

## HISTORICAL AND REVISION NOTES

Based on title 39, U.S.C., 1952 ed., § 280 (Mar. 3, 1879, ch. 180, § 9, 20 Stat. 358; Mar. 3, 1885, ch. 342, § 1, 23 Stat. 386; Oct. 3, 1917, ch. 63, § 1100, 40 Stat. 327; Feb. 24, 1919, ch. 18, § 1401, 40 Stat. 1150; June 30, 1947, ch. 183, § 1, 61 Stat. 213; Oct. 30, 1951, ch. 631, title 1, § 1, 65 Stat. 672; Mar. 12, 1952, ch. 102, § 1, 66 Stat. 24).

This section covers the last sentence of section 280 of title 39. The words "Armed Forces" are substituted for "soldiers, sailors and marines." The rate portions are covered by section 4253 of this title.

Reference to the issuance of regulations by the Postmaster General omitted as it is covered by section 501 of this title.

The definition of drop letters is covered by section 4251 of this title. Changes are made in phraseology.

## § 4055. Refund of postage.

The Postmaster General may refund out of postal receipts postage which he is satisfied has been—

- (1) paid for service not rendered; or
- (2) collected in excess of the lawful rate.

(Pub. L. 86-682, Sept. 2, 1960, 74 Stat. 657.)

## HISTORICAL AND REVISION NOTES

Based on title 39, U.S.C., 1952 ed., § 300 (Mar. 3, 1905, ch. 1480, § 2, 33 Stat. 1091).

Changes are made in phraseology.

## § 4056. Acceptance of letters by transportation employees or carriers.

A postal transportation employee or other carrier of the mail shall accept letters presented to him on which postage is properly prepaid by stamps. (Pub. L. 86-682, Sept. 2, 1960, 74 Stat. 657.)

## HISTORICAL AND REVISION NOTES

Based on title 39, U.S.C., 1952 ed., § 495 (R.S. § 3980; July 31, 1882, ch. 361, § 1, 22 Stat. 180).

Reference to delivering "the same for mailing at the next post office" is eliminated as unnecessary. When a letter is delivered to the postal employee or carrier it has become a part of the mails and thereafter is to be handled as such.

Changes are made in phraseology.

## § 4057. Opening first class mail.

Only an employee opening dead mail by authority of the Postmaster General, or a person holding a search warrant authorized by law may open any letter or parcel of the first class which is in the custody of the Department. (Pub. L. 86-682, Sept. 2, 1960, 74 Stat. 657.)

## HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1952 ed., § 1717(c) (June 25, 1948, ch. 645, § 1, 62 Stat. 782); title 39, U.S.C., 1952 ed., §§ 256, 259, 732 (R.S. 3929, 4041; Mar. 2, 1889, ch. 393, § 4, 25 Stat. 874; Sept. 19, 1890, ch. 908, §§ 2, 3, 26 Stat. 466; Mar. 2, 1895, ch. 191, § 4, 28 Stat. 964).

This section is based on section 1717(c) of title 18 and on sections 256, 259 and 732 of title 39. Each of these sections contains language prohibiting the opening of letter mail. The provisions of section 1717(c), title 18, are not restricted to opening mail to discover violations of subsections (a) and (b) of section 1717, title 18. Therefore, the provisions of the said subsection are consolidated in this section with somewhat similar provisions of sections 256, 259, 732 of title 39.

## § 4058. Wrapping matter not charged with first class postage.

(a) The Postmaster General may prescribe the manner of wrapping and securing mail not charged with first class postage so that the contents of the mail may be easily examined. He shall charge the

first class rate of postage on all matter which cannot be examined easily.

(b) To ascertain whether the proper rate of postage has been paid, postmasters may examine second class mail and remove the wrappers and envelopes from other mail not bearing first class postage if it can be done without destroying them. (Pub. L. 86-682, Sept. 2, 1960, 74 Stat. 657.)

## HISTORICAL AND REVISION NOTES

Based on title 39, U.S.C., 1952 ed., §§ 225, 243, 250, 251 (R.S. 3882; Mar. 3, 1879, ch. 180, §§ 12, 21, 24, 20 Stat. 359, 360, 361; Aug. 24, 1912, ch. 389, § 8, 37 Stat. 557) and on section 1717(c) of title 18, U.S.C., 1952 ed. (June 25, 1948, ch. 645, § 1, 62 Stat. 782).

Subsection (a) covers section 250 of title 39. (See also sec. 4251 of this title.)

Subsection (b) covers the provisions of section 251 of title 39, and the sense of the first sentences of sections 225 and 243, title 39, i.e., mail may be examined. The balance of section 225 is covered by section 4365 of this title. The balance of section 243 is covered by section 4002 of this title.

## § 4059. Addresses on postal cards and unsealed circulars.

Addresses upon postal cards, post cards and unsealed circulars may be either written, printed, or affixed thereto, at the option of the sender. (Pub. L. 86-682, Sept. 2, 1960, 74 Stat. 657.)

## HISTORICAL AND REVISION NOTES

Based on title 39, U.S.C., 1952 ed., § 248 (July 12, 1876, ch. 179, § 15, 19 Stat. 82).

This section is retained as it is a limitation on the authority of Post Office Department.

The words "post cards" are added. They are private mailing cards serving the same purpose as "postal cards." The limitation on the Department's authority to prescribe the manner of address applies to them.

## § 4060. Foreign publications free from customs duty.

(a) Printed matter other than books received in the mail from foreign countries under the provisions of postal treaties or conventions are free of customs duty.

(b) When books which are admitted to the international mail under the provisions of the Universal Postal Union Convention are subject to customs duty, they may be delivered by the Postmaster General as addressed under such regulations for the collection of duties as may be agreed upon by him and the Secretary of the Treasury. (Pub. L. 86-682, Sept. 2, 1960, 74 Stat. 657.)

## HISTORICAL AND REVISION NOTES

Based on title 39, U.S.C., 1952, ed., § 239 (Mar. 3, 1879, ch. 180, § 17, 20 Stat. 359; Feb. 28, 1925, ch. 368, § 206, 43 Stat. 1067).

Changes are made in phraseology.

## Chapter 55.—SHORT PAID AND UNDELIVERABLE MAIL

Sec.

4101. Retention period for undelivered mail.
4102. Forwarding mail.
4103. Return of mail.
4104. International dead letters.
4105. Disposal of undelivered mail.
4106. Notice of nondelivery of mail.
4107. Dead letter offices established.
4108. Dead letter treatment of first class mail.
4109. Unpaid and part paid mail.
4110. Charges for unpaid and part paid mail.

**§ 4101. Retention period for undelivered mail.**

The Postmaster General may prescribe the period during which undelivered mail may be held for delivery. (Pub. L. 86-682, Sept. 2, 1960, 74 Stat. 658.)

**HISTORICAL AND REVISION NOTES**

Based on title 39, U.S.C., 1952 ed., §§ 278a, 406 (R.S. 3936; Apr. 24, 1920, ch. 161, § 4, 41 Stat. 583; June 7, 1935, ch. 203, 49 Stat. 333; June 8, 1950, ch. 222, § 1, 64 Stat. 210; Apr. 9, 1958, Pub. L. 85-371, § 4, 72 Stat. 83).

This section covers the first sentence of section 406 of title 39 and the sense of section 278a, which authorize the Postmaster General to regulate the period during which mail may be held for delivery. The remainder of section 406 is covered by section 4108 of this title. The remainder of section 278a is covered by sections 4102, 4103, and 4105 of this title. The authority to prescribe regulations is covered by section 501 of this title.

Changes are made in phraseology.

**§ 4102. Forwarding mail.**

The Postmaster General shall forward prepaid first class mail from one post office to another at the request of the party addressed without additional charge for postage. He shall charge additional postage on mail of other classes forwarded from one post office to another in accordance with section 4105 of this title. (Pub. L. 86-682, Sept. 2, 1960, 74 Stat. 658.)

**HISTORICAL AND REVISION NOTES**

Based on title 39, U.S.C., 1952 ed., §§ 278a and 410 (R.S. 3940; June 8, 1950, ch. 222, § 1, 64 Stat. 210).

The first sentence is based on section 410 of title 39. The words "first-class mail" are substituted for "letters" so that it will be clear that first class parcels, postal cards and post cards are entitled to be forwarded.

The second sentence covers that part of section 278a of title 39, which provides that other classes of mail may be forwarded only when charged with additional postage. The provision with respect to return of such mail to senders is covered by section 4103 of this title. The authority to prescribe regulations is covered by section 501 of this title. The remainder of the section is covered by sections 4101 and 4105 of this title. Forwarding of air mail is covered by section 4302.

Changes are made in phraseology.

**§ 4103. Return of mail.**

Prepaid letters or parcels of the first class endorsed with the sender's name and address shall be returned by the Postmaster General without additional charge for postage if remaining undelivered for the period directed by the sender or as prescribed by the Postmaster General. He may not return other mail matter unless the sender pays additional postage in accordance with section 4105 of this title. (Pub. L. 86-682, Sept. 2, 1960, 74 Stat. 658.)

**HISTORICAL AND REVISION NOTES**

Based on title 39, U.S.C., 1952 ed., §§ 278a and 409 (R.S. 3939; June 24, 1910, ch. 380, 36 Stat. 630; June 8, 1950, ch. 222, § 1, 64 Stat. 210).

The first sentence is based on section 409 of title 89. Reference to advertising is eliminated as obsolete.

The second sentence is based on section 278a of title 39, insofar as it relates to the return of mail other than first class to senders. The remainder of said section is covered by sections 501, 4101, 4102 and 4105 of this title. Forwarding of air mail is covered by section 4302.

Changes are made in phraseology.

**§ 4104. International dead letters.**

The Postmaster General shall treat international dead letters in accordance with postal arrangements

made with other countries pursuant to section 505 of this title. (Pub. L. 86-682, Sept. 2, 1960, 74 Stat. 658.)

**HISTORICAL AND REVISION NOTES**

Based on title 5, U.S.C., 1952 ed., § 375 (R.S. 401). Changes are made in phraseology.

**§ 4105. Disposal of undelivered mail.**

(a) Undelivered mail, other than letters and parcels of the first class, may be—

(1) disposed of as the Postmaster General directs; or

(2) forwarded to the addressee or returned to the sender.

The postage for the service may be prepaid or collected on delivery in accordance with the instructions and pledge of the addressee or sender.

(b) The Postmaster General may prescribe conditions under which mail covered by subsection (a), including mail which is of an urgent or perishable nature, and for which payment of forwarding or return postage is not pledged, may be forwarded or returned.

(c) The Postmaster General may sell undelivered parcels containing perishable matter, not forwarded or returned. He shall remit to the sender or rightful owner the amount realized, less a commission of 10 per centum, or 25 cents, whichever is the greater. (Pub. L. 86-682, Sept. 2, 1960, 74 Stat. 658.)

**HISTORICAL AND REVISION NOTES**

Based on title 39, U.S.C., 1952 ed., §§ 261, 278a, 411 (R.S. 4061; May 9, 1930, ch. 231, § 1, 46 Stat. 264; June 8, 1950, ch. 222, § 1, 64 Stat. 210; Apr. 9, 1958, Pub. L. 85-371, § 5, 72 Stat. 83).

Subsections (a), (b) and (c) cover the sense of sections 278a and 411 of title 39 with respect to the disposition of undelivered matter. The remainder of section 278a is covered by sections 4101, 4102, 4103 and 501 of this title.

Subsection (d) covers section 261 of title 39.

The authority to prescribe regulations contained in section 411 of title 39 is covered by section 501 of this title.

Changes are made in phraseology.

**§ 4106. Notice of nondelivery of mail.**

(a) The Postmaster General may notify the sender or addressee when mail, other than mail of the first class, is undeliverable as addressed.

(b) The Postmaster General shall notify the publisher or news agent when copies of a publication of the second class mailed by him are undeliverable as addressed. Copies of publications undeliverable as addressed received subsequent to the notice may be treated as directed by the Postmaster General. (Pub. L. 86-682, Sept. 2, 1960, 74 Stat. 658.)

**HISTORICAL AND REVISION NOTES**

Based on title 39, U.S.C., 1952 ed., § 278b (June 8, 1950, ch. 222, § 2, 64 Stat. 210).

The fees set out in section 278b are omitted because the Postmaster General is authorized by title 39, section 246f (a) (8) to fix the fees for the notices mentioned in this section. He has exercised the authority and changed these fees. This authority is covered by section 506 of this title. The phrase "as provided by sections 278a and 278b of this title or" is omitted as unnecessary.

The authority to issue regulations which that section twice confers on the Postmaster General is omitted because it is covered by section 501 of this title.

Changes are made in phraseology.

**§ 4107. Dead letter offices established.**

The Postmaster General may designate places, known as dead letter offices, for the examination and treatment of dead mail. (Pub. L. 86-682, Sept. 2, 1960, 74 Stat. 659.)

**HISTORICAL AND REVISION NOTES**

Based on title 39, U.S.C., 1952 ed., § 408 (R.S. 3938; July 28, 1916, ch. 261, § 1, 39 Stat. 418).

The authority to establish dead letter offices and the name "dead letter office" is derived from the section cited. The provision of section 408 regarding dead letter treatment is placed in section 4103.

Changes are made in phraseology.

**§ 4108. Dead letter treatment of first class mail.**

(a) The Postmaster General shall send first class mail which cannot be delivered either to the addressee or sender to a dead letter office. He shall cause enclosures of value, other than correspondence, to be recorded. When the sender or addressee cannot be identified, he shall hold the letters or parcels for reclamation for a period of one year after which they shall be disposed of as he directs. Letters and parcels without valuable enclosures may be disposed of by him without record and not held for reclamation.

(b) The Postmaster General shall return to the senders by registered mail ordinary dead letters containing \$10 or more in cash, and parcels of the first class which apparently contain matter valued at \$10 or more. The minimum registry fee, in addition to such other fees as the Postmaster General may prescribe, shall be collected at the time of delivery. (Pub. L. 86-682, Sept. 2, 1960, 74 Stat. 659.)

**HISTORICAL AND REVISION NOTES**

Based on title 39, U.S.C., 1952 ed., §§ 406, 408 (R.S. 3936, 1938; July 28, 1916, ch. 261, § 1, 39 Stat. 418; Apr. 24, 1920, ch. 161, § 4, 41 Stat. 583; June 7, 1935, ch. 203, 49 Stat. 333; Apr. 9, 1958, Pub. L., 85-371, § 4, 72 Stat. 83).

Subsection (a) covers section 403 of title 39.

Subsection (b) covers the second sentence of section 406 of title 39. The first sentence is covered by section 4101 of this title. Reference to "regulations" is omitted in item 8, section 501 of this title.

Changes are made in phraseology.

**§ 4109. Unpaid and part paid mail.**

The Postmaster General shall prescribe the conditions for delivery to the addressee, return to the sender, or other disposition, of matter mailed without prepayment of the postage required by law. (Pub. L. 86-682, Sept. 2, 1960, 74 Stat. 659.)

**HISTORICAL AND REVISION NOTES**

Based on title 39, U.S.C., 1952 ed., §§ 4109, 4110 (Apr. 9, 1958, Pub. L., 85-371, § 1, 72 Stat. 83).

This section covers subsection (a) of the cited section. The word "regulations" is omitted in view of section 501 of this title. Surplus language is omitted.

Changes are made in phraseology.

**§ 4110. Charges for unpaid and part paid mail.**

The Postmaster General shall prescribe from time to time the charges to be collected for matter mailed without prepayment of required postage. The charges—

(1) shall be in addition to the payment of lawfully required postage,

(2) may not be adjusted more frequently than once every two years, and

(3) when adjusted, shall equal, as nearly as practicable, the approximate cost incurred by the Department with respect to the delivery of such matter and the collection of postage and other charges thereon.

The Postmaster General may waive the collection of any charges when he deems a waiver to be in the interest of the Government. (Pub. L. 86-682, Sept. 2, 1960, 74 Stat. 659.)

**HISTORICAL AND REVISION NOTES**

Based on title 39, U.S.C., 1952 ed., §§ 4109, 4110 (Apr. 9, 1958, Pub. L., 85-371, § 1, 72 Stat. 88).

This section covers subsection (b) of the cited section. The word "regulations" is omitted in view of section 501 of this title.

**Chapter 57.—PENALTY AND FRANKED MAIL****Sec.**

- 4151. Definitions.
- 4152. Penalty mail.
- 4153. Endorsements on penalty covers.
- 4154. Restrictions on use of penalty mail.
- 4155. Accounting for penalty covers.
- 4156. Reimbursement for penalty mail service.
- 4158. Limit of weight of penalty mail; postage on overweight matter.
- 4159. Shipment by most economical means.
- 4160. Executive departments to supply information.
- 4161. Official correspondence of Vice President and Members of Congress.
- 4162. Public documents.
- 4163. Congressional Record under frank of Members of Congress.
- 4164. Seeds and reports from Department of Agriculture.
- 4165. Mailing privilege of former Presidents.
- 4166. Lending or permitting use of frank unlawful.
- 4167. Reimbursement for franked mailings.
- 4168. Correspondence of members of diplomatic corps and consuls of countries of Postal Union of Americas and Spain.

**AMENDMENTS**

1962—Pub. L. 87-646, § 11(b), Sept. 7, 1962, 76 Stat. 444, struck out item 4157.

**§ 4151. Definitions.**

As used in this chapter—

"Penalty mail" means official mail, other than franked mail, which is authorized by law to be transmitted in the mail without prepayment of postage.

"Penalty cover" means envelopes, wrappers, labels, or cards used to transmit penalty mail.

"Frank" means the autographic or facsimile signature of persons authorized by sections 4161—4167 of this title to transmit matter through the mail without prepayment of postage or other indicia contemplated by sections 162 and 185 of title 44.

"Franked mail" means mail which is transmitted in the mail under a frank.

"Members of Congress" includes Senators, Representatives, Delegates and Resident Commissioners. (Pub. L. 86-682, Sept. 2, 1960, 74 Stat. 660.)

**HISTORICAL AND REVISION NOTES**

The term "penalty mail" is historically derived from the penal provision now contained in section 1719 of title 18.

The definition of the term "penalty cover" is included to eliminate the necessity of repeating the words "envelopes, wrappers, labels, or cards" (39 U.S.C. 321i) in reference to penalty mail.