

**CHAPTER 34—ARMED FORCES AND FREE
POSTAGE**

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3401.	Mailing privileges of members of Armed Forces of the United States and of friendly foreign nations.
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3404.	Unsealed letters sent by blind or physically handicapped persons.
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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".

§ 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 or¹ 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

(E) the nation in whose armed forces the sender is a member has agreed to assume all international postal transportation charges incurred.

(b) There shall be transported by air, between Armed Forces post offices which are located outside the 48 contiguous States of the United States or between any such Armed Forces post office and the point of embarkation or debarkation within the United States, the territories and possessions of the United States in the Pacific area, the Commonwealth of Puerto Rico, or the Virgin Islands, on a space available basis, on certificated United States air carriers or, for carriage of mail in foreign air transportation, other air carriers, air taxi operators or foreign air carriers as permitted by section 5402 of this title, or on military aircraft, the following categories of mail matter:

(1)(A) letter mail or sound- or video-recorded communications having the character of personal correspondence;

(B) parcels not exceeding 15 pounds in weight and 60 inches in length and girth combined; and

(C) publications entitled to a periodical publication rate published once each week or more frequently and featuring principally current news of interest to members of the Armed Forces and the general public,

which are mailed at or addressed to any such Armed Forces post office;

(2) parcels not exceeding 70 pounds in weight and the maximum size allowed by the Postal Service for fourth class parcel post (known as "Standard Mail (B)"), which are mailed at any such Armed Forces post office; and

(3) parcels exceeding 15 pounds but not exceeding 70 pounds in weight and not exceeding

¹ See 1990 Amendment note below.

the maximum size allowed by the Postal Service for fourth class parcel post (known as “Standard Mail (B)”), including surface-type official mail, which are mailed at or addressed to any such Armed Forces post office where adequate surface transportation is not available.

(c) Any parcel, other than a parcel mailed at a rate of postage requiring priority of handling and delivery, not exceeding 30 pounds in weight and 60 inches in length and girth combined, which is mailed at or addressed to any Armed Forces post office established under section 406(a) of this title, shall be transported by air on a space available basis on certificated United States air carriers or, for carriage of mail in foreign air transportation, other air carriers, air taxi operators or foreign air carriers as permitted by section 5402 of this title, or on military aircraft, upon payment of a fee for such air transportation in addition to the rate of postage otherwise applicable to such a parcel not transported by air.

(d) The Department of Defense shall transfer to the Postal Service as postal revenues, out of any appropriations or funds available to the Department of Defense, 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 under authority of subsection (a) of this section.

(e) The Department of Defense shall transfer to the Postal Service as postal revenues, out of any appropriations or funds available to the Department of Defense, as a necessary expense of the appropriations or funds and of the activities concerned, sums equal to the expenses incurred by the Postal Service, as determined by the Postal Service, in providing air transportation for mail mailed at or addressed to Armed Forces post offices established under section 406 of this title, but reimbursement under this subsection shall not include the expense of air transportation (1) for which the Postal Service collects a special charge to the extent the special charge covers the additional expense of air transportation or (2) that is provided by the Postal Service at the same postage rate or charge for mail which is neither mailed at nor addressed to an Armed Forces post office.

(f) This section shall be administered under such conditions, and under such regulations, as the Postal Service and the Secretary of Defense jointly may prescribe.

(g) In this section:

(1) The term “military aircraft” means an aircraft owned, operated, or chartered by the Department of Defense.

(2) The term “United States air carrier” has the meaning given the term “air carrier” in section 40102 of title 49.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 755; Pub. L. 92-469, Oct. 6, 1972, 86 Stat. 782; Pub. L. 96-70, title I, §1331(e)(2), Sept. 27, 1979, 93 Stat. 482; Pub. L. 98-443, §9(g)(1), Oct. 4, 1984, 98 Stat. 1707; Pub. L. 101-384, Sept. 18, 1990, 104 Stat. 737; Pub. L. 101-509, title VI, §631(a), Nov. 5, 1990, 104 Stat. 1480; Pub. L. 101-510, div. A, title XI, §1113, Nov. 5, 1990, 104 Stat. 1636; Pub. L. 102-484, div. A, title

X, §1051(b)(3), Oct. 23, 1992, 106 Stat. 2498; Pub. L. 103-160, div. A, title III, §364, Nov. 30, 1993, 107 Stat. 1628; Pub. L. 103-272, §5(k)(1), July 5, 1994, 108 Stat. 1375; Pub. L. 106-398, §1 [div. A], title X, §1088], Oct. 30, 2000, 114 Stat. 1654, 1654A-294; Pub. L. 108-375, div. A, title X, §1071, Oct. 28, 2004, 118 Stat. 2056; Pub. L. 110-405, §2(b)(10), Oct. 13, 2008, 122 Stat. 4290.)

AMENDMENTS

2008—Subsec. (b). Pub. L. 110-405, §2(b)(10)(D), struck out concluding provisions which read as follows: “Whenever adequate service by certificated United States air carriers and military aircraft is not available to provide transportation of mail matter by air in accordance with this subsection, the transportation of such mail may be authorized by other than certificated United States air carriers and military aircraft.”

Pub. L. 110-405, §2(b)(10)(A)–(C), substituted “or, for carriage of mail in foreign air transportation, other air carriers, air taxi operators or foreign air carriers as permitted by section 5402 of this title” for “at rates fixed and determined by the Secretary of Transportation in accordance with section 41901 of title 49”, struck out “at rates not to exceed those so fixed and determined for scheduled United States air carriers” after “military aircraft”, and substituted “certificated” for “scheduled” wherever appearing.

Subsec. (c). Pub. L. 110-405, §2(b)(10)(D), struck out at end “If adequate service by certificated United States air carriers and military aircraft is not available, any such parcel may be transported by other than certificated United States air carriers and military aircraft.”.

Pub. L. 110-405, §2(b)(10)(A)–(C), substituted “or, for carriage of mail in foreign air transportation, other air carriers, air taxi operators or foreign air carriers as permitted by section 5402 of this title” for “at rates fixed and determined by the Secretary of Transportation in accordance with section 41901 of title 49”, struck out “at rates not to exceed those so fixed and determined for scheduled United States air carriers” after “military aircraft”, and substituted “certificated” for “scheduled” wherever appearing.

2004—Subsec. (b). Pub. L. 108-375, §1071(a)(1), substituted “title 49, or on military aircraft at rates not to exceed those so fixed and determined for scheduled United States air carriers,” for “title 49,” in introductory provisions and “carriers and military aircraft” for “carriers” in two places in concluding provisions.

Subsec. (c). Pub. L. 108-375, §1071(a)(2), in first sentence, substituted “title 49, or on military aircraft at rates not to exceed those so fixed and determined for scheduled United States air carriers,” for “title 49,” and, in second sentence, inserted “and military aircraft” after “by scheduled United States air carriers” and substituted “by other than scheduled United States air carriers and military aircraft” for “by air carriers other than scheduled United States air carriers”.

Subsec. (g). Pub. L. 108-375, §1071(b), added subsec. (g).

2000—Subsec. (b)(2), (3). Pub. L. 106-398 substituted “the maximum size allowed by the Postal Service for fourth class parcel post (known as ‘Standard Mail (B)’) for ‘100 inches in length and girth combined’.”

1994—Subsecs. (b), (c). Pub. L. 103-272 substituted “section 41901” for “section 1376”.

1993—Subsec. (a)(1). Pub. L. 103-160, in introductory provisions, inserted “an individual who is” before “a member” and “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,” after “section 101 of title 10,” and, in subpars. (A) and (B), substituted “such individual” for “the member”.

1992—Subsec. (a)(1). Pub. L. 102-484 substituted “section 101 of title 10,” for “section 101(4) and (22) of title 10,” in introductory provisions.

1990—Subsec. (a). Pub. L. 101-510 substituted “sound- or video-recorded” for “sound-recorded” in introductory provisions.

Subsec. (a)(1)(A). Pub. L. 101-510 substituted “sound- or video-recorded” for “sound-recorded”.

Pub. L. 101-509, which directed that “, or temporarily deployed overseas for an operational contingency in arduous circumstances, as determined by the Secretary of Defense” be inserted after “belligerent”, and that “or” be struck out the first time it appears, was executed by making the insertion as directed but by striking out “or” appearing before “serving with a friendly foreign force” to reflect the probable intent of Congress.

Pub. L. 101-384 inserted “engaged in temporary military operations under arduous circumstances,” before “or serving”.

Subsecs. (a)(2)(D), (b)(1)(A). Pub. L. 101-510 substituted “sound- or video-recorded” for “sound-recorded”.

1984—Subsecs. (b), (c). Pub. L. 98-443 substituted “Secretary of Transportation” for “Civil Aeronautics Board”.

1979—Subsec. (b). Pub. L. 96-70 substituted “or the Virgin Islands,” for “the Virgin Islands, or the Canal Zone.”

1972—Subsec. (b)(1). Pub. L. 92-469, §1, substituted “15” for “5” after “pounds” in cl. (B), redesignated subsec. (b)(2) as (b)(1)(C), and deleted therefrom former cls. reading “(A) in an overseas area designated by the President under subsection (a) of this section, or (B) in an isolated, hardship, or combat support area overseas, or where adequate surface transportation is not available”.

Subsec. (b)(2). Pub. L. 92-469, §1, added subsec. (b)(2). Former subsec. (b)(2) redesignated subsec. (b)(1)(C).

Subsec. (b)(3). Pub. L. 92-469, §1, substituted “15” for “5” after “pounds”.

Subsecs. (c) to (f). Pub. L. 92-469, §2, added subsec. (c) and redesignated former subsecs. (c) to (e) as (d) to (f), respectively.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110-405 effective Oct. 1, 2008, see section 2(c) of Pub. L. 110-405, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-443 effective Jan. 1, 1985, see section 9(v) of Pub. L. 98-443, set out as a note under section 5314 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-70 effective Oct. 1, 1979, see section 3304 of Pub. L. 96-70, set out as an Effective Date note under section 3601 of Title 22, Foreign Relations and Intercourse.

EFFECTIVE DATE

Section 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.

OPERATION DESERT SHIELD

Pub. L. 101-509, title VI, §631(b), Nov. 5, 1990, 104 Stat. 1480, provided that: “This section [amending this section] shall apply to military personnel participating in ‘Operation Desert Shield.’”

EXECUTIVE ORDER NO. 11255

Ex. Ord. No. 11255, Nov. 1, 1965, 30 F.R. 14135, which designated Vietnam and certain waters adjacent thereto as an overseas combat area where the Armed Forces of the United States are engaged in military operations involving armed conflict with a hostile foreign force, for purposes of sections 4169 and 4303 of former Title 39, was revoked by Ex. Ord. No. 12553, Feb. 25, 1986, 51 F.R. 7237.

EX. ORD. NO. 12556. DELEGATION OF FUNCTIONS TO SECRETARY OF DEFENSE

Ex. Ord. No. 12556, Apr. 16, 1986, 51 F.R. 13205, provided:

By the authority vested in me as President by the Constitution and laws of the United States of America, including section 301 of title 3 of the United States Code, it is hereby ordered as follows:

SECTION 1. *Delegation of Functions.* The function conferred upon the President by section 3401(a) of title 39 of the United States Code, of designating an area for free mailing privileges, is delegated to the Secretary of Defense.

SEC. 2. *Interagency Consultation.* In performing the function delegated by this Order, the Secretary of Defense shall consult with the Secretary of State and the United States Postal Service, and with the heads of other Executive agencies as appropriate. The Secretary of Defense shall provide timely notice to the United States Postal Service of any designations or terminations of designations made under this Order.

RONALD REAGAN.

[§ 3402. Repealed. Pub. L. 96-70, title I, § 1331(e)(3)(A), Sept. 27, 1979, 93 Stat. 482]

Section, Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 757, related to mailing privileges of members of Armed Forces of the United States and of friendly foreign nations in the Canal Zone.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1979, see section 3304 of Pub. L. 96-70, set out as an Effective Date note under section 3601 of Title 22, Foreign Relations and Intercourse.

§ 3403. Matter for blind and other handicapped persons

(a) The matter described in subsection (b) of this section (other than matter mailed under section 3404 of this title) may be mailed free of postage, if—

(1) the matter is for the use of the blind or other persons who cannot use or read conventionally printed material because of a physical impairment and who are certified by competent authority as unable to read normal reading material in accordance with the provisions of sections 135a and 135b of title 2;

(2) no charge, or rental, subscription, or other fee, is required for such matter or a charge, or rental, subscription, or other fee is required for such matter not in excess of the cost thereof;

(3) the matter may be opened by the Postal Service for inspection; and

(4) the matter contains no advertising.

(b) The free mailing privilege provided by subsection (a) of this section is extended to—

(1) reading matter and musical scores;

(2) sound reproductions;

(3) paper, records, tapes, and other material for the production of reading matter, musical scores, or sound reproductions;

(4) reproducers or parts thereof, for sound reproductions; and

(5) braille writers, typewriters, educational or other materials or devices, or parts thereof, used for writing by, or specifically designed or adapted for use of, a blind person or a person having a physical impairment as described in subsection (a)(1) of this section.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 757.)