

mit 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.)

Editorial Notes

REFERENCES IN TEXT

Section 403 of the Juvenile Justice and Delinquency Prevention Act of 1974, referred to in par. (6), is section 403 of Pub. L. 93–415, which is classified to section 11292 of Title 34, Crime Control and Law Enforcement.

AMENDMENTS

1985—Par. (6). Pub. L. 99–87 added par. (6).

Statutory Notes and Related Subsidiaries

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.

§ 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; and

(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.

(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; and

(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.

(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; Pub. L. 110–234, title VII, §7404(b)(2)(B), May 22, 2008, 122 Stat. 1247; Pub. L. 110–246, §4(a), title VII, §7404(b)(2)(B), June 18, 2008, 122 Stat. 1664, 2008.)

Editorial Notes

CODIFICATION

Pub. L. 110–234 and Pub. L. 110–246 made identical amendments to this section. The amendments by Pub. L. 110–234 were repealed by section 4(a) of Pub. L. 110–246.

AMENDMENTS

2008—Subsec. (a)(1)(D) to (F). Pub. L. 110–246, §7404(b)(2)(B)(i), in subpar. (D) inserted “and” at end, in subpar. (E) substituted period for “; and” at end, and struck out subpar. (F) which read as follows: “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.”

Subsec. (a)(2) to (4). Pub. L. 110–246, §7404(b)(2)(B)(ii)–(iv), in par. (2) inserted “and” at end, in par. (3) substituted period for “; and” at end, and struck out par. (4) which read as follows: “mail of State agriculture experiment stations pursuant to sections 325 and 361f of title 7.”

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.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110–234 by Pub. L. 110–246 effective May 22, 2008, the date of enactment of Pub. L. 110–234, see section 4 of Pub. L. 110–246, set out as an Effective Date note under section 8701 of Title 7, Agriculture.

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

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.

ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of Title 8, Aliens and Nationality.

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 De-

partment 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.

§ 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.)

Statutory Notes and Related Subsidiaries

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.

§ 3204. Restrictions on use of penalty mail

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

tive 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.)

Editorial Notes

AMENDMENTS

1985—Subsec. (a). Pub. L. 99-87 substituted "section or section 3220(a) of this title," for "section," in introductory provisions.

Statutory Notes and Related Subsidiaries

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.

TRANSFER OF FUNCTIONS

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

§ 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.)

Statutory Notes and Related Subsidiaries

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.

§ 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.