

SEPARABILITY

Pub. L. 93-191, § 15, Dec. 18, 1973, 87 Stat. 746, 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)) [now 2 U.S.C. 6314(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 run-off) 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."

Pub. L. 101-163, § 316(a), formerly § 316(a), (b), 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."

[Pub. L. 102-392, title III, § 308(b), Oct. 6, 1992, 106 Stat. 1722, provided that: "The amendments made by sub-

section (a) [amending section 316(a) of Pub. L. 101-163, set out above] shall take effect on October 1, 1992."]

§ 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.

§ 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.

§ 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”.

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

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.

(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; Pub. L. 105-61, title IV, § 409(b), Oct. 10, 1997, 111 Stat. 1299.)

AMENDMENTS

1997—Pub. L. 105-61 struck out subsec. (a) designation, substituted “A former President” for “Subject to subsection (b), a former President”, and struck out subsec. (b) which read as follows: “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)).”

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

Pub. L. 103-123, title IV, § 6(c), Oct. 28, 1993, 107 Stat. 1247, 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.

§ 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.

§ 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 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; 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.