined by the Postal Service, for penalty mailings under clause (5) of section 3202(a) of this title, was struck out.

1973—Subsec. (d). Pub. L. 93-191 added subsec. (d).

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-553 effective Jan. 1, 1978, see section 102 of Pub. L. 94-553, set out as an Effective Date note preceding section 101 of Title 17, Copyrights.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-191 effective Dec. 18, 1973, see section 14 of Pub. L. 93-191, set out as a note under section 3210 of this title.

**§ 3207. Limit of weight of penalty mail; postage on overweight matter**

(a) Penalty mail is restricted to articles not in excess of the weight and size prescribed for that class of mail receiving high priority in handling and delivery, except—

- (1) stamped paper and supplies sold or used by the Postal Service; and
- (2) books and documents published or circulated by order of Congress when mailed by the Superintendent of Documents.

(b) A penalty mail article which is—

- (1) over 4 pounds in weight;
- (2) not in excess of the weight and size prescribed for mail matter; and

(3) otherwise mailable;

is mailable at rates for that class of mail entitled to the lowest priority in handling and delivery, even though it may include written matter and may be sealed.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 753.)

**§ 3208. Shipment by most economical means**

Shipments of official matter other than franked mail shall be sent by the most economical means of transportation practicable. The Postal Service may refuse to accept official matter for shipment by mail when in its judgment it may be shipped by other means at less expense, or it may provide for its transportation by freight or express whenever a saving to the Government of the United States will result therefrom without detriment to the public service.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 753.)

**§ 3209. Executive departments to supply information**

Persons and governmental organizations authorized to use penalty mail shall supply all information requested by the Postal Service necessary to carry out the provisions of this chapter as soon as practicable after request therefor.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 754.)

**§ 3210. Franked mail transmitted by the Vice President, Members of Congress, and congressional officials**

(a)(1) It is the policy of the Congress that the privilege of sending mail as franked mail shall be established under this section in order to assist and expedite the conduct of the official business, activities, and duties of the Congress of the United States.

(2) It is the intent of the Congress that such official business, activities, and duties cover all matters which directly or indirectly pertain to the legislative process or to any congressional representative functions generally, or to the functioning, working, or operating of the Congress and the performance of official duties in connection therewith, and shall include, but not be limited to, the conveying of information to the public, and the requesting of the views of the public, or the views and information of other authority of government, as a guide or a means of assistance in the performance of those functions.

(3) It is the intent of the Congress that mail matter which is frankable specifically includes, but is not limited to—

(A) mail matter to any person and to all agencies and officials of Federal, State, and local governments regarding programs, decisions, and other related matters of public concern or public service, including any matter relating to actions of a past or current Congress;

(B) the usual and customary congressional newsletter or press release which may deal with such matters as the impact of laws and decisions on State and local governments and individual citizens; reports on public and offi-

cial actions taken by Members of Congress; and discussions of proposed or pending legislation or governmental actions and the positions of the Members of Congress on, and arguments for or against, such matters;

(C) the usual and customary congressional questionnaire seeking public opinion on any law, pending or proposed legislation, public issue, or subject;

(D) mail matter dispatched by a Member of Congress between his Washington office and any congressional district offices, or between his district offices;

(E) mail matter directed by one Member of Congress to another Member of Congress or to representatives of the legislative bodies of State and local governments;

(F) mail matter expressing congratulations to a person who has achieved some public distinction;

(G) mail matter, including general mass mailings, which consists of Federal laws, Federal regulations, other Federal publications, publications purchased with Federal funds, or publications containing items of general information;

(H) mail matter which consists of voter registration or election information or assistance prepared and mailed in a nonpartisan manner;

(I) mail matter which constitutes or includes a biography or autobiography of any Member of, or Member-elect to, Congress or any biographical or autobiographical material concerning such Member or Member-elect or the spouse or other members of the family of such Member or Member-elect, and which is so mailed as a part of a Federal publication or in response to a specific request therefor and is not included for publicity purposes in a newsletter or other general mass mailing of the Member or Member-elect under the franking privilege; or

(J) mail matter which contains a picture, sketch, or other likeness of any Member or Member-elect and which is so mailed as a part of a Federal publication or in response to a specific request therefor and, when contained in a newsletter or other general mass mailing of any Member or Member-elect, is not of such size, or does not occur with such frequency in the mail matter concerned, as to lead to the conclusion that the purpose of such picture, sketch, or likeness is to advertise the Member or Member-elect rather than to illustrate accompanying text.

(4) It is the intent of the Congress that the franking privilege under this section shall not permit, and may not be used for, the transmission through the mails as franked mail, of matter which in its nature is purely personal to the sender or to any other person and is unrelated to the official business, activities, and duties of the public officials covered by subsection (b)(1) of this section.

(5) It is the intent of the Congress that a Member of or Member-elect to Congress may not mail as franked mail—

(A) mail matter which constitutes or includes any article, account, sketch, narration, or other text laudatory and complimentary of any Member of, or Member-elect to, Congress

on a purely personal or political basis rather than on the basis of performance of official duties as a Member or on the basis of activities as a Member-elect;

(B) mail matter which constitutes or includes—

(i) greetings from the spouse or other members of the family of such Member or Member-elect unless it is a brief reference in otherwise frankable mail;

(ii) reports of how or when such Member or Member-elect, or the spouse or any other member of the family of such Member or Member-elect, spends time other than in the performance of, or in connection with, the legislative, representative, and other official functions of such Member or the activities of such Member-elect as a Member-elect; or

(iii) any card expressing holiday greetings from such Member or Member-elect; or

(C) mail matter which specifically solicits political support for the sender or any other person or any political party, or a vote or financial assistance for any candidate for any public office.

The House Commission on Congressional Mailing Standards and the Select Committee on Standards and Conduct of the Senate shall prescribe for their respective Houses such rules and regulations and shall take such other action, as the Commission or Committee considers necessary and proper for the Members and Members-elect to conform to the provisions of this clause and applicable rules and regulations. Such rules and regulations shall include, but not be limited to, provisions prescribing the time within which such mailings shall be mailed at or delivered to any postal facility to attain compliance with this clause and the time when such mailings shall be deemed to have been so mailed or delivered and such compliance attained.

(6)(A) It is the intent of Congress that a Member of, or Member-elect to, Congress may not mail any mass mailing as franked mail—

(i) if the mass mailing is postmarked fewer than 60 days (or, in the case of a Member of the House, fewer than 90 days) immediately before the date of any primary election or general election (whether regular, special, or runoff) in which the Member is a candidate for reelection; or

(ii) in the case of a Member of, or Member-elect to, the House who is a candidate for any other public office, if the mass mailing—

(I) is prepared for delivery within any portion of the jurisdiction of or the area covered by the public office which is outside the area constituting the congressional district from which the Member or Member-elect was elected; or

(II) is postmarked fewer than 90 days immediately before the date of any primary election or general election (whether regular, special, or runoff) in which the Member or Member-elect is a candidate for any other public office.

(B) Any mass mailing which is mailed by the chairman of any organization referred to in the last sentence of section 3215 of this title which relates to the normal and regular business of the

organization may be mailed without regard to the provisions of this paragraph.

(C) No Member of the Senate may mail any mass mailing as franked mail if such mass mailing is postmarked fewer than 60 days immediately before the date of any primary election or general election (whether regular, special, or runoff) for any national, State or local office in which such Member is a candidate for election.

(D) The Select Committee on Ethics of the Senate and the House Commission on Congressional Mailing Standards shall prescribe for their respective Houses rules and regulations, and shall take other action as the Committee or the Commission considers necessary and proper for Members and Members-elect to comply with the provisions of this paragraph and applicable rules and regulations. The rules and regulations shall include provisions prescribing the time within which mailings shall be mailed at or delivered to any postal facility and the time when the mailings shall be deemed to have been mailed or delivered to comply with the provisions of this paragraph.

(E) As used in this section, the term "mass mailing" means, with respect to a session of Congress, any mailing of newsletters or other pieces of mail with substantially identical content (whether such mail is deposited singly or in bulk, or at the same time or different times), totaling more than 500 pieces in that session, except that such term does not include any mailing—

(i) of matter in direct response to a communication from a person to whom the matter is mailed;

(ii) from a Member of Congress to other Members of Congress, or to Federal, State, or local government officials; or

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

(F) For purposes of subparagraphs (A) and (C) if mail matter is of a type which is not customarily postmarked, the date on which such matter would have been postmarked if it were of a type customarily postmarked shall apply.

(7) A Member of the House of Representatives may not send any mass mailing outside the congressional district from which the Member was elected.

(b)(1) The Vice President, each Member of or Member-elect to Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, each of the elected officers of the House of Representatives (other than a Member of the House), the Legislative Counsels of the House of Representatives and the Senate, the Law Revision Counsel of the House of Representatives, and the Senate Legal Counsel, may send, as franked mail, matter relating to their official business, activities, and duties, as intended by Congress to be mailable as franked mail under subsection (a)(2) and (3) of this section.

(2) If a vacancy occurs in the Office of the Secretary of the Senate, the Sergeant at Arms of the Senate, an elected officer of the House of Representatives (other than a Member of the House), the Legislative Counsel of the House of Representatives or the Senate, the Law Revision Counsel of the House of Representatives, or the Senate Legal Counsel, any authorized person

may exercise the franking privilege in the officer's name during the period of the vacancy.

(3) The Vice President, each Member of Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, and each of the elected officers of the House (other than a Member of the House), during the 90-day period immediately following the date on which they leave office, may send, as franked mail, matter on official business relating to the closing of their respective offices. The House Commission on Congressional Mailing Standards and the Select Committee on Standards and Conduct of the Senate shall prescribe for their respective Houses such rules and regulations, and shall take such other action as the Commission or Committee considers necessary and proper, to carry out the provisions of this paragraph.

(c) Franked mail may be in any form appropriate for mail matter, including, but not limited to, correspondence, newsletters, questionnaires, recordings, facsimiles, reprints, and reproductions. Franked mail shall not include matter which is intended by Congress to be non-mailable as franked mail under subsection (a)(4) and (5) of this section.

(d)(1) A Member of Congress may mail franked mail with a simplified form of address for delivery within that area constituting the congressional district or State from which the Member was elected.

(2) A Member-elect to the Congress may mail franked mail with a simplified form of address for delivery within that area constituting the congressional district or the State from which he was elected.

(3) A Delegate, Delegate-elect, Resident Commissioner, or Resident Commissioner-elect to the House of Representatives may mail franked mail with a simplified form of address for delivery within the area from which he was elected.

(4) Any franked mail which is mailed under this subsection shall be mailed at the equivalent rate of postage which assures that the mail will be sent by the most economical means practicable.

(5) The Senate Committee on Rules and Administration and the House Commission on Congressional Mailing Standards shall prescribe for their respective Houses rules and regulations governing any franked mail which is mailed under this subsection and shall by regulation limit the number of such mailings allowed under this subsection

(6)(A) Any Member of, or Member-elect to, the House of Representatives entitled to make any mailing as franked mail under this subsection shall, before making any mailing, submit a sample or description of the mail matter involved to the House Commission on Congressional Mailing Standards for an advisory opinion as to whether the proposed mailing is in compliance with the provisions of this subsection.

(B) The Senate Select Committee on Ethics may require any Member of, or Member-elect to, the Senate entitled to make any mailings as franked mail under this subsection to submit a sample or description of the mail matter to the Committee for an advisory opinion as to whether the proposed mailing is in compliance with the provisions of this subsection.

(7) Franked mail mailed with a simplified form of address under this subsection—

(A) shall be prepared as directed by the Postal Service; and

(B) may be delivered to—

- (i) each box holder or family on a rural or star route;
- (ii) each post office box holder; and
- (iii) each stop or box on a city carrier route.

(8) For the purposes of this subsection, a congressional district includes, in the case of a Representative at Large or Representative at Large-elect, the State from which he was elected.

(e) The frankability of mail matter shall be determined under the provisions of this section by the type and content of the mail sent, or to be sent.

(f) Any mass mailing which otherwise would be permitted to be mailed as franked mail under this section shall not be so mailed unless the cost of preparing and printing the mail matter is paid exclusively from funds appropriated by Congress, except that an otherwise frankable mass mailing may contain, as an enclosure or supplement, any public service material which is purely instructional or informational in nature, and which in content is frankable under this section.

(g) Notwithstanding any other provision of Federal, State, or local law, or any regulation thereunder, the equivalent amount of postage determined under section 3216 of this title on franked mail mailed under the frank of the Vice President or a Member of Congress, and the cost of preparing or printing such frankable matter for such mailing under the frank, shall not be considered as a contribution to, or an expenditure by, the Vice President or a Member of Congress for the purpose of determining any limitation on expenditures or contributions with respect to any such official, imposed by any Federal, State, or local law or regulation, in connection with any campaign of such official for election to any Federal office.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 754; Pub. L. 92-51, §101, July 9, 1971, 85 Stat. 132; Pub. L. 93-191, §1(a), Dec. 18, 1973, 87 Stat. 737; Pub. L. 94-177, Dec. 23, 1975, 89 Stat. 1032; Pub. L. 95-521, title VII, §714(a), Oct. 26, 1978, 92 Stat. 1884; Pub. L. 97-69, §§1-3(a), 4, Oct. 26, 1981, 95 Stat. 1041-1043; Pub. L. 97-263, §1(1), (2), Sept. 24, 1982, 96 Stat. 1132; Pub. L. 101-163, title III, §318, Nov. 21, 1989, 103 Stat. 1067; Pub. L. 101-520, title III, §§311(h)(1), 316, Nov. 5, 1990, 104 Stat. 2280, 2283; Pub. L. 102-392, title III, §309(a), Oct. 6, 1992, 106 Stat. 1722; Pub. L. 104-197, title I, §102(a), Sept. 16, 1996, 110 Stat. 2401.)

#### AMENDMENTS

1996—Subsec. (a)(6)(A)(i). Pub. L. 104-197, §102(a)(1), inserted “(or, in the case of a Member of the House, fewer than 90 days)” after “60 days”.

Subsec. (a)(6)(A)(ii)(II). Pub. L. 104-197, §102(a)(2), substituted “90 days” for “60 days”.

1992—Subsec. (a)(7). Pub. L. 102-392, §309(a)(1), substituted “from which the Member was elected” for “of the Member, except that—

“(A) a Member of the House of Representatives may send mass mailings to any area in a county, if any part of the county adjoins or is inside the congressional district of the Member; and

“(B) in the case of redistricting, on and after the date referred to in subsection (d)(1)(B), a Member of the House of Representatives may send mass mailings to the additional area described in that section”.

Subsec. (d)(1). Pub. L. 102-392, §309(a)(2), struck out subpar. (A) designation, substituted “the Member” for “he” and a period for “; and”, and struck out subpar. (B) which read as follows: “with respect to a Member of the House of Representatives on and after the date on which the proposed redistricting of congressional districts in his State by legislative or judicial proceedings is initially completed (whether or not the redistricting is actually in effect), within any additional area of each congressional district proposed or established in such redistricting and containing all or part of the area constituting the congressional district from which he was elected, unless and until the congressional district so proposed or established is changed by legislative or judicial proceedings.”

1990—Subsec. (a)(6)(E). Pub. L. 101-520, §311(h)(1), amended subpar. (E) generally. Prior to amendment, subpar. (E) read as follows: “For purposes of this section, the term ‘mass mailing’ means newsletters and similar mailings of more than five hundred pieces in which the content of the matter mailed is substantially identical but shall not apply to mailings—

“(i) which are in direct response to communications from persons to whom the matter is mailed;

“(ii) to colleagues in the Congress or to government officials (whether Federal, State, or local); or

“(iii) of news releases to the communications media.”

Subsec. (a)(7). Pub. L. 101-520, §316, added par. (7).

1989—Subsec. (a)(6)(A)(i), (ii)(II), (C). Pub. L. 101-163, §318(1)-(3), substituted “is postmarked fewer” for “is mailed fewer”.

Subsec. (a)(6)(F). Pub. L. 101-163, §318(4), added subpar. (F).

1982—Subsec. (b)(1), (2). Pub. L. 97-263 inserted reference to Law Revision Counsel of House of Representatives.

1981—Subsec. (a)(3)(F). Pub. L. 97-69, §1, struck out provision relating to mail matter expressing condolences to a person who has suffered a loss.

Subsec. (a)(5). Pub. L. 97-69, §2(a), inserted provision relating to brief references in otherwise frankable mail in subpar. (B)(i), and struck out subpar. (D) which related to mass mailing mailed at or delivered to any postal facility less than 28 days immediately before the date of any primary or general election in which the Member or Member-elect was a candidate for public office. See subsec. (a)(6) of this section.

Subsec. (a)(6). Pub. L. 97-69, §2(b), added par. (6).

Subsec. (d). Pub. L. 97-69, §3(a), substituted “Congress” for “the House” in provisions of par. (1) preceding subpar. (A), substituted “congressional district or State” for “congressional district” in par. (1)(A), inserted “with respect to a Member of the House of Representatives” after “(B)” in par. (1)(B), substituted “Congress” for “House of Representatives” and “congressional district or the State” for “congressional district” in par. (2), added pars. (4), (5), and (6), and redesignated former pars. (4) and (5) as (7) and (8), respectively.

Subsec. (e). Pub. L. 97-69, §4(a), struck out provisions under which the cost of preparing or printing mail matter which was frankable under this section could be paid from any funds, including but not limited to funds collected by a candidate or a political committee required to file reports of receipts and expenditures under the Federal Election Campaign Act of 1971 (Public Law 92-225), or from voluntary newsletter funds, or from similar funds administered or controlled by a Member or by a committee organized to administer such funds.

Subsecs. (f), (g). Pub. L. 97-69, §4(b), added subsec. (f) and redesignated former subsec. (f) as (g).

1978—Subsec. (b)(1), (2). Pub. L. 95-521 inserted reference to Senate Legal Counsel.

1975—Subsec. (b)(1). Pub. L. 94-177, §1(a), struck out “and” before “each of the elected officers”, and “until

the 1st day of April following the expiration of their respective terms of office” after “(other than a Member of the House)”.

Subsec. (b)(3). Pub. L. 94-177, §1(b), added par. (3).

1973—Subsec. (a). Pub. L. 93-191 added subsec. (a). Former first sentence provided in part for franked mail (1) matter, not exceeding 4 pounds in weight, upon official or departmental business, to a Government official, and (2) correspondence, not exceeding 4 ounces in weight, upon official business to any person.

Subsec. (b)(1). Pub. L. 93-191 incorporated part of former first sentence in provisions designated as subsec. (b)(1), substituted reference to elected officers of House of Representatives (other than a Member of House) for former references to Clerk of House of Representatives and the Sergeant at Arms of House of Representatives, included reference to Legislative Counsel of Senate, substituted the 1st day of April for the thirtieth day of June, and substituted internal reference to subsec. (a)(2) and (3) of this section for former provision respecting franked mail (1) matter, not exceeding 4 pounds in weight, upon official or departmental business, to a Government official, and (2) correspondence, not exceeding 4 ounces in weight, upon official business to any person.

Subsec. (b)(2). Pub. L. 93-191 incorporated former second sentence in provisions designated as subsec. (b)(2), substituted provision respecting vacancy in Office of an elected officer of House of Representatives (other than a Member of House) for former provision respecting vacancy in office of Clerk of House of Representatives and Sergeant at Arms of House of Representatives and included provision for vacancy in Office of Legislative Counsel of Senate.

Subsecs. (c) to (f). Pub. L. 93-191 added subsecs. (c) to (f).

1971—Pub. L. 92-51 inserted reference to Legislative Counsel of House of Representatives.

#### EFFECTIVE DATE OF 1996 AMENDMENT

Section 102(b) of Pub. L. 104-197 provided that: “The amendments made by subsection (a) [amending this section] shall take effect on October 1, 1996, and shall apply with respect to any mailing postmarked on or after that date.”

#### EFFECTIVE DATE OF 1992 AMENDMENT

Section 309(b) of Pub. L. 102-392 provided that: “The amendments made by subsection (a) [amending this section] shall take effect on the date of the enactment of this Act [Oct. 6, 1992].”

#### EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by section 311(h)(1) of Pub. L. 101-520 applicable with respect to sessions of Congress beginning with the first session of the One Hundred Second Congress, see section 59e(i) of Title 2, The Congress.

#### EFFECTIVE DATE OF 1981 AMENDMENT

Section 3(b) of Pub. L. 97-69 provided that: “This section [amending this section] shall become effective 120 days after the date of enactment of this Act [Oct. 26, 1981].”

#### EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-521 effective Jan. 3, 1979, see section 717 of Pub. L. 95-521, set out as an Effective Date note under section 288 of Title 2, The Congress.

#### EFFECTIVE DATE OF 1973 AMENDMENT

Section 14 of Pub. L. 93-191 provided that: “(a) Except as provided in subsection (b) of this section, the provisions of this Act [enacting section 3219 of this title and sections 501 and 502 of Title 2, The Congress, amending this section, sections 3206, 3211, 3212, 3215, 3216, and 3218 of this title, and sections 733 and 907 of Title 44, Public Printing and Documents, and repealing section 277 of Title 2] shall become effective on the date of enactment of this Act [Dec. 18, 1973].

“(b) The provisions of section 3214 of title 39, United States Code, as amended by section 4 of this Act; and the provisions of subsection (b) of section 3216 of title 39, United States Code, as amended by section 7 of this Act, shall take effect as of December 27, 1972.”

#### SEPARABILITY

Section 15 of Pub. L. 93-191 provided that: “If a provision of this Act [enacting section 3219 of this title and sections 501 and 502 of Title 2, The Congress, amending this section, sections 3206, 3211, 3212, 3214 to 3216, and 3218 of this title, and sections 733 and 907 of Title 44, Public Printing and Documents, and repealing section 277 of Title 2] is held invalid, all valid provisions severable from the invalid provision remain in effect. If a provision of this Act is held invalid in one or more of its applications, such provision remains in effect in all valid applications severable from the invalid application or applications.”

#### MASS MAILINGS BY SENATORS

Pub. L. 103-283, title I, §§5, 6, July 22, 1994, 108 Stat. 1427, provided that:

“SEC. 5. Effective October 1, 1994, each of the figures contained in section 506(b)(3)(A)(iii) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(b)(3)(A)(iii)) is increased by \$50,000: *Provided*, That, in any fiscal year beginning with fiscal year 1995, a Senator may use funds provided for official office expenses, but not to exceed \$50,000, for mass mailing, as defined in section 6(b)(1) and all such mass mailings shall be under the frank.

“SEC. 6. (a) This section shall apply to mailings by Senators, made during fiscal year 1995 and each fiscal year thereafter in addition to any other law relating to the use of the franking privilege.

“(b) For the purposes of this paragraph—

“(1) the term ‘mass mailing’—

“(A) means, with respect to a session of Congress, a mailing of more than 500 newsletters or other pieces of mail with substantially identical content (whether such mail is deposited singly or in bulk, or at the same time or different times), but

“(B) does not include a mailing—

“(i) of matter in direct response to a communication from a person to whom the matter is mailed;

“(ii) to other Members of Congress or to a Federal, State, or local government official;

“(iii) of a news release to the communications media;

“(iv) of a town meeting notice, but no such mailing may be made fewer than 60 days immediately before the date of any primary election or general election (whether regular, special, or runoff) for any Federal, State, or local office in which a Member of the Senate is a candidate for election; or

“(v) of a Federal publication or other item that is provided by the Senate to all Senators or made available by the Senate for purchase by all Senators from official funds specifically for distribution.

“(c) Except as provided in section 5, a Senator may not mail a mass mailing under the frank.

“(d) The Senate Committee on Rules and Administration shall prescribe rules and regulations and take other action as the Committee considers necessary and proper for Senators to comply with this section and regulations.”

Section 316(a), formerly section 316(a), (b), of Pub. L. 101-163, as renumbered and amended by Pub. L. 101-520, title III, §311(h)(3), Nov. 5, 1990, 104 Stat. 2280; Pub. L. 102-392, title III, §308(a), Oct. 6, 1992, 106 Stat. 1722, provided that: “Effective January 1, 1990, a mass mailing (as defined in section 3210(a)(6)(E) of title 39, United States Code) by a Senator shall be limited to 2 sheets of paper (or their equivalent), including any enclosure that—



“(1) is prepared by or for the Senator who makes the mailing; or

“(2) contains information concerning, expresses the views of, or otherwise relates to the Senator who makes the mailing.”

[Section 308(b) of Pub. L. 102-392 provided that: “The amendments made by subsection (a) [amending section 316(a) of Pub. L. 101-163, set out above] shall take effect on October 1, 1992.”]

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3201, 3212, 3219 of this title; title 2 sections 31b-4, 59e, 59g, 59h, 282d, 501, 502; title 44 section 907.

### § 3211. Public documents

The Vice President, Members of Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, each of the elected officers of the House of Representatives (other than a Member of the House) during the 90-day period immediately following the expiration of their respective terms of office, may send and receive as franked mail all public documents printed by order of Congress.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 754; Pub. L. 93-191, § 2, Dec. 18, 1973, 87 Stat. 741; Pub. L. 97-69, § 5(a), Oct. 26, 1981, 95 Stat. 1043.)

#### AMENDMENTS

1981—Pub. L. 97-69 substituted “during the 90-day period immediately” for “until the first day of April”.

1973—Pub. L. 93-191 substituted “each of the elected officers of the House of Representatives (other than a Member of the House) until the first day of April” for “the Clerk of the House of Representatives, and the Sergeant at Arms of the House of Representatives, until the thirtieth day of June”.

#### EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-191 effective Dec. 18, 1973, see section 14 of Pub. L. 93-191, set out as a note under section 3210 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3201 of this title; title 2 sections 31b-4, 501, 502.

### § 3212. Congressional Record under frank of Members of Congress

(a) Members of Congress may send the Congressional Record as franked mail.

(b) Members of Congress may send, as franked mail, any part of, or a reprint of any part of, the Congressional Record, including speeches or reports contained therein, if such matter is mailable as franked mail under section 3210 of this title.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 754; Pub. L. 93-191, § 3, Dec. 18, 1973, 87 Stat. 741.)

#### AMENDMENTS

1973—Subsec. (a). Pub. L. 93-191 incorporated existing text in provisions designated as subsec. (a).

Subsec. (b). Pub. L. 93-191 incorporated existing text in provisions designated as subsec. (b), authorized sending, as franked mail, reprints of parts of Congressional Record, and authorized the mailing of Congressional Record if the listed matter is mailable as franked mail under section 3210 of this title.

#### EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-191 effective Dec. 18, 1973, see section 14 of Pub. L. 93-191, set out as a note under section 3210 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3201 of this title; title 2 sections 501, 502.

### § 3213. Seeds and reports from Department of Agriculture

Seeds and agricultural reports emanating from the Department of Agriculture may be mailed—

(1) as penalty mail by the Secretary of Agriculture; and

(2) during the 90-day period immediately following the expiration of their terms of office, as franked mail by Members of Congress.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 754; Pub. L. 97-69, § 5(b), Oct. 26, 1981, 95 Stat. 1043.)

#### AMENDMENTS

1981—Par. (2). Pub. L. 97-69 substituted “during the 90-day period immediately” for “until the thirtieth day of June”.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3201 of this title; title 2 sections 31b-4, 501, 502.

### § 3214. Mailing privilege of former President; surviving spouse of former President

(a) Subject to subsection (b), a former President and the surviving spouse of a former President may send nonpolitical mail within the United States and its territories and possessions as franked mail. Such mail of a former President and of the surviving spouse of a former President marked “Postage and Fees Paid” in the manner prescribed by the Postal Service shall be accepted by the Postal Service for transmission in the international mails.

(b) Subsection (a) shall cease to apply—

(1) 5 years after the effective date of this subsection, in the case of any individual who, on such effective date—

(A) is a former President (including any individual who might become entitled to the mailing privilege under subsection (a) as the surviving spouse of such a former President); or

(B) is the surviving spouse of a former President; and

(2) 4 years and 6 months after the expiration of the period for which services and facilities are authorized to be provided under section 4 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note), in the case of an individual who becomes a former President after such effective date (including any surviving spouse of such individual, as described in the parenthetical matter in paragraph (1)(A)).

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 754; Pub. L. 93-191, § 4(a), Dec. 18, 1973, 87 Stat. 742; Pub. L. 103-123, title IV, § 6(b), Oct. 28, 1993, 107 Stat. 1246.)

#### REFERENCES IN TEXT

The effective date of this subsection, referred to in subsec. (b)(1), is Oct. 1, 1993. See Effective Date of 1993 Amendment note below.

Section 4 of the Presidential Transition Act of 1963, referred to in subsec. (b)(2), is section 4 of Pub. L. 88-277, which is set out as a note under section 102 of Title 3, The President.

## AMENDMENTS

1993—Pub. L. 103–123 designated existing provisions as subsec. (a), substituted “Subject to subsection (b), a former” for “A former”, and added subsec. (b).

1973—Pub. L. 93–191 limited the mailing privilege to nonpolitical mail, extended the privilege to surviving spouse of former President and provided for acceptance of such mail marked “Postage and Fees Paid” by the Postal Service for transmission in the international mails.

## EFFECTIVE DATE OF 1993 AMENDMENT

Section 6(c) of Pub. L. 103–123 provided that: “The amendments made by subsections (a) and (b) [amending this section and provisions set out as a note under section 102 of Title 3, The President] shall take effect on October 1, 1993.”

## EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–191 effective Dec. 27, 1972, see section 14 of Pub. L. 93–191, set out as a note under section 3210 of this title.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3201, 3216 of this title.

**§ 3215. Lending or permitting use of frank unlawful**

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.

(Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 754; Pub. L. 93–191, §10, Dec. 18, 1973, 87 Stat. 746.)

## AMENDMENTS

1973—Pub. L. 93–191 substituted provision for non-application of section 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” for such nonapplication to “any committee composed of Members of Congress”.

## EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–191 effective Dec. 18, 1973, see section 14 of Pub. L. 93–191, set out as a note under section 3210 of this title.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3201, 3210 of this title; title 2 sections 501, 502.

**§ 3216. Reimbursement for franked mailings**

(a) The equivalent of—

(1) postage on, and fees and charges in connection with, mail matter sent through the mails—

(A) under the franking privilege (other than under section 3219 of this title), by the Vice President, Members of and Members-elect to Congress, the Secretary of the Sen-

ate, the Sergeant at Arms of the Senate, each of the elected officers of the House of Representatives (other than a Member of the House), the Legislative Counsels of the House of Representatives and the Senate, the Law Revision Counsel of the House of Representatives, and the Senate Legal Counsel; and

(B) by the survivors of a Member of Congress under section 3218 of this title; and

(2) those portions of fees and charges to be paid for handling and delivery by the Postal Service of Mailgrams considered as franked mail under section 3219 of this title;

shall be paid by appropriations for the official mail costs of the Senate and the House of Representatives for that purpose and then paid to the Postal Service as postal revenue. Except as to Mailgrams and except as provided by sections 733 and 907 of title 44, envelopes, wrappers, cards, or labels used to transmit franked mail shall bear, in the upper right-hand corner, the sender's signature, or a facsimile thereof.

(b) Postage on, and fees and charges in connection with, mail matter sent through the mails under section 3214 of this title shall be paid each fiscal year, out of any appropriation made for that purpose, to the Postal Service as postal revenue in an amount equivalent to the postage, fees, and charges which would otherwise be payable on, or in connection with, such mail matter.

(c) Payment under subsection (a) or (b) of this section shall be deemed payment for all matter mailed under the frank and for all fees and charges due the Postal Service in connection therewith.

(d) Money collected for matter improperly mailed under the franking privilege shall be deposited as miscellaneous receipts in the general fund of the Treasury.

(e)(1) Not later than two weeks after the last day of each quarter of the fiscal year, or as soon as practicable thereafter, the Postmaster General shall send to the Chief Administrative Officer of the House of Representatives, the House Commission on Congressional Mailing Standards, the Secretary of the Senate, and the Senate Committee on Rules and Administration a report which shall contain a tabulation of the estimated number of pieces and costs of franked mail, as defined in section 3201 of this title, in each mail classification sent through the mail for that quarter and for the preceding quarters in the fiscal year, together with separate tabulations of the number of pieces and costs of such mail sent by the House and by the Senate.

(2) Two weeks after the close of the second quarter of the fiscal year, or as soon as practicable thereafter, the Postmaster General shall send to the Chief Administrative Officer of the House of Representatives, the House Commission on Congressional Mailing Standards, the Committee on House Oversight, the Secretary of the Senate, and the Senate Committee on Rules and Administration, a statement of the costs of postage on, and fees and charges in connection with, mail matter sent through the mails as described in paragraph (1) of this subsection for the preceding two quarters together with an es-

timate of such costs for the balance of the fiscal year. As soon as practicable after receipt of this statement, the House Commission on Congressional Mailing Standards, the Committee on House Oversight, and the Senate Committee on Rules and Administration shall consider promulgating such regulations for their respective Houses as may be necessary to ensure that total postage costs, as described in paragraph (1) of this subsection, will not exceed the amounts available for the fiscal year.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 754; Pub. L. 92-51, §101, July 9, 1971, 85 Stat. 132; Pub. L. 93-191, §7, Dec. 18, 1973, 87 Stat. 745; Pub. L. 93-255, §2(a), Mar. 27, 1974, 88 Stat. 52; Pub. L. 95-521, title VII, §714(b), Oct. 26, 1978, 92 Stat. 1884; Pub. L. 97-69, §6(a), Oct. 26, 1981, 95 Stat. 1043; Pub. L. 97-263, §1(3), Sept. 24, 1982, 96 Stat. 1132; Pub. L. 101-163, title III, §§316(b), formerly §316(c), 317, Nov. 21, 1989, 103 Stat. 1067, renumbered §316(b), Pub. L. 101-520, title III, §311(h)(3)(B), Nov. 5, 1990, 104 Stat. 2280; Pub. L. 102-90, title III, §306, Aug. 14, 1991, 105 Stat. 466; Pub. L. 104-186, title II, §220, Aug. 20, 1996, 110 Stat. 1748.)

#### AMENDMENTS

1996—Subsec. (e). Pub. L. 104-186 substituted “Chief Administrative Officer of the House of Representatives” for “Clerk of the House” in pars. (1) and (2) and “House Oversight” for “House Administration” in two places in par. (2).

1991—Subsec. (e)(2). Pub. L. 102-90 substituted “paragraph (1) of this subsection” for “subsection (1) of this section” in two places.

1990—Pub. L. 101-520 made technical amendment to Pub. L. 101-163, §316(b). See 1989 Amendment note below.

1989—Subsec. (a). Pub. L. 101-163, §316(b), formerly §316(c), as renumbered by Pub. L. 101-520, which directed substitution of “by appropriations for the official mail costs of the Senate and the House of Representatives” for “by a lump sum appropriation to the legislative branch” was executed by making the substitution for “by a lump-sum appropriation to the legislative branch” to reflect the probable intent of Congress.

Subsec. (e). Pub. L. 101-163, §317, added subsec. (e).

1982—Subsec. (a)(1)(A). Pub. L. 97-263 inserted reference to Law Revision Counsel of House of Representatives.

1981—Subsec. (a)(1)(B). Pub. L. 97-69 substituted “survivors” for “surviving spouse”.

1978—Subsec. (a)(1)(A). Pub. L. 95-521 inserted reference to Senate Legal Counsel.

1974—Subsec. (a). Pub. L. 93-255 struck out “, and the printed words ‘Postage paid by Congress’” at end of last sentence.

1973—Subsec. (a). Pub. L. 93-191 incorporated existing text in provisions designated as par. (1)(A) and (B), substituted in subpar. (a) reference to elected officers of House of Representatives (other than a Member of House) for former references to Clerk of House of Representatives and Sergeant at Arms of House of Representatives, included in subpar. (A) reference to Legislative Counsel of Senate, added par. (2) and provision for the sender’s signature, or facsimile thereof, and printed words “Postage paid by Congress” in upper right-hand corner on transmitted franked mail.

Subsec. (b). Pub. L. 93-191 added subsec. (b). Former subsec. (b), which provided that the postage on mail matter sent through the mails under the franking privilege by former Presidents shall be paid by reimbursement of the postal revenues each fiscal year out of the general funds of the Treasury in an amount equivalent to the postage which would otherwise be payable on the mail matter, was struck out.

Subsecs. (c), (d). Pub. L. 93-191 added subsecs. (c) and (d).

1971—Subsec. (a). Pub. L. 92-51 inserted reference to Legislative Counsel of House of Representatives.

#### EFFECTIVE DATE OF 1989 AMENDMENT

Section 316(b), formerly section 316(c), of Pub. L. 101-163, as renumbered by Pub. L. 101-520, title III, §311(h)(3)(B), Nov. 5, 1990, 104 Stat. 2280, provided that the amendment made by that section is effective Oct. 1, 1989.

#### EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-521 effective Jan. 3, 1979, see section 717 of Pub. L. 95-521, set out as an Effective Date note under section 288 of Title 2, The Congress.

#### EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-191 effective Dec. 18, 1973, except that subsec. (b) of this section effective Dec. 27, 1972, see section 14 of Pub. L. 93-191, set out as a note under section 3210 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3201, 3210, 3219 of this title; title 2 section 31b-4.

### § 3217. Correspondence of members of diplomatic corps and consuls of countries of Postal Union of Americas and Spain

Correspondence of the members of the diplomatic corps of the countries of the Postal Union of the Americas and Spain stationed in the United States may be reciprocally transmitted in the domestic mails free of postage, and be entitled to free registration without right to indemnity in case of loss. The same privilege is accorded consuls and vice consuls when they are discharging the function of consuls of countries stationed in the United States, for official correspondence among themselves, and with the Government of the United States.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 755.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2401, 3627 of this title.

### § 3218. Franked mail for survivors of Members of Congress

Upon the death of a Member of Congress during his term of office, the surviving spouse of such Member (or, if there is no surviving spouse, a member of the immediate family of the Member designated by the Secretary of the Senate or the Clerk of the House of Representatives, as appropriate, in accordance with rules and procedures established by the Secretary or the Clerk) may send, for a period not to exceed 180 days after his death, as franked mail, nonpolitical correspondence relating to the death of the Member.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 755; Pub. L. 93-191, §11, Dec. 18, 1973, 87 Stat. 746; Pub. L. 97-69, §6(b), (c)(1), Oct. 26, 1981, 95 Stat. 1043.)

#### AMENDMENTS

1981—Pub. L. 97-69 substituted “survivors” for “surviving spouses” in section catchline and, in text, inserted “(or, if there is no surviving spouse, a member of the immediate family of the Member designated by the Secretary of the Senate or the Clerk of the House

of Representatives, as appropriate, in accordance with rules and procedures established by the Secretary or the Clerk)" after "such Member".

1973—Pub. L. 93-191 inserted "nonpolitical" before "correspondence".

#### EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-191 effective Dec. 18, 1973, see section 14 of Pub. L. 93-191, set out as a note under section 3210 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3201, 3216 of this title; title 2 sections 501, 502.

### § 3219. Mailgrams

Any Mailgram sent by the Vice President, a Member of or Member-elect to Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, an elected officer of the House of Representatives (other than a Member of the House), the Legislative Counsel of the House of Representatives or the Senate, the Law Revision Counsel of the House of Representatives, or the Senate Legal Counsel, and then delivered by the Postal Service, shall be considered as franked mail, subject to section 3216(a)(2) of this title, if such Mailgram contains matter of the kind authorized to be sent by that official as franked mail under section 3210 of this title.

(Added Pub. L. 93-191, §12(a), Dec. 18, 1973, 87 Stat. 746; amended Pub. L. 95-521, title VII, §714(c), Oct. 26, 1978, 92 Stat. 1884; Pub. L. 97-263, §1(4), Sept. 24, 1982, 96 Stat. 1132.)

#### AMENDMENTS

1982—Pub. L. 97-263 inserted reference to Law Revision Counsel of House of Representatives.

1978—Pub. L. 95-521 inserted reference to Senate Legal Counsel.

#### EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-521 effective Jan. 3, 1979, see section 717 of Pub. L. 95-521, set out as an Effective Date note under section 288 of Title 2, The Congress.

#### EFFECTIVE DATE

Section effective Dec. 18, 1973, see section 14 of Pub. L. 93-191, set out as an Effective Date of 1976 Amendment note under section 3210 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3216 of this title; title 2 sections 501, 502.

### § 3220. Use of official mail in the location and recovery of missing children

(a)(1) The Office of Juvenile Justice and Delinquency Prevention, after consultation with appropriate public and private agencies, shall prescribe general guidelines under which penalty mail may be used to assist in the location and recovery of missing children. The guidelines shall provide information relating to—

(A) the form and manner in which materials and information relating to missing children (such as biographical data and pictures, sketches, or other likenesses) may be included in penalty mail;

(B) appropriate sources from which such materials and information may be obtained;

(C) the procedures by which such materials and information may be obtained; and

(D) any other matter which the Office considers appropriate.

(2) Each executive department and independent establishment of the Government of the United States shall prescribe regulations under which penalty mail sent by such department or establishment may be used in conformance with the guidelines prescribed under paragraph (1).

(b) The Senate Committee on Rules and Administration and the House Commission on Congressional Mailing Standards shall prescribe for their respective Houses rules and regulations, and shall take such other action as the Committee or Commission considers necessary and proper, in order that purposes similar to those of subsection (a) may, in the discretion of the congressional official or office concerned, be carried out by the use of franked mail sent by such official or office.

(c) As used in this section, "Office of Juvenile Justice and Delinquency Prevention" and "Office" each means the Office of Juvenile Justice and Delinquency Prevention within the Department of Justice, as established by section 201 of the Juvenile Justice and Delinquency Prevention Act of 1974.

(Added Pub. L. 99-87, §1(a)(1), Aug. 9, 1985, 99 Stat. 290.)

#### TERMINATION OF SECTION

*For termination of section by section 5 of Pub. L. 99-87, see Termination Date note below.*

#### REFERENCES IN TEXT

Section 201 of the Juvenile Justice and Delinquency Prevention Act of 1974, referred to in subsec. (c), is classified to section 5611 of Title 42, The Public Health and Welfare.

#### TERMINATION DATE

Section 5 of Pub. L. 99-87, as amended by Pub. L. 100-202, §101(m) [title VI, §627(a)], Dec. 22, 1987, 101 Stat. 1329-390, 1329-430; Pub. L. 102-514, §1(2), Oct. 24, 1992, 106 Stat. 3371, provided that: "The amendments made by section 1 [enacting this section and amending sections 3201 and 3204 of this title and section 733 of Title 44, Public Printing and Documents] and any guidelines, rules, or regulations prescribed to carry out such amendments shall cease to be effective after December 31, 1997."

#### ISSUANCE OF GUIDELINES, RULES, AND REGULATIONS

Section 2 of Pub. L. 99-87 provided that:

"(a) **GUIDELINES.**—The guidelines described in section 3220(a)(1) of title 39, United States Code, as added by this Act, shall be prescribed not later than ninety days after the date of the enactment of this Act [Aug. 9, 1985].

"(b) **RULES AND REGULATIONS.**—The regulations described in subsection (a)(2) of section 3220 of title 39, United States Code, as added by this Act, and the rules and regulations described in subsection (b) of such section, as so added, shall be prescribed not later than one hundred and eighty days after the date of the enactment of this Act [Aug. 9, 1985]."

#### REPORTING REQUIREMENTS

Section 3 of Pub. L. 99-87, as amended by Pub. L. 100-202, §101(m) [title VI, §627(b)], Dec. 22, 1987, 101 Stat. 1329-390, 1329-430; Pub. L. 102-514, §1(1), Oct. 24, 1992, 106 Stat. 3371, provided that:

"(a) **GENERAL REQUIREMENTS.**—Not later than June 30, 1997, a written report containing the matter described in subsection (b) shall be prepared by—

“(1) the Office of Juvenile Justice and Delinquency Prevention and submitted to the President, the President pro tempore of the Senate, and the Speaker of the House of Representatives;

“(2) the Senate Committee on Rules and Administration and submitted to the President pro tempore of the Senate; and

“(3) the House Commission on Congressional Mailing Standards and submitted to the Speaker of the House of Representatives.

“(b) CONTENT OF REPORTS.—Each report under this section shall include—

“(1) an assessment of the effectiveness with which any authority provided by section 3220 of title 39, United States Code, as added by this Act, has (during the period covered by the report) been used, insofar as such authority was subject to guidelines or rules and regulations prescribed by the reporting entity;

“(2) recommendations as to whether the authority under such section should, insofar as such authority was subject to such guidelines or rules and regulations, be extended beyond the termination date otherwise applicable under section 5 [set out as a note above]; and

“(3) any other information which the reporting entity considers appropriate.”

#### CLARIFICATION RELATING TO COORDINATION OF GOVERNMENT PROGRAMS

Section 4 of Pub. L. 99-87 provided that: “Notwithstanding any other provision of law, the authority provided by section 3220(b) of title 39, United States Code, as added by this Act, shall not be considered to be subject to the authority of any agency within the executive branch of the Government of the United States to coordinate programs relating to missing children.”

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3204 of this title; title 44 section 733.

### CHAPTER 34—ARMED FORCES AND FREE POSTAGE

Sec.	
3401.	Mailing privileges of members of Armed Forces of the United States and of friendly foreign nations.
[3402.	Repealed.]
3403.	Matter for blind and other handicapped persons.
3404.	Unsealed letters sent by blind or physically handicapped persons.
3405.	Markings.
3406.	Balloting materials under the Uniformed and Overseas Citizens Absentee Voting Act.

#### AMENDMENTS

1986—Pub. L. 99-410, title II, §201(b)(1), Aug. 28, 1986, 100 Stat. 928, added item 3406.

1979—Pub. L. 96-70, title I, §1331(e)(3)(B), Sept. 27, 1979, 93 Stat. 482, struck out item 3402 “Mailing privileges of members of Armed Forces of the United States and of friendly foreign nations in the Canal Zone”.

#### CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 3684 of this title.

### § 3401. Mailing privileges of members of Armed Forces of the United States and of friendly foreign nations

(a) Letter mail or sound- or video-recorded communications having the character of personal correspondence shall be carried, at no cost to the sender, in the manner provided by this section, when mailed by—

(1) an individual who is a member of the Armed Forces of the United States on active

duty, as defined in section 101 of title 10, or a civilian, otherwise authorized to use postal services at Armed Forces installations, who holds a position or performs one or more functions in support of military operations, as designated by the military theater commander, and addressed to a place within the delivery limits of a United States post office, if—

(A) such letter mail or<sup>1</sup> sound- or video-recorded communication is mailed by such individual at an Armed Forces post office established in an overseas area, as designated by the President, where the Armed Forces of the United States are engaged in action against an enemy of the United States, engaged in military operations involving armed conflict with a hostile foreign force, engaged in temporary military operations under arduous circumstances, serving with a friendly foreign force in an armed conflict in which the United States is not a belligerent, or temporarily deployed overseas for an operational contingency in arduous circumstances, as determined by the Secretary of Defense; or

(B) such individual is hospitalized in a facility under the jurisdiction of the Armed Forces of the United States as a result of disease or injury incurred as a result of service in an overseas area designated by the President under clause (A) of this paragraph; or

(2) a member of an armed force of a friendly foreign nation at an Armed Forces post office and addressed to a place within the delivery limits of a United States post office, or a post office of the nation in whose armed forces the sender is a member, if—

(A) the member is accorded free mailing privileges by his own government;

(B) the foreign nation extends similar free mailing privileges to a member of the Armed Forces of the United States serving with, or in, a unit under the control of a command of that foreign nation;

(C) the member is serving with, or in, a unit under the operational control of a command of the Armed Forces of the United States;

(D) such letter mail or sound- or video-recorded communication is mailed by the member—

(i) at an Armed Forces post office established in an overseas area, as designated by the President, where the Armed Forces of the United States are engaged in action against an enemy of the United States, engaged in military operations involving armed conflict with a hostile foreign force, or serving with a friendly foreign force in an armed conflict in which the United States is not a belligerent; or

(ii) while hospitalized in a facility under the jurisdiction of the Armed Forces of the United States as a result of disease or injury incurred as a result of services in an overseas area designated by the President under clause (D)(i) of this paragraph; and

<sup>1</sup> See 1990 Amendment note below.